

**HB**

**39**

# Alaska State Legislature

## House of Representatives



### Transportation Committee

Rep. Kohring, Chair  
Rep. Masek, Vice-Chair  
Rep. Kapsner  
Rep. Kookesh  
Rep. Ogun  
Rep. Scalzi  
Rep. Wilson

### AGENDA

February 15, 2001

1:00 – 3:00 p.m.

#### House Transportation Committee Room #17

House Bill 39: An Act relating to registration of motor vehicles, to operating a motor vehicle, aircraft or watercraft while intoxicated, and to driving with a cancelled, suspended, or revoked driver's license; relating to duties of the division of alcoholism and drug abuse regarding driving-while-intoxicated offenses; and providing for an effective date."

# Alaska State Legislature

## House of Representatives

RULES COMMITTEE, CHAIR  
COMMITTEE ON COMMITTEES  
LABOR & COMMERCE COMMITTEE  
MILITARY & VETERANS AFFAIRS  
LEGISLATIVE COUNCIL



INTERIM:  
10928 EAGLE RIVER RD., SUITE 141  
EAGLE RIVER, AK 99577

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801

### Sponsor Statement

#### HB 39 (CS)

This legislation focuses on those who have committed offenses relating to the crime of operating motorized vehicles while intoxicated.

The number of accidents and deaths attributed to the operation of motor vehicles, while under the influence of alcohol, is an ongoing problem in this state. Alaska ranks near the top with this serious problem. It is imperative that the State takes action in rectifying this problem.

The intent of this legislation is to strengthen the current motor vehicle statutes. Relating to the registration of motor vehicles, proof of insurance shall be a requirement to register a motor vehicle. Alcohol assessment and education shall be mandatory, during incarceration for DWI offense. Establishes an umbrella group to facilitate continued coordination, monitoring, and exchange of data between interested groups and organizations committed to deter drunk driving.

This legislation is imperative for the State of Alaska and a positive step forward to reduce the number of accidents and deaths that occur on Alaska roads.

I urge your support of this legislation.

### Representative Pete Kott

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1-800-861-KOTT(5688) FAX (907) 465-2819  
EAGLE RIVER OFFICE (907) 694-8944 FAX (907) 694-8945 E-MAIL: [representative\\_pete\\_kott@legis.state.ak.us](mailto:representative_pete_kott@legis.state.ak.us)  
<http://www.akRepublicans.org/Kott.htm>



22-LS0201\F  
Ford  
2/2/01

CS FOR HOUSE BILL NO. 39(TRA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE KOTT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration of motor vehicles; relating to treatment required upon  
2 conviction for operating a motor vehicle, aircraft, or watercraft while intoxicated;  
3 relating to duties of the division of alcoholism and drug abuse regarding driving-while-  
4 intoxicated offenses; and providing for an effective date."

5 BE 1. ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 \* Section 1. AS 28.10.041 is amended by adding a new subsection to read:

7 (d) The department shall refuse to register a vehicle if the applicant fails to  
8 provide evidence satisfactory to the department that the applicant has motor vehicle  
9 insurance as required by AS 28.22.

10 \* Sec. 2. AS 28.35.030(h) is amended to read:

11 (h) The court shall order a person convicted under this section to satisfy the  
12 screening, evaluation, referral, and program requirements of an alcohol safety action  
13 program if such a program is available in the community where the person resides, or  
14 a private or public treatment facility approved by the division of alcoholism and drug

1 abuse, of the Department of Health and Social Services, under AS 47.37 to make  
2 referrals for rehabilitative treatment or to provide rehabilitative treatment. If a person  
3 is convicted under (n) of this section, the court shall order the person to be evaluated  
4 as required by this subsection before the court imposes sentence for the offense.  
5 Treatment required under this subsection shall occur, as much as possible, while  
6 the person is incarcerated.

7 \* Sec. 3. AS 47.37.040(14) is amended to read:

8 (14) cooperate with the public, the Department of Public Safety, and  
9 the Department of Transportation and Public Facilities in establishing and conducting  
10 programs designed to deal with the problem of persons operating motor vehicles while  
11 intoxicated or under the influence of drugs; facilitate, coordinate, and monitor data  
12 between public groups interested in deterring driving-while-intoxicated offenses;  
13 [,] and develop and approve alcohol information courses required to be taken by  
14 drivers under AS 28.15 or made available to drivers to reduce points assessed for  
15 violation of traffic laws;

16 \* Sec. 4. This Act takes effect July 1, 2001.

# LEGAL SERVICES

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

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

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

## MEMORANDUM

February 2, 2001

**SUBJECT:** Sectional Summary of CSHB 39(TRA).  
**TO:** Representative Vic Kohrir,  
Attn: Mike  
**FROM:** Michael F. Ford *M.F.*  
Legislative Counsel

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

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

**Section 1.** Requires the department to refuse to register a motor vehicle if the applicant fails to insure the vehicle as required by law.

**Section 2.** Requires a person convicted of driving while intoxicated to receive alcoholism treatment, as much as possible, while incarcerated.

**Section 3.** Requires the Division of Alcoholism and Drug Abuse to assist public groups in efforts to deter D.W.I. offenses.

**Section 4.** Effective date.

MFF:glc  
01-097.glc

# CS HOUSE BILL 39 (TRA) FISCAL NOTES SUMMARY

## Expenditures/Revenues

Operating Expenditures	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>
Personal Services	297.1	297.1	297.1	297.1	297.1	297.1
Travel						
Contractual	260.8	252.3	232.3	232.3	232.3	232.3
Supplies	9.9	2.1	2.1	2.1	2.1	2.1
Equipment	32.4					
Land & Structures						
Grants & Claims						
Misc.						
<b>TOTAL OPERATING</b>	<b>600.2</b>	<b>551.5</b>	<b>531.5</b>	<b>531.5</b>	<b>531.5</b>	<b>531.5</b>

### Capital Expenditures

### Change in Revenues

## FUND SOURCE

1002 Federal Rcpt						
1003 GF Match						
1004 GF	314.0	265.3	245.3	245.3	245.3	245.3
1005 GF/Program Rcpt						
1037 GF/Mental Health	226.0	226.0	226.0	226.0	226.0	226.0
Other/MHTAAR	60.2	60.2	60.2	60.2	60.2	60.2
<b>TOTAL</b>	<b>600.2</b>	<b>551.5</b>	<b>531.5</b>	<b>531.5</b>	<b>531.5</b>	<b>531.5</b>

## Positions

Full Time	7.0	7.0	7.0	7.0	7.0	7.0
Part Time						

### Consists of:

- Administration (Div Motor Vehicles)
- Corrections

### Zero Fiscal Notes:

- Law
- Public Safety
- Administration (Public Defender)
- Health & Social Services
- Court System

Prepared by Mike Krieber, Transportation Aide  
14-Feb-01

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 39(TRA)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: An act relating to registration of motor vehicles, BRU: Motor Vehicles  
to operating a motor vehicle, aircraft, or watercraft..... Component: \_\_\_\_\_  
 Sponsor: Representative Kott  
 Requester: H (Trans) Component Number: 2348

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	236.9	236.9	236.9	236.9	236.9	236.9
Travel						
Contractual	34.8	26.3	6.3	6.3	6.3	6.3
Supplies	9.9	2.1	2.1	2.1	2.1	2.1
Equipment	32.4	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>314.0</b>	<b>265.3</b>	<b>245.3</b>	<b>245.3</b>	<b>245.3</b>	<b>245.3</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	314.0	265.3	245.3	245.3	245.3	245.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>314.0</b>	<b>265.3</b>	<b>245.3</b>	<b>245.3</b>	<b>245.3</b>	<b>245.3</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	6	6	6	6	6	6
Part-time						
Temporary						

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

Proposed CSHB39(tra) would require that the DMV verify that an applicant for vehicle registration provide proof of motor vehicle insurance under AS 28.22 before issuing a vehicle registration.

In Calendar Year 2000 there were approximately 385,300 original or renewal registrations processed. Approximately 85,000 of these were processed by business partners (car dealers or inspection stations). Under this bill, the partners would have to verify insurance on any transactions they process but this would not have a fiscal impact on DMV since the partners are not paid for these transactions. It may have an impact on the partners in that, with the added complexity and attendant customer complaints, they may not wish to continue this service. If this occurs, these transactions would revert back to a DMV office for processing and would require an additional 4 PFT positions that are not included in this fiscal note.

Prepared by: Charles R. Hosack Phone 269-5559  
 Division: Motor Vehicles Date/Time 2/5/01 3PM  
 Approved by: Jim Duncan, Commissioner Date 2/5/01  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

Of the remaining 300,300 transactions, approximately 40,000 were trailers which generally will not have a separate liability policy. DMV does not intend to ask for proof of insurance when registering trailers. Approximately 10,000 were larger commercial trucks which are already required to file proof of insurance with Division of Vehicle Enforcement in DOT. DMV does not intend to verify insurance on these vehicles.

That leaves 250,300 vehicle registration transactions in which DMV must verify insurance before registering the vehicle. In the verification process DMV must ensure that the vehicle or driver is included in the policy and that the policy is in effect at the time of registration. Since this is a new requirement many of the customers will not be aware of the requirement and will be turned away necessitating a second visit to DMV. DMV must also spend time addressing customer complaints/comments on the new requirements. It is estimated that on an average an additional 2 minutes per transaction will be needed. To absorb this workload DMV will need an additional 4.5 positions.

Approximately 29,000 of these transactions were done on electronic venues such as the web or phone which required no human intervention to process the transaction. It will not be possible to verify insurance in these venues so all of these transactions will revert back to the DMV field offices. It will require 1.5 positions to process these transactions.

Many of the registrations renewals processed by mail will have to be returned because insurance proof not submitted. This will increase customer complaints which will take employee time to address. Additional postage costs are estimated to be \$5,000.

These costs reflect what will be needed to comply with the requirements of the bill but this will not have a substantial impact on uninsured drivers. The registration period for most vehicles is 2 years whereas the typical insurance policy is only written for 6 months and this leaves the potential for large gaps in coverage. The only effective method is to have continuous electronic verification with the insurance companies. There are vendors who provide this service and the annual cost is based on the number of registered vehicles. At a typical cost of \$2 per vehicle, the cost for this service in Alaska would be \$1.4 million per year.

Summary of Costs

6 PFT positions @ \$39,477	236,862
Standard Equipment, Supplies, phone @ \$8678	52,068
Postage	5,000
Advertising (first two years)	20,000
TOTAL	\$313,930

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB 39 (TRAN)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 02/03/01 9:01 a.m. Dept. Affected: Corrections  
Title: Vehicle Registration/DWI/Forfeiture BRU: 271  
Component: Institutions  
Sponsor: Representative Kott  
Requester: Transportation Committee Component Number: 1381

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	60.2	60.2	60.2	60.2	60.2	60.2
Travel						
Contractual	226.0	226.0	226.0	226.0	226.0	226.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health	226.0	226.0	226.0	226.0	226.0	226.0
Other/MHTAAR	60.2	60.2	60.2	60.2	60.2	60.2
<b>TOTAL</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

The Department of Corrections has contracted for Inmate Substance Abuse Treatment Services (ISAT) since 1993. There have been no budget increments since that time for these programs. The Department is having increasing trouble maintaining its current level of care because of the inability to increase contracts. Several measures have been taken to try to accommodate the situation without decreasing level of service. The Department has reached a point where we are no longer going to be able to maintain the level of care that we currently have, let alone increase it to facilitate increased concern over treatment in the facilities. We have an increment in the Governor's 02 budget to provide for one full time assessment specialist who would be able to help accurately refer inmates to appropriate programs so there is an increase in efficiencies in the system. We also have an increment for increasing the funding to support our ISAT contracts. Without these increments we will be unable to continue to provide the very basic service that we currently provide to attempt to stop this cycle of repeat offenders.

Prepared by: Candace Brower Phone 465-4652  
Division: Commissioner's Office Date/Time 2/3/01 12:00 AM  
Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CS HB 39 (TRA)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
Title: An Act Relating to registration of motor vehicles; BRU: Alcohol & Drug Abuse Svcs  
relating to treatment required upon col Component: Alcohol Safety Action Program  
Sponsor: Rep. Kott  
Requester: Judiciary Component Number: 305

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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 (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Section 2 states that upon conviction treatment shall occur, as much as possible, while incarcerated. This has no impact on DHSS.

Section 3 amends AS 47.37.040(14) and has no fiscal impact on the Division of Alcoholism and Drug Abuse

Prepared by: Loren A. Jones Phone 269-7153  
Division: Alcoholism and Drug Abuse Date/Time 2/5/01 1:29 PM  
Approved by: Elmer A. Lindstrom, Special Assistant Date 2/5/01 1:29 PM  
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB 39 (TRA) WD "C"  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title "An Act relating to registration of motor vehicles; BRU Criminal Division  
relating to treatment . . . operating a motor vehicle . . ." Component All  
Sponsor Representative Kott  
Requester House Transportation Committee Component No. 2198-99;2201-03/61/79

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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 (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
CSHB 39 (TRA) Work Draft "C" makes the following statutory changes: 1) The Division of Motor Vehicles would be prohibited from registering a vehicle if the applicant does not have the motor vehicle insurance required by law. 2) The bill requires treatment conditions imposed by the court as part of a sentence for DWI be completed by the offender while incarcerated, as much as is possible. 3) In addition, the Division of Alcohol and Drug Abuse would be required to cooperate with public groups both in establishing and conducting programs designed to deal with DWIs, and in facilitating, coordinating, and monitoring data between public groups interested in deterring DWI offenses.

In the prior version of this bill, the primary financial impact on the Department of Law was due to the elimination of "look back" for felony DWI. Work Draft "C" removes this provision. The bill as drafted in Work Draft "C" will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370  
Division: Attorney General's Office Date/Time 2/2/01 12:34 PM  
Approved by: Kathryn Daughetee for Bruce M. Botelho, Attorney General Date 2/2/01  
Agency: Department of Law

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS for HB 39 (Trans)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to registration of motor vehicles; BRU: AST Detachment  
relating to treatment required upon conviction of operating ... Component: AST Detachment  
 Sponsor: Representative Kott  
 Requester: House Transportation Committee Component Number: 2325

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>						

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill is not expected to have a fiscal impact.

Prepared by: Royce Weller, Special Assistant Phone 465-2649  
 Division: Office of the Commissioner Date/Time 2/1/01 12:00 AM  
 Approved by: Glenn G. Godfrey, Commissioner Date 2/1/01  
 Agency: Department of Public Safety

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB39(TRA)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title: "An Act relating to registration of motor vehicles..." BRU: Legal & Advocacy  
Sponsor: Representative Kott Component: Public Defender Agency  
Requester: (H) TRA Component Number: 1631

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	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						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)						
<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 (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The Transportation Committee Substitute for HB39 will have no fiscal impact on the Public Defenders' Office.

Prepared by: Barbara Brink, Director Phone (907) 334-4414  
Division: Public Defender Agency Date/Time 2/5/2001 9:00AM  
Approved by: Jim Duncan, Commissioner Date 2/5/01  
Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. HB 39 work draft  
22-LS0201C

Revision Date/Time (Note if correction) _____	Dept. Affected _____
Title <u>DWI Offenses</u>	BRU <u>Alaska Court System</u>
	Component <u>Trial Courts</u>
Sponsor <u>Rep. Pete Kott</u>	
Requester <u>House Transportation Committee</u>	Component No. <u>768</u>

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS.** (Attach a separate page if necessary)  
 The court system does not anticipate any fiscal impact from the passage of draft committee substitute for HB 39 22-LS0201C dated 2/1/01.

Prepared by: <u>Douglas Wooliver</u>	Phone <u>463-4750</u>
Division: <u>Alaska Court System</u>	Date/Time <u>02/01/01 2:30 p.m.</u>
Approved by: <u>Stephanie Cole</u>	Date <u>2/1/01</u>
Agency: <u>Alaska Court System</u>	

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# 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

January 15, 2001

**SUBJECT:** Sectional Summary of HB 39 - Driving while intoxicated

**TO:** Representative Pete Kott  
Attn: Roger

**FROM:** Michael F. Ford   
Legislative Counsel

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

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

**Section 1.** Requires the Department of Administration to refuse to register a vehicle if the driver has a suspended or revoked driver's license or fails to provide proof of insurance.

**Section 2.** Requires a motor vehicle used by a person convicted of driving with a suspended or revoked driver's license to be forfeited.

**Section 3.** Requires a motor vehicle used by a person convicted of driving while intoxicated to be forfeited.

**Section 4.** Requires that alcoholism treatment for a person convicted of D.W.I. occur as much as possible, while incarcerated.

**Section 5.** Provides that a third conviction for D.W.I. constitutes a class C felony. Repeals the requirement that a third conviction must occur within a five year period. Requires a motor vehicle used by a person convicted of felony driving while intoxicated to be forfeited.

**Section 6.** Repeals the requirement that a conviction for D.W.I. only counts as a previous conviction if the offense occurs within the preceding 10 years.

**Section 7.** Provides for procedures for vehicle forfeiture for D.W.I.

Representative Pete K  
January 15, 2001  
Page 2

Section 8. Technical amendment.

Section 9. Technical amendment.

Section 10. Technical amendment.

Section 11. Requires the division of alcoholism and drug abuse to assist public groups working for a reduction in D.W.I. offenses.

Section 12. Applicability section.

Section 13. Effective date.

If I may be of further assistance, please advise.

MFF:lmb  
01-015.lmb

## CS HOUSE BILL 39 (TRA) FISCAL NOTES SUMMARY

### Expenditures/Revenues

Operating Expenditures	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>
Personal Services	297.1	297.1	297.1	297.1	297.1	297.1
Travel						
Contractual	260.8	252.3	232.3	232.3	232.3	232.3
Supplies	9.9	2.1	2.1	2.1	2.1	2.1
Equipment	32.4					
Land & Structures						
Grants & Claims						
Misc.						
<b>TOTAL OPERATING</b>	<b>600.2</b>	<b>551.5</b>	<b>531.5</b>	<b>531.5</b>	<b>531.5</b>	<b>531.5</b>

### Capital Expenditures

### Change in Revenues

### FUND SOURCE

1002 Federal Rcpt						
1003 GF Match						
1004 GF	314.0	265.3	245.3	245.3	245.3	245.3
1005 GF/Program Rcpt						
1037 GF/Mental Health	226.0	226.0	226.0	226.0	226.0	226.0
Other/MHTAAR	60.2	60.2	60.2	60.2	60.2	60.2
<b>TOTAL</b>	<b>600.2</b>	<b>551.5</b>	<b>531.5</b>	<b>531.5</b>	<b>531.5</b>	<b>531.5</b>

### Positions

Full Time	7.0	7.0	7.0	7.0	7.0	7.0
Part Time						

### Consists of:

- Administration (Div Motor Vehicles)
- Corrections

### Zero Fiscal Notes:

- Law
- Public Safety
- Administration (Public Defender)
- Health & Social Services
- Court System

Prepared by Mike Kriebler, Transportation Aide  
14-Feb-01

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 39(TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: An act relating to registration of motor vehicles, BRU: Motor Vehicles  
to operating a motor vehicle, aircraft, or watercraft..... Component: \_\_\_\_\_  
 Sponsor: Representative Kott  
 Requester: H (Trans) Component Number: 2348

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	236.9	236.9	236.9	236.9	236.9	236.9
Travel						
Contractual	34.8	26.3	6.3	6.3	6.3	6.3
Supplies	9.9	2.1	2.1	2.1	2.1	2.1
Equipment	32.4	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>314.0</b>	<b>265.3</b>	<b>245.3</b>	<b>245.3</b>	<b>245.3</b>	<b>245.3</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	314.0	265.3	245.3	245.3	245.3	245.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>314.0</b>	<b>265.3</b>	<b>245.3</b>	<b>245.3</b>	<b>245.3</b>	<b>245.3</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	6	6	6	6	6	6
Part-time						
Temporary						

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

Proposed CSHB39(tra) would require that the DMV verify that an applicant for vehicle registration provide proof of motor vehicle insurance under AS 28.22 before issuing a vehicle registration.

In Calendar Year 2000 there were approximately 385,300 original or renewal registrations processed. Approximately 100,000 of these were processed by business partners (car dealers or inspection stations). Under this bill, the partners would have to verify insurance on any transactions they process but this would not have a fiscal impact on DMV since the partners are not paid for these transactions. It may have an impact on the partners in that, with the added complexity and attendant customer complaints, they may not wish to continue this service. If this occurs, these transactions would revert back to a DMV office for processing and would require an additional 4 PFT positions that are not included in this fiscal note.

Prepared by: Charles R. Hosack Phone 269-5559  
 Division: Motor Vehicles Date/Time 2/5/01 3PM  
 Approved by: Jim Duncan, Commissioner Date 2/5/01  
 Agency: Department of Administration

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ANALYSIS: (continued)

Of the remaining 300,300 transactions, approximately 40,000 were trailers which generally will not have a separate liability policy. DMV does not intend to ask for proof of insurance when registering trailers. Approximately 10,000 were larger commercial trucks which are already required to file proof of insurance with Division of Vehicle Enforcement in DOT. DMV does not intend to verify insurance on these vehicles.

That leaves 250,300 vehicle registration transactions in which DMV must verify insurance before registering the vehicle. In the verification process DMV must ensure that the vehicle or driver is included in the policy and that the policy is in effect at the time of registration. Since this is a new requirement many of the customers will not be aware of the requirement and will be turned away necessitating a second visit to DMV. DMV must also spend time addressing customer complaints/comments on the new requirements. It is estimated that on an average an additional 2 minutes per transaction will be needed. To absorb this workload DMV will need an additional 4.5 positions.

Approximately 29,000 of these transactions were done on electronic venues such as the web or phone which required no human intervention to process the transaction. It will not be possible to verify insurance in these venues so all of these transactions will revert back to the DMV field offices. It will require 1.5 positions to process these transactions.

Many of the registrations renewals processed by mail will have to be returned because insurance proof was not submitted. This will increase customer complaints which will take employee time to address. Additional postage costs are estimated to be \$5,000.

These costs reflect what will be needed to comply with the requirements of the bill but this will not have a substantial impact on uninsured drivers. The registration period for most vehicles is 2 years whereas the typical insurance policy is only written for 6 months and this leaves the potential for large gaps in coverage. The only effective method is to have continuous electronic verification with the insurance companies. There are vendors who provide this service and the annual cost is based on the number of registered vehicles. At a typical cost of \$2 per vehicle, the cost for this service in Alaska would be \$1.4 million per year.

Summary of Costs

6 PFT positions @ \$39,477	236,862
Standard Equipment, Supplies, phone @ \$8678	52,068
Postage	5,000
Advertising (first two years)	20,000
TOTAL	\$313,930

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 39 (TRAN)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 02/03/01 9:01 a.m. Dept. Affected: Corrections  
 Title: Vehicle Registration/DWI/Forfeiture BRU: 271  
 Component: Institutions  
 Sponsor: Representative Kott  
 Requester: Transportation Committee Component Number: 1381

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	60.2	60.2	60.2	60.2	60.2	60.2
Travel						
Contractual	226.0	226.0	226.0	226.0	226.0	226.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health	226.0	226.0	226.0	226.0	226.0	226.0
Other/MHTAAR	60.2	60.2	60.2	60.2	60.2	60.2
<b>TOTAL</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>	<b>286.2</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

The Department of Corrections has contracted for Inmate Substance Abuse Treatment Services (ISAT) since 1993. There have been no budget increments since that time for these programs. The Department is having increasing trouble maintaining its current level of care because of the inability to increase contracts. Several measures have been taken to try to accommodate the situation without decreasing level of service. The Department has reached a point where we are no longer going to be able to maintain the level of care that we currently have, let alone increase it to facilitate increased concern over treatment in the facilities. We have an increment in the Governor's 02 budget to provide for one full time assessment specialist who would be able to help accurately refer inmates to appropriate programs so there is an increase in efficiencies in the system. We also have an increment for increasing the funding to support our ISAT contracts. Without these increments we will be unable to continue to provide the very basic service that we currently provide to attempt to stop this cycle of repeat offenders.

Prepared by: Candace Brower Phone 465-4652  
 Division: Commissioner's Office Date/Time 2/3/01 12:00 AM  
 Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
 Agency: Department of Corrections

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# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 39 (TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: An Act Relating to registration of motor vehicles; BRU: Alcohol & Drug Abuse Svcs  
relating to treatment required upon coi Component: Alcohol Safety Action Program  
 Sponsor: Rep. Kott  
 Requester: Judiciary Component Number: 305

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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 (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Section 2 states that upon conviction treatment shall occur, as much as possible, while incarcerated. This has no impact on DHSS.

Section 3 amends AS 47.37.040(14) and has no fiscal impact on the Division of Alcoholism and Drug Abuse.

Prepared by: Loren A. Jones Phone 269-7153  
 Division: Alcoholism and Drug Abuse Date/Time 2/5/01 1:29 PM  
 Approved by: Elmer A. Lindstrom, Special Assistant Date 2/5/01 1:29 PM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 39 (TRA) WD "C"  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to registration of motor vehicles; relating to treatment . . . operating a motor vehicle . . ." BRU Criminal Division  
 Component All  
 Sponsor Representative Kolt  
 Requester House Transportation Committee Component No. 2198-99;2201-03/61/79

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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 (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 CSHB 39 (TRA) Work Draft "C" makes the following statutory changes: 1) The Division of Motor Vehicles would be prohibited from registering a vehicle if the applicant does not have the motor vehicle insurance required by law. 2) The bill requires treatment conditions imposed by the court as part of a sentence for DWI be completed by the offender while incarcerated, as much as is possible. 3) In addition, the Division of Alcohol and Drug Abuse would be required to cooperate with public groups both in establishing and conducting programs designed to deal with DWIs, and in facilitating, coordinating, and monitoring data between public groups interested in deterring DWI offenses.

In the prior version of this bill, the primary financial impact on the Department of Law was due to the elimination of "look back" for felony DWI. Work Draft "C" removes this provision. The bill as drafted in Work Draft "C" will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370  
 Division Attorney General's Office Date/Time 2/2/01 12:34 PM  
 Approved by: Kathryn Daughhettee for Bruce M. Botelho, Attorney General Date 2/2/01  
 Agency Department of Law

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS for HB 39 (Trans)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to registration of motor vehicles; BRU: AST Detachment  
relating to treatment required upon conviction of operating ... Component: AST Detachment  
 Sponsor: Representative Kott  
 Requester: House Transportation Committee Component Number: 2325

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>						

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill is not expected to have a fiscal impact.

Prepared by: Royce Weller, Special Assistant Phone 465-2649  
 Division: Office of the Commissioner Date/Time 2/1/01 12:00 AM  
 Approved by: Glenn G. Godfrey, Commissioner Date 2/1/01  
 Agency: Department of Public Safety

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB39(TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to registration of motor vehicles..." BRU: Legal & Advocacy  
 Component: Public Defender Agency  
 Sponsor: Representative Kott  
 Requester: (H) TRA Component Number: 1631

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	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						
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)						
<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 (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The Transportation Committee Substitute for HB39 will have no fiscal impact on the Public Defenders' Office.

Prepared by: Barbara Brink, Director Phone (907) 334-4414  
 Division: Public Defender Agency Date/Time 2/5/2001 9:00AM  
 Approved by: Jim Duncan, Commissioner Date 2/5/01  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. HB 39 work draft  
22-LS0201\C

Revision Date/Time (Note if correction) _____	Dept. Affected _____
Title <u>DWI Offenses</u>	BRU <u>Alaska Court System</u>
	Component <u>Trial Courts</u>
Sponsor <u>Rep. Pete Kott</u>	
Requester <u>House Transportation Committee</u>	Component No. <u>768</u>

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The court system does not anticipate any fiscal impact from the passage of draft committee substitute for HB 39 22-LS0201\C dated 2/1/01.

Prepared by: <u>Douglas Wooliver</u>	Phone <u>463-4750</u>
Division: <u>Alaska Court System</u>	Date/Time: <u>02/01/01 2:30 p.m.</u>
Approved by: <u>Stephanie Cole</u>	Date: <u>2/1/01</u>
Agency: <u>Alaska Court System</u>	

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 39  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
 Title: Vehicle Registration/DWI/Forfeiture BRU: 271  
 Component: All  
 Sponsor: Representative Kott  
 Requester: House Transportation Committee Component Number: 694

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	330.0	1,789.5	1,789.5	1,789.5	1,789.5	1,789.5
Travel	0.0	70.0	70.0	70.0	70.0	70.0
Contractual	6.0	100.5	100.5	100.5	100.5	100.5
Supplies	3.0	65.5	113.5	113.5	113.5	113.5
Equipment	12.0	58.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous	23,093.9	35,925.3	36,888.9	36,888.9	36,888.9	36,888.9
<b>TAL OPERATING</b>	<b>23,444.9</b>	<b>38,008.8</b>	<b>38,962.4</b>	<b>38,962.4</b>	<b>38,962.4</b>	<b>38,962.4</b>

<b>CAPITAL EXPENDITURES</b>	<b>90,595.0</b>					
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	114,039.9	38,008.8	38,962.4	38,962.4	38,962.4	38,962.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>114,039.9</b>	<b>38,008.8</b>	<b>38,962.4</b>	<b>38,962.4</b>	<b>38,962.4</b>	<b>38,962.4</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	6	35	35	35	35	35
Part-time						
Temporary						

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

There are three elements in this bill that have a direct fiscal impact on the Department of Corrections. They are:  
 #1. The section that removes the 5 year look-back for 3rd time DWI offenders, thus making all 3rd time offenders felons regardless of when they had their two previous convictions. According to the Department of Law, based on DMV records from 1999, (and looking back ten years) this will capture an estimated 800 new convicted felons. If we subtract the current average misdemeanor sentence from the current average felony sentence for each category of offender (e.g. 3rd, 4th, 5th, etc) and multiply that by the percentages of those offenders in the pool of 800, we calculate how many additional mandays will be required. We then multiply that by \$88/day (combination of half time in hard beds and half time in CRCs) and the result is the additional operating cost for this piece alone (\$19,105,040 in FY02; \$31,846,496 in FY03; \$32,810,008 in FY04; FY05, FY06 & FY07).

New felons will require more probation officers to write pre-sentence reports and supervise them once they are in the

Prepared by: Candace Brower Phone 465-4652  
 Division: Commissioner's Office Date/Time 1/30/01/10:30 p.m.  
 Approved by: Margaret Pugh Date 1/31/01  
 Agency: Department of Corrections

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ANALYSIS: (continued)community. Felony DWI caseloads are considered labor intensive because these individuals often violate conditions of probation and require petitions to revoke probation. Given 800 new felons at 50 per probation officer, the Department would need an additional 16 probation officers to supervise caseloads, 6 probation officers to write pre-sentence reports plus 8 Criminal Justice Technicians and 5 clerical staff in order to be able to support the increase. The positions will need the requisite equipment, supplies, etc. FY02 would only require the 6 new probation officers that would do the pre-sentence reports because no one will likely be getting out the first year.

The Department of Corrections is always experiencing a shortage of prison beds and this infusion of new felons would really expand the system beyond critical mass. The \$90,595,000 (in 1999 dollars) capital cost for expanding existing facilities to accommodate the offenders addressed in this bill were first presented in the Department's Expansion Plan several years ago:

221 beds Palmer Correctional Center  
48 beds Yukon-Kuskokwim Correctional Center  
256 beds Wildwood Correctional Center  
80 beds Fairbanks Correctional Center  
64 beds Mat-Su Pre-Trial Facility  
64 beds Lemon Creek Correctional Center  
733 Total

The remaining 67 offenders (800 less 733) might be able to be absorbed at the new Anchorage Jail, and that will still leave 800 offenders in Arizona.

#2. The section that removes the 10 year lookback for 2nd time DWI offenders adds an additional \$19,840 per year. That is the percentage of 2nd time DWI offenders who go their second conviction after a 10 year period.

#3. The section requiring alcohol treatment to be completed during incarceration, when possible. To accommodate the 800 new felons would require an additional \$4,059,004 (which is reflected in the miscellaneous number).

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 39  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Registration of Motor Vehicle, Operating Motor BRU: AST Detachment  
Vehicle, Aircraft, Watercraft while intoxicated & Drivers License Component: AST Detachment  
 Sponsor: Representative Kott  
 Requester: Transportation Component Number: 2325

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	47.6	47.6	47.6	47.6	47.6	47.6
Travel	5.0	5.0	5.0	5.0	5.0	5.0
Contractual	198.1	198.1	198.1	198.1	198.1	198.1
Supplies	2.5	2.5	2.5	2.5	2.5	2.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>253.2</b>	<b>253.2</b>	<b>253.2</b>	<b>253.2</b>	<b>253.2</b>	<b>253.2</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	253.2	253.2	253.2	253.2	253.2	253.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>253.2</b>	<b>253.2</b>	<b>253.2</b>	<b>253.2</b>	<b>253.2</b>	<b>253.2</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

The Department of Public Safety estimates it will require \$253.2 GF at a minimum for handling 250 vehicles that are forfeitures under HB 39. This legislation will require one full-time Procurement Specialist I, range 14 position to manage the inventory (200 vehicles and 50 snow-machines). Included in this analysis are the transportation costs, storage costs, DMV Fees, and I/M Test Fees. The transportation costs include twenty-five percent of the vehicles would require long-distance transportation (vehicle transport contractor - \$900 per vehicle) and seventy-five percent by short-distance (towing companies - \$50 per vehicle). The storage of vehicle (\$450 annually) and snow-machine (\$350 annually) would be contracted out to general automobile/RV storage facilities.

The following costs are not included in this fiscal note: the administrative fee charged for the sale of vehicles (5% - 10% of sale proceeds); loan payoff of vehicles forfeited; and secure arrangements for vehicle storage.

Prepared by: Lt. Steve Dunnagan Phone 269-4532  
 Division: Alaska State Troopers Date/Time 1/31/01 11:30am  
 Approved by: Glenn G. Godfrey, Commissioner Date 1/31/01  
 Agency: Department of Public Safety

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# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 39  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: An act relating to registration of motor vehicles,  
to operating a motor vehicle, aircraft, or watercraft.....  
 Sponsor: Representative Kott  
 Requester: House Transportation

Dept. Affected: Administration  
 BRU: Motor Vehicles  
 Component: \_\_\_\_\_  
 Component Number: 2348

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	430.2	430.2	430.2	430.2	430.2	430.2
Travel						
Contractual	38.3	10.5	10.5	10.5	10.5	10.5
Supplies	18.2	3.5	3.5	3.5	3.5	3.5
Equipment	59.3	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>546.0</b>	<b>444.2</b>	<b>444.2</b>	<b>444.2</b>	<b>444.2</b>	<b>444.2</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	546.0	444.2	444.2	444.2	444.2	444.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>546.0</b>	<b>444.2</b>	<b>444.2</b>	<b>444.2</b>	<b>444.2</b>	<b>444.2</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	10				
Part-time	1				
Temporary					

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

Section 1 of this bill will have a fiscal impact in that DMV shall refuse to register a vehicle or renew a registration if the applicant does not have a driver license and the applicant's license or privilege to drive is suspended or revoked. The insurance requirement would have no fiscal impact because the current program of self-certification could continue. While the remainder of this bill addresses DWI issues, the language of Section 1 requires DMV to take actions on all suspensions or revocations regardless of the cause.  
 (Continued)

Prepared by: Charles R. Hosack  
 Division: Motor Vehicles  
 Approved by: Jim Duncan, Commissioner  
 Agency: Department of Administration

Phone 269-5559  
 Date/Time 1/31/01 11:00 am  
 Date 1/31/01

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ANALYSIS: (continued)

This provision is difficult to administer because the driver license and vehicle data bases are not linked electronically. In the driver license program there is a requirement to positively identify the person so that convictions can be placed on the correct record. In the vehicle program identification of that specific property is key and there is no requirement to positively identify each vehicle owner. In fact there is not a requirement to use a complete legal name on ownership or registration records. This fact plus the issues of multiple ownership, business ownership, etc, makes it difficult and cumbersome to link the two data bases. DMV's estimate of a project to link the two data bases is \$1.5 to \$2 million for contract programming staff and would take 2 years to complete. This is no small undertaking and would not allow the provision to be implemented by the effective date of the bill.

Because there is no electronic link it will be necessary to review the driving record of each applicant every time a registration transaction is done. The annual volume of these transactions is 350,000 which includes both new and renewal transactions.

There are four areas of the registration program where this section will have a fiscal impact.

1. Business Partners - DMV uses business partners such as car dealers and emission inspection stations to process registrations. These partners are linked electronically to DMV for processing in real time and they operate much the same as a DMV office. Driver license information is confidential by statute and these partners are not allowed access to this information. These partners process 65,000 registration transactions annually and they would have to deny registration based on the applicants driver license status. DMV cannot give them access to driver information so it will be necessary to develop a new computer application that will allow query by driver license but will only return a "Yes" or "No" indicator based on the driving record status. This work will be done by a contract for programming service at the state's standard contract rates.

160 Hours x \$122.77 per hour = \$19,643  
ITG contract administration fee = \$ 659

Note: Although it is not a cost to the state, vehicle sales may be affected if the dealer's inquiry returns a "no" reply on the purchaser.

2. Web/Phone Renewal Services - These electronic venues are completely automated so there is not a possibility to review the applicant's record to determine if the license is suspended or revoked. A person other than the owner could renew the registration if they were willing to pay for it and this complicates the problem further. These services will be discontinued and it is assumed that the applicants will now go to a DMV office or use the mail to renew registrations. The volume of transactions on these two venues is 30,000 annually. Using the standard renewal rate, one employee can process 20,000 transactions so this will require 1.5 PFT positions plus equipment and other costs.

1 PFT position and 1 PPT position, range 10 \$59,215  
Equipment and associated costs \$17,356

ANALYSIS: (continued)

3. DMV Field Office Work - The remainder of the renewal transactions, 285,000 annually, will be done at a DMV office and it will be necessary to review the driving record prior to issuing the registration. This volume will lengthen the transaction and wait times and will require additional staffing to compensate. Assuming one employee can do 50,000 reviews annually then it will require 6 new PFT position for this work. In addition the mail renewal program would need 1 additional PFT position to ensure registrations are completed in a timely manner and returned to the owner. The annual volume of mail renewals is 70,000 and DMV is required to meet rigid time constraints in this program.

7 PFT positions, range 10	\$276,339
Equipment and associated costs	\$ 60,746

4. Hearing Process - Whenever DMV refuses to register a vehicle it is required to offer the opportunity to have a hearing as a matter of due process. There are approximately 15,000 license suspensions or revocations each year. It is estimated that 10% will request a hearing. This is the same average that request hearings on driver license actions. This volume will require 1 hearing officer and 1 support person.

1 PFT Hearing Officer, range 16	\$55,119
1 PFT position for admin support, range 10	\$39,477
Equipment and associated costs	\$17,356

Summary Costs (First Year)

Personal Services (10 PFT, 1 PPT)	\$430.2
Associated Costs	
Contractual	\$ 38.3
Commodities	\$ 18.2
Equipment	\$ 59.3
Total	\$546.0

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 39  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to registration of motor vehicles, BRU Criminal Division  
to operating a motor vehicle . . . while intoxicated . . ." Component 3rd-4th Judicial Districts  
 Sponsor Representative Kott  
 Requester House Transportation Committee Component No. 2261;2279;2201

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	563.1	563.1	563.1	563.1	563.1	563.1
Travel	1.8	1.8	1.8	1.8	1.8	1.8
Contractual	87.0	87.0	87.0	87.0	87.0	87.0
Supplies	7.5	7.5	7.5	7.5	7.5	7.5
Equipment	39.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>698.4</b>	<b>659.4</b>	<b>659.4</b>	<b>659.4</b>	<b>659.4</b>	<b>659.4</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	698.4	659.4	659.4	659.4	659.4	659.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>698.4</b>	<b>659.4</b>	<b>659.4</b>	<b>659.4</b>	<b>659.4</b>	<b>659.4</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	7	7	7	7	7	7
Part-time						
Temporary						

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

HB 39 makes several changes to the law that are associated with driving while intoxicated: 1) The Division of Motor Vehicles would be prohibited from registering a vehicle if the applicant does not have a valid driver's license or the license has been suspended or revoked, or if the applicant does not have the motor vehicle insurance required by law. 2) A person convicted of driving while their license was canceled, suspended, revoked would, in addition to current penalties, be subject to having the vehicle used in the commission of the offense forfeited. 3) Eliminates the "look back" time limit for the second offense of misdemeanor DWI and refusal to take a breath test. No matter how long ago the first offense occurred, under this change the second offense would be subject to the same penalty. Under current law, the state can only "look back" ten years for a first offense, and if that offense is older than ten years, it may not be considered. For charging and sentencing purposes, the second offense becomes the first again. 4) Requires the vehicle used during a second DWI offense (but not necessarily refusal) be forfeited upon conviction. 5) Eliminates the "look back" time limit for the third offense of felony DWI. Under current law, the state can only look back five years for a prior DWI conviction. 6) Requires the vehicle used during the third DWI be forfeited upon conviction. The bill also requires that alcohol

Prepared by: Joan M. Kasson Phone 465-5370  
 Division Attorney General's Office Date/Time 1/30/01 4:41 PM  
 Approved by: Kathryn Daughthetee for Bruce M. Botelho, Attorney General Date 01/30/2001  
 Agency Department of Law

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FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. HB 39

**ANALYSIS CONTINUATION**

treatment conditions imposed by the court as part of a sentence for DWI be completed by the offender while incarcerated, as much as is possible, and that the Division of Alcohol and Drug Abuse cooperate with public groups both in establishing and conducting programs designed to deal with DWIs, and in facilitating, coordinating, and monitoring data between public groups interested in deterring DWI offenses.

The Department of Law will be impacted financially primarily by the elimination of "look back" for felony DWI. The elimination of misdemeanor DWI "look back" for the second offense will have little, if any, impact, because the second offense remains a misdemeanor, which are much less resource intensive than felonies for the Department of Law.

**Eliminate Five Year "Look Back" for Felony DWI:**

Based on both Department of Correction and Division of Motor Vehicle data, it is estimated that elimination of the limit on how old prior convictions must be in order for the third offense to be charged as felony DWI will result in approximately 1,000 new felony DWI referrals in the first year after enactment of this bill. The Criminal Division estimates approximately 95 percent of these will be accepted for prosecution, based on acceptance rates for current felony DWI prosecutions and estimates of how many are currently screened out because prior convictions are outside the five-year look back period. This would mean approximately 850 new felony prosecutions in the year following the effective date of this bill.

Felony prosecutions are much more resource intensive than misdemeanor prosecutions. Because the penalties are so much higher, defendants are more likely to vigorously challenge the charge, and less likely to settle prior to trial. The Department of Law anticipates it would need five new FTE attorney positions and one FTE paraprofessional to handle this huge volume of new felony cases, to both screen the referrals and prosecute those that are accepted. Two attorney positions and the paraprofessional would be located in the Anchorage District Attorney's Office. The Fairbanks, Palmer, and Kenai District Attorney's Offices would each require one new attorney position.

Using the department's FY02 standard attorney cost schedule, the fiscal impact from this legislation would be \$659.4. This cost includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 per position is added in FY02 for this purpose. Proportionate support position funding is included in the standard attorney cost schedule at a rate of approximately one support position for every three professional positions. Position authorizations are required, however, and one FTE support position is requested for the Anchorage DAO, along with \$6,500 for one-time equipment costs. The remaining clerical support funding embedded in the rate will be used to reduce clerical support vacancy so that the other three new attorneys' clerical burden can be handled.

Component	Position	100	200	300	400	500	TOTAL
2261 - 3rd Judicial District: Anchorage (Anchorage DAO)							
	2 PFT Attorney	\$242.2	\$0.8	\$37.4	\$3.2	\$13.0	\$296.6
	2 PFT Paraprofessional	\$78.7	\$0.2	\$12.2	\$1.1	\$6.5	\$98.7
	1 PFT Legal Secretary					\$6.5	\$6.5
2279 - 3rd Judicial District: Outside Anchorage (Kenai and Palmer DAOs)							
	2 PFT Attorney	\$121.1	\$0.4	\$18.7	\$1.6	\$6.5	\$148.3
2201 - 4th Judicial District (Fairbanks DAO)							
	1 PFT Attorney	\$121.1	\$0.4	\$18.7	\$1.6	\$6.5	\$148.3
<b>TOTAL</b>		<b>\$563.1</b>	<b>\$1.8</b>	<b>\$87.0</b>	<b>\$7.5</b>	<b>\$39.0</b>	<b>\$698.4</b>

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB39  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to registration of motor vehicles..." BRU: Legal & Advocacy  
 Component: Public Defender Agency  
 Sponsor: Representative Kott  
 Requester: (H) TRA Component Number: 1631

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	434.1	434.1	434.1	434.1	434.1	434.1
Travel	16.3	16.3	16.3	16.3	16.3	16.3
Contractual	121.5	121.5	121.5	121.5	121.5	121.5
Supplies	9.6	9.6	9.6	9.6	9.6	9.6
Equipment	35.8	3.5	3.5	3.5	3.5	3.5
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>617.3</b>	<b>585.0</b>	<b>585.0</b>	<b>585.0</b>	<b>585.0</b>	<b>585.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	617.3	585.0	585.0	585.0	585.0	585.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>617.3</b>	<b>585.0</b>	<b>585.0</b>	<b>585.0</b>	<b>585.0</b>	<b>585.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	5	5	5	5	5	5
Part-time	1	1	1	1	1	1
Temporary						

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

The main provision of this bill that would affect the Public Defender Agency is Section 5. That section would eliminate the five year "look back" provision for Felony Driving While Intoxicated (DWI) cases. Under current law the third DWI is a felony if the defendant has been convicted two or more times within the previous five years. Section 5 would make any third DWI a felony no matter how long ago the prior DWI convictions were entered.

Based on figures provided by the Department of Law, the Public Defender Agency estimates that there would be 850 new Felony DWI prosecutions per year. The Public Defender Agency estimates that we would be appointed to represent defendants in 80% of these cases, and 680 new felony cases would be added to our caseload.

Prepared by: Barbara Brink, Director Phone (907) 334-4414  
 Division: Public Defender Agency Date/Time 01/31/01 3PM  
 Approved by: \_\_\_\_\_ Date 1/31/01  
 Agency: Department of Administration

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ANALYSIS: (continued)

Using established caseload standards, the Agency will need four full time attorneys and one half-time attorney to handle this increased caseload. With this many new Attorneys added to our staff, we will need one additional Legal Secretary. Our Anchorage office has the lowest Attorney-Support Staff ratio, so we would locate the Legal Secretary in Anchorage.

The Alaska Court System's statistics on Felony DWI prosecutions show that Anchorage, Fairbanks, and Palmer have the highest number of Felony DWI cases. Of these three court locations, Anchorage has the greatest number of Felony DWI's, while Fairbanks has the highest rate of growth. Therefore, we will place two full-time Attorneys in Anchorage, one full-time and one half-time Attorney in Fairbanks, and one full-time Attorney in Palmer.

