

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 STA 12759

## Appendix B. State Laws Regarding Televisions in Motor Vehicles

| State/Jurisdiction | Restriction  |
|--------------------|--|
| Alabama            | No television screen shall be located in front of the driver's seat or in such a manner as to obscure the driver's vision.   |
| Alaska             | No television can be visible to the driver.<br><br>Navigation equipment is allowed.  |
| Arizona            | No television screen or any other means of receiving a television broadcast can be forward of the driver's seat or visible to the driver.  |
| Arkansas           | None.  |
| California         | No television receiver, video monitor or a television video screen, or any other similar means of usually displaying a television broadcast can be located in the vehicle at any point forward of the back of the driver's seat.   |
| Colorado           | None.  |
| Connecticut        | No television screen or other device of a similar nature, except a video display unit used for instrumentation purposes, can be visible to driver or interfere with the safe operation of the vehicle.   |
| Delaware           | None.  |
| Florida            | No television-type receiving equipment can be visible to the driver.   |
| Georgia            | None.  |
| Hawaii             | None.  |
| Idaho              | None.  |
| Illinois           | Prohibits visual media technology other than navigational systems from being located at any point in a motor vehicle visible to the driver. No television broadcast receiver can be visible to driver.   |
| Indiana            | A person may not operate a motor vehicle that has a television set installed in a manner that allows the driver to see the television set while operating the vehicle.   |
| Iowa               | None.  |
| Kansas             | No television-type receiving equipment screen can be visible to the driver. Navigation systems are allowed.  |
| Kentucky           | None.  |
| Louisiana          | Drivers cannot operate a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the TV is behind the driver's seat or not visible to the driver while he or she is operating the vehicle. Retailers may not install a television set at any point forward of the back of the driver's seat. |
| Maine              | No television viewer or screen can be visible to the driver.   |
| Maryland           | No television-type receiving equipment can be installed in front of the back of the driver's seat and cannot otherwise be visible to driver. Navigation systems are allowed.   |
| Massachusetts      | No television viewer, screen or other means of visually receiving a television broadcast can be installed forward of the back of the driver's seat or otherwise visible to the driver.   |
| Michigan           | Televisions visible to drivers are prohibited in motor vehicles.   |
| Minnesota          | No television or television-type equipment can be visible to the driver. Navigation systems are allowed. Closed circuit video systems that help a driver's rear or side visibility are allowed.  |
| Mississippi        | None.  |
| Missouri           | None.  |
| Montana            | None.  |
| Nebraska           | No television can be visible to the driver.  |
| Nevada             | No television-type receiving equipment can be visible to the driver. Television-type receiving equipment can be visible to the driver if used for safety, law enforcement or navigation.   |
| New Hampshire      | No television viewer, screen, or other means of visually receiving a television broadcast can be located at any point forward of the back of the driver's seat or otherwise visible to the driver.   |

| Appendix B. State Laws Regarding Televisions in Motor Vehicles (continued) |  |
|--|--|
| State/Jurisdiction   | Restriction  |
| New Jersey   | No television set can be visible to the driver.  |
| New Mexico   | No television screen can be visible to the driver unless used as an aid to the driver in operating the vehicle.  |
| New York   | No television receiving set visible to driver unless closed-circuit television receiving equipment used for safety and navigation purposes.  |
| North Carolina   | No television screen or other means of visually receiving a television broadcast can be located at any point forward of the driver's seat or otherwise visible to the driver.                      |
| North Dakota   | None.  |
| Ohio   | None.  |
| Oklahoma   | It is unlawful to install a television set in any location where it is visible to the driver.  |
| Oregon   | No television viewer, screen or other means of visually receiving a television broadcast can be located at any point forward of the back of the driver's seat or otherwise visible to the driver.  |
| Pennsylvania   | No television or television-type equipment can be visible to the driver. Navigation systems are allowed.   |
| Rhode Island   | No television viewer, screen, or other means of visually receiving a television broadcast can be visible to the driver.  |
| South Carolina   | No television screen can be visible to the driver.   |
| South Dakota   | No television screen can be visible to the driver.   |
| Tennessee  | No television screen or device of a similar nature can be visible to the driver. Display of obscene videos is prohibited.  |
| Texas  | No video-receiving equipment, including a television or similar equipment, can be visible to the driver. Navigation systems are allowed. Digital systems used for commercial purposes are allowed. |
| Utah   | No television-type receiving equipment can be visible to the driver. Does not apply to law enforcement or safety use as approved by the DMV. Navigation systems are allowed.                       |
| Vermont  | No television receiver, screen, or other means of visually receiving a television broadcast can be visible to the driver.  |
| Virginia   | No television receiver can be visible to driver. Video or motion pictures cannot be displayed in front of the driver's seat or within view of the driver. Display of obscene videos is prohibited. |
| Washington   | No television viewer, screen, or other means of visually receiving a television broadcast can be forward of the back of the driver's seat or otherwise visible to the driver.                      |
| West Virginia  | No television receiver can be visible to the driver.   |
| Wisconsin  | No device for visually receiving a television broadcast can be forward of the back of the driver's seat or visible to the driver.  |
| Wyoming  | No television-type receiving equipment can be visible to the driver unless used for safety, law enforcement or navigation.   |
| American Samoa   | None.  |
| District of Columbia   | No television equipment can be visible to the driver.  |
| Guam   | None.  |
| Puerto Rico  | No television may be located in a vehicle so that it is visible to the driver.   |
| Virgin Islands   | None.  |

\*Laws as of December 2006.

Sources: *AAA Digest of Motor Laws*, 2007; NCSL, 2007.

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 88(STA)  
 (H) Publish Date: 2/21/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title An Act relating to TV's and monitors in motor RDU Criminal  
vehicles. Component Criminal Justice Litigation  
 Sponsor Representative Gatto  
 Requester House State Affairs Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2008    | FY 2009    | FY 2010    | FY 2011    | FY 2012    | FY 2013    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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) |            |            |            |            |            |            |
| <b>TOTAL</b>                           | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

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

The bill prohibits a person from driving a motor vehicle with a TV type monitor installed that is visible to the driver, if the monitor is operating while the vehicle is being driven. It also prohibits installing such a monitor or altering a monitor that so that a monitor is visible to the driver while operating the vehicle. There are several exceptions, such as GPS or other equipment or safety displays. The penalty for the new crime of operating a vehicle while a monitor visible and playing depends on the harm caused. If no injury results from the offense, it is a class A misdemeanor. If, for example, a person sustains serious physical injury, the offense is a class B felony. The penalty for installation or alteration is a class A misdemeanor. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director Phone 465-5427  
 Division Administrative Services Division Date/Time 2/6/07 7:20 AM  
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 2/6/2007  
 Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: HB0846(FIN)-LAW-CRIM 03-08-08  
 Bill Version: CSHB088(FIN)  
 () Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: LAW  
 Title: An Act relating to TV's and monitors in motor vehicles RDU: Criminal  
 Component: Criminal Justice Litigation  
 Sponsor: REPRESENTATIVE(s) GATTO  
 Requester: SENATE STATE AFFAIRS Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

|                               | Appropriation<br>Required | Information |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2009     | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |
| Personal Services             | 0.0                       | 0.0         | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                        |                           |             |            |            |            |            |            |
| Contractual                   |                           |             |            |            |            |            |            |
| Supplies                      |                           |             |            |            |            |            |            |
| Equipment                     |                           |             |            |            |            |            |            |
| Land & Structures             |                           |             |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        | <b>0.0</b>                | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                            | FY 2009    | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    |
|----------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |            |            |            |            |            |            |
| 1003 GF Match              |            |            |            |            |            |            |
| 1004 GF                    | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1005 GF/Program Receipts   |            |            |            |            |            |            |
| 1037 GF/Mental Health      |            |            |            |            |            |            |
| Other Interagency Receipts |            |            |            |            |            |            |
| <b>TOTAL</b>               | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

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

The bill prohibits a person from driving a motor vehicle with a TV type monitor installed that is visible to the driver, if the monitor is operating while the vehicle is being driven. It also prohibits installing such a monitor or altering a monitor that so that a monitor is visible to the driver while operating the vehicle. There are several exceptions, such as GPS or other equipment or safety displays. The penalty for the new crime of operating a vehicle while a monitor visible and playing depends on the harm caused. If no injury results from the offense, it is a class A misdemeanor. If, for example, a person sustains serious physical injury, the offense is a class B felony. The penalty for installation or alteration is a class A misdemeanor. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Administrative Services Manager  
 Division: Administrative Services Division  
 Approved by: Talis Colberg, Attorney General  
Department of Law

Phone: 907-465-5427  
 Date/Time: 3/6/08 9:45 AM  
 Date: 3/6/2008

**HB**

**92**

# SENATE COMMITTEE REPORT

DATE: 4/16/07

FURTHER: Rules

DATE TURNED  
IN TO OFFICE: 4/1/08

State Affairs Committee considered HOUSE BILL NO. 92

## HB 92 JURISDICTION OF OMBUDSMAN

"An Act removing the victims' advocate and the staff of the office of victims' rights from the jurisdiction of the office of the ombudsman in the legislative branch."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

|                          |                          |
|--------------------------|--------------------------|
| <b>SENATE BILL:</b>      |                          |
| <input type="checkbox"/> | Same Title               |
| <input type="checkbox"/> | New Title                |
| <hr/>                    |                          |
| <b>HOUSE BILL:</b>       |                          |
| <input type="checkbox"/> | Same Title               |
| <input type="checkbox"/> | Technical Title Change   |
| <input type="checkbox"/> | New Title w/ SCR # _____ |



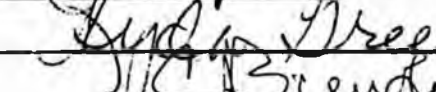
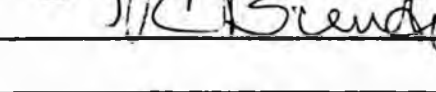
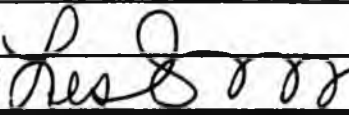
**NEW FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
|            |      |        |        |      |     |
| LEG        | 4/1  |        |        | ✓    | 2   |
|            |      |        |        |      |     |
|            |      |        |        |      |     |

**PREVIOUS FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
|            |      |        |        |      |     |
|            |      |        |        |      |     |
|            |      |        |        |      |     |
|            |      |        |        |      |     |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS:  | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|--|-------------------|---------|-------------|--------|-------|
|         | French            |         |             | X      |       |
|         | Frost             |         |             | X      |       |
|         | Green             |         |             | X      |       |
|         | Kundo             | ✓       |             |        |       |
|  |                   |         |             |        |       |
| CHAIR:  | Kundo             | ✓       |             |        |       |

# ALASKA STATE LEGISLATURE

*Vice Chair:*  
House Finance Committee

*Chair:*  
House Finance Subcommittees for:  
Department of Public Safety  
Department of Law



*Session:*  
Alaska State Capitol  
Juneau, AK 99801-1182  
Phone: (907) 465-4958  
Fax: (907) 465-4928

*Intern:*  
PO Box 464  
Chugiak, AK 99567

## BILL STOLTZE State Representative

Representative\_Bill\_Stoltze@legis.state.ak.us

### House Bill 92

#### Jurisdiction of Ombudsman

*"An Act removing the victims' advocate and the staff of the office of victims' rights from the jurisdiction of the office of the ombudsman in the legislative branch."*

House Bill 92 would amend Alaska statutes to explicitly exempt the Office of Victims' Rights (OVR) from the jurisdiction of the ombudsman. The statute should be amended to clarify the legislature's intent to have the OVR act as a special ombudsman for the legislature in criminal matters on behalf of crime victims. If this is not cleaned up, several problems arise.

If the Ombudsman continues to have jurisdiction over the OVR, it will add an unnecessary layer of investigation in which the "ombudsman investigates the ombudsman".

The OVR is staffed by attorneys with specialized knowledge; the ombudsman is not. This raises the question of "institutional competency" when the Ombudsman lacks that special legal knowledge necessary to investigate. Additionally, since the victims' advocate and staff are attorneys, they are already subject to ethical obligations to their clients in the Alaska Rules of Professional conduct, including the ARPC 1.3 requirement to exercise due diligence.

The OVR has access to confidential information and records beyond the scope of the access allowed to the Ombudsman. Currently, the OVR is prohibited by statute from providing confidential information and documents to the Ombudsman under confidentiality requirements.

For these reasons it is imperative that the legislature clarify their intent and remove the OVR from the jurisdiction of the Ombudsman.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP  
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

**HOUSE BILL NO. 92**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES SAMUELS AND STOLTZE, Hawker, Dahlstrom, Lynn, Johnson, Johansen**

**Introduced: 1/16/07**

**Referred: State Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act removing the victims' advocate and the staff of the office of victims' rights from**  
2 **the jurisdiction of the office of the ombudsman in the legislative branch."**

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

4 **\* Section 1. AS 24.55.330(2) is amended to read:**

5 (2) "agency" includes a department, office, institution, corporation,  
6 authority, organization, commission, committee, council, or board of a municipality or  
7 in the executive, legislative, or judicial branches of the state government, and a  
8 department, office, institution, corporation, authority, organization, commission,  
9 committee, council, or board of a municipality or of the state government independent  
10 of the executive, legislative, and judicial branches; it also includes an officer,  
11 employee, or member of an "agency" acting or purporting to act in the exercise of  
12 official duties, but does not include the governor, the lieutenant governor, a member  
13 of the legislature, the victims' advocate, the staff of the office of victims' rights, a  
14 justice of the supreme court, a judge of the court of appeals, a superior court judge, a

1 district court judge, a magistrate, a member of a city council or borough assembly, an  
2 elected city or borough mayor, or a member of an elected school board;

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 92  
 (H) Publish Date: 3/26/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Legislature  
 Title "An Act removing the victims' advocate and the RDU Office of Victims' Rights  
staff of the office of victims' rights from the jurisdiction of the.." Component Office of Victims' Rights  
 Sponsor "Representatives Samuels and Stoltz, Hawker.."  
 Requester House State Affairs Component No. 2769

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2008    | FY 2009    | FY 2010    | FY 2011    | FY 2012    | FY 2013    |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Supplies               | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Equipment              | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Land & Structures      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Grants & Claims        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Miscellaneous          | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |            |            |            |            |            |            |
|-----------------------------|------------|------------|------------|------------|------------|------------|
| <b>CAPITAL EXPENDITURES</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
|-----------------------------|------------|------------|------------|------------|------------|------------|

|                               |            |            |            |            |            |            |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| <b>CHANGE IN REVENUES ( )</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
|-------------------------------|------------|------------|------------|------------|------------|------------|

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 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 |

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

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director  
 Division: Legislative Affairs Agency  
 Approved by: Pamela Varni, Executive Director  
 Agency: Legislative Affairs Agency

Phone 465-6626  
 Date/Time 3/19/07 3:18 PM  
 Date 3/19/2007

**HB**

**101**

# SENATE COMMITTEE REPORT

DATE: 5/10/07

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

**State Affairs Committee** considered CS FOR HOUSE BILL NO. 101(CRA)

## HB 101 UNIFORM TRAFFIC LAWS

"An Act relating to uniform traffic laws and to operating a vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance."

and recommends:

- be replaced with  SCS or  CS HB 101 (STA)
- adopt previous  SCS or  CS \_\_\_\_\_
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

|                                     |                          |
|-------------------------------------|--------------------------|
| <b>SENATE BILL:</b>                 |                          |
| <input checked="" type="checkbox"/> | Same Title               |
| <input type="checkbox"/>            | New Title                |
| <hr/>                               |                          |
| <b>HOUSE BILL:</b>                  |                          |
| <input type="checkbox"/>            | Same Title               |
| <input type="checkbox"/>            | Technical Title Change   |
| <input type="checkbox"/>            | New Title w/ SCR # _____ |

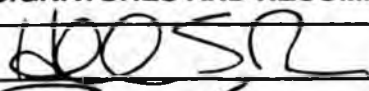
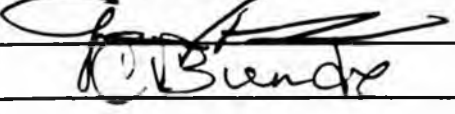
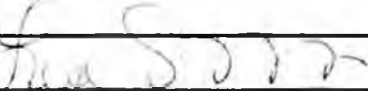
**NEW FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
|            |      |        |        |      |     |
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**PREVIOUS FISCAL NOTE(S):**

| Department | Date     | Fiscal | Indet. | Zero | FN# |
|------------|----------|--------|--------|------|-----|
| Admin      | 11/27/06 |        |        | ✓    |     |
|            |          |        |        |      |     |
|            |          |        |        |      |     |
|            |          |        |        |      |     |
|            |          |        |        |      |     |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS:  | PRINTED LAST NAME | Do PASS | Do NOT PASS | No REC | AMEND |
|--|-------------------|---------|-------------|--------|-------|
|         | French            |         |             | x      |       |
|         | Bunde             | ✓       |             | x      |       |
|  |                   |         |             |        |       |
|  |                   |         |             |        |       |
| CHAIR:  | McBride           | ✓       |             |        |       |

# Alaska State Legislature

**Interim:**

600 E. Railroad Ave  
Wasilla, AK 99654

Phone: (907) 376-3725  
Fax: (907) 376-4768



**Session:**  
Alaska State Capitol, Rm 108  
Juneau, AK 99801-1182

Phone: (907) 465-3743  
Fax: (907) 465-2381  
Toll Free: (800) 565-3743  
Rep\_Carl\_Gatto@legis.state.ak.us

**Representative Carl Gatto**  
Co-Chair, House Resources Committee  
District 13 - Palmer

## SPONSOR STATEMENT CSHB 101(CRA)

*"An Act relating to uniform traffic laws and to operating a vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance."*

The ignition interlock law was enacted in 2004 as a tool to reduce the number of alcohol related deaths. Ignition interlock devices are required for DUI offenders whose Blood Alcohol Content (BAC) registers twice the legal limit. Of the alcohol related vehicle deaths that occurred in Alaska in 2005, 77% of those involved had BAC levels that were over the legal limit and 30% of those drivers had BAC levels of .10 or greater.

This bill clarifies statutory provisions that municipalities and the courts have found confusing when imposing ignition interlocks in qualifying DUI cases. The first provision clarifies that municipalities may not enact *OR* enforce an ordinance inconsistent with Alaska's Uniform Traffic Laws Act; the second provision clarifies sentencing procedures in cases where ignition interlocks are required.

Your support is appreciated for CSHB 101.

# Alaska State Legislature



Interim:  
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Wasilla, AK 99654

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**Representative Carl Gatto**  
Co-Chair, House Resources Committee  
District 13 - Palmer

## EXPLANATION OF CHANGES CSHB 101(CRA)

*"An Act relating to uniform traffic laws and to operating a vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance."*

**Section 2** – Amends AS 28.35.030(r) to alter the original reference of “trier of fact” to “the court.” This was made in response to concerns raised by the Municipality of Anchorage.

# Alaska State Legislature

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**Representative Carl Gatto**  
Co-Chair, House Resources Committee  
District 13 - Palmer

## FACSIMILE COVER SHEET

To: Mayor Mark Begich  
From: Rep. Carl Gatto  
Date: March 12, 2007  
Re: HB 101 Committee Substitute Work Draft

Dear Mr. Mayor –

Attached is a proposed committee substitute for consideration by the House Community and Regional Affairs committee.

As you will note, section 2 of this bill proposes an amendment in direct response to the recommendation included in your letter dated March 5.

I hope this resolves any further confusion and I look forward to working with the Municipality of Anchorage to clarify statute as it pertains to municipal enforcement of the use ignition interlock devices.

I appreciate your comments.

Rep. Carl Gatto



# Municipality of Anchorage

P.O. Box 190650 • Anchorage, Alaska 99519-0650 • Telephone: (907) 343-4431 • Fax: (907) 343-4499 <http://www.muni.org>

Mayor Mark Begich

Office of the Mayor

March 5, 2007

The Honorable Carl Gatto  
Alaska State House of Representatives  
State Capitol, Room 108  
Juneau, AK 99801-1182

Dear Representative Gatto:

I received a copy of your Feb. 28, 2007, news release charging the Municipality of Anchorage with refusing to enforce a state statute providing for the use of ignition interlock devices by people convicted of operating vehicles under the influence. This is simply incorrect.

My administration and the municipal prosecutor strongly support the use of the ignition interlock device and favor laws that require judges to order these devices be installed on vehicles owned by persons convicted of such offenses. Ignition interlocks are frequently mandated in Anchorage DUI cases and the city's prosecutor often insists that their use be imposed as a condition of sentencing.

However, there is a technical legal problem with the ignition interlock law the Legislature passed in 2004. That statute does not authorize the courts to impose this requirement when the conviction is for a municipal traffic offense, as distinguished from a state offense. The municipal prosecutor alerted the Legislature to this technical legal problem and encouraged the Legislature to fix it by amending the deficient statute.

We believe there are two potential solutions to this oversight in the 2004 law.

Judicial imposition of ignition interlock requirement:

Probably the quickest and easiest solution is for the Legislature to amend AS 12.55.102 by adding a language providing that: "If the court in imposing sentence under AS 28.35.030, or another ordinance with similar elements, finds that the defendant's alcohol level was .16 or more, but less than .24, the court shall impose as a condition of probation or generally as part of the sentence, a requirement that the defendant may not operate a motor vehicle unless it is equipped with a properly functioning, maintained and monitored ignition interlock device for a minimum of six months after the person regains the privilege to operate a motor vehicle."

The next subsection should say the same thing, but specify a minimum of one year if the alcohol level is over .24. An additional subsection should require the same thing, with a one-year minimum, if the defendant is convicted of a violation of AS 28.32.032 (refusal to submit to chemical test) or another ordinance with similar elements). The section should also provide that if the defendant disputes the breath alcohol result, the issue shall be heard by the sentencing court without a jury.

*Community, Security, Prosperity*

The Honorable Carl Gatto

Page 2

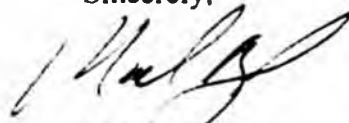
March 5, 2007

Division of Motor Vehicles imposition of ignition interlock requirement:

The second alternative fix, which is preferred by the municipal prosecutor, is to amend AS 28.15.211, the section that governs issuance of a license a revocation, to require the Division of Motor Vehicles to require an ignition interlock device when the driver gets his or her license back after a license revocation based on a DUI. If the alcohol level was .16 or more, but less than .24, the requirement would be for six months, and if the alcohol result is over .24, or the person refused to take a chemical test, the license revocation would be for one year.

Anchorage takes very seriously our obligation to crack down on drunk drivers and I agree that use of the ignition interlock device is often a useful tool to remove these offenders from our streets. We remain ready to work with you and other legislators to correct the oversight in the 2004 statute.

Sincerely,



Mark Begich  
Mayor

CC: Representative Gabrielle LeDoux  
Representative Anna Fairclough

# 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

October 30, 2006

**SUBJECT:** Requirement of Ignition Interlock Device for Drunk Drivers Not Being Enforced in Anchorage (Work Order No. 25-LS0143)

**TO:** Representative Carl Gatto  
Attn: Cody Rice

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

AS 28.35.030(r) provides that courts must require the use of ignition interlock devices by persons who are convicted of drunk driving with a blood alcohol level of .16 or higher. The requirement applies when the person regains the privilege to drive, including any limited privilege, and applies for a minimum of six months or one year depending upon the offender's actual blood alcohol level. Apparently this requirement is not being applied or enforced in Anchorage, and you have asked if the failure to apply or enforce this requirement is justified. With regard to your request you have provided me a copy of an email from John McConnaughy, Deputy Anchorage Municipal Attorney, who states that Anchorage is not violating state law by failing to require ignition interlock devices because

[w]e asked the courts to order the use of ignition interlock devices pursuant to AS 28.35.030(r), but they ruled that the subsection does not apply in Municipal cases. There are no similar provisions under the Municipal Code.

Mr. McConnaughy then continues and states, "that we discussed asking the Assembly to enact similar requirements into the Municipal Code, but decided not to after reviewing AS 28.35.030(r)." Mr. McConnaughy then states that he does not like the way the section is drafted and believes it could cause problems in the courts "because it is procedurally unclear and confusing." He further states that he is concerned because the legislature chose to apply the requirement only to DUI cases and not to refusal cases and that he didn't want to create additional problems by incorporating these requirements into the Municipal Code. Mr. McConnaughy expounds on his concerns in a further email in which he states that he is puzzled by how AS 28.35.030(r) is written and that he is "concerned that the subsection has the potential to create confusion and lengthen trials."<sup>1</sup>

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<sup>1</sup> Cody Rice will remember that I also had serious concerns with the bill that gave rise to this provision and the amendments that were made to the bill as it proceeded through the

While I can sympathize with Mr. McConnaughy's concerns, those concerns are irrelevant to the question of whether the AS 28.35.030(r) is applicable to and within the Municipality of Anchorage. Neither I or Mr. McConnaughy have the authority to decide whether AS 28.35.030(r) will apply. The legislature has provided that the traffic laws of the state shall be uniform throughout the state and shall apply within all municipalities of the state. Therefore, I question the authority of a court or the Municipality of Anchorage to fail to apply or enforce this requirement. The failure to adopt or apply AS 28.35.030(r), can only arise from a misapprehension of the authority of a municipality vis-a-vis the legislature with regard to the traffic code in Alaska.

The legislature has adopted the Alaska Uniform Traffic Laws Act.<sup>2</sup> AS 28.01.010(a) of that Act provides:

**The provisions of this title and the regulations adopted under this title are applicable within all municipalities of the state. A municipality may not enact an ordinance that is inconsistent with the provisions of this title or the regulations adopted under this title. A municipality may not incorporate into a publication of traffic ordinances a provision of this title or the regulations adopted under this title without specifically identifying the provision or regulation as a state statute or regulation.**  
[Emphasis added.]

Notwithstanding AS 28.01.010(a), municipalities are given the authority under state law to "enact necessary ordinances to meet specific local requirements." Municipalities are required to forward copies of their traffic ordinances to the commissioner of public safety and must provide specific notice of any inconsistent ordinance. That a particular municipality is a home rule municipality has no bearing on whether an ordinance is inconsistent with a state traffic law, as the Act operates as a limitation on the powers of home rule cities and an inconsistent traffic ordinance is an exercise of home rule power that is expressly prohibited by the legislature. *Adkins v. Lester*, 530 P.2d 11 (Alaska 1974).<sup>3</sup>

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legislature. I questioned both the choices being made and how the bill was to be applied. In addition, Mr. McConnaughy's concerns about (r) not applying to refusals and therefore encouraging persons to refuse a chemical test are valid. The legislature, though, rejected similar concerns and chose not to apply this provision to refusals. The legislature has instead chosen to prohibit refusals from ever receiving a limited license under AS 28.15.201, therefore providing, apparently at least, a limited counterbalance.

<sup>2</sup> AS 28.01.

<sup>3</sup> The legislature has also allowed municipalities to deviate from state law with regard to the impoundment and forfeiture of motor vehicles. See AS 28.01.015. *McCormick v. Anchorage*, 999 P.2d 155 (Alaska App. 2000).

Representative Carl Gatto

October 30, 2006

Page 3

Concerns that the state law makes it harder to prosecute or lengthens trials are irrelevant to deciding whether or not a local ordinance is inconsistent with a state traffic law. For example, in *Simpson v. Municipality of Anchorage*, 635 P.2d 1197, 1204 (Alaska App. 1981) Anchorage's .10 per se under the influence law was found to be inconsistent with state law drunk driving laws that required a finding that a driver actually be under the influence of an intoxicating liquor. Anchorage argued that home rule authority and the high number of alcohol-related accidents in Anchorage authorized the use of this expediency (which necessarily would result in an ease in prosecution as we have subsequently found) as a deviation from state law. The court rejected Anchorage's arguments. The court found that the Anchorage ordinance was inconsistent with state law as it tended to frustrate a statewide policy enacted by the legislature. In examining a case where an inconsistency was not found (*Cremer v. Anchorage*, 575 P.2d 306 (Alaska 1978)) with a case where an ordinance was found to be inconsistent (*Adkins, supra*) the *Simpson* court said:

The holding of the court in *Cremer* is especially helpful, for it articulates specific standards by which the issue of inconsistency under AS 28.01.010(a) may be evaluated. The court stated, first, that an ordinance could be deemed inconsistent only if it was 'found that it directly or indirectly impeded implementation of a statute which sought to further a specific statewide policy.' 575 P.2d at 307 (footnote omitted). Second, in distinguishing its holding from the holding of *Adkins v. Lester*, the court indicated that an essential criterion of inconsistency under 28.01.010(a) is whether the ordinance in question seeks to proscribe conduct which, by statute, 'the legislature intended, as a matter of policy, to permit . . . .' 575 P.2d at 308 n.5. From these statements we infer that, when the question of inconsistency under AS 28.01.010(a) is raised, the issue is not whether there is a mere discrepancy between state law and local ordinance; rather, the inquiry must focus on whether any discrepancy in the ordinance impedes or frustrates policy expressed by state law.

In AS 28.35.030(r) the legislature has expressed the statewide policy that drunk drivers with a blood alcohol level of at least double the legal limit as found by the trier of fact must use an ignition interlock device for a minimum period of time when regaining the privilege to drive. The Anchorage ordinance that is being applied does not include this requirement and "impedes and frustrates" this statewide policy set by the legislature. The Anchorage ordinance therefore must give way so as to allow the statewide policy to be implemented and applied. Mr. McConnaughy's concerns should have been addressed to the legislature when HB 342 was being heard or to the Anchorage Assembly once HB 342 became law. The Anchorage Assembly conceivably could have addressed Mr. McConnaughy's concerns and made some changes to AS 28.35.030(r), provided those changes did not frustrate or impede the general state policy set by the legislature requiring the use of ignition interlock devices for this class of drivers.

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## Judicial and Administrative Implications of HB19

| Offense   | Minimum Imprisonment | Minimum Fine | Minimum Driver's License Revocation | Minimum Ignition Interlock (proposed Judicial action)           | Other                          | Ignition Interlock Limited License (proposed Administrative action)  |
|---|----------------------|--------------|-------------------------------------|---|--------------------------------|--|
| <b>Class A misdemeanors per AS 28.35.030(b) (DUI convictions)</b> |                      |              |                                     |   |                                |  |
| First offense DUI (or refusal)                                    | 72 hours             | \$1500       | 90 days                             | 12 months during period of probation after period of revocation | May require vehicle forfeiture | Eligible for an Ignition Interlock Limited License during revocation following period of 30 days hard suspension |
| Second DUI (or refusal)   | 20 days              | \$3000       | 1 year                              | 24 months during period of probation after period of revocation | May require vehicle forfeiture | Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension |
| Third DUI (or refusal)  | 60 days              | \$4000       | 3 years                             | 36 months during period of probation after period of revocation | May require vehicle forfeiture | Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension |
| Fourth DUI (or refusal)   | 120 days             | \$5000       | 5 years                             | Throughout period of probation following period of revocation   | May require vehicle forfeiture | Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension |
| Fifth DUI (or refusal)  | 240 days             | \$6000       | 5 years                             | Throughout period of probation following period of revocation   | May require vehicle forfeiture | Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension |
| Sixth DUI (or refusal) and beyond                                 | 360 days             | \$7000       | 5 years                             | Throughout period of probation following period of revocation   | May require vehicle forfeiture | Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension |

### Judicial and Administrative Implications of HB19

| Offense  | Minimum Imprisonment | Minimum Fine | Minimum Driver's License Revocation  | Minimum Ignition Interlock (proposed Judicial action)         | Other  | Ignition Interlock Limited License (proposed Administrative action) |
|--|----------------------|--------------|--|---|--|---|
| <b>Class C felons as per AS 28.35.030(n) (two or more DUI or refusal convictions since 1996, and within ten years preceding the date of the present offense)</b> |                      |              |  |   |  |   |
| Two prior convictions  | 120 days             | \$10,000     | Permanently (under (o) of this section, this translates into a minimum of ten years) | Throughout period of probation following period of revocation | Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions | NOT eligible for an Ignition Interlock Limited License              |
| Three prior convictions  | 240 days             | \$10,000     | Permanently (under (o) of this section, this translates into a minimum of ten years) | Throughout period of probation following period of revocation | Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions | NOT eligible for an Ignition Interlock Limited License              |
| Four or more prior convictions   | 360 days             | \$10,000     | Permanently (under (o) of this section, this translates into a minimum of ten years) | Throughout period of probation following period of revocation | Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions | NOT eligible for an Ignition Interlock Limited License              |

## Judicial and Administrative Implications of HB19

| <b>Offense</b>   | <b>Minimum Imprisonment</b> | <b>Minimum Fine</b> | <b>Minimum Driver's License Revocation</b> | <b>Minimum Ignition Interlock (proposed Judicial action)</b>    | <b>Other</b>                 | <b>Ignition Interlock Limited License (proposed Administrative action)</b> |
|--|-----------------------------|---------------------|--|---|------------------------------|--|
| <b>Class A misdemeanors as per 28.35.032(g) (refusal to submit to a chemical test)</b> |                             |                     |  |   |                              |  |
| First refusal  | 72 hours                    | \$1500              | 90 days                                    | 12 months during period of probation after period of revocation | may require other conditions | NOT eligible for an Ignition Interlock Limited License                     |
| Second refusal   | 20 days                     | \$3000              | 1 year                                     | 24 months during period of probation after period of revocation | may require other conditions | NOT eligible for an Ignition Interlock Limited License                     |
| Third refusal  | 60 days                     | \$4000              | 3 years                                    | 36 months during period of probation after period of revocation | may require other conditions | NOT eligible for an Ignition Interlock Limited License                     |
| Fourth refusal   | 120 days                    | \$5000              | Five years                                 | Throughout period of probation following period of revocation   | may require other conditions | NOT eligible for an Ignition Interlock Limited License                     |
| Fifth refusal  | 240 days                    | \$6000              | Five years                                 | Throughout period of probation following period of revocation   | may require other conditions | NOT eligible for an Ignition Interlock Limited License                     |
| Sixth or more refusal  | 360 days                    | \$7000              | Five years                                 | Throughout period of probation following period of revocation   | may require other conditions | NOT eligible for an Ignition Interlock Limited License                     |

## Judicial and Administrative Implications of HB19

| Offense  | Minimum Imprisonment | Minimum Fine | Minimum Driver's License Revocation  | Minimum Ignition Interlock (proposed Judicial action)         | Other  | Ignition Interlock Limited License (proposed Administrative action) |
|--|----------------------|--------------|--|---|--|---|
| <b>Class C felons as per AS 28.35.032(p) (two or more refusal or DUI convictions since 1996, and within ten years preceding the date of the present offense)</b> |                      |              |  |   |  |   |
| Two prior refusal convictions  | 120 days             | \$10,000     | Permanently (under (o) of this section, this translates into a minimum of ten years) | Throughout period of probation following period of revocation | Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions | NOT eligible for an Ignition Interlock Limited License              |
| Three prior refusal convictions  | 240 days             | \$10,000     | Permanently (under (o) of this section, this translates into a minimum of ten years) | Throughout period of probation following period of revocation | Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions | NOT eligible for an Ignition Interlock Limited License              |
| Four or more prior refusal convictions   | 360 days             | \$10,000     | Permanently (under (o) of this section, this translates into a minimum of ten years) | Throughout period of probation following period of revocation | Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions | NOT eligible for an Ignition Interlock Limited License              |

### Ignition Interlock Program Comparison Chart

| <b>MADD's Recommendations<sup>1</sup></b>  | <b>New Mexico Model<sup>2</sup></b>  | <b>HB19</b>  | <b>Recommended Action to Strengthen HB19</b>   |
|--|--|--|--|
| <p><b>Administrative and Judicial structures should exist</b></p>                                | <p><b>Yes.</b></p> <p><b>Administrative-</b> Interlock license is <i>voluntary</i> for those with revoked licenses during revocation period of 1-10 years for <i>all</i> offenders with alcohol related offenses (DUI, Refusal and Driving Without a License)</p> <p><b>Judicial</b> –Interlock is <i>required</i> for one year or more depending upon number of priors.</p> | <p><b>Yes.</b></p> <p><b>Administrative:</b> Ignition Interlock Limited License is voluntary for those misdemeanor offenders for DUI only (<i>not</i> for refusal or DWLR/S during period of license revocation for DUI)</p> <p><b>Judicial:</b> Ignition Interlock Limited License is required for a set time <i>following</i> period of license revocation and <i>during</i> period of probation</p> | <p><b>Administrative:</b> Amend to include felons, and those convicted of refusal and those convicted of DWLR/S during period of license revocation due to DUI or Refusal.</p> <p><b>Judicial:</b> Amend to delete "during period of probation."</p> |
| <p><b>No "waiting out" judicial sanction before regaining full driver license privileges</b></p> | <p><b>Yes.</b></p> <p>New Mexico law stipulates a period of time rather than a specific time-frame for mandatory use of an ignition interlock before license reinstatement An offender cannot apply for full driver license privileges until this requirement is met.</p>  | <p><b>No.</b></p> <p>The judicial requirement for an Ignition Interlock Limited License is limited to the set time <i>following</i> period of license revocation and <i>during</i> period of probation</p>   | <p><b>Judicial:</b> Amend to delete "during period of probation."</p>  |
| <p><b>If no judicial sanction, an administrative sanction kicks in</b></p>                       | <p><b>Yes.</b></p> <p>A DWI arrest initiates an administrative license revocation that is either upheld or denied following a hearing. Additionally, the arrest may lead to criminal charges and is dealt with through the courts.</p>   | <p><b>Yes, in part.</b></p> <p>Only misdemeanor DUI offenders with license revocations are eligible to apply for an Ignition Interlock Limited License. Again, felons or offenders convicted of refusal or DWLR/S as a consequence of a DUI are eligible to apply.</p>   | <p><b>Administrative:</b> Amend to include felons, and those convicted of refusal and those convicted of DWLR/S during period of license revocation due to DUI or Refusal</p>  |

### Ignition Interlock Program Comparison Chart

| Recommended penalties:  | Yes., in part. New Mexico meets or exceeds many of the penalties recommended by MADD.  | Yes and no. While the judicial mandate for an ignition interlock meets MADD's recommendations, it is limited by the requirement for a non-mandated period of probation. Please see the chart: "Judicial Implications of IIB19" |  |
|---|--|--|--|
| First offense, no aggravators—180 day license suspension, 30 days hard, 150 with IID; First offense with >15 BAC – full year suspension, 60 days hard, 305 with IID | First offense – mandatory one year interlock license. New Mexico has minimized hard revocation periods due to the finding that compliance increases with decreased time between arrest and installation of device <sup>1</sup> . | First offense – 12 months during period of probation after period of revocation  | <b>Judicial:</b> Amend to delete "during period of probation." |
| Repeat offense – two year suspension, 60 days hard, 670 with IID  | Second offense – mandatory two years interlock license   | Second offense - 24 months during period of probation after period of revocation   |  |
| Third offense and beyond – vehicle forfeiture, lookback periods for repeat offenses at least ten years  | Third offense – mandatory three years interlock license<br>Fourth offense and beyond – mandatory lifetime interlock with five year reviews   | Third offense - 36 months during period of probation after period of revocation:<br>Fourth offense and beyond - Throughout period of probation following period of revocation; may require vehicle forfeiture                  |  |
| Drivers under 21 with any measurable BAC required to get IID  | Offenders under 21 are subject to a setback of graduated driving privileges for at least 90 days.  | No specific IID requirement  |  |

<sup>1</sup> Mothers Against Drunk Driving. "Stopping Drunk Driving Before It Starts: A Technological Solution", 2007.

[www.madd.org/getdoc/c5b095d2-53b7-4497-beaa-8712c0acaf72/InterlocksforAllOffendersFINAL.aspx](http://www.madd.org/getdoc/c5b095d2-53b7-4497-beaa-8712c0acaf72/InterlocksforAllOffendersFINAL.aspx)

<sup>2</sup> Institute of Public Law. University of New Mexico School of Law. New Mexico Department of Transportation, Traffic Safety Bureau. "New Mexico Motor Vehicle Laws 2006-2007", 2007. < <http://ipl.unm.edu/traf/pubs/NMMVLaws8x11.pdf> >

<sup>3</sup> Voas, R. B.; Roth, J.; and Marques, P. R. "The hard suspension barrier: Does New Mexico's interlock licensing law solve the problem?" *Alcohol Ignition Interlock Devices, Volume II: Research, Policy, and Program Status 2005* pgs. 62-73, (2005).

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 101(CRA)  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB101CS(CRA)-DOA-DMV-11-27-07 Dept. Affected: Administration  
 Title "Uniform traffic laws..." RDU Division of Motor Vehicles  
 Component Motor Vehicles  
 Sponsor Rep(s) GATTO, Lynn, Fairclough, LeDoux, Kohring, Ramras.  
 Requester (S) STA Component Number 2348

**Expenditures/Revenues** (Thousands of Dollars)

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

|                               | Appropriation<br>Required | Information |            |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2009     | FY 2009    | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |            |
| Personal Services             |                           |             |            |            |            |            |            |            |
| Travel                        |                           |             |            |            |            |            |            |            |
| Contractual                   |                           |             |            |            |            |            |            |            |
| Supplies                      |                           |             |            |            |            |            |            |            |
| Equipment                     |                           |             |            |            |            |            |            |            |
| Land & Structures             |                           |             |            |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        |                           | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|

|                               |            |  |  |  |  |  |  |  |
|-------------------------------|------------|--|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> | <b>0.0</b> |  |  |  |  |  |  |  |
|-------------------------------|------------|--|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                                 |  |            |            |            |            |            |            |            |
|---------------------------------|--|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts           |  |            |            |            |            |            |            |            |
| 1003 GF Match                   |  |            |            |            |            |            |            |            |
| 1004 GF                         |  |            |            |            |            |            |            |            |
| 1005 GF/Program Receipts        |  |            |            |            |            |            |            |            |
| 1037 GF/Mental Health           |  |            |            |            |            |            |            |            |
| 1156 Receipt Supported Services |  |            |            |            |            |            |            |            |
| <b>TOTAL</b>                    |  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

|           |  |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |  |

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

This bill does not financially impact the Division of Motor Vehicles.

Prepared by: Kerry Hennings, Acting Director  
 Division: Motor Vehicles  
 Approved by: Kevin Brooks, Deputy Commissioner  
Department of Administration

Phone 907-269-3770  
 Date/Time 11/27/07 12:00 AM  
 Date 11/30/2007

**HB**

**109**

# SENATE COMMITTEE REPORT

DATE: 4/4/07

FURTHER: Judiciary  
Finance

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

State Affairs Committee considered CS FOR HOUSE BILL NO. 109(JUD) am  
HB 109 DISCLOSURES & ETHICS

"An Act relating to bribery, receiving unlawful gratuities, and campaign contributions; denying public employee retirement pension benefits to certain legislators, legislative directors, and public officers who commit certain offenses, and adding to the duties of the Alaska Retirement Management Board and to the list of matters governed by the Administrative Procedure Act concerning that denial; relating to campaign financing and ethics, including disclosures, in state and municipal government, to lobbying, and to employment, service on boards, and disclosures by certain public officers and employees who leave state or municipal service or leave certain positions in state or municipal government; restricting representation of others by legislators and legislative employees; relating to blind trusts approved by the Alaska Public Offices Commission; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**

- Same Title
- New Title

**HOUSE BILL:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

| Department | Date  | Fiscal | Indet. | Zero | FN# |
|------------|-------|--------|--------|------|-----|
| ADMN       | 01/23 |        |        | ✓    |     |
| LAW        | 01/24 |        |        | ✓    |     |
|            |       |        |        |      |     |
|            |       |        |        |      |     |
|            |       |        |        |      |     |

**PREVIOUS FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
|            |      |        |        |      |     |
|            |      |        |        |      |     |
|            |      |        |        |      |     |
|            |      |        |        |      |     |
|            |      |        |        |      |     |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|---------------------------------|-------------------|---------|-------------|--------|-------|
|                                 | French            |         |             | ✓      |       |
|                                 | French            |         |             | ✓      |       |
|                                 | Green             |         |             |        | ✓     |
|                                 | Bunde             | ✓       |             |        |       |
|                                 | McQuire           |         |             | ✓      |       |
| CHAIR:                          | McQuire           |         |             | ✓      |       |

Amendment #1  
(HB 109) (withdrawn)

Proposed Amendment: *New AS 39.52.910(d)*. "Nothing in this Act shall supersede the provisions of AS 39.90.020, nor preclude individuals from being in an employment relationship with an immediate family member where neither family member is a supervisor who has authority to act or to effectively recommend action in the interest of the public employer in one of the following supervisory functions, if the exercise of that authority is not merely routine but requires the exercise of independent judgment:

- (a) employing, including hiring, transferring, laying off, or recalling;
- (b) discipline, including suspension, discharge, demotion, or issuance of written warnings; or
- (c) grievance adjudication, including responding to a first level grievance under a collective bargaining agreement."

\*Brought up for discussion  
Purposes

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR MCGUIRE

TO: CSHB 109 (JUD) am

Conceptual Amendment

To prevent legislators from raising funds during session for any person running for elected office.

Legislative ethics should prohibit this see attached

\*- Can the amendment be drafted  
in a way to still allow legislators  
to personally contribute \$ to a  
campaign.

\*- check w/ APOC & legal

# Alaska State Legislature

## Select Committee on Legislative Ethics

716 W. 4th, Suite 230  
Anchorage AK 99501-2133  
(907) 269-0150  
FAX: 269-0152  
Email: [ethics\\_committee@legis.state.ak.us](mailto:ethics_committee@legis.state.ak.us)

Mailing Address:  
P.O. Box 101468  
Anchorage, AK.  
99510 - 1468

TO:

FROM: Joyce Anderson, Administrator

DATE:

RE: Fund Raising During Session

You have asked if it is permissible under AS 24.60 for a legislator to conduct fund raising activities during session for a campaign for the office of governor. Specifically, fund raising in Juneau during session.

First of all, I suggest you check with the Alaska Public Offices Commission to determine if AS 15.13, state election campaigns, imposes any restrictions on the activities you are contemplating. I will only address the ethical considerations in AS 24.60 in relation to your position as a legislator.

AS 24.60.031 addresses restrictions on fund raising for legislators and legislative employees. (See statute below.) The restrictions in AS 24.60.031 prohibit legislators from soliciting or accepting a contribution or a promise or pledge to make a contribution when either house is in regular or special session for a campaign for the state legislature. Additionally, legislators cannot accept money from an event held on a day when either house is in regular or special session if the substantial purpose of the event is to raise money on behalf of the legislator for state legislative political purposes.

The statute is clear in that only campaigns for the state legislature fall under the restrictions imposed in AS 24.60.031(a) and (b). Legislators running for statewide office are not restricted from accepting or soliciting campaign contributions during session. Further, legislators running for state office are not restricted from holding an event for the

purpose of raising funds for a statewide campaign. Since the legislative ethics code places no restrictions on fund raising for state office by a legislator this would include fund raising activities in Juneau during session.

In Advisory Opinion 94-04, the ethics committee answered the question of whether a legislator who is a candidate for statewide elective office may engage in fund raising activities for that office during the legislative session. The committee concluded AS 24.60.031(b) prohibited a legislator who is candidate for a statewide race from accepting money from an event held during the legislative session. The language in AS 24.60.031(b) prohibited a legislator from accepting money from an event held during the legislative session for any elective office. AS 24.60.031(b) in 1994 read as follows: A legislator or legislative employee may not accept money from an event held during a legislative session if the substantial purpose of the event is to raise money on behalf of the member or legislative employee for campaign purposes or to raise money for state legislative political purposes;...

AS 24.60.031(b) was changed in 1998 with the passage of Senate Bill 105 to restrict the prohibition to a legislator running for state legislative political purposes from accepting money from an event held during the legislative session and removed language including 'for campaign purposes.' Attached is Advisory Opinion 94-04 and a copy of the legislative changes to AS 24.60.031. This statute has not had any further changes to date.

Again, I would like to mention you should contact APOC for a review of AS 15.13.

Pursuant to AS 24.60.158 my advice is informal and not binding on the committee. However, I feel this statute is clear on its face and with the accompanying documentation in Advisory Opinion 94-04 and 1998 legislative changes to the one section addressed in A.O. 94-04, and an advisory opinion is not necessary.

However, you have the option to request an advisory opinion from the committee if you so choose.

Enc. Advisory Opinion 94-04  
Senate Bill 105, Section 19, AS 24.60.031

**Alaska State Legislature**

**Select Committee on  
Legislative Ethics**

716 W. 4th, Suite 230  
Anchorage, AK  
(907) 258-8172  
FAX: 258-2106

Mailing Address:  
P.O. Box 101468  
Anchorage, AK  
99510

January 24, 1994

**ADVISORY OPINION 94-04**

RE: May a legislator who is a candidate for a statewide elective office engage in fund raising activities for that office during the legislative session?

You are a legislator, covered by the Legislative Code of Ethics. You have filed a general letter of intent and you have announced that you are running for Lieutenant Governor in the next election. You ask whether you may engage in fund raising activities concerning that campaign during the legislative session.

**Discussion**

To begin with, the committee notes that campaign contributions that you report as required by law are excluded from the provisions concerning gifts by AS 24.60.080(e).<sup>1</sup>

Under AS 24.60.031, a legislator's fund raising activities are restricted during the legislative session. The section states:

Sec. 24.60.031. RESTRICTIONS ON FUND RAISING. (a) A legislator or legislative employee may not

(1) while the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution for a state legislative campaign;

(2) accept money from an event held during a legislative session if a substantial purpose of the event is either to raise money on behalf of the member or legislative employee for campaign purposes or to raise money for state legislative political purposes; or

(3) expend money in a state legislative campaign that was raised by or on behalf of a legislator during a legislative session under a general letter of intent to become a candidate for public office.

(b) In this section, "contribution" has the meaning given in AS 15.13.130.

---

<sup>1</sup> AS 24.60.080(e) states:

(e) A political contribution that is reported under AS 15.13.040 is not a gift under this section.

Under paragraph (1) of subsection (a), legislators are prohibited from soliciting or accepting contributions during the legislative session for state legislative campaigns. Under paragraph (3), legislators may not spend money in a state legislative campaign that was raised during the session. The scope of paragraph (2) is not clearly limited to "state legislative campaigns." That paragraph prohibits legislators from accepting money raised at events held during the session if the event was to raise money on behalf of the legislator for campaign purposes or for state legislative political purposes. Unlike the other two paragraphs, this paragraph does not, on its face, limit the prohibition related to "campaign purposes" to "state legislative campaigns."

The committee believes that the language of the statute should be interpreted as it is written. Accordingly, a legislator running for statewide office may solicit and accept contributions for that office during the legislative session (as permitted by paragraph (1) of 24.60.031(a)) and a legislator who has filed a general letter of intent to become a candidate for public office may spend money raised during the session on a campaign for statewide office (as permitted by paragraph (3)). However, under paragraph (2), a legislator may not accept money from an event held during the legislative session if the purpose of the event was to raise money for the legislator's campaign for any elective office. The committee recognizes that this result appears inconsistent, but the committee believes that any change from this result should be made by amendment to the statute, not by interpretation of it.

#### Conclusion

For the reasons discussed above, the committee finds that the prohibition contained in AS 24.60.031(a)(2), concerning accepting money from an event held during the legislative session, applies to statewide campaigns, including your campaign for lieutenant governor. Therefore, you may not accept money raised during the session at fundraising events.

Adopted by the Select Committee on Legislative Ethics on January 24, 1994. Members present and concurring in this opinion were:

Joseph P. Donahue, Chair  
Ed Granger, Vice-Chair  
Senator Drue Pearce  
Margie MacNeille  
Representative Brian Porter  
Shirley A. McCoy  
Senator Jay Kerttula

Members absent were:

Edith Vorderstrasse  
Representative Jerry Mackie

TC:gc

## **ALASKA STATUTE**

### **Sec. 24.60.031. Restrictions on fund raising.**

**(a)** A legislator or legislative employee may not

- (1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution for a campaign for the state legislature; however, a legislator or legislative employee may, except in the capital city, solicit or accept a contribution, promise, or pledge for a campaign for the state legislature that occurs during the 90 days immediately preceding an election;
- (2) accept money from an event held on a day when either house of the legislature is in regular or special session if a substantial purpose of the event is to raise money on behalf of the member or legislative employee for state legislative political purposes; however, this paragraph does not prohibit a legislator or legislative employee from accepting money from an event held in a place other than the capital city during the 90 days immediately preceding an election; or
- (3) in a campaign for the state legislature, expend money that was raised on a day when either house of the legislature was in a legislative session by or on behalf of a legislator under a declaration of candidacy or a general letter of intent to become a candidate for public office; however, this paragraph does not apply to money raised in a place other than the capital city during the 90 days immediately preceding an election.

**(b)** In this section, "contribution" has the meaning given in AS 15.13.400.

1 shall file the disclosure with the committee by the deadlines set out in  
 2 AS 24.60.105 stating the name of each organization on whose board the person  
 3 serves. The committee shall maintain a public record of the disclosure and  
 4 forward the disclosure to the appropriate house for inclusion in the journal. This  
 5 subsection does not require a legislator or legislative employee who is appointed  
 6 to a board by the presiding officer to make a disclosure of the appointment to the  
 7 committee if the appointment has been published in the appropriate legislative  
 8 journal during the calendar year.

9 \* Sec. 17. AS 24.60.030(g) is amended to read:

10 (g) Unless required by the Uniform Rules of the Alaska State Legislature, a  
 11 legislator [OR LEGISLATIVE EMPLOYEE] may not vote on a question  
 12 [PARTICIPATE IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION]  
 13 if the legislator [OR LEGISLATIVE EMPLOYEE] has an equity or ownership interest  
 14 in a business, investment, real property, lease, or other enterprise if the interest is  
 15 substantial and the effect on that interest of the action to be voted on [THAT  
 16 INTEREST] is greater than the effect on a substantial class of persons to which the  
 17 legislator [OR LEGISLATIVE EMPLOYEE] belongs as a member of a profession,  
 18 occupation, industry, or region.

19 \* Sec. 18. AS 24.60.030 is amended by adding a new subsection to read:

20 (h) An employee who engages in political campaign activities other than  
 21 incidental campaign activities during the employee's work day shall take leave for the  
 22 period of campaigning. Political campaign activities while on government time are  
 23 permissible if the activities are part of the normal legislative duties of the employee,  
 24 including answering telephone calls and handling incoming correspondence.

25 \* Sec. 19. AS 24.60.031(a) is amended to read:

26 (a) A legislator or legislative employee may not  
 27 (1) on a day when either house of [WHILE] the legislature is in  
 28 regular or special session, solicit or accept a contribution or a promise or pledge to  
 29 make a contribution for a campaign for the state legislature; however, a legislator  
 30 or legislative employee may, except in the capital city, solicit or accept a  
 31 contribution, promise, or pledge for a campaign for the state legislature that

1 occurs during the 90 days immediately preceding an election [STATE  
2 LEGISLATIVE CAMPAIGN];

3 (2) accept money from an event held on a day when either house of  
4 the legislature is in regular or special [DURING A LEGISLATIVE] session if a  
5 substantial purpose of the event is [EITHER] to raise money on behalf of the member  
6 or legislative employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR]  
7 state legislative political purposes; however, this paragraph does not prohibit a  
8 legislator or legislative employee from accepting money from an event held in a  
9 place other than the capital city during the 90 days immediately preceding an  
10 election; or

11 (3) in a campaign for the state legislature, expend money that was  
12 raised on a day when either house of the legislature was in a [STATE] legislative  
13 session [CAMPAIGN THAT WAS RAISED] by or on behalf of a legislator [DURING  
14 A LEGISLATIVE SESSION] under a declaration of candidacy or a general letter of  
15 intent to become a candidate for public office; however, this paragraph does not  
16 apply to money raised in a place other than the capital city during the 90 days  
17 immediately preceding an election.

18 \* Sec. 20. AS 24.60.039 is amended by adding a new subsection to read:

19 (b) If a person files a complaint with the committee under AS 24.60.170  
20 alleging a violation of this section, the committee may refer the complainant to the  
21 State Commission for Human Rights and may defer its consideration of the complaint  
22 until after the complainant establishes to the satisfaction of the committee that the  
23 commission has completed its proceedings in the matter.

24 \* Sec. 21. AS 24.60.040(a) is amended to read:

25 (a) A legislator or legislative employee, or a member of the immediate family  
26 of a legislator or legislative employee, may not be a party to or have an interest in a  
27 state contract or lease unless the contract or lease is let [THROUGH COMPETITIVE  
28 SEALED BIDDING] under AS 36.30 (State Procurement Code) or, for agencies that  
29 are not subject to AS 36.30, under similar procedures, or the total annual amount  
30 of the state contract or lease is \$5,000 [\$1,000] or less, or is a standardized contract  
31 or lease that was developed under publicly established guidelines and is generally

**CSHB 109(JUD) am VERSION ""  
SUBJECT SECTIONAL**

**Section 1.** The definition of "benefit" does not include a campaign contribution unless the contribution is made to alter a candidates vote or position on a matter the candidate could take official action on.

**Sec. 2.** Pension forfeiture provisions in AS 37.10.310 apply to the Teachers' Defined Benefit Retirement Program.

**Sec. 3.** Pension forfeiture provisions in AS 37.10.310 apply to the teachers first hired on or after July 1, 2006.

**Sec. 4.** This section eliminates the \$5,000 exemption for all candidates for public office except delegates to a constitutional convention, a judge seeking judicial retention, or a candidate for a municipal office.

**Sec. 5.** Implements a January 1, 2009 deadline for mandatory electronic filing for all candidates except candidates for municipal office and for those candidates whose circumstances warrant an exception.

**Sec. 6.** Revises section 4 effective January 1, 2009 to limit the municipal election exemption for mandatory electronic filing to communities with a population of less than 15,000.

**Sec. 7.** Pension forfeiture provisions in AS 37.10.310 apply to the retirement and death benefits of justices and judges.

**Sec. 8.** Requires APOC to administer an annually updated training course for lobbyists and employers of lobbyists to promote high ethical standards of professional conduct.

**Sec. 9.** Instructs APOC to obtain a sworn affirmation by a lobbyist to verify that the lobbyist has completed a training course within a 12-month period preceeding the date of registering as a lobbyist.

**Sec. 10.** Language cleanup for exceptions to prohibition of lobbyists to give gifts and places a further prohibition for lobbyists on campaign contributions or gifts that would violate AS 39.52 the Alaska Executive Branch Ethics Act.

**Sec. 11.** Allows a person prohibited from lobbying because of family relationship with a legislator to engage in volunteer or representational lobbying, must register as a representational lobbyist, but is not required to pay the registration fee.

**Sec. 12.** Adds to Definitions for AS 24.45 "domestic partner" as defined in AS 39.50.200(a) "a person who is cohabiting with another person in a relationship that is like a marriage but is not a legal marriage.

**Sec. 13.** Modifies language in the applicability section of the Legislative Ethics Act that has at times been misinterpreted as exempting legislators, legislative directors, legislative employees and public members of the committee from disclosure requirements related to the latter part of their time in service.

**Sec. 14.** Language cleanup to reference correct statute cite for defining charity event.

**Sec. 15.** Amends the definition of campaign period to include the 60 days before a general election and decreases from 90 days to 60 days the "campaign period" for other elections, including the primary election and municipal elections.

**Sec. 16.** Requires a legislator or legislative employee to report board memberships to the Ethics Committee.

**Sec. 17.** Requires the Ethics Committee to promptly forward disclosure reports of family members of legislators or legislative staff being involved in a state contract of \$5,000 or more to the appropriate house of the legislature and instructs the presiding officer to publish the disclosure in a supplemental journal not later than the next regularly scheduled publication of ethics disclosures.

**Sec. 18.** Streamlines the Ethics Committees reporting process for disclosures related to loans received or certain programs participated in by legislators or legislative employees changing the "within three weeks" to "next regularly scheduled report". Also allows staff to, upon request, edit information that if disclosed would cause unjustifiable invasion of personal privacy.

**Sec. 19.** Clarifies "a public official" with which a close economic association would require a disclosure with the Ethics Committee is defined in AS 39.50.200(9).

**Sec. 20.** Eliminates the term "a legislator" from the "close economic association with a lobbyist" reporting requirement to Ethics Committee since legislators can no longer have a close economic relationship with a lobbyist. Legislative employees continue to be required to file the report.

**Sec. 21.** Allows for compassionate gifts to legislators or legislative employees "intended to aid or comfort a recipient or a member of the recipient's immediate family in contending with a catastrophe, a tragedy, or a health related emergency."

**Sec. 22.** Expands the prohibition of gifts from lobbyists to include immediate family members of lobbyists and makes an exception allowing for accepting food or beverage for immediate consumption and tickets for charitable events approved by the legislative council.

**Sec. 23.** This amendment defines "immediate family", adds the office of victims' rights to the list of legislative employees that do not qualify for the discounts, and allows for a gift of transportation between legislators and legislative staff under certain circumstances. (Special discounts are given to legislators and their staff to make the stay during session more affordable. An example is reduced rates at a local athletic club.)  
**ETHICS**

**Sec. 24.** Adds gifts received by family members of legislators and legislative employees to the disclosures that are maintained for public record and forwarded to APOC. Gifts of value of \$250 or more must be reported within 30 days of receipt.

**Sec. 25.** This language puts disclosers on notice that legislators and legislative employees must disclose gifts of family members' to the Ethics Committee.

**Sec. 26.** A new section that prohibits serving legislators from "directly or by authorizing another to act on the legislator's behalf, accepting or agreeing to accept compensation from anyone but the state for services related to their work. **ETHICS**

**Sec. 27.** Prohibits a legislator or legislative employee from being compensation for representation before a "municipal, legislative, or executive branch" entity.  
**ETHICS**

**Sec. 26.** Streamlines reporting requirements so that unless otherwise provided for, Ethics disclosure deadlines for legislators, legislative employees, and committee members will be "30 days after the commencement of the matter or interest".

**Sec. 27.** An additional disclosure report of service on a board, interest in a state contract or lease, participation in a state loan program, a close economic association, or representation of a client must be made within 30 days of the first day of session.

**Sec. 28.** New law requires a former legislator, legislative employee or public member of the Select Committee on Legislative Ethics to file disclosure information for all matters relevant to when that person was a legislator, legislative employee or public member of the Select Committee on Legislative Ethics even though they no longer hold that position.

**Sec. 29.** Adds an additional disclosure requirement within thirty days after the legislature goes into session of service on the board of an organization, interest in a state contract or lease, participation in a state program or loan, a close economic association, or representation of client before a state agency, board, or commission.

**Sec. 30.** Requires legislators, legislative employees, and public members of the Ethics Committee to file a final disclosure report with APOC within 90 days of leaving service.

**Sec. 31.** Allows the chair of the Ethics Committee or a subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the chair can only appoint the alternate if the regular member has a conflict with an item on the meeting agenda.

**Sec. 32.** Adds to Select Committee on Ethics establishment clause a definition of "majority organizational caucus" which means "a group of legislators who have organized and elected a majority leader and constitute more than 50 percent of the total membership of the house or senate."

**Sec. 33.** Allows the chair of the Ethics Committee or a subcommittee to designate an alternate member to attend a meeting if the regular member and the alternate member are both accused of a violation in the complaint the committee is hearing.

**Sec. 34.** Adds to duties of the Ethics Committee, requiring that it publish certain educational legislative ethics materials, and in January of each year administer an ethics course to help people covered by the ethics code understand and follow it.

**Sec. 35.** New section requires legislators, legislative employees, and public members of the Ethics Committee to complete the legislative ethics course offered by the committee. ETHICS

**Sec. 36.** Adds APOC and Ethics Committee to the list of entities that may request an advisory opinion under AS 24.60.160 and adds the requirement that advisory opinions be redacted before publication to protect the identity of the person involved. It also makes the vote record of the committee a public record.

**Sec. 37.** Allows persons who have provided legal advice to the Ethics Committee in the past, but no longer do so, to be appointed by the committee to present the case against the person charged. It also grants authority to the committee to approve the change date of a hearing beyond the current 20 - 90 days limit. It also allows the committee to dismiss a complaint if the delay caused by the complainant in the case is not supported by a compelling reason or would result in the person charged being deprived of a fair hearing.

**Sec. 38.** Defines the victims' advocate as the "appointing authority" for the purpose of determining how to sanction an employee of the Office of Victims' Rights found by the Ethics Committee to have violated the Legislative Ethics Act; and similarly defines the legislature as the "appointing authority" where the question is how to sanction the victims' advocate. ETHICS

**Sec. 39.** Revises list of financial information a legislator, public member of the committee, or a legislative director is required to disclose, by clarifying that disclosure of income received for personal services, or a loan or loan guarantee, are to be reported to APOC in the Annual Financial Disclosure in Title 24, not Title 39. It also requires that when personal income is reported the approximate numbers of hours worked must be reported along with any other information the earner wishes to report. (This amends the initiative language passed.)

**Sec. 40.** Requires a person who is appointed after the required annual report as a legislator, public member of the committee, or legislative director, must file a financial disclosure report with APOC within 30 days after the person is appointed. In addition, the person must file a financial disclosure report within 90 days of leaving service.

**Sec. 41.** Requires mandatory electronic filing of financial disclosures to APOC for legislators, legislative directors, and ethics committee members by July 1, 2008 except in a case where APOC makes an exception.

**Sec. 42.** Requires APOC to notify the Alaska Legislative Council when the legislative director for the ombudsman's office or the office of victims' rights has failed to file a disclosure report with APOC.

**Sec. 43.** Amends the definition of "anything of value", "benefit", or "thing of value" to include exemption of food or drink immediately consumed and tickets for a charity event.

**Sec. 44.** Expands powers and duties of the Alaska Retirement Management Board to include administering pension forfeitures.

**Sec. 45.** Sets in statute provisions to administer pension forfeitures including provisions to allow the board to award a spouse, dependent, or former spouse some or all of the forfeiture.

**Sec. 46.** Pension forfeiture provisions in AS 37.10.310 apply to the Public Employees' Defined Benefit Retirement Plan.

**Sec. 47.** Pension forfeiture provisions in AS 37.10.310 apply to PERS employees first hired on or after July 1, 2006.

**Sec. 48.** Requires that within 90 days after leaving office a former public official shall file a final statement with APOC covering any period during the official's service for which the official did not already file a statement.

**Sec. 49.** Public officials and candidates will now be required to disclose to APOC in their financial statements all sources of income over \$1,000 and all gifts with cumulative value over \$250, and the disclosure of income and gifts will include a description of the income's or gift's source, amount, the recipient and, regarding income, a description of how it was earned. It adds a limited liability company as a source of income.

**Sec. 50.** Amends the definition of "close economic association" for the purposes of financial disclosure to include a limited liability corporation.

**Sec. 51 & 52.** This section would substantially amend blind trusts from their current form under AS 39.50.040. Blind trusts would remain optional and applies to public officials. APOC

**Sec. 53.** Requires information submitted to APOC under 39.50 (public officials and candidates for public office) to be submitted electronically started July 1, 2007 unless APOC makes an exception, but makes electronic filing optional for municipal officers.

**Sec. 54.** Effective January 1, 2009, municipal candidates in communities with a population of 15,000 or more would be required to file electronically.

**Sec. 55.** Amends definition of "source of income" for the purposes of disclosure to include income from a limited liability corporation.

**Sec. 56.** Expands the definition of "public official" AIDEA, board of directors of the Knik Arm Bridge and Toll Authority, Alaska labor Relations Agency, the Board of Trustees of the Alaska Mental Health Trust Authority, and the Board of Director of the Alaska Railroad Corporation. APOC

**Sec. 57.** New subsection makes presumption that stock or other ownership valued at less than \$5,000 is insignificant for public officials in the Executive Branch. The value is based on the dollar value at the time the report is filed.  
**ATTORNEY GENERAL & PERSONNEL BOARD**

**Sec. 58.** Presumes a gift from a lobbyist to a public official or a family member of a public official, regardless of the value, is intended to influence a public official and is prohibited unless the gift is from an immediate family member. APOC.

**Sec. 59.** Prohibits a public officer for two years after leaving position with the state from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that

public officer, and in which that public officer participated personally and substantially through exercise of official action, including a case, proceeding, application, contract, determination proposal or consideration of a legislative bill, a resolution, constitutional amendment, or other legislative measures, or proposal, consideration, or adoption of an administrative regulation. **ATTORNEY GENERAL**

**Sec. 60.** Adds a deputy head or employee of the Office of the Governor in a policy-making position to the list of the governor, lieutenant governor, or department head who are prohibited from lobbying for one year after leaving service. **APOC**

**Sec. 61.** Prohibits a public official who is required to file a financial disclosure with APOC from serving on a governing board of certain companies, organizations or other entities, for one year after leaving office, depending on the entity's connection with the person's work as a public officer. **APOC**

**Sec. 62.** Before a governor grants executive clemency the governor is required to disclose in writing to the attorney general whether granting clemency would benefit a personal or financial interest of the governor. **ATTORNEY GENERAL**

**Sec. 63.** Adds to application of Administrative Adjudications the Alaska Retirement Management Board for administration of administrative forfeitures.

**Sec. 64.** Repeals AS 24.60.037(d) temporary appointment of legislative members of ethics committee when conflicts occur which is now addressed in Section 29; and AS 24.60.080(k) definition of "immediate family" which was moved to Section 21.

**Secs. 65 – 69.** Applicability and effective date clauses.

**CSHB 109(JUD) am VERSION "N.A"**

**PENSION FORFEITURES – TITLE 14, 22, 37, 44**

Sec. 2. Pension forfeiture provisions in AS 37.10.310 apply to the Teachers' Defined Benefit Retirement Program.

Sec. 3. Pension forfeiture provisions in AS 37.10.310 apply to the teachers first hired on or after July 1, 2006.

Sec. 7. Pension forfeiture provisions in AS 37.10.310 apply to the retirement and death benefits of justices and judges.

Sec. 44. Expands powers and duties of the Alaska Retirement Management Board to include administering pension forfeitures.

Sec. 45. Sets in statute provisions to administer pension forfeitures including provisions to allow the board to award a spouse, dependent, or former spouse some or all of the forfeiture.

Sec. 46. Pension forfeiture provisions in AS 37.10.310 apply to the Public Employees' Defined Benefit Retirement Plan.

Sec. 47. Pension forfeiture provisions in AS 37.10.310 apply to PERS employees first hired on or after July 1, 2006.

Sec. 63. Adds to application of Administrative Adjudications the Alaska Retirement Management Board for administration of administrative forfeitures.

**REPORTING - LEGISLATORS – TITLE 15 & 24**

**Section 1. The definition of "benefit" does not include a campaign contribution unless the contribution is made to alter a candidates vote or position on a matter the candidate could take official action on.**

**Sec. 4. This section eliminates the \$5,000 exemption for all candidates for public office except delegates to a constitutional convention, a judge seeking judicial retention, or a candidate for a municipal office.**

**Sec. 5.** Implements a January 1, 2009 deadline for mandatory electronic filing for all candidates except candidates for municipal office and for those candidates whose circumstances warrant an exception.

**Sec. 6.** Revises section 4 effective January 1, 2009 to limit the municipal election exemption for mandatory electronic filing to communities with a population of less than 15,000.

**Sec. 10.** Language cleanup for exceptions to prohibition of lobbyists to give gifts and places a further prohibition for lobbyists on campaign contributions or gifts that would violate AS 39.52 the Alaska Executive Branch Ethics Act.

**Sec. 11.** Allows a person prohibited from lobbying because of family relationship with a legislator to engage in volunteer or representational lobbying, must register as a representational lobbyist, but is not required to pay the registration fee.

**Sec. 12.** Adds to Definitions for AS 24.45 "domestic partner" as defined in AS 39.50.200(a) "a person who is cohabiting with another person in a relationship that is like a marriage but is not a legal marriage.

**Sec. 13.** Modifies language in the applicability section of the Legislative Ethics Act that has at times been misinterpreted as exempting legislators, legislative directors, legislative employees and public members of the committee from disclosure requirements related to the latter part of their time in service.

**Sec. 14.** Language cleanup to reference correct statute cite for defining charity event.

**Sec. 15.** Amends the definition of campaign period to include the 60 days before a general election and decreases from 90 days to 60 days the "campaign period" for other elections, including the primary election and municipal elections.

**Sec. 16.** Requires a legislator or legislative employee to report board memberships to the Ethics Committee.

**Sec. 17.** Requires the Ethics Committee to promptly forward disclosure reports of family members of legislators or legislative staff being involved in a state contract of \$5,000 or more to the appropriate house of the legislature and instructs the presiding officer to publish the disclosure in a supplemental journal not later than the next regularly scheduled publication of ethics disclosures.

**Sec. 19.** Clarifies "a public official" with which a close economic association would require a disclosure with the Ethics Committee is defined in AS 39.50.200(9).

**Sec. 20.** Eliminates the term "a legislator" from the "close economic association with a lobbyist" reporting requirement to Ethics Committee since legislators can no longer have a close economic relationship with a lobbyist. Legislative employees continue to be required to file the report.

**Sec. 21.** Allows for compassionate gifts to legislators or legislative employees "intended to aid or comfort a recipient or a member of the recipient's immediate family in contending with a catastrophe, a tragedy, or a health related emergency."

**Sec. 22.** Expands the prohibition of gifts from lobbyists to include immediate family members of lobbyists and makes an exception allowing for accepting food or beverage for immediate consumption and tickets for charitable events approved by the legislative council.

**Sec. 24.** Adds gifts received by family members of legislators and legislative employees to the disclosures that are maintained for public record and forwarded to APOC. Gifts of value of \$250 or more must be reported within 30 days of receipt.

**Sec. 25.** This language puts disclosers on notice that legislators and legislative employees must disclose gifts of family members' to the Ethics Committee.

**Sec. 26.** Streamlines reporting requirements so that unless otherwise provided for, Ethics disclosure deadlines for legislators, legislative employees, and committee members will be "30 days after the commencement of the matter or interest".

**Sec. 27.** An additional disclosure report of service on a board, interest in a state contract or lease, participation in a state loan program, a close economic association, or representation of a client must be made within 30 days of the first day of session.

**Sec. 28.** New law requires a former legislator, legislative employee or public member of the Select Committee on Legislative Ethics to file disclosure information for all matters relevant to when that person was a legislator, legislative employee or public member of the Select Committee on Legislative Ethics even though they no longer hold that position.

**Sec. 29.** Adds an additional disclosure requirement within thirty days after the legislature goes into session of service on the board of an organization, interest in a state contract or lease, participation in a state program or loan, a close economic association, or representation of client before a state agency, board, or commission.

**Sec. 30.** Requires legislators, legislative employees, and public members of the Ethics Committee to file a final disclosure report with APOC within 90 days of leaving service.

**Sec. 39.** Revises list of financial information a legislator, public member of the committee, or a legislative director is required to disclose, by clarifying that disclosure of income received for personal services, or a loan or loan guarantee, are to be reported to APOC in the Annual Financial Disclosure in Title 24, not Title 39. It also requires that when personal income is reported the approximate numbers of hours worked must be reported along with any other information the earner wishes to report. (This amends the initiative language passed.)

**Sec. 40.** Requires a person who is appointed after the required annual report as a legislator, public member of the committee, or legislative director, must file a financial disclosure report with APOC within 30 days after the person is appointed. In addition, the person must file a financial disclosure report within 90 days of leaving service.

**Sec. 41.** Requires mandatory electronic filing of financial disclosures to APOC for legislators, legislative directors, and ethics committee members by July 1, 2008 except in a case where APOC makes an exception.

**Sec. 43.** Amends the definition of "anything of value", "benefit", or "thing of value" to include exemption of food or drink immediately consumed and tickets for a charity event.

**Sec. 64.** Repeals AS 24.60.037(d) temporary appointment of legislative members of ethics committee when conflicts occur which is now addressed in Section 29; and AS 24.60.080(k) definition of "immediate family" which was moved to Section 21.

#### PROCEDURES OF APOC AND THE ETHICS COMMITTEE

**Sec. 8.** Requires APOC to administer an annually updated training course for lobbyists and employers of lobbyists to promote high ethical standards of professional conduct.

**Sec. 9.** Instructs APOC to obtain a sworn affirmation by a lobbyist to verify that the lobbyist has completed a training course within a 12-month period preceeding the date of registering as a lobbyist.

**Sec. 18.** Streamlines the Ethics Committees reporting process for disclosures related to loans received or certain programs participated in by legislators or legislative employees changing the "within three weeks" to "next regularly scheduled report". Also allows staff to, upon request, edit information that if disclosed would cause unjustifiable invasion of personal privacy.

**Sec. 31.** Allows the chair of the Ethics Committee or a subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the chair can only appoint the alternate if the regular member has a conflict with an with an item on the meeting agenda.

**Sec. 32.** Adds to Select Committee on Ethics establishment clause a definition of "majority organizational caucus" which means "a group of legislators who have organized and elected a majority leader and constitute more than 50 percent of the total membership of the house or senate."

**Sec. 33.** Allows the chair of the Ethics Committee or a subcommittee to designate an alternate member to attend a meeting if the regular member and the alternate member are both accused of a violation in the complaint the committee is hearing.

**Sec. 34.** Adds to duties of the Ethics Committee, requiring that it publish certain educational legislative ethics materials, and in January of each year administer an ethics course to help people covered by the ethics code understand and follow it.

**Sec. 36.** Adds APOC and Ethics Committee to the list of entities that may request an advisory opinion under AS 24.60.160 and adds the requirement that advisory opinions be redacted before publication to protect the identity of the person involved. It also makes the vote record of the committee a public record.

**Sec. 37.** Allows persons who have provided legal advice to the Ethics Committee in the past, but no longer do so, to be appointed by the committee to present the case against the person charged. It also grants authority to the committee to approve the change date of a hearing beyond the current 20 - 90 days limit. It also allows the committee to dismiss a complaint if the delay caused by the complainant in the case is not supported by a compelling reason or would result in the person charged being deprived of a fair hearing.

#### **ENFORCEMENT STATUTES APOC AND ETHICS COMMITTEE**

**Sec. 23.** This amendment defines "immediate family", adds the office of victims' rights to the list of legislative employees that do not qualify for the discounts, and allows for a gift of transportation between legislators and legislative staff under certain circumstances. (Special discounts are given to legislators and their staff to make the stay during session more affordable. An example is reduced rates at a local athletic club.)  
**ETHICS**

**Sec. 26.** A new section that prohibits serving legislators from "directly or by authorizing another to act on the legislator's behalf, accepting or agreeing to accept compensation from anyone but the state for services related to their work. **ETHICS**

**Sec. 27.** Prohibits a legislator or legislative employee from being compensation for representation before a "municipal, legislative, or executive branch" entity. ETHICS

**Sec. 35.** New section requires legislators, legislative employees, and public members of the Ethics Committee to complete the legislative ethics course offered by the committee. ETHICS

**Sec. 38.** Defines the victims' advocate as the "appointing authority" for the purpose of determining how to sanction an employee of the Office of Victims' Rights found by the Ethics Committee to have violated the Legislative Ethics Act; and similarly defines the legislature as the "appointing authority" where the question is how to sanction the victims' advocate. ETHICS

**Sec. 42.** Requires APOC to notify the Alaska Legislative Council when the legislative director for the ombudsman's office or the office of victims' rights has failed to file a disclosure report with APOC.

**Sec. 56.** Expands the definition of "public official" AIDEA, board of directors of the Knik Arm Bridge and Toll Authority, Alaska labor Relations Agency, the Board of Trustees of the Alaska Mental Health Trust Authority, and the Board of Director of the Alaska Railroad Corporation. APOC

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## REPORTING - PUBLIC OFFICIALS - TITLE 39

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Secs. 65 - 69. **Applicability and effective date clauses.**