

HB

204

FISCAL NOTE

No. 5

Bill Version: HB 204

STATE OF ALASKA

BILL NO:

(H) Publish Date: 2/27/95

1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to alcohol related driving offenses of minors...
 Sponsor: Governor
 Requestor: _____

Dept. Affected: Public Safety
 BRU: Motor Vehicles
 Component: Driver Services
 COMPONENT SERIAL NO. 0500

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

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill will not impact the programs of the Division of Motor Vehicles. Current law requires DMV to administratively revoke the driver's license for the offense of minor in possession or consumption of alcohol.

Prepared By: Juanita M. Henlsey
 Division: Motor Vehicles
 Approved by Commissioner: *Ronald L. Otto*
 Agency: Ronald L. Otto, Dept of Public Safety

Phone: 465-2650
 Date: 2/21/95
 Date: 2/21/95

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FISCAL NOTE

No. 4
 Bill Version: HB 204
 (H) Publish Date: 2/27/95

STATE OF ALASKA 1995 LEGISLATIVE SESSION

BILL NO

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to alcohol related driving BRU: Alaska State Troopers
offenses of minors.... Component: Detachments
 Sponsor: Governor
 Requestor: _____ COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

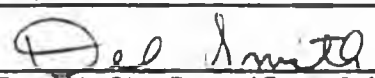
Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not impact the programs of the Alaska State Troopers. Currently, troopers are enforcing the alcohol laws as they pertain to minors including serving revocation notices to drivers.

Prepared By: 1st Sgt. Joe D'Amico Phone: 269-5412
 Division: Alaska State Troopers Date: 2/21/95
 Approved by Commissioner:  Date: 2/21/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

lo. 3
 Bill Version: HB 204
 (H) Publish Date: 2/27/95

**STATE OF ALASKA
1995 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...administrative revocation of a minor's license to drive...operating a motor vehicle after consuming alcohol..." BRU: Prosecution
 Sponsor: Rules on Request of the Governor Component: All
 Requester: Office of the Governor/OMB COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends As 28 to establishes a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft, or watercraft by creating three new criminal violations: "minor operating a vehicle after consuming alcohol", "minor's refusal to submit to a chemical test," and "driving within the 24 hours after being cited for minor operating a vehicle after consuming alcohol." These new offenses would be infractions and would not result in jail time being imposed. However, the penalty would be a fine of not more than \$1,000, an order that the minor perform community work service, or a combination of the two. The bill also provides that a minor convicted of these violations will also be subject to administrative revocation of the minor's driver's license under the state's "use it, lose it" statutes. The bill will not have a fiscal impact for the Department of Law because infractions are presented in district court by the arresting officer, which does not require the presence or assistance of a prosecutor.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/17/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/17/95
 Agency: Department of Law

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FISCAL NOTE

No. 2
 Session: HB 204
 (H) Publish Date: 2/27/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to the administrative revocation of a minor's license to drive ..."
 Sponsor: _____
 Requestor: _____

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) There are two variables which will determine impact: 1) the number of projected arrests related to these newly created infractions and 2) a legal determination regarding the right to legal representation for said infractions. Ordinarily an individual is not entitled to public counsel services for mere infractions. On the other hand, the possible sanctions go beyond the normal range for infractions to include loss of driver's license. As such, it is an open question regarding court-appointed legal representation and therefore fiscal impact, if any.

Prepared by: John B. Salvo Director
 Division: Public Defender Agency

Phone: (907) 264-4412
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/22/95

COMMITTEE PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

No. 1
 Bill Version: HA 204
 (H) Publish Date: 2/27/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to a minor operating vehicle after alcohol consumption ..."
 Sponsor: Governor
 Requestor: _____

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact.

Prepared by: Brant McGee *Burt*
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: 2-17-95

Approved by Commissioner: Mark Boyer *Burt*
 Agency: Department of Administration

Date: 2-17-95

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COMMITTEE COPY

Alaskans For Drug-Free Youth

Statewide Headquarters
 2417 Tongass, Suite #114
 Ketchikan, Alaska 99901
 Tel 907 247-2273
 1-800-478-2273
 Fax 907 247-2232

Post-It™ brand fax transmittal memo 7671		# of pages	1	
To	Gary Davis		From	Mimi Tucker
Co.			Co.	ADFY
Dept.			Phone #	247-2273
Fax #	465-3835		Fax #	247-2232

March 7, 1995

Representative Gary Davis
 Chairman, House Transportation Committee
 State Capitol, Room 420
 Juneau, AK 99801

Dear Representative Davis:

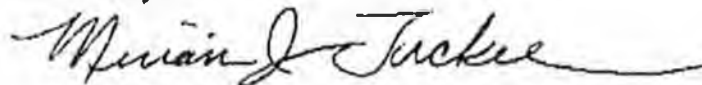
Alaskans For Drug-Free Youth, Ketchikan Partner, supports passage of HB204. We feel this bill offers an opportunity to intervene early with minors who operate a motor vehicle after consuming alcohol. This piece of legislation establishes a zero tolerance level for minors who consume alcohol and then drive.

An additional preventative feature of this bill is the provision that any minor who is cited for driving after consuming alcohol will be prohibited from operating a motor vehicle, aircraft, or watercraft during the 24 hours after the citation is issued. This will ensure that the minor does not drive while under the influence of alcohol.

The "zero tolerance" level for minors within this piece of legislation reinforces the support for no use of alcohol by anyone under the age of 21 and will make a positive impact in support of nurturing drug-free youth and their potential.

Please pass this early intervention legislation to help youth refuse the use of alcohol. This violation tool before a traffic judge can prevent future road tragedies for our young people.

Sincerely,



Miriam Tucker, President
 Ketchikan Partner



Community Partners

Anchorage
 Fairbanks
 Juneau
 Ketchikan
 Nome
 Petersburg
 Wrangell

Advisory Board

Mrs. Emalee Hickel

Tom Pool, Special Agent
 Drug Enforcement Administration

Mrs. Nancy Muskowsky
 Congressional Families for
 Drug-Free Youth

My G. Andrews
 FBI Demand Reduction Coordinator

Corporation Sponsors
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 Hymes Group
 Ketchikan Pulp Company
 The Landing/Gilmore/Annabelle's
 Louisiana Pacific Foundation
 A United Way Southeast Agency



LETTER OF SUPPORT

A Partner of National Family Partnership®
 Dedicated to Healthy, Drug Free Youth



March 6, 1995

Rep. Gary Davis, Chair
House Transportation Committee
State Capitol
Room 420
Juneau, AK 99801

Dear Representative Davis:

On behalf of the Alaska Council on Prevention of Alcohol and Drug Abuse, I would like to offer our complete support for HB 204 as it was introduced on February 27, 1995, by Governor Tony Knowles.

This important bill provides the state with new tools to respond to the problem of drunk driving by establishing a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft or watercraft.

The Alaska Council supports this intolerance for underage drinking and wholeheartedly believes that lives will be saved as a result of its strict enforcement. We are aware that drunk driving statistics continue to rise in Alaska despite the tireless efforts of law enforcement, and we believe the passage of this bill will help prevent the presence of additional drunk drivers on our streets and highways.

We support the bill's amendments to AS 28.15.183 and 28.15.184 which would give police officers and the appropriate officials the right to revoke a minor's driver's license or permit, privilege to drive and privilege to obtain a license, if the minor is found to be intoxicated while driving.

We support all other aspects of this bill as it is written, and urge your favorable action on it. Thank you, Gary, for your time and attention to this important matter.

Sincerely,

Joseph DiMatteo
Executive Director

March 7, 1995

Rep. Gary Davis, Chair
House Transportation Committee
State Capitol
Room 420
Juneau, AK 99801

Dear Representative Davis:

I, would like to offer my complete support for HB 204 as it was introduced on February 27, 1995, by Governor Tony Knowles.

This bill is important to me because it provides the state with new tools to respond to the problem of drunk driving by establishing a "zero tolerance level" for minors and I also believe this should apply to adults who consume alcohol and then operate a motor vehicle, aircraft or watercraft.

I, support the intolerance for underage drinking and believe that lives will be saved as a result of this bill's enforcement. As a parent of three teenagers I have a difficult time going to sleep on the weekends that the kids are out on the highways and by ways of Anchorage. I believe the passage of this bill will help prevent the presence of additional drunk drivers on our streets and highways.

I, support the bill's amendments to AS 28.15 183 and 28.15 184 which would give police officers and the appropriate officials the right to revoke a minor's driver's license or permit, privilege to drive and privilege to obtain a license, if the minor is found to be intoxicated while driving.

I, urge your favorable action on this bill.

Sincerely,

Sam Lambull

Sam Lambull

7431 Tangle Ct.

Anch. AK 99504

LETTER OF SUPPORT

Rep. Gary Davis, Chair
House Transportation Committee
State Capitol
Room 420
Juneau, AK 99801

March 7, 1995

Dear Representative Davis:

I am writing in support of HB 204 as it was introduced on February 27, 1995 by Governor Tony Knowles. If this sort of bill had been in effect when I was in high school, I believe many of the car crashes and drinking and driving that occurred unchecked might have been prevented.


Kids are smart and will react to a law that will effect them if they are caught in a car where alcohol or other drugs are present. This important bill gives the state stronger tools to combat impaired driving and sends a clear and consistent message that "zero-tolerance" is the standard for minors who consume alcohol and attempt to operate a motor vehicle, aircraft, or watercraft.

I support this intolerance for underage drinking and strong'y believe that it will get young people thinking about the consequences and directly save lives by keeping kids accountable for drinking or being in the presence of those drinking while driving.

I support the bill's amendments to AS 28.15.184 and 28.15.184 which gives police officers and the appropriate officials the right to revoke a minor's driver's license or permit, privilege to drive and privilege to obtain a license, if the minor is found to be intoxicated while driving.

Representative Davis, I urge your favorable action on this bill. Thank you for your time and attention.

Sincerely,


Tim S. McGrath
Alaskan

5889 Kensington Dr.
Anchorage AK 99504-3734

TONY KNOWLES
GOVERNOR



HB204
P O Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 27, 1995

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to minors operating vehicles after consuming alcohol. Despite our best efforts to date, the number of drunk drivers continues to rise in Alaska. The state needs new tools to respond to the problem of drunk driving.

An important step in making our roads and other avenues of transportation safe is to focus on high-risk drivers and let the police take them off the road before tragedy strikes. Two particularly high-risk groups of drivers are those who operate commercial motor vehicles and minors. The legislature addressed commercial motor vehicle operators in 1992, passing stringent laws that keep commercial drivers off the roads when they are under the influence of alcohol. The time has come to do the same with underage drivers, who generally are not allowed under the law to possess or consume any alcohol.

This bill establishes a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft, or watercraft. It does this by creating three new criminal violations: "minor operating a vehicle after consuming alcohol," "minor's refusal to submit to a chemical test," and "driving within the 24 hours after being cited for minor operating a vehicle after consuming alcohol."

These new offenses are only infractions and cannot result in jail time being imposed. Instead, the penalty is a fine of not more than \$1,000, an order that the minor perform community work service, or a combination of the two. An important feature of the proposed new law is that the minor can be taken off the road and to a police station or other location for the administration of a chemical test to determine the presence of

The Honorable Gail Phillips
February 27, 1995
Page 2

alcohol in the minor's blood or breath. If the minor refuses to take the test, that is a separate infraction, much like the misdemeanor crime of refusal we have for driving-while-intoxicated cases.

This bill's amendments to AS 28.15.183 and 28.15.184 would make the minor's driver's license or permit, privilege to drive, or privilege to obtain a license subject to administrative revocation under those "use it, lose it" statutes.

Under the bill, a minor who is cited for driving after consuming alcohol is prohibited from operating a motor vehicle, aircraft, or watercraft during the 24 hours after the citation is issued. This will help ensure that the minor stays off the road or other avenues of transportation while under the influence of alcohol.

I urge your favorable action on this bill.

Sincerely,



Tony Knowles
Governor

USE COMMITTEE REPORT

3/17/95

Judiciary

(7)
Date Referred: February 27, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/15

The TRANSPORTATION Committee considered:

HB 204

HOUSE BILL NO. 204

NO DRINK BEFORE DRIVING IF UNDER 21

"An Act relating to the administrative revocation of a minor's license to drive; creating criminal offenses of minor operating a vehicle after consuming alcohol, a minor's refusal to submit to chemical test, and driving during the 24 hours after being cited for minor operating a vehicle after consuming alcohol; establishing penalties for these offenses; and relating to implied consent to certain testing if operating a motor vehicle, aircraft, or watercraft."

recommends it be replaced the same title
with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ (5) zero fiscal note(s) (2) Admin, Law,
(2) Public Safety

SIGNING WIT' RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jerry Sanders</i> Sanders	✓			
<i>Frank Williams</i> Williams	✓			
<i>Donelle James</i> James	✓			
<i>Sileen P. MacLellan</i> MacLellan	✓			
<i>Bronko Masek</i> MASEK	✓			
<i>John A. Davis</i> G. Davis			✓	
	(5)		(1)	

CHAIR'S SIGNATURE

[Handwritten Signature]