AS 28.15.181(c)(2), (3), or (4) or if the person was driving in violation of a limited license issued under AS 28.15.201(d) **or (f)** following that revocation, of not less than 30 days and a fine of not less than $1,000;

(2) may impose additional conditions of probation;

(3) may not

(A) suspend execution of sentence or grant probation except on condition that the person serve a minimum term of imprisonment and perform required community work service as provided in (1) of this subsection;

(B) suspend imposition of sentence;

(4) shall revoke the person's license, privilege to drive, or privilege to obtain a license, and the person may not be issued a new license or a limited license nor may the privilege to drive or obtain a license be restored for an additional period of not less than 90 days after the date that the person would have been entitled to restoration of driving privileges; and

(5) may order that the motor vehicle that was used in commission of the offense be forfeited under AS 28.35.036.

*** Sec. 6.** AS 28.35.030 is amended by adding a new subsection to read:

(u) In addition to penalties provided in (a) or (n) of this section, the court may place a person convicted under those subsections on probation for a period of not more than five years following a term of imprisonment, including any suspended term of imprisonment. The court may place a limitation on the person's driver's license during the term of the probation as provided in AS 28.15.201(d) or (f).

*** Sec. 7.** AS 28.35.032 is amended by adding a new subsection to read:

(u) In addition to penalties provided in (a) or (p) of this section, the court may place a person convicted under those subsections on probation for a period of not more than five years following a term of imprisonment, including any suspended term of imprisonment. The court may place a limitation on the person's driver's license during the term of the probation as provided in AS 28.15.201(f).

*** Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISION. A person convicted of a misdemeanor violation of

AS 28.15.181(c)(2), (3), or (4) or if the person was driving in violation of a limited license issued under AS 28.15.201(d) **or (f)** following that revocation, of not less than 30 days and a fine of not less than $1,000;

(2) may impose additional conditions of probation;

(3) may not

(A) suspend execution of sentence or grant probation except on condition that the person serve a minimum term of imprisonment and perform required community work service as provided in (1) of this subsection;

(B) suspend imposition of sentence;

(4) shall revoke the person's license, privilege to drive, or privilege to obtain a license, and the person may not be issued a new license or a limited license nor may the privilege to drive or obtain a license be restored for an additional period of not less than 90 days after the date that the person would have been entitled to restoration of driving privileges; and

(5) may order that the motor vehicle that was used in commission of the offense be forfeited under AS 28.35.036.

*** Sec. 6.** AS 28.35.030 is amended by adding a new subsection to read:

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*** Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISION. A person convicted of a misdemeanor violation of

AS 28.15.181(c)(2), (3), or (4) or if the person was driving in violation of a limited license issued under AS 28.15.201(d) **or (f)** following that revocation, of not less than 30 days and a fine of not less than $1,000;

(2) may impose additional conditions of probation;

(3) may not

(A) suspend execution of sentence or grant probation except on condition that the person serve a minimum term of imprisonment and perform required community work service as provided in (1) of this subsection;

(B) suspend imposition of sentence;

(4) shall revoke the person's license, privilege to drive, or privilege to obtain a license, and the person may not be issued a new license or a limited license nor may the privilege to drive or obtain a license be restored for an additional period of not less than 90 days after the date that the person would have been entitled to restoration of driving privileges; and

(5) may order that the motor vehicle that was used in commission of the offense be forfeited under AS 28.35.036.

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*** Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISION. A person convicted of a misdemeanor violation of

HB 19

The Top Ten Reasons
Why NOW is the Right Time for an Ignition Interlock Limited License Program in Alaska

1. 50-75 % of drivers whose driver's licenses have been revoked *drive anyway.* Revoking a person's driver's license, in these cases, does *not* improve public safety nor serve a punitive function.

2. Over the past five years, 14% of all DUI arrests are accompanied with a Driving with License Revoked/Suspended charge as well. That number is *not* decreasing.

3. Installation of Ignition Interlock devices effectively separates the act of drinking from the act of driving.

> Data from a Maryland study[1] shows a 60% reduction in risk of committing an alcohol-related offense with an interlock installed.
>
> An Ohio study[2] demonstrates a 65% decrease in the probability of a subsequent DUI for offenders *who have the interlock installed in their car.*

4. Interlocks work while they are installed[3], therefore they should be installed *as soon* as possible for *as long* as possible.

5. The most current technology is alcohol-specific, tamper-resistant (the vendor gets a record of any disconnects) and becoming increasingly person-specific (some devices are equipped with cameras that photograph the person activating the device).

6. Every time an individual is prevented from driving because the device detects alcohol, there is potential for saving a life. This device serves as an on-board, external conscience. Persons should not be removed from the program for attempting to start their car while under the influence of alcohol. Ignition interlocks are not a perk, nor are they, in and of themselves, rehabilitative. They are a safety device whose *primary purpose* is to protect the public.

7. Ignition interlock limited licenses allow multiple DUI offenders the opportunity to become self-supporting citizens who are contributors to society, instead of takers.

8. An administrative program allows the Department of Motor Vehicles to collect data to document performance and make data-driven decisions regarding reinstatement of regular driver's licenses.

9. An administrative ignition interlock program is the most cost-effective means of capturing the largest population of at-risk drivers initially. *The costs of the interlock devices and monthly monitoring, are borne by the offender.* And, the cost savings realized if 35 individuals choose to install the device and *not* be arrested and charged with Driving with License Revoked or Suspended would fund one DMV administrative position.

10. An administrative program can be implemented sooner rather than later and provide protection on the highways in a time-effective manner.

[1] Beck, K. H., Rauch, W. J., Baker, E. A., & Williams, A. F. (1999). Effects of ignition interlocklicense restrictions on drivers with multiple alcohol offenses: A randomized trial in Maryland. *American Journal of Public Health, 89*(11), 1696-1700.

[2] Elliot, D. S., & Morse, B. J. (1993). *In-vehicle BAC test devices as a deterrent to DUI.* (Final Report) Washington, DC: National Institute on Alcohol Abuse and Alcoholism.

[3]This figure is taken from :
Marques, P , Bjerre, B. Dussault, C., Voas, R., Beirness, D., Marples, I. and Rauch, W. (2001b) Alcohol ignition interlock devices. Position Paper [also available online: http://www.icadts.org/reports/AlcoholInterlockReport.pdf accessed 31 January 2007]. Washington D.C.: International Council on Drugs, Alcohol and Traffic Safety (ICDATS)

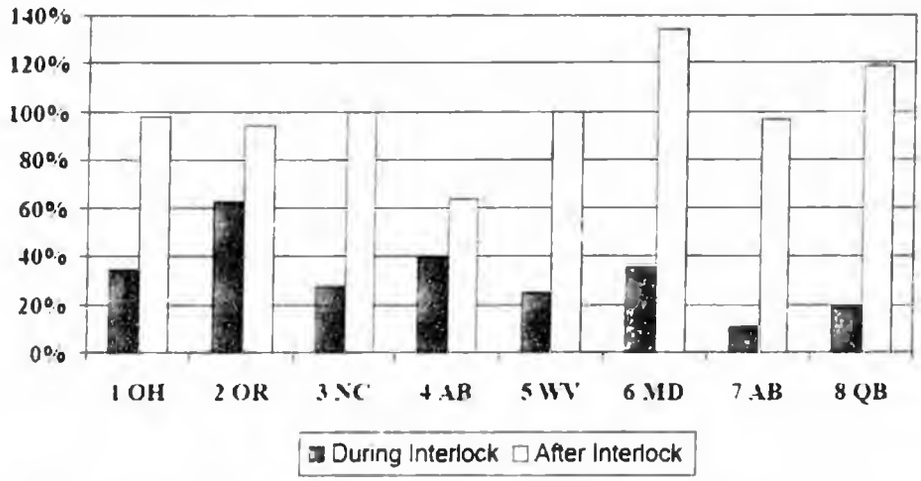

Figure 1: Eight studies that compared interlock recidivism rates (%) during the interlock (dark bars) and after the interlock (open bars) against recidivism for non-interlock contrast groups (set to 100%).

For additional information, see:

MADD's Issue Brief on the Ignition Interlock at:
http://www.madd.org/activism/0,1056,7604,00.html

MADD's Ignition Interlock Fact Sheet at:
http://www.madd.org/news/docs/Interlock%20Fact%20Sheet%20Final.pdf

"Best Practices for Alcohol Interlock Programs" from the Traffic Injury Research Foundation at: http://www.trafficinjuryresearch.com/publications/PDF_publications/BestPracticesReport.pdf

Contact information:
Narda Butler, Citizen Advocate
346-1189 (home)/301-1611 (cell)
narda@frontierk12.org

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB019-DOT-PLN-02-03-07
Bill Version: CSHB 19 STA
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: DOT&PF
Title: Limited Driver's License
RDU: Planning
Component: Program Development
Sponsor: Rep. Meyer
Requester: House STA
Component No.: 2762

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

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

"DOT&PF is currently sanctioned $4,121.2 (3%) from the Federal Highway program, from funding for the National Highway System, Surface Transportation Program and Interstate Maintenance. This sanction is invoked because AK's laws repeat intoxicated driver laws do not meet all required elements of the Section 164 (USC 23). The sanctioned funds are returned to AK under the oversight of the National Highway Traffic Safety Administration, and can only be used on programs that address safety directly, either through targeted highway safety construction projects, or behavioral programs (education, enforcement) that are focused on alcohol related problems. AK DOT&PF is currently spending 50% of the sanction funds on each of these categories. The NHTSA Office of Chief Counsel has issued a written email that HB 19 is not legally sufficient to result in the sanction being removed from the highway program.
In summary, HB 19 would not change the distribution of sanction funds."

Prepared by: Mary Siroky
Phone 465-4772
Division: Commissioner's Office
Date/Time 02/03/07 5:00pm
Approved by: John MacKinnon
Date 2/3/2007
Agency: Department of Transportation and Public Facilities

(Revised 9/18/2006 OMB)

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB 19
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: DOT&PF
Title: Limited Driver's License
RDU: Planning
Component: Program Development
Sponsor: Rep. Meyer
Requester: House STA
Component No.: 2762

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

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

Currenlty DOT&PT receives 4121.2 from the National Highway Safety Administration to be spent on alcohol related driving safety programs. If this bill passes, the state will have strict enough statutes to allow this money to come directly from Federal Highway Administration and to be spent on National Highway System, Surface Transportation Program or Interstate Maintenance projects in Alaska.

In Summary this change takes money from the Highway Safety Education program and allows it be used for road construction and major repairs.

Prepared by: Mary Siroky
Phone 465-4772
Division: Commissioner's Office
Date/Time 01/30/07 8:00am
Approved by: John MacKinnon
Date 1/30/2007
Agency: Department of Transportation and Public Facilities

(Revised 9/18/2006 OMB)

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB019-DOA-DMV-1-29-07
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Administration

Title "An Act relating to ignition interlock limited driver's license privileges."
RDU Division of Motor Vehicles
Component Motor Vehicles

Sponsor Representatives Meyer, Crawford
Requester (H) STA
Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	56.5	56.5	56.5	56.5	56.5	56.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	12.0	2.0	2.0	2.0	2.0	2.0
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	7.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	**76.0**	**59.0**	**59.0**	**59.0**	**59.0**	**59.0**
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	36.0	36.0	36.0	36.0	36.0	36.0

FUND SOURCE (Thousands of Dollars)						
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1156 Reciept Supported Services	76.0	59.0	59.0	59.0	59.0	59.0
TOTAL	**76.0**	**59.0**	**59.0**	**59.0**	**59.0**	**59.0**

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

POSITIONS

Full-time	1	1	1	1	1	1
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 expand the lawful use of a 'limited' driver's license issued to DUI offenders. It will also expand the numbers of persons qualifying for such a license. As such, our FN reflects a conservative estimate of 300 additional customers making application (increasing revenue @ $120. ea) as well as one additional full-time position annually. Also included is a 1-time cost for necessary programming updates to allow our internal system, ALVIN, to process these requests in a manner identifiable to law enforcement agencies.

Prepared by: Duane Bannock, director
Phone 269 5008
Division Motor Vehicles
Date/Time 1/30/07 4:00pm

Approved by: Kevin Brooks, Deputy Commissioner
Date 1/30/2007
Agency Department of Administration

(Revised 9/18/2006 OMB)

Nancy Manly

From: Christopher Clark [Christopher_Clark@gov.state.ak.us]
Sent: Friday, February 02, 2007 6:51 PM
To: Nancy Manly; Jane Pierson
Cc: 'Shannon Devon'; Rep. Kevin Meyer; Suzanne Cunningham; Mike Pawlowski; 'Mary Siroky'
Subject: CSHB 19 (STA) Fiscal Note from DOT
Attachments: CSHB019-DOT-PLN-02-03-07.pdf

Greetings, Nancy and Jane!

Attached is a new fiscal note from Transportation and Public Facilities for CSHB 19 (STA), limited driver's license, by Rep. Kevin Meyer.

The measure awaits transmittal to House Judiciary.

It is my understanding that y'all don't have to do a dang thing with the attached document because our elves will work with your elves to post this on a shared computer drive, and everyone will live happily ever after.

But I just wanted to be sure you were aware of this new baby.

Have a good and restful weekend.

Christopher Clark
Deputy Legislative Director
Governor Sarah Palin
(907) 465-3994

Nancy Manly

From: Mary Siroky [Mary_Siroky@dot.state.ak.us]
Sent: Thursday, February 01, 2007 10:58 AM
To: Nancy Manly; Mike Pawlowski
Cc: 'Jeff Ottesen'
Subject: FW: HB19-Ignition Interlock Bill

Nancy and Mike here is the interpretation from the National Highway Traffic Safety Administration that HB 19 does not meet their criteri and so the $4121.2 will remain as it currently is - designated for use by the Alaska Highway Safety Office for alcohol education and DUI enforcement. I will assume that you will get this to committee members unless I hear differently.

DOT will submit another fiscal note clarifying this issue.

DOT is not advocating for any changes to this proposed legislation - that is the legislature's responsibility and we again apologize for any confusion this may have cost.

mary

From: Shirley.Wise@dot.gov [mailto:Shirley.Wise@dot.gov]
Sent: Thursday, February 01, 2007 6:47 AM
To: cindy_cashen@dot.state.ak.us; John.Moffat@dot.gov
Subject: RE: HB19-Ignition Interlock Bill

Good morning Cindy.

Below is the read from our Chief Counsel in regards to your HB-19...

NHTSA's Office of Chief Counsel (OCC) has done a preliminary review of proposed legislation, House Bill (HB) 19, from the State of Alaska. Specifically, OCC has reviewed the legislation for compliance with the Federal repeat intoxicated driver law requirements of Section 164.

In order to comply with Section 164, a State must have a law that requires for all repeat intoxicated drivers: (1) a mandatory minimum one-year hard driver's license suspension (which means there are no exceptions in law that allow the repeat offender to drive before serving the full license suspension); (2) a mandatory impoundment or immobilization of, or the installation of an ignition interlock system on, all motor vehicles owned by the repeat offender; (3) an assessment of the degree of alcohol abuse and treatment as appropriate; and (4) a mandatory minimum sentence of not less than 5 days imprisonment or 30 days community service for a second offense; and not less than 10 days imprisonment or 60 days community service for a third or subsequent offense.

Specifically, with regard to HB 19, the proposal would revise State law to permit a repeat offender to apply for ignition interlock limited driving privileges. Under the proposal, the Division of Motor Vehicles would be permitted to grant these privileges after receiving proof that ignition interlocks are installed on every vehicle the repeat offender operates. For the following reasons, the approach does not comply with the Federal requirements: (1) it would permit a repeat offender to drive before the end of the mandatory license suspension period (which must be at least one year); (2) it would not make ignition interlock usage mandatory for all repeat offenders; and (3) it would not require that ignition interlocks be installed in all motor vehicles owned by the repeat offender.

At the State's request, OCC would be pleased to provide a complete review of State law to determine the current

level of compliance with each requirement of Section 164.

This is a preliminary response and does not bind the agency to a particular course of action or represent a final determination by OCC.

Shirley Wise, Regional Program Manager
National Highway Traffic Safety Administration
Pacific Northwest Region
3140 Jackson Federal Building
915 Second Avenue
Seattle, WA 98174
Phone: 206.220.7644
Fax: 206.220.7651
http://www.nhtsa.gov

From: Cindy Cashen [mailto:cindy_cashen@dot.state.ak.us]
Sent: Monday, January 29, 2007 6:03 PM
To: Wise, Shirley <NHTSA>; Moffat, John <NHTSA>
Subject: HB19-Ignition Interlock Bill
Importance: High

Hi Shirley and John:

Could you advise how HB 19 would affect Alaska's sanction funds? It appears to meet the repeat drunk driver recommendation for an IID. We are in need of an answer asap.

http://www.legis.state.ak.us/basis/get_bill_text.asp?hsid=HB0019A&session=25

Thank you,
Cindy

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB 19
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: DOT&PF
Title: Limited Driver's License
RDU: Planning
Component: Progra[illegible] Development
Sponsor: Rep. Meye
Requester: House STA
Component No.: 2762

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

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

Currenlty DOT&PT receives 4121.2 from the National Highway Safety Administration to be spent on alcohol related driving safety programs. If this bill passes, the state will have strict enough statutes to allow this money to come directly from Federal Highway Administration and to be spent on National Highway System, Surface Transportation Program or Interstate Maintenance projects in Alaska.

In Summary this change takes money from the Highway Safety Education program and allows it be used for road construction and major repairs.

Prepared by: Mary Siroky
Phone 465-4772
Division: Commissioner's Office
Date/Time 01/30/0[illegible] 8:00am
Approved by: John MacKinnon
Date 1/30/2007
Agency: Department of Transportation and Public Facilities

(Revised 9/18/2006 OMB)

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB019-DOA-DMV-1-29-07
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Administration

Title "An Act relating to ignition interlock limited driver's license privileges."
RDU Division of Motor Vehicles
Component Motor Vehicles

Sponsor Representatives Meyer, Crawford
Requester (H) STA
Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	56.5	56.5	56.5	56.5	56.5	56.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	12.0	2.0	2.0	2.0	2.0	2.0
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	7.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	**76.0**	**59.0**	**59.0**	**59.0**	**59.0**	**59.0**
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	36.0	36.0	36.0	36.0	36.0	36.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1156 Reciept Supported Services	76.0	59.0	59.0	59.0	59.0	59.0
TOTAL	**76.0**	**59.0**	**59.0**	**59.0**	**59.0**	**59.0**

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

POSITIONS

Full-time	1	1	1	1	1	1
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 expand the lawful use of a 'limited' driver's license issued to DUI offenders. It will also expand the numbers of persons qualifying for such a license. As such, our FN reflects a conservative estimate of 300 additional customers making application (increasing revenue @ $120. ea) as well as one additional full-time position annually. Also included is a 1-time cost for necessary programming updates to allow our internal system, ALVIN, to process these requests in a manner identifiable to law enforcement agencies.

Prepared by: Duane Bannock, director
Phone 269 5008
Division Motor Vehicles
Date/Time 1/30/07 4:00pm

Approved by: Kevin Brooks, Deputy Commissioner
Date 1/30/2007
Agency Department of Administration

(Revised 9/18/2006 OMB)

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement HB 19

"An Act relating to ignition interlock limited driver's license privileges."

Currently, a person convicted of driving under the influence has been able to get a limited driver's license from the Division of Motor Vehicles so that they can continue to drive and to earn a living. The limitation currently placed on a license focuses primarily on where a person can drive. House Bill 19 shifts the emphasis from where a person can drive to how a person can drive by changing the type of limited license available to an offender from the traditional limited license to an ignition interlock limited license.

An ignition interlock limited license requires an offender to install and maintain an ignition interlock device on the vehicle they intend to drive. An ignition interlock device analyzes a person's blood alcohol content and prevents the car from being started if the person's blood alcohol level is above a set level. The license allows the offender to drive only the vehicle on which the device is installed. Under HB 19, driving another vehicle is considered the same as driving with a revoked license and that vehicle can be forfeited to the state.

Several states require ignition interlock devices for DUI offenders and studies suggest that ignition interlock devices lead to a substantial decline in recidivism, particularly for offenders with multiple DUI's. More importantly, an ignition interlock device prevents an intoxicated person from starting their car and thereby keeps a potential drunk driver off the road. With an ignition interlock device – if you can't blow, you can't go.

(Updated 1/16/2007)

Email: Representative_Kevin_Meyer@legis.state.ak.us • Toll Free: (866) 465-4945
Session: State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-4945 Fax: (907) 465-3476
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REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: **January 16, 2007**

TO: **Representative Kevin Meyer**

FROM: **Mike Pawlowski**

RE: **Sectional Analysis for HB 19**
(Version No. 25 – LS0133\E)

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. Removes the suspension provision in order to allow early application for an ignition interlock limited license.

Section 2. Creates and establishes requirements for an ignition interlock limited license.

Section 3. Specifies that a person caught violating the provisions of an ignition interlock limited license is subject to 28.15.291 (driving with a suspended or revoked license) and subjects the vehicle in violation to forfeiture.

Section 4. Repeals the existing limited license provisions for DUI convictions in 28.15.201(d) & (e) to allow for the ignition interlock limited license created in section 3.

Section 5. Transitional provision allowing a person convicted prior to the passage of HB 19 to continue to use their limited license.

Section 6. January 1, 2008 effective date.

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REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: **January 16, 2007**

TO: **Nancy Manly, Committee Aide**
House State Affairs Committee

FROM: **Mike Pawlowski**

RE: **Backup information for HB 19**

Nancy,

Attached are backup materials for HB 19 including:

1. National Highway Transportation Safety Administration: "*10 Promising Sentencing Practices*" excerpt: "Ignition Interlock Devices"
2. MADD Alcohol Ignition Interlock Fact Sheet and position papers
3. "*Blow and Go: the breath-analyzed ignition interlock device as a technological response to DWI.*" By Judge Andrew Fulkerson
4. The Department of Premier and Cabinet Government of Western Australia Office of Road Safety
5. USA Today *States turn on to idea of ignition locks (1/26/07)*

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Promising Sentencing Practice No. 5
Ignition Interlock Devices

By Judge Calvin Holden (Missouri)

Overview

While DWI sanctions have generally focused on punishing, rehabilitating, or incapacitating the drinking driver, another approach to controlling the DWI offender that has emerged in recent years is to focus on the offender's vehicle as a means of influencing the offender. One of these approaches, which has proven to be effective, is the ignition interlock device.

To prevent a convicted DWI offender from driving while intoxicated, courts may require the installation of an ignition interlock device on the offender's vehicle. Courts employ this sentencing practice because:

- Installation of the device allows DWI offenders to maintain their responsibilities (e.g., driving to work, taking children to school, running errands, etc.), while also serving as a constant reminder that their privilege to drive is contingent on their sobriety.

- Given the fact that many offenders whose licenses are suspended or revoked will continue to drive without a license, a deterrent to DWI other than license suspension or revocation is necessary to protect public safety.

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What Is An Ignition Interlock Driver?

An ignition interlock device consists of a breath-testing unit that is connected to a vehicle's ignition switch. To start the vehicle, the driver must blow into the unit. If the breath sample provided by the driver contains more than a predetermined blood alcohol concentration, the ignition interlock device prevents the vehicle from being started. To meet the model specifications set by NHTSA, the ignition interlock device must not only require a breath test to start the vehicle, but must also require a subsequent "rolling or running retest" to prevent another person from starting the vehicle and then allowing an impaired driver to take over the wheel. The ignition interlock system records the results of all breath tests, as well as all attempts to circumvent or tamper with the device.

Federal Law

The TEA-21 Restoration Act supports the use of ignition interlock devices by

mandating that State laws regarding second and subsequent convictions for DWI must require that all vehicles of repeat DWI offenders be impounded or immobilized for some time period during the license suspension period, or require the installation of an ignition interlock system on all of the offender's vehicles for some time period after the end of the suspension. Otherwise, the State risks losing Federal funding.[52]

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State Laws

Forty-three States have laws providing for either the discretionary or mandatory installation of ignition interlock devices on the vehicles of repeat DWI offenders. New Mexico, for example, requires that as a condition of probation upon a first conviction for aggravated driving while under the influence of intoxicating liquor or drugs,[53] an offender shall be required to have an ignition interlock device installed and operating for a period of one year on all motor vehicles driven by the offender.[54]

Costs

The offender is required to pay for the ignition interlock device. The average cost for installation of the device is approximately $100-$150, and monthly monitoring and calibration is approximately $65.

Effectiveness Of The Device

The ignition interlock device has proved to be an effective deterrent to DWI because when properly installed and regularly monitored, the device is extremely difficult to circumvent. It has also proved to be an effective deterrent when it is emphasized to the offender that this is a lesser penalty than might be imposed (e.g., impounding the offender's vehicle) and is conditioned on the offender's correct use of the device every time he or she drives.

Studies have shown:

- A recidivism rate of 0-4 percent by offenders whose vehicles were equipped with an ignition interlock device.[55]
- That offenders were 65 percent less likely to re-offend while the device was in place than those offenders who were not required to install the device.[56]
- That multiple DWI offenders who were required to install ignition interlock devices were less than half as likely to have subsequent DWI convictions within three years, as compared with other multiple DWI offenders who were not required to install the devices.[57]
- That after 30 months, the recidivism rate for offenders placed in an interlock group was only 1.5 percent, compared to 16.1 percent for offenders in the non-interlock group.[58]
- That a program which combined an ignition interlock requirement with substance abuse treatment and license suspension was more effective in

preventing recidivism than any other program.[59]

Other researchers have found, however, that the deterrent effect of the device generally ends once it is removed, and that the likelihood that offenders who were required to install the device will commit a repeat DWI offense following removal of the device is virtually the same as for those who were not required to install the device.[60] Research suggests that the device should remain installed until the offender can demonstrate an extended period of sobriety.[61] When combined with substance abuse counseling, there is some evidence that the deterrent effect of the device may continue beyond its removal.[62]

One court found that the practical effectiveness of the device was limited because only a small number of offenders were willing to install the device in order to be able to drive legally. Consequently, it adopted a court policy that created a strong incentive for offenders to install the device by making traditional penalties, such as jail or electronically monitored house arrest, the alternative to participation in the interlock program. Comparison of the recidivism rates of offenders subject to this policy with offenders in similar, nearby courts, not using interlocks, indicated that the policy was producing substantial reductions in DWI recidivism.[63]

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Using Data Recorded by Device

The data recorded by the ignition interlock device may provide information regarding the offender's particular pattern of alcohol abuse that may be useful in attempting to change the offender's behavior through counseling or other means (e.g. by showing the offender's attempts to drive while intoxicated at a certain time of day or under certain circumstances).[64] Some researchers have concluded that interlock data may eventually come to serve as a useful adjunct for monitoring offenders by alcohol counselors, as well as by courts and motor vehicle authorities.[65]

Barriers to Using the Device

Judges and prosecutors who participated in a 2003 study conducted by the California Department of Motor Vehicles noted three barriers that exist to requiring ignition interlock devices:

- Many offenders are unable to pay for these devices,
- Many offenders do not own a vehicle; and
- Monitoring offenders ordered to install an ignition interlock device is time-consuming and difficult.[66]

One method of dealing with offenders who do not own a vehicle is to require them to sign a waiver stating that they will not own or operate a vehicle that is not equipped with an ignition interlock device.

[52] See 23 U.S.C. § 164(a)(5)(B).

[53] N.M. Stat. §66-8-102 (D): Aggravated driving while under the influence of intoxicating liquor or drugs consists of a person who:
(1) has an alcohol concentration of sixteen one hundredths or more in his blood or breath while driving a vehicle within this state;
(2) has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or
(3) refused to submit to chemical testing, as provided for in the Implied Consent Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.

[54] N.M. Stat. §66-8-102 (N).

[55] See "The Technology Answer to the Persistent Drinking Driver," National Commission against Drunk Driving (NCADD), http://www.ncadd.com/015.cfm.

[56] See Beck, Kenneth H., et al., "Effects of Alcohol Ignition Interlock License Restrictions on Multiple Alcohol Offenses: A Randomized Trial in Maryland," American Journal of Public Health, Vol. 89, No. 11, pp. 1696-1700 (November 1999); Coben, Jeffrey, and Gregory Larkin, "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism," American Journal of Preventive Medicine, Vol. 16, No. 1S, pp. 81-87 (1999).

[57] See Fulkerson, Andrew, "Blow and Go: The Breath-Analyzed Ignition Interlock Device as a Technological Response to DWI," American Journal of Drug and Alcohol Abuse," Vol. 29, pp. 219-229 (2003).

[58] See More, Barbara J. and Delbert S. Elliott, "Effects of Ignition Interlock Devices on DUI Recidivism: Findings from a Longitudinal Study in Hamilton County, Ohio," Crime & Delinquency, Vol. 38, pp. 131-141 (1992).

[59] See Tashima, Helen N. and Clifford J. Helander, "1999 Annual Report of the California DUI Management Information System," California Department of Motor Vehicles, pp. 30, 38 (January 1999).

[60] See Raub, R., et al., "Breath Alcohol Ignition Interlock Devices: Controlling the Recidivist," Traffic Injury Prevention, Vol. 4, No. 3, pp. 199-205 (2003); "Alcohol Ignition Interlock Devices I: Position Paper," International Council on Alcohol, Drugs and Traffic Safety (ICADTS), p. 11 (July 2001).

[61] See Raub, supra.

[62] See Raub, supra.

[63] See Voas, Robert A., et al., "Evaluation of a Program to Motivate Impaired Driving Offenders to Install Ignition Interlocks," Accident Analysis and Prevention, Vol. 34, No. 4, pp. 449-455 (2002).

[64] See Marques, Paul R., et al., "Predicting Repeat DUI Offenses With Alcohol Interlock Recorder," Accident Analysis and Prevention, Vol. 33, No. 5, pp. 609-619 (2001); Marques, Paul R., et al., "Behavioral Monitoring of DUI Offenders with Alcohol Ignition Interlock Recorder," Addiction, Vol. 94, No. 12, pp. 1861-1870 (1999).

[65] See Marques, Paul R., et al., "Behavioral Measures of Drinking: Patterns from the Alcohol Interlock Record," Addiction, Vol. 98, No. 2, pp. 13-19 (2003).

[66] See DeYoung, David, "An Evaluation of the Implementation of Ignition Interlock in California," Licensing Operations Division, Research Notes—2003.
http://www.dmv.ca.gov/about/profile/rd/resnotes/evaluation_implementation.htm.

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Alcohol Ignition Interlock Fact Sheet

Alcohol ignition interlocks
An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system. When a driver wishes to start his or her vehicle, he or she must first blow into the device. The vehicle will not start unless the driver's alcohol concentration is below a pre-set blood alcohol concentration (BAC). A data recorder logs the driver's BAC for each attempt to start the vehicle. Interlocks may be calibrated to have "rolling retests," which requires a driver to provide breath tests at regular intervals, preventing drivers from asking a sober friend to start the car, drink while driving, or leaving the car idling in a bar parking lot.[1]

Use and prevalence of interlocks
Interlocks are used as a condition of probation for drunk driving offenders after their driver's licenses have been reinstated; they can also be directly mandated by judges. Sometimes interlocks can be used when licenses are revoked upon arrest for drunk driving as well, before conviction. As of 2006, 45 states and the District of Columbia allow for interlocks for some drunk driving offenders.[2]

- In 20 of these states, the law mandates the use of ignition interlock devices for DWI offenders. These states include: Arizona, California, Colorado, Florida, Idaho, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Virginia and Washington.[3]
- Twenty-five states have laws that provide for the discretionary use of ignition interlock devices for DWI offenders. These states are: Alaska, Arkansas, Connecticut, Delaware, Georgia, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Wyoming, and the District of Columbia.[4]
- Five states, Alabama, Hawaii, Maine, South Dakota and Vermont, have no ignition interlock provisions.[5]

Despite these various laws throughout the nation, only 100,000 interlocks are in service in the United States.[6]

Effectiveness of interlocks
Interlock devices are up to 90 percent effective while installed in a vehicle.[7] Once the interlock is removed from the offender's vehicle, however, the recidivism is similar for both offender groups.[8] The average offender with an interlock installed in their vehicle gives a breath test five to nine times per day, of which 99 percent feature a BAC under .02.[9] This data shows that interlocks are an effective weapon against drunk driving.

Alcohol ignition interlocks save lives
Each year, one-third of all drunk driving arrests are of drivers who have previously been convicted of drunk driving. Installing interlocks on all repeat offenders has the potential to save the lives of at least 300 individuals per year.[10] Expanding the installation of interlocks into the

cars of first time offenders could save at least 1,600 lives.[11] By requiring interlocks for all convicted drunk drivers, we could save at least 1,900 lives per year.

The public supports the implementation of alcohol ignition interlocks
Eighty-five percent of the public supports the mandatory installation of alcohol ignition interlocks in the vehicles of repeat DWI offenders and 65 percent also support the mandatory installation of interlocks for first time offenders.[12]

Best use of interlock programs
New Mexico is the best model of successful judicial ignition interlock program. In 2005, New Mexico passed a law making interlocks mandatory for all drunk driving offenders: one year for first offenders, two years for second, three years for third, and a lifetime for the fourth offense. As of June 2006, 5,265 ignition interlocks had been installed in New Mexico, significantly more per capita then in any other state.[13] Additionally, interlocks are perceived as a fair sanction by 85 percent of more than 3,000 offenders from that state. [14]

Alcohol ignition interlock programs have been adapted in other countries, as well.

- Australia has interlock programs in three of its states, adding up to 2,500 total interlock installations as of June 2006.[15]
- Almost all of the Canadian provinces have interlock programs for drunk driving offenders, most of which are voluntary.[16]
- The European Union has conducted feasibility studies in Belgium, Germany, Norway and Spain, while voluntary ignition interlock programs for convicted drunk drivers are also being tested in Finland, France, Germany and Great Britain.[17]
- Sweden has the most advanced interlock laws, as drunk driving offenders can choose between having their drivers license revoked or keeping it and participating in the interlock program. For two years, offenders must drive only interlock vehicles and cannot drive outside of Sweden. Drivers are dropped from the program if they are not completely sober during the second year. Two years after they left the program, successful participants had significantly fewer drunk driving arrests and crashes than they did before starting the program.[18]

Expanding interlock use for all convicted drunk drivers
The *Campaign* supports several approaches to implement greater use of interlocks for all convicted drunk driving offenders. First, new state laws need to be enacted to require interlock use by all drunk driving offenders, including first time offenders. Second, judges are one of the keys to increasing interlock use because they have the power to implement interlock laws and to penalize drivers who fail to comply with interlock program requirements. The *Campaign* aims to provide active education among state driver's license officials, judges and prosecutors on interlocks.[19]

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[11] MADD, *International Technology Symposium – A Nation without Drunk Driving Summary Report*, November, 2006, pg 4.
[12] MADD (2006), *State-by-State Alcohol-Related Laws*, www.madd.org/laws
[13] MADD (2006), *Ignition Interlock Brief*.
[14] Ibid.

[5] Ibid.
[6] Marques, Paul. "Technology Today: Controlling DWI Offenders with Alcohol Ignition Interlock Programs" Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
[7] Voas, Robert, et al. "The Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." *Addiction* 94 (12): 1849-1859. 1999.
[8] Marques, Paul.
[9] Ibid.
[10] Fell, James. "Potential Role of Technology in Reducing Alcohol-Related Traffic Fatalities." Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
[11] Ibid.
[12] McInturff, Bill. "A Presentation of key findings from a national survey of 800 drivers conducted June 8-11, 2006." Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
[13] Ibid.
[14] Roth, Richard. "Interlocks in New Mexico". Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
[15] MADD, *International Technology Symposium: A Nation Without Drunk Driving Summary Report*, November, 2006: pg 4.
[16] Ibid, pg 4.
[17] Ibid, pp 4-5.
[18] Ibid, pg 5.
[19] Ibid, pg 5.

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Ignition Interlock - Issue Brief

Overview | Take Action | Related Issues | Resources

Overview

Repeat offenders are a significant portion of the drunk driving problem – about one-third of all DUI arrests each year are of people who have been convicted previously of driving under the influence. (*Fell, 1995*) Considering that between 50 and 75 percent of those whose licenses are suspended or revoked as the result of driving under the influence continue to drive without their license, (*Nichols and Ross, 1990*) (*Voas and Tippetts, 1994*) *revoking a license* is good, but not always enough.

Ignition interlocks prevent people who have alcohol in their system from driving a car. An operator breathes into an interlock device to determine blood alcohol concentration. If there is measurable alcohol in the blood, the vehicle does not start.

As one might expect, this stops offenders from re-offending while the interlock device is on the vehicle. Interlocks have been shown to be effective in Maryland (*Beck, 1999*), Alberta (*[illegible], 1999*), California (*[illegible], 1999*), and elsewhere (*Wellington, 1997*) (*[illegible], 1999*) with results ranging from 50 to 90 percent reductions in subsequent offenses by those offenders who were assigned interlock devices, compared with those who were not.

While interlocks are not the only solution, as offenders tend to go back to their old ways once the device is off of the vehicle, they certainly keep the roads safer while these devices are in place.

Take Action

Thirty-one states and the District of Columbia have not yet made interlock interlocks mandatory. Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, and Wyoming. If you are from one of these states

Related Issues

Resources

- *Official Position Statement*
- *State Laws*
- Studies
  - *MADD's Impaired Driving Summit Report (PDF)*
  - Beck, KH, et al. "Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Randomized Trial in Maryland." American Journal of Public Health, 89 vol. 11 (1999): 1696-1700. (*Click here*)
  - Coben, Jeffrey, and Gregory Larkin. "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism." American Journal of Preventive Medicine 16 vol. 1S (1999): 81-87. (not yet online)
  - Fell, Jim. "Repeat DWI Offenders in the United States." Washington, DC: National Department of Transportation, National Highway Traffic Safety Administration Traffic Tech No. 85, February 1995. (*Click here*)
  - National Highway Traffic Safety Administration. "Repeat DWI Offenders Are an Elusive Target." Washington, DC: National Department of Transportation, National Highway Traffic Safety Administration Traffic Tech No. 217, March 2000. (*Click here*)
  - Nichols, James, and H. Lawrence Ross. "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." Alcohol, Drugs and Driving 6(2) (1990): 33-55. (*Click here*)
  - Peck, R.C., R. J. Wilson, and L. Sutton. "Driver License Strategies for Controlling the Persistent DUI Offender," Strategies for Dealing with the Persistent Drinking Driver. Transportation Research Board, Transportation Research Circular No. 437. Washington, DC: National Research Council (1995): 48-49. (not yet online)
  - Tashima, H.N., and C.J. Helander. 1999 Annual Report of the California DUI Management Information System. Sacramento, CA: California Department of Motor Vehicles Research and Development Section, 1999. (not yet online)
  - Voas, Robert, et al. "Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." Addiction 94 vol. 12 (1999): 1849-1859. (not yet online)
  - Voas, Robert and A. Scott Tippetts, A.S. "Unlicensed Driving by DUIs - A Major Safety Problem?" TRB ID No. CR077. Paper presented at the 73rd Annual Meeting, Transportation Research Board, Landover, MD, (1994, January 9-13). (not yet online)
  - Weinrath, M. "Ignition Interlock Program for Drunk Drivers: A Multivariate Test." Crime and Delinquency 43 vol. 1 (1997): 43-59. (not yet online)
- [illegible]
  - NCLS. "Ignition Interlock Requirements for Convicted Drunk Drivers." As of July 2003. ( )
- Testimony
  - Wendy Hamilton's testimony before the Senate Appropriations Committee, May 22, 2003. ( )
  - Wendy Hamilton's testimony before the Senate Commerce, Science & Transportation Committee, May 22, 2003. ( )
- Press Releases

- "Florida Legislature Adopts Stricter DUI Laws", Mothers Against Drunk Driving Press Release. April 3, 2002. (*Click here*)

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MADD's Positions on Sanctions

Position:

License Plate/Vehicle Impoundment and Confiscation
Administrative License Revocation
Progressive Sanctions
Mandatory Confinement for Repeat Offenders
Minimum Security DWI/DUI Facilities
Anti Charge Reduction
Equal Penalties
DWI Tracking Systems
Probationary Technology
Ignition Interlock Devices

License Plate/Vehicle Impoundment And Confiscation
MADD advocates confiscating (or impounding) vehicles or plates from the vehicles of habitual impaired drivers or those who drive while under driver's license suspension or revocation, where the suspension or revocation was the result of driving under the influence or any other alcohol related driving offense.

Administrative License Revocation
MADD advocates implementation of administrative drivers license revocation or suspension laws for drivers whose blood alcohol content exceeds the legal limit defined by law.

Progressive Sanctions
MADD advocates a two-track system of penalties applied in both the administrative and criminal justice systems. Designed to reduce impaired driving by repeat offenders and deter those who have not been detected, the system will administer progressively more severe sanctions to deter offenders who have not been detected and reduce recidivism of those who have been detected.

Mandatory Confinement for Repeat Offenders
MADD favors confinement which cannot be suspended or probated for those convicted more than once of driving while under the influence. Drunk driving is a crime, and continued incidence of such offenses warrants the punitive effect of a certain jail sentence. Making the sentence mandatory removes the uncertainty and increases deterrent value of the sanction.

Minimum Security DWI/DUI/ Facilities
MADD calls for the development of special minimum security facilities for incarceration of convicted DWI/DUI offenders, which include assessment and treatment while incarcerated.

Anti Charge Reduction
MADD believes that all who are charged with DUI/DWI offenses should be prosecuted as charged. Rather than be allowed to negotiate to a lesser offense, especially a non alcohol related offense.

Equal Penalties
MADD believes that all impaired driving violations resulting in death or serious bodily injury, as well as leaving the scene of a crash, should be felonies. The penalties for these offenses should be equal.

DWI Tracking Systems

MADD supports the implementation of integrated DWI tracking systems that record pertinent information on DWI offenses from arrest to final disposition by the courts and driver license agencies. Tracking systems should include arrest records from all police agencies, prosecution court deposition and driver licensing records and should be accessible by all law enforcement agencies and courts.

Probationary Technology
MADD supports investigation and evaluation of new scientific technology designed to prevent individuals form driving under the influence of alcohol, such as ignition interlock device; however MADD does not support the use of such technology as a substitute for appropriate traditional penalties and sanctions for drunk driving, such as license revocation and jail sentences.

Ignition Interlock Devices
MADD supports the use of ignition interlock devices as an additional penalty and sanction for drunk driving offenders. The use of such devices should be in addition to normal sanctions such as fines, license sanctions and jail sentences. MADD supports laws that would require that offenders install these devices on their vehicles during probationary periods and as a prerequisite to being issued a limited driving permit or a probationary or restricted license, where such restricted permits are permitted by law.

Blow and go: the breath-analyzed ignition interlock device as a technological response to DWI - driving while intoxicated

Andrew Fulkerson — judge

BACKGROUND

In the last two decades, the crime of driving while intoxicated (DWI) has been one of the most visible of criminal or traffic related offenses. For many years, until the 1980s, the violation of laws prohibiting the operation of motor vehicles while under the influence of alcohol was not pursued with the same degree of enthusiasm with which they are at the present.

The activist organization, Mothers Against Drunk Driving (MADD), was formed in 1980 as a part of a grassroots campaign to get impaired drivers off of the roadways of America (1). Citizen involvement by groups such as MADD and others resulted in campaigns to increase the minimum drinking age in states that permitted drinking under the age of 21, passage of "dramshop" laws that make sellers of alcohol liable for damages sustained by persons injured by drunk drivers, and programs to make the public more aware of the dangers of driving under the influence (2).

This groundswell of public opinion worked in tandem with legislative reforms to produce significant decreases in alcohol-related crashes. In fact, the public opinion campaign is thought to be so important and effective, that it, in and of itself, should be viewed as an intervention completely separate and apart from the legislative enactments that changed the law and procedure of DWI/DUI offenses in the early 1980s (1).

The United States Department of Justice, Bureau of Justice Statistics, reports a substantial decrease in the DWI arrest rate. The arrest rate per 100,000 drivers fell from 1124 in 1986 to 809 in 1997 (3). This is an impressive decline of 28% in a little over a decade (see Table 1). Thus, it may appear that there has been a positive cumulative effect from a combination of the changing social and cultural climate regarding drinking and driving and the increased attention from law enforcement and the courts.

Much of the public opinion regarding drunken driving mentioned above has supported a "get tough" approach to handling DWI cases. In keeping with this sentiment, the number of persons in jail, prison, or on probation for DWI has increased from 270,100 in 1986 to 513,200 in 1997 (3).

TECHNOLOGICAL RESPONSE TO DWI OFFENSES

The handling of cases involving driving under the influence has become increasingly dependent on technology. Examples include the use of blood and breath tests to establish impairment. The level of alcohol in the system has been measured in terms of blood-alcohol content (BAC). Two pioneer studies that examined the relationship between BAC and its relationship to automobile crashes were the Manhattan Study and the Grand Rapids Study. The Manhattan Study found that alcohol increased the risk of a fatal vehicular crash (4). The Grand Rapids Study produced the "relative risk curve," which predicts the increased likelihood of being involved in an automobile crash at increasing BAC levels (5).

Persons can be, and often are, found guilty of DWI without scientific evidence of the person's BAC through testimony of eyewitnesses who provide evidence of the defendant's demeanor, physical appearance, speech patterns, and driving skill. However, this evidence will often not be enough in close cases where the defendant is not obviously under the influence of

alcohol. As a result, courts began to rely on objective scientific evidence of impairment.

Blood-alcohol content is measured in milligrams of ethanol per milliliters of whole blood. Until recently, most states had laws establishing the BAC level of 100 mg of ethanol per 100 mL of whole blood (0.10 g/dL) as the point at which an individual is incapable of safely operating a motor vehicle. However, it has been reported that even low-dose BAC's (under 0.05) will impair the visual perception, acuity, and complex reaction times of subjects (6). Thus, it could be argued that there is no "safe level" of alcohol in one's system in terms of safely operating motor vehicles. In response to this factor, many states have reduced the "guilty per se" limit to a BAC of 0.08. The federal government has encouraged this change by making the availability of certain highway funding contingent on moving to this lower BAC limit.

Early scientific tests for determining BAC were based on venous blood samples. Alcohol found in the breath of subjects was found to correlate to levels found in venous blood, and the National Safety Council Committee on Alcohol and Drugs recommended the use of breath testing in impaired driving cases in 1953 (6).

The Breathalyzer was developed for use by law enforcement by Robert Borkenstein in 1954. This machine measures the BAC of persons based on breath samples. Because the taking of breath samples is much less intrusive and expensive than sampling blood, the breath test soon became the accepted method for establishing the blood-alcohol level of suspected drunk drivers (7). There are presently several machines that provide breath analysis for law enforcement agencies on the market.

In addition to the use of modern scientific technology for evidentiary purposes, technology may also be used in such a manner as to prevent offenses. Such preventive technology has been considered since before 1970 (8,9). This preventive technology seeks to fill the quest for a "car that drunks can't drive" (8,10).

Early devices included locking systems that required the driver to enter a numerical code in the proper sequence before the vehicle would start. This, and other exercises, called critical tracking tasks (CTT), met with only limited success. In-vehicle breath testing was initially found to be impractical due to concerns over reliability and circumvention. Eventually, the technology of breath testing improved and was found to be reliable (11). But circumvention remained a problem (7). Some methods of circumventing the interlock included giving stored breath samples. When features that reduced the possibility of cheating were introduced, the modern breath-analyzed ignition interlock device emerged. Now, the most frequent method of "circumvention" by offenders is the operation of a vehicle that is not equipped with the interlock (12). The interlock device itself is not circumvented, but the court order requiring the use of the device is violated.

This device is installed in the ignition system of a motor vehicle. An interlock device typically uses a handheld unit connected by a wire to the analyzer unit mounted under the dash (7). The driver must give a breath sample that does not have the presence of alcohol in excess of a predetermined threshold amount. An excessive amount of alcohol in the driver's breath sample will prevent the ignition system from starting the vehicle. A "fail" BAC level will prevent the vehicle from being started for a predesignated time, usually 30 min. The ignition interlock will not prevent a person from drinking, nor will the device prevent a person from driving. But it will prevent one from drinking and driving in a particular vehicle. It has been observed that the ignition interlock is "designed to control the intersection of two behaviors (drinking and driving) rather than either behavior separately" (12).

The ignition interlock is typically required as a part of an offender's sentence as imposed by the trial judge following a conviction for driving under the influence of alcohol. The offender is under court order not to drive any motor vehicle that is not equipped with an interlock system. The interlock system can also be programmed to require subsequent breath samples, called "rolling re-tests," which are used to deter an impaired driver from attempting to get his or her vehicle started with the aid of a sober person. If not for this feature, a person under the influence of alcohol could have a friend provide the initial sample to get the car started and then drive to his or her desired destination. The driver must continue to give breath samples

even while the vehicle is in motion. A failure of the test while the vehicle is in motion does not cause the vehicle to stop for safety concerns. A retest failure causes the lights to flash and the horn to honk until the driver stops the vehicle. At that point, the vehicle is shut down and will not start again until such time as a "passing" breath sample is provided. These retests should also deter a driver from consuming alcohol while driving. The ignition interlock system records data of all tests and is downloaded at periodic intervals by technicians.

Studies have shown that the ignition interlock is effective in reducing recidivism rates among persons who have an interlock device in their vehicle (14). The Beck study conducted in Maryland reported that offenders in interlock programs have reduced their risk of being involved in an "alcohol traffic violation" within 1 year (13).

A 30-month longitudinal study of the interlock and its effect on recidivism in Ohio showed that a group of drivers who were sentenced to drive with an interlock device experienced a 65% decrease in the probability of a subsequent drunken driving arrest than a comparison group that was not required to use the interlock (15). The ignition interlock has been described as having an educational component in that it "requires the driver to change life habits related to drinking and driving" (16). It may also include rehabilitative features. The machine provides instant feedback to the offender. If one has consumed enough alcohol to exceed the preset BAC limit, then the vehicle will not start. This feature gives the offender the chance to learn how much alcohol consumption is unacceptable prior to driving (10,16).

This study will examine whether the ignition interlock results in a reduction in subsequent convictions of persons convicted of DWI in one court jurisdiction. It will also consider both the deterrent and rehabilitative effect of the interlock as a part of DWI sentences.

STUDY METHODOLOGY

Greene County, Arkansas, is a rural community in Northeast Arkansas with a population of approximately 35,000. Craighead County is an adjoining county with a population of approximately 75,000. Both counties have experienced significant growth in population and industry in recent years. The county seats of each county are only 20 miles apart and are in the same judicial circuit. According to Census 2000 of the U.S. Census Bureau, Greene County is 97% white, 69.5% of its residents are 21 years of age or older, and 72.6% reside in family households. Craighead County is 89.3% white, 69.5% 21 years of age or older, and 68.4% reside in family households.

To evaluate the effectiveness of the interlock system, court records in Greene County were examined to determine the identities of all cases of DWI for the first 14 months of the program (May 1, 1995 though June 30, 1996). This group included 315 offenders. From this group of 315 offenders, a total of 178 actually installed an interlock device on their vehicle. Of the 137 persons who failed to comply, many had no vehicle and made other arrangements for transportation. We must realistically presume that some were driving non-interlock-equipped vehicles. However, all will continue to have the requirement of an interlock device as a restriction on their license until such time as this requirement is completed.

A comparison group of 6 months of offenders in adjoining Craighead County was then identified. This time frame was January 1 [illegible] through June 30, 1996. This group was made up of 322 persons. The study population consisted of all DWI offenders in the two courts for the applicable time periods. The Office of Driver Control of the State of Arkansas provided the driving history of all persons in the experimental and comparison groups for a period of 3 years after their conviction dates.

The treatment group subjects were required to use the interlock for time periods of either 6 or 12 months. The 3-year study period provides for examination of recidivism following the removal of the interlock from the subject's vehicle. One criticism of other studies of the ignition interlock is that most only examine recidivism during the time that the interlock is actually in the offenders' vehicle (14). Inasmuch as treatment subjects were required to use the interlock for 6-12 months and their driving

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and criminal records were examined for 3 years following the installation of the interlock, this study has the benefit of at least 2 years of rearrest history after the removal of the device.

The interlock provider for Greene County offenders also reviewed data obtained from interlock devices regarding the blood alcohol level found in breath samples of interlock clients for the time frame from which Greene County offenders were selected.

LIMITATIONS OF STUDY

This study must be viewed as being somewhat limited. Readers are cautioned regarding generalizing data on a nationwide basis due to the fact that this project contains a small study population. The study also suffers from a similar problem for which other studies have been criticized; it is not based on a random experimental design (16). However, an experimental design will be difficult to achieve because most judges will be reluctant to assign offenders randomly to the interlock device. The interlock is, in and of itself, a substantial penalty. Judges will not want to impose this punishment on a random basis, which punishes half of the offenders in this manner while not punishing the other half on the basis of nothing more than the luck of when their case was docketed. Judges strive for fairness in sentences, believing that similarly situated persons should be treated in a similar manner. The random assignment of this form of punishment runs contrary to this principle. When judges impose a treatment procedure as a part of a sentence, they do not want to withhold this component of the sentence on pure random chance.

The differences in experimental and control groups could be addressed in future studies by assigning 100 consecutive subjects to an experimental group and the next 100 consecutive subjects to a control group. This method of group assignment may be more acceptable to a sentencing judge than pure random assignment.

FINDINGS

Recidivism Rates

The experimental group of DWI offenders who were required to drive only when using the interlock device experienced a lower rate of DWI recidivism than did the comparison group. Of the 315 offenders in the Greene County experimental group, 55 (17.5%) were convicted of a subsequent DWI within 3 years. The control group of 312 offenders whose group was not exposed to the ignition interlock produced 79 (25.3%) offenders who had subsequent DWI convictions within the 3-year follow-up period (see Table 2).

This is a 31% decrease in recidivism rates after 3 years for the interlock group subjects. What is the measure of association between the independent variable of interlock use and the dependent variable of recidivism? The two variables produce a Phi of only 0.096, which must be described as a weak to moderate relationship.

Length of time for use of the interlock had no effect on recidivism. As mentioned above, some offenders were required to drive with the ignition interlock for a period of 6 months, whereas others were required to an interlock term of 1 year. The 6-month interlock users and 12-month interlock users had almost identical recidivism rates. This could be attributed to the fact that 12-month interlock users tended to be offenders who were convicted of multiple DWI offenses, a group that may be more difficult to reach through treatment or punishment.

Survival Rates

The subject groups were followed for 3 years subsequent to their offense dates for the purpose of comparing survival data. For the interlock group, 4.1% of the subjects had been charged with another DWI offense at the end of 6 months, compared to 8%

of the control group subjects. Thus, the interlock group had a 6-month survival rate of 95.9%, whereas the control subjects had a 92% survival rate at this point. At 1 year, the interlock group had a 92.4% survival rate compared with 85.3% rate for the control group. At 18 months, the survivors were 88.9% for the interlock subjects and 80.8% for the control group offenders. This point marked the largest spread between the two groups. After 24 months, 85.4% of the interlock group remained free of additional DWI charges compared to 78.2% of the control subjects. At 36 months, the gap narrowed to 81.3% of the 1995-1996 interlock group surviving 3 years without subsequent DWI charges compared with 74.7% of the Craighead County control group.

The 1995-1996 interlock group had higher survival rates at all time periods. Both groups showed declining survival rates with the lowest being at the 3-year mark. It is noteworthy that the spread between the two groups increased with the passage of time, peaking at a difference of 8.1% points after 18 months. Even a year or more after the device is removed, subjects were exhibiting continued reductions in reoffense rates. However, the difference between the two groups declined sharply at the 24- and 36-month intervals. This may indicate lessening long-term benefit of the interlock, with the increased passage of time after removal of the device (see Table 3).

Compliance with Interlock Requirement

As mentioned previously, of the 315 cases in 1995-1996 where the offenders were ordered to install an interlock in their vehicle, 178 of the offenders complied with the court's order and 137 did not comply. Thus, only a little more than half (57%) completed the interlock requirement of their sentence. This compliance rate is consistent with that found in the Maryland study by Beck, Rauch, and Baker (13). Those who did not comply with the interlock requirement will continue to have the requirement of an interlock as a restriction on their driver license until such time as they have completed this part of the sentence.

Any reduction in future offenses is desirable. However, the overall recidivism rate for the interlock subjects is not substantially better than the non-interlock group. As noted above, the recidivism rate for the interlock group was 17.5% compared to the comparison group rate of 25.3%, with a Phi of 0.096 and a significance level of 0.016, indicating a weak to moderate relationship. However, when we control for whether the interlock group subject is a first offender or a multiple DWI offender, the differences become more pronounced. First offenders experienced a 17.2% recidivism rate for interlock group, compared to a 21.1% recidivism rate for the comparison group. The Phi value is 0.048, indicating a weak relationship. This, of course, is an improvement, but not substantial. In contrast, the multiple offenders in the interlock group had a reoffense rate of 18.1%, whereas the non-interlock group had a recidivism rate of 36.9%. The Phi value for the multioffender variable was 0.211, indicating a moderate to strong relationship. The multioffenders in the group not subjected to the interlock were more than twice as likely to have a subsequent DWI conviction within 3 years than the repeat offenders who were subject to the interlock requirement. This suggests that the interlock may be most effective when selectively used (see Table 4).

Controlling for age of the offender also produced interesting results. Offenders under 30 years of age showed much greater improvement in recidivism rates than did the over 30 offenders. The interlock group under age 30 experienced a recidivism rate of 12.2% compared to an under 30 comparison group rate of 23.3%. The interlock group subjects over 30 had a recidivism rate of 19.5%. The over 30 comparison group members exhibited a recidivism rate of 27.1% (see Table 5).

Selective use of the interlock appears to produce much more substantial results than across-the-board use. Offenders under 30 years of age in the non-interlock group had nearly twice the recidivism rate than the interlock group members in the same age group. The most important variable is prior DWI history. The offenders who had previously been convicted of DWI in the interlock group were less than half as likely to receive another DWI within 3 years than the multioffenders in the non-interlock comparison group. The Phi value for the multiple offender variable (0.211) was much stronger than the value for the under 30 years of age variable (0.138).

Deterrent Effect

One of the traditional purposes of punishment is deterrence. Deterrence rational choice theory is at least partially based on economic perspective of criminal behavior. The would-be offender is presumed to make a calculation, which weighs the potential benefit that may be gained from the contemplated criminal act against the potential cost if the person is caught and punished. The "cost" of criminal behavior may be increased by making greater the likelihood of detection and punishment (2). The cost of criminal behavior is increased by enhancing the punishment. This punishment may include fines, incarceration, public service work, treatment requirements, license suspension, probation supervision, and other sentencing provisions, which may include the use of an ignition interlock device. This punishment goal can be directed toward the individual offender in the form of specific deterrence or to society as a whole in the form of general deterrence (17). Deterrence is limited by low rates of detection. Low detection rates regarding drunken drivers is also a serious limitation in measures of recidivism based on rearrest rates (10).

Incapacitation

The ignition interlock also uses another of the traditional purposes of punishment, incapacitation. The ultimate form of incapacitation, in non-capital punishment, is incarceration. Jail sentences are totally effective in preventing the offender from driving under the influence of alcohol while the person remains incarcerated. As mentioned above, studies have shown that incarceration has little deterrent effect on future violations. Another form of incapacitation is license suspension.

A device such as the interlock is a form of partial incapacitation. The offender is partially incapacitated in that his vehicle is rendered functionally inoperable if the offender, or any person, attempts to start the vehicle with a prohibited breath alcohol level.

Routine Activities Theory

Society's mobility subsequent to World War II is noted to be related to crime and criminal activity. Cohen and Felson's (18) routine activities theory points to "... the convergence in space and time of the three minimal elements of direct-contact predatory violations: (1) motivated offenders, (2) suitable targets, and (3) the absence of capable guardians against a violation." (p. 589). Drunken driving is always potentially predatory, given the likelihood of injury of persons or property. It thus appears that drunken driving could be examined in the context of this theory. The offender (a person under the influence of alcohol and in control of a motor vehicle) meets in time and place with a victim (any member of society or their property in the path of the offender) in the absence of a capable guardian (anyone or anything that can stop the offender).

Routine activities theory ignores the motivation of criminal offenders. The theory assumes that certain persons are motivated to commit offenses and will do so if they meet with a target and there is no one or nothing to stop them. A person who has been convicted of DWI is such an offender. In fact, it could be said that the DWI offender is quite predisposed to commit this offense. The vehicle is not the target of the offense but, rather, is the tool for the commissions of the offense. As stated above the victim is any member of society, or their property, who is in the way of the impaired driver. The interlock becomes the capable guardian. The interlock is an example of "opportunity blocking." It is similar to antitheft devices installed in vehicles (19). The major distinction between such devices and the interlock is that the crime-preventing device is installed in the vehicle of the potential offender instead of that of the potential victim.

The ignition interlock is a very capable guardian. As mentioned above, the interlock was extremely effective in preventing drivers from operating the interlocked vehicle while intoxicated. One driver of 315 (0.32%) was charged with DWI with an interlock in place. This offender had a child provide the breath sample while she drove the vehicle. This incident is the only time in over 5 years in the subject jurisdiction that an offender has been discovered driving under the influence with an

interlock device in place.

This incident underscores the fact that the interlock is effective but still imperfect. Other possible scenarios include the fact that an offender can drive a vehicle that is not equipped with an interlock. The offender is legally constrained, but not physically restrained, from driving another vehicle that is not equipped with an interlock. A household with more than one vehicle will not be required to install the interlock in all of the family vehicles. In addition, being a mechanical device, it may be possible to circumvent the system in some manner (13).

The provider of interlock devices (a private contractor) in the subject jurisdiction reviewed the data retrieved from the company's client base for the period of July 1, 1995 through June 30, 1996. The interlock devices were all set to prevent the operation of a vehicle if the driver's blood-alcohol level (BAC) exceeded 0.025%. Interlock unit reports indicate that the subjects were prevented from driving with a BAC in violation of the state's then-current illegal per se limit of 0.10% a total of 90 times. Another 33 starts at the 0.08% BAC level (the present legal limit) were also prevented.

Punishment in General

The interlock may be viewed as an additional sentencing option, which has a specifically deterrent effect on the offender. It may also be viewed as rehabilitative, or at least educational, in that it provides instant feedback to the offender whether an excessive amount of alcohol has been consumed to safely operate a motor vehicle. It is certainly a form of incapacitation, in that the offender is limited in what he or she can do with regard to operating the interlock-equipped vehicle. It also may satisfy that basic societal urge to get revenge on lawbreakers. The DWI sentences may include incarceration, public service work, treatment or counseling, probation supervision, license suspension, and alternatives such as the ignition interlock. All of these sentencing components, individually or collectively, cover each of the four basic punishment goals. The interlock may be viewed as another reasonable form of punishment, which covers each of these four traditional sentencing goals.

Other Intervening Factors

Are there other factors that may have played a part in this reduction in recidivism rates, particularly among repeat offenders? State law mandates alcohol education or counseling. As such, these services were provided to offenders in both jurisdictions. Moreover, the program was delivered by the same source, and subjects in both groups were provided the same program. A review of court sentences indicates that the court's sentences were similar in both groups. First offenders typically were sentenced to public service work in lieu of incarceration. Second offenders were usually sentenced to serve 10 days in jail. Third offenders were normally sentenced to serve a mandatory minimum of 90 days in jail. However, in Greene County, third offenders typically were sentenced to a 6-month jail sentence, twice the normal sentence used in Craighead County. It is possible that the stiffer jail sentence in Greene County could be associated with the lesser rate of recidivism found in Greene County. But it must be recognized that jail has not been found to have a significant deterrent effect. As stated above, all offenders were sentenced to some form of treatment based on recommendations of a presentence screening report. All offenders had additional jail time suspended on the condition that the other requirements of their sentence be completed.

There was also a difference in fines and court costs between the control group and the experimental group. Fines in Craighead County were normally $500 for first offenders, $1,500 for second offenders, and $2,500 for third offenses. Court costs ranged from $300 to $340. In 1990, fines in Greene County for DWI were normally $500 for a first offense; $750 for a second offense; and $1000 for a third offense. Court costs were set at $225. Thus, Greene County used more jail time in some sentences and Craighead County used higher fines. In both courts, persons were permitted to perform public service work for credit toward fines if they were financially unable to pay fines. Both jurisdictions had the benefit of probation services to monitor offender compliance regarding the specific terms of their sentences.

Judicial Response

Members of the Arkansas District Judges Council were surveyed regarding their usage of the ignition interlock device at an annual meeting in May 1999. Thirty-seven judges participated in the survey. Thirty percent indicated that the interlock was available for them to use as a part of a DWI sentence. Sixty-eight percent of respondents stated they do t use the interlock as part of their DWI sentences. Twenty-two percent of the judges make use of the interlock as part of their sentences. Of those judges who do not use the interlock, 53% stated the primary reason was that the cost to the offender was prohibitive; 36% did not know how to arrange for the use of the device; and 12% said they believed the device was ineffective.

CONCLUSION

The breath-analyzed ignition interlock device is an example of a technological response to a technological problem. The problem is that the technology of the modern automobile in the hands of an impaired driver has created a serious danger to society. The technological response is to render the vehicle inoperable for a driver with a proscribed amount of alcohol in his or her system.

The ignition interlock device is not a perfect response, but it may be viewed as appropriate in certain cases. The sentencing judge must weigh the relevant factors. The interlock may be a burden on other family members who may have to share an interlock-equipped vehicle with an offender. It may also be a financial hardship on some offenders and their families. However, the device may also prevent numerous alcohol-related motor vehicle crashes. It provides both incapacitative and rehabilitative functions. The device is also a new approach to the concept of target hardening.

Although there is a difference in recidivism rates between the experimental and control groups, comparing these rates for all offenders, there was not a clear statistical relationship between the two. But the study demonstrates that recidivism is decreased significantly for multiple offenders who are required to drive with the interlock. Multiple offenders who are ordered to use the interlock are less than half as likely to have a subsequent conviction for drunken driving over a 3-year period. This decrease in subsequent violations has been shown by this study to continue even after the removal of the interlock device. In view of the foregoing, especially when applied to multioffenders, the breath alcohol ignition interlock device appears to be an effective tool in the prevention of drunken driving.

Table 1. DWI arrest rates.

Year	Licensed drivers	Arrests for DWI	Rate of arrest per 100,000 drivers
1986	159,486,000	1,793,300	1,124
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

Change (%)	14.6	-17.6	-28.0

Table taken from Ref. (3), citing FBI, crime in the United States (1986-1997), and Federal Highway Administration. Highway Statistics (1986-1997).

Table 2. Three-year recidivism rates by group.

	Interlock group	Comparison group
Total DWI offenders	312	315
Total offenders with DWI within 3 years (%)	55 (17.5)	79 (25.3)

Table 3. Survival rates by group.

Time (months)	Interlock (N = 315) (%)	Comparison (N = 312) (%)
6	302 (95.9)	287 (92)
12	295 (92.4)	266 (85.3)
18	(284 (98.9)	252 (80.8)
24	273 (85.4)	244 (78.2)
36	260 (81.3)	233 (74.7)

Table 4. Three-year recidivism rates by offense level.

	Interlock group	Comparison group
Total DWI first offenders	232	229
First offenders with DWI within 3 years (%)	40 (17.2)	48 (21.1)
Total DWI multioffenders	83	84
Multi offenders with DWI within 3 years (%)	15 (18.1)	31 (36.9)

Symmetric measure

Symmetric measures

Age	Value
Under 30 Phi	0.138
Over 30 Phi	0.0

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Judge Andrew Fulkerson, Correspondence: Judge Andrew Fulkerson, J.D., 33 West Court Street, Paragould, AR 72450, USA; Fax: (870)-239-4040; E-mail: waf3@swbell.net.

The Department of Premier and Cabinet
Government of Western Australia

Your ref:
Our ref:
Enquiries:

Office of Road Safety

Representative Kevin Meyer
State Capitol
Juneau, AK 99801

Dear Mr Meyer

I was fortunate to receive a draft copy of the Alcohol Interlock legislation that is being proposed for Alaska and would like to take this opportunity to offer my support for the Bill and congratulate all those that were involved in its development.

I met Narda Butler in October last year at the International Interlock Symposium in Colorado. At the Symposium I presented on the Western Australian Interlock Scheme and spent a memorable evening with Narda discussing the work we were both doing. During that discussion we discovered that Alaska and Western Australia have much in common, especially concerning our Indigenous populations, and that we share many of the same challenges in relation to establishing an effective response for convicted drink drivers.

In my role as a consultant to the Government of Western Australia (WA), I have been working on a comprehensive strategy to reduce repeat drink driving and unlicensed driving. This includes new legislation for an alcohol interlock scheme that, like Alaska, will make provision for all convicted drink drivers to apply to our Transport Department for a special interlock licence that will allow them to drive a vehicle fitted with an interlock device for the full period of their licence revocation. The aim of our program is to reduce repeat drink driving and unlicensed driving by drink driving offenders and in doing so reduce the associated road trauma and harm to the community.

The program in WA has been developed over a number of years and I believe that the process we undertook was extremely rigorous. All the components of our program are based on the latest international research and best practice indicators, which clearly suggest that interlock schemes should be managed administratively and that, if we are really serious about reducing drink driving recidivism, drink driving offenders should be engaged in an interlock program as soon as possible after receiving a drink driving conviction and retained on that program until such time that they demonstrate a clean driving record.

It is great to see another jurisdiction base their program on the evidence that interlocks provide the best opportunity to effectively separate drinking and driving, whilst at the same time allowing drink driving offenders to remain in employment and contributing to their families and wider community. As you will be aware, the majority of these people need to drive to remain in employment and the evidence is clear that simply revoking their driver's licence does not stop them driving, nor does it stop them drink driving. A special interlock licence that restricts these offenders to only driving a vehicle fitted with an interlock device allows them to continue to drive legally and ensures that when they do they are under the

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legal alcohol limit. In addition, it also reduces the incidence of unlicensed driving, which like drink driving is associated with significant road safety risks.

It is very heartening to learn that Alaska is proposing to introduce such a well considered interlock program and we should all be encouraged by the very positive results that are coming out of New Mexico, which has pioneered the approach that both Alaska and Western Australia are hoping to establish.

The Drink Driving Bill in WA is due to be considered by our Parliament in March of this year. We have done a great deal of consultation with all our legislators and politicians and all the indicators are pointing to a positive result. The community wants safer roads and everyone is keen to see legislation enacted that will reduce drink driving recidivism and the associated death and serious injury that results.

I wish you the best of luck as you progress your legislation through your political processes and will wait with interest to hear about your success.

Yours sincerely

Melanie Hands

Melanie Hands
Consultant, Office of Road Safety

17 January 2007

States turn on to idea of ignition locks

By Haya El Nasser, USA TODAY

More convicted drunken drivers may have to blow into devices that won't let them start their cars if they're intoxicated now that several states are embracing tougher penalties.

Lobbyist Richard Roth, holds up the ignition interlock device which keeps a car from starting if the driver has been drinking.

By Jeff Geissler, AP

New Mexico last Friday became the first state to require "ignition interlock" systems for first-time offenders. The devices, which act as breath-alcohol analyzers that control a car's ignition, will be on their cars for one year. Drivers with four or more DWI convictions are required to drive with the interlocks for the rest of their lives.

The devices cost the offenders about $1,0 a year.

Until now, they were required only for repeat offenders and for a maximum of a year.

"This is the first time it's been so broad," Jonathan Adkins, communications director for the Governors Highway Safety Association, says of the New Mexico law. "States realize we haven't won the drunken driving battle yet."

At the same time, the Senate version of a federal highway spending bill before Congress threatens to withhold about $600 million in highway construction and maintenance funds if states don't subject high-risk offenders to stiffer sanctions, including ignition interlocks and license suspensions.

'Excellent tool'

Mothers Against Drunk Driving says 17,000 people are killed and a half-million injured in alcohol-related crashes every year. Only 18 states have mandatory ignition interlock laws, according to MADD President Wendy Hamilton.

"They have to play a bigger role," she says about the devices. "They're an excellent tool and should be used for higher-risk drivers."

High-risk drivers include repeat offenders and those convicted of driving with a blood-alcohol levels of 0.15% or higher. By August, when a Minnesota law goes into effect, the legal limit in every state will be 0.08%.

Forty-three states and the District of Columbia have the option to make convicted drunken drivers use interlocks, MADD says. More are making them mandatory, applying the sentence to all offenders or lengthening the penalty.

• This month, Florida Gov. Jeb Bush signed a bill that allows the state to require the device without a court order.

• Last year, Washington state began requiring interlocks for first-time offenders with a blood-alcohol level of 0.15% or higher.

• New York Assemblyman Felix Ortiz, who spearheaded legislation that bans hands-on use of cell phones while driving in his state, introduced a bill that would require interlocks on all new cars. A similar measure failed in New Mexico last year, but others are being proposed in New Jersey, Connecticut and Washington state.

Growing business

About 80,000 interlocks are used in the USA, according to Lamar Ball, chief executive of Smart Start Inc., a manufacturer in Irving, Texas.

"I would expect that to more than double in the next five years," he says. His business is growing 30% a year.

Interlocks also can be installed voluntarily by parents who worry about their teenage children's driving habits. The system keeps a log of failed attempts to turn on the ignition.

Some drivers have tried to bypass the system by starting the car when sober and drinking while the engine is running. Others have used air compressor hoses. The devices now require random breath samples while the person is driving. They have only a few minutes to comply.

Amy Berning, research psychologist at the National Highway Transportation Safety Administration, says interlocks are "extremely effective" when they're on a car. "The concern is when the devices come off the vehicle, the recidivism starts to go back up."

Tackling the problem

New Mexico, which ranks sixth in the nation in the rate of alcohol-related car fatalities, is becoming one of the toughest enforcers. There are 3,000 interlocks on cars in the state, the highest per capita of any state.

In 2003, 198 of New Mexico's 439 traffic fatalities were alcohol-related, according to the most recent government data. It was the first time since 1998 that the state's alcohol-related fatalities fell below 200.

Fighting drunken driving is one of Gov. Bill Richardson's signature issues. He has appointed DWI Czar Rachel O'Connor and several task forces to tackle the problem of repeat offenders and set up drunken-driving checkpoints statewide.

"An interlock device is like a mechanical probation officer on duty and monitoring DWI offenders 24 hours per day and seven days per week," Richardson says. "It's a wonderful device. It's going to dramatically curb DWI in New Mexico."

Find this article at:
http://www.usatoday.com/news/nation/2005-06-23-drunk-driving_x.htm

☐ Check the box to include the list of links referenced in the article

(Work Order No. 25-LS0112)
Appendix A -- Relevant Alaska Statutes

AS 11.56.100. Bribery.

(a) A person commits the crime of bribery if the person confers, offers to confer, or agrees to confer a benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, action, decision, or exercise of official discretion.

(b) In a prosecution under this section, it is not a defense that the person sought to be influenced was not qualified to act in the desired way, whether because that person had not assumed office, lacked jurisdiction, or for any other reason.

(c) Bribery is a class B felony.

AS 11.56.110. Receiving a bribe.

(a) A public servant commits the crime of receiving a bribe if the public servant

(1) solicits a benefit with the intent that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced; or

(2) accepts or agrees to accept a benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced.

(b) Receiving a bribe is a class B felony.

AS 11.56.120. Receiving unlawful gratuities.

(a) A public servant commits the crime of receiving unlawful gratuities if, for having engaged in an official act which was required or authorized and for which the public servant was not entitled to any special or additional compensation, the public servant

(1) solicits a benefit, regardless of value; or

(2) accepts or agrees to accept a benefit having a value of $50 or more.

(b) Receiving unlawful gratuities is a class A misdemeanor.

AS 11.81.900(b)(54), "public servant" means each of the following, whether compensated or not, but does not include jurors or witnesses:

(A) an officer or employee of the state, a municipality or other political subdivision of the state, or a governmental instrumentality of the state, including legislators, members of the judiciary, and peace officers;

(B) a person acting as an advisor, consultant, or assistant at the request of, the direction of, or under contract with the state, a municipality or other political subdivision of the state, or another governmental instrumentality; in this subparagraph "person" includes an employee of the person;

(C) a person who serves as a member of the board or commission created by statute or by legislative, judicial, or administrative action by the state, a municipality or other political subdivision of the state, or a governmental instrumentality;

(D) a person nominated, elected, appointed, employed, or designated to act in a capacity defined in (A) - (C) of this paragraph, but who does not occupy the position;

AS 15.13.112. Uses of campaign contributions held by candidate or group.

(a) Except as otherwise provided, campaign contributions held by a candidate or group may be used only to pay the expenses of the candidate or group, and the campaign expenses incurred by the candidate or group, that reasonably relate to election campaign activities, and in those cases only as authorized by this chapter.

(b) Campaign contributions held by a candidate or group may not be

(1) used to give a personal benefit to the candidate or to another person;

(2) converted to personal income of the candidate;

(3) loaned to a person;

(4) knowingly used to pay more than the fair market value for goods or services purchased for the campaign;

(5) used to pay a criminal fine;

(6) used to pay civil penalties; however, campaign contributions held by a candidate or group may be used to pay a civil penalty assessed under this chapter if authorized by the commission or a court after it first determines that

(A) the candidate, campaign treasurer, and deputy campaign treasurer did not cause or participate in the violation for which the civil penalty is imposed and exercised a reasonable level of oversight over the campaign; and

(B) the candidate, campaign treasurer, and deputy campaign treasurer cooperated in the revelation of the violation and in its immediate correction; or

(7) used to make contributions to another candidate or to a group.

(c) A candidate may use up to a total of $1,000 in campaign contributions in a year to pay the cost of

(1) attending, or paying the cost for guests of the candidate to attend, an event or other function sponsored by a political party or subordinate unit of a political party;

(2) membership in a political party, subordinate unit of a political party, or other entity within a political party, or subscription to a publication from a political party; and

(3) co-sponsorship of an event or other function sponsored by a political party or by a subordinate unit of a political party.

AKPIRG
ALASKA PUBLIC INTEREST RESEARCH GROUP
PO Box 101093 ♦ Anchorage, Alaska 99510-1093 ♦ Ph: (907) 278-3661 ♦ Fax: (907) 278-9300 ♦ email: akpirg@akpirg.org

AkPIRG Supports HB 38

AkPIRG urges support for HB 38. This is common sense. Candidates and legislators should not be able to sell or exchange their vote for campaign contributions. It's that simple. Money should not be allowed to buy votes in Alaska. This bill would also make it illegal for person to attempt to bribe elected officials as well. It is important that both of sides of this equation know that Alaska State law prohibits such behavior and that there are consequences for breaking that law.

Thank you for your support of this legislation.
Sincerely,

Steve Cleary

Steve Cleary
AkPIRG Director

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› About The Quizzes
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Chat Room

Ignition Interlock Systems.

What Is an Ignition Interlock System?
An ignition interlock is a sophisticated system that tests for alcohol on a driver's breath. It is a device that requires a vehicle operator to blow into a small handheld alcohol sensor unit that is attached to a vehicle's dashboard. The car cannot be started if a BAC is above a preset level (*usually .02 to .04 BAC*). Alcohol safety interlocks that meet the standards issued by NHTSA (*see the See NHTSA Conforming Products List and Technical Information Regarding Alcohol and Drug Law Enforcement Technology*) not only require a test to start the engine, but also require a test every few minutes while driving. Called the *"rolling or running retest,"* it prevents a friend from starting the car and then allowing an impaired driver from taking over the wheel (*NHTSA guidelines call for only one subsequent test and the Alberta, Canada standard calls for multiple running retests*). With modern safeguards, alcohol safety interlocks are extremely difficult to circumvent when properly installed and monitored every 30 to 60 days.

When used by the courts or state motor vehicle departments in conjunction with a monitoring, reporting, and support program, the ignition interlock system provides DWI offenders with an alternative to full license suspension. Its use has spread rapidly across the country and as of late 1999, 37 states have enacted legislation providing for its integration into the DWI adjudication and sentencing process.

The consequences of a drunk driving conviction are serious. Let one of the DUI LAWS attorneys give you a free consultation.

Does This Technology Work?

Yes. Not only can ignition interlocks reduce recidivism while they are installed, but the data that is recorded by them can also be used to predict future behaviors of DUI offenders - their recording devices can show patterns of abuse that can lead to

Who Uses This Technology?

All DUI offenders have the potential to benefit from the use of the ignition interlock - it's installation allows offenders to maintain their responsibilities while also reminding them that their behavior has a direct impact on their right to drive. Court systems and motor vehicle administrations agree that it is a valuable tool because it deters individuals from driving while intoxicated while the device is installed. Additionally, when its use is required as a provision of probation/parole, the threat of doing jail time better ensures that DUI offenders will correctly use the device each and every time

DWI/DUIs (*offers insight into offender behaviors*).

For example, the most frequent time of day for recording elevated BAC levels is 7AM. This figure indicates a night of heavy drinking. Additionally, their use can stop individuals from driving drunk during high-risk time periods - from 12AM-3AM.

he/she gets behind the wheel.

DUI offenders benefit from the device as well. Their lives, and those of family members who share the use of the car, can remain relatively undisrupted-individuals can go to work, pick up children, run errands, etc.

Legislators and government officials like this program because in most cases, the installation and maintenance fees, which run about $60 per month, are paid for by the DUI offenders. Thus, the program can be self-sustaining and does not necessarily affect taxpayers.

The Federal government, in the Transportation Equity Act for the 21st Century *(TEA-21)*, supports the use of the ignition interlock. Section 164 of the TEA-21 Restoration Act indicates that state laws regarding second and subsequent convictions for driving while intoxicated or driving under the influence of alcohol *(DWI/DUI)* must, among other provisions, *"Require that all motor vehicles of repeat intoxicated drivers be impounded or immobilized for some period of time during the license suspension period, or require the installation of an ignition interlock system on all motor vehicles of such drivers for some period of time after the end of the suspension."* TEA-21 requires that states have such repeat intoxicated driver laws in place by October 1, 2000. States without these laws will have a portion of their Federal-aid highway construction funds redirected into other state safety activities, beginning in Fiscal Year 2001.

Are There Major Stumbling Blocks to Technology Integration?

Yes. While *"breath alcohol ignition interlock devices, when embedded in a comprehensive monitoring program, lead to 40-95 percent reductions in the rate of repeat DWI offenses of convicted DWI offenders,"* the technology has not been widely integrated into the field. According to Dr. Paul Marques in his position paper, Alcohol Ignition Interlock Devices, published for the International Council on Alcohol, Drugs and Traffic Safety, a number of stumbling blocks are present, including:

- The protective effect of the interlock lasts only as long as it remains installed on the vehicle. The likelihood of repeat DUI offenses rises back to previous levels once it is removed from the car.
- Only a small percentage of eligible offenders ever enter an interlock program. As a result, interlocks have not yet made a large contribution to highway safety *(at the population level)*. This may change when many more states, provinces, and nations adopt interlock programs.
- The most dangerous repeat DWI offenders only rarely become eligible for an interlock and then only for a brief period of time because of the manner in which interlocks are assigned to prior DWI offenders *(interlock use is not necessarily widespread and sentencing procedures are inconsistent)*. Research is called for that would evaluate the impact of lowering the threshold for entry into an interlock program and raising the threshold for exit from an interlock program. If such an approach was successful, it could put more of the most dangerous repeat offenders under the control of a program and retain them until evidence was available documenting their readiness to drive without an external monitor.
- Not all drivers of interlock-equipped vehicles will be equally motivated to

comply with interlock restriction and monitoring requirements. Authorities need to be attentive to these differences. The evidence base for interlock effectiveness in reducing DWI is strong but most studies to date have evaluated the effects of interlocks on offenders who are motivated to be compliant with the law.

- The majority of convicted DWI offenders whose licenses are suspended choose to drive anyway, and since an alcohol interlock program can improve monitoring and prevent impaired driving, it is worth evaluating the public safety im . of an early or immediate post-conviction interlock requirement relative to simply suspending the driver's license.
- It is impractical to require that an interlock system be installed on every vehicle owned by someone who will be required to use an interlock device. As an alternative the driver license of such drivers should be clearly marked showing that the driving privilege is exclusively contingent upon use of interlock vehicles.
- In the future, the interlock may become an integral part of advanced driver recognition and control systems. In the meantime it is very easy for a driver to circumvent the interlock by using a different vehicle without the interlock. Accordingly, at the current stage of technological development, an offender's motivation for compliance with the interlock restriction is expected to be a prime factor in determining effectiveness. Brief motivational interventions delivered while drivers are captive in the interlock program may help improve motivation for making lasting behavior changes.

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: **January 16, 2007**

TO: **Representative Bob Lynn, Chairman**
House State Affairs Committee

FROM: **Representative Kevin Meyer**

RE: **Hearing Request for House Bill 19 *Limited Driver's Licenses***

Please schedule HB 18 *Limited Driver's Licenses* for a hearing in the House State Affairs Committee at your earliest convenience.

HB 19 creates a limited license specifically for people convicted of driving under the influence of alcohol. The limited license requires the person to install and maintain an ignition interlock device on the vehicle or vehicles they intend to drive.

Included in this packet:

- HB 19 *Limited Driver's Licenses* v. LS-0133\E
- Sponsor Statement
- Sectional Analysis

Email: Representative_Kevin_Meyer@legis.state.ak.us • **Toll Free:** (866) 465-4945
Session: State Capitol, Juneau, Alaska 99801-1182 • **Phone:** (907) 465-3945 **Fax:** (907) 465-3476
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • **Phone:** (907) 269-0199 **Fax:** (907) 269-0197

HB

20

Comments of
Randy Wanamaker
Regarding HB 10 and HB 20
January 23, 2007

Mr. Chairman and members of the Committee:

Thank you for the opportunity to comment on campaign finance and ethics reform legislation. I think both bills are a good start.

I will be providing detailed comment in writing regarding these matters soon.

For now I will emphasize that clarity of language, clear expressions of intent and well thought out definitions and standards, listed in writing, will help to prevent ambiguity and ensure compliance.

Thank you again for the opportunity to comment on this matter.

Randy Wanamaker

Randy Wanamaker
POB 32234
Juneau, AK 99803

907 789 6855

Alaska State Legislature

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John Harris
Speaker of the House

SPONSOR STATEMENT

HOUSE BILL 20

"An Act relating to disclosure of campaign contributions; prohibiting spouses and domestic partners of legislators and legislative employees from receiving compensation for lobbying; and prohibiting legislators and legislative employees from entering into contracts to provide consulting contracts."

I introduced House Bill 20: Campaign Finance/Lobbying/Consulting to begin the discussion and an ultimate solution on Legislative Ethics reform. This version is broad in scope and it is my intent, through the committee process, to focus on those ethic issues most important to the public and to our legislative members.

This focuses on three issues:

1. Requires all contributions to groups under $100 to be reported to APOC;
2. Prohibits spouses of legislators from lobbying; and
3. Attempts to limit contractual work by legislators.

As stated previously, House Bill 20 and other needed ethics revisions will be thoroughly discussed throughout our committee process. I look forward to these discussions and hope that we will pass a meaningful ethics bill that will provide clearly defined guidelines for both the public and legislature.

Alaska State Legislature

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John Harris

Speaker of the House

SECTIONAL ANALYSIS
HOUSE BILL 20

"An Act relating to disclosure of campaign contributions; prohibiting spouses and domestic partners of legislators and legislative employees from receiving compensation for lobbying; and prohibiting legislators and legislative employees from entering into contracts to provide consulting contracts."

Section 1: Amends AS 15.13.040(a) Contributions, expenditures, and supplying of services to be reported. Requires the reporting of contributions to groups of under $100 to be reported to APOC to include the principal occupation and employer of each contributor.

Section 2: Amends AS 15.13.040(b) Contributions, expenditures, and supplying of services to be reported. Requires groups to provide information regarding every contributor and the amount of each contribution.

Section 3: Amends AS 15.13.040(j) Contributions, expenditures, and supplying of services to be reported. Requires all non-group entities to make a full report regarding contributions including those under $100.

Section 4: Adds a new subsection to AS 24.45.121, Prohibitions. Prohibits the spouse of a legislator from engaging in lobbying.

Section 5: Amends AS 24.60.030(a), Prohibitions related to conflicts of interest and unethical conduct. Prohibits a legislator or legislative employee from entering into a contract to provide consulting services.

Section 6: Amends AS 24.60.080(e), Gifts. Deletes language that provides for an exemption under reporting requirements under AS 15.13.040(g) which is repealed in the next section.

Section 7: Repeals AS 15.13.040(g) and (l).

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB20
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Legislature
Title "An Act relating to disclosure of campaign contributions; prohibiting spouses and domestic partners..."
RDU Legislative Council
Component Select Committee on Legis. Ethics
Sponsor Harris, Meyer, Hawker, Chenault, Samuels..."
Requester House State Affairs Committee
Component No. 2321

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

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

POSITIONS

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

ANALYSIS: *(Attach a separate page if necessary)*
This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
Phone 465-6626
Division Legislative Affairs Agency
Date/Time 1/19/07 11:11 AM
Approved by: Pamela Varni, Executive Director
Date 1/19/2007
Agency Legislative Affairs Agency

Sec. 15.13.040. Contributions, expenditures, and supplying of services to be reported.

(a) Except as provided in (g) and (l) of this section, each candidate shall make a full report, upon a form prescribed by the commission,

(1) listing

(A) the date and amount of all expenditures made by the candidate;

(B) the total amount of all contributions, including all funds contributed by the candidate;

(C) the name, address, date, and amount contributed by each contributor; and

(D) for contributions in excess of $250 in the aggregate during a calendar year, the principal occupation and employer of the contributor; and

(2) filed in accordance with AS 15.13.110 and certified correct by the candidate or campaign treasurer.

(b) Each group shall make a full report upon a form prescribed by the commission, listing

(1) the name and address of each officer and director;

(2) the aggregate amount of all contributions made to it; and, for all contributions in excess of $100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; for purposes of this paragraph, "contributor" means the true source of the funds, property, or services being contributed; and

(3) the date and amount of all contributions made by it and all expenditures made, incurred, or authorized by it.

(c) The report required under (b) of this section shall be filed in accordance with AS 15.13.110 and shall be certified as correct by the group's treasurer.

(d) Every individual, person, nongroup entity, or group making an expenditure shall make a full report of expenditures, upon a form prescribed by the commission, unless exempt from reporting.

(e) The report required under (d) of this section must contain the name, address, principal occupation, and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the commission no later than 10 days after the expenditure is made.

(f) During each year in which an election occurs, all businesses, persons, or groups that furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management, media production or preparation, or computer services. Records of provision of services, facilities, or supplies shall be available for inspection by the commission.

(g) The provisions of (a) and (l) of this section do not apply if a candidate

(1) indicates, on a form prescribed by the commission, an intent not to raise and not to expend more than $5,000 in seeking election to office, including both the primary and general elections;

(2) accepts contributions totaling not more than $5,000 in seeking election to office, including both the primary and general elections; and

(3) makes expenditures totaling not more than $5,000 in seeking election to office, including both the primary and general elections.

(h) The provisions of (d) of this section do not apply to one or more expenditures made by an individual acting independently of any group or nongroup entity and independently of any other individual if the expenditures

(1) cumulatively do not exceed $500 during a calendar year; and

(2) are made only for billboards, signs, or printed material concerning a ballot proposition as that term is defined by AS 15.13.065(c).

(i) The permission of the owner of real or personal property to post political signs, including bumper stickers, or to use space for an event or to store campaign-related materials is not considered to be a contribution to a candidate under this chapter unless the owner customarily charges a fee or receives payment for that activity. The fact that the owner customarily charges a fee or receives payment for posting signs that are not political signs is not determinative of whether the owner customarily does so for political signs.

(j) Except as provided in (l) of this section, each nongroup entity shall make a full report in accordance with AS 15.13.110 upon a form prescribed by the commission and certified by the nongroup entity's treasurer, listing

(1) the name and address of each officer and director of the nongroup entity;

(2) the aggregate amount of all contributions made to the nongroup entity for the purpose of influencing the outcome of an election;

(3) for all contributions described in (2) of this subsection, the name, address, date, and amount contributed by each contributor and, for all contributions described in (2) of this subsection in excess of $250 in the aggregate during a calendar year, the principal occupation and employer of the contributor; and

(4) the date and amount of all contributions made by the nongroup entity, and, except as provided for certain independent expenditures in AS 15.13.135 (a), all expenditures made, incurred, or authorized by the nongroup entity, for the purpose of influencing the outcome of an election; a nongroup entity shall report contributions made to a different nongroup entity for the purpose of influencing the outcome of an election and expenditures made on behalf of a different nongroup entity for the purpose of influencing the outcome of an election as soon as the total contributions and expenditures to that nongroup entity for the purpose of influencing the outcome of an election reach $500 in a year and for all subsequent contributions and expenditures to that nongroup entity in a year whenever the total contributions and expenditures to that nongroup entity for the purpose of influencing the outcome of an election that have not been reported under this paragraph reach $500.

(k) Every individual, person, nongroup entity, or group contributing a total of $500 or more to a group organized for the principal purpose of influencing the outcome of a proposition shall report the contribution or contributions on a form prescribed by the commission not later than 30 days after the contribution that requires the contributor to report under this subsection is made. The report must include the name, address, principal occupation, and employer of the individual filing the report and the amount of the contribution, as well as the total amount of contributions made to that group by that individual, person, nongroup entity, or group during the calendar year.

(l) Notwithstanding (a), (b), and (j) of this section, for any fund-raising activity in which contributions are in amounts or values that do not exceed $50 a person, the candidate, group, or nongroup entity shall report contributions and expenditures and supplying of services under this subsection as follows:

(1) a report under this subsection must

(A) describe the fund-raising activity;

(B) include the number of persons making contributions and the total proceeds from the activity;

(C) report all contributions made for the fund-raising activity that do not exceed $50 a person in amount or value; if a contribution for the fund-raising activity exceeds $50, the contribution shall be reported under (a), (b), and (j) of this section;

(2) for purposes of this subsection,

(A) "contribution" means a cash donation, a purchase such as the purchase of a ticket, the purchase of goods or services offered for sale at a fund-raising activity, or a donation of goods or services for the fund-raising activity;

(B) "fund-raising activity" means an activity, event, or sale of goods undertaken by a candidate, group, or nongroup entity in which contributions are $50 a person or less in amount or value.

(m) The commission may request that the information required under this chapter be submitted electronically but shall accept any information required under this chapter that is typed in clear and legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission and that is filed with the commission.

(n) The commission shall print the forms to be provided under this chapter so that the front and back of each page have the same orientation when the page is rotated on the vertical axis of the page.

(o) For purposes of (b) and (j) of this section, "contributor" means the true source of the funds, property, or services being contributed.

Sec. 24.45.121. Prohibitions.

(a) A lobbyist may not

(1) engage in any activity as a lobbyist before registering under AS 24.45.041;

(2) do anything with the intent of placing a public official under personal obligation to the lobbyist or to the lobbyist's employer;

(3) intentionally deceive or attempt to deceive any public official with regard to any material fact pertinent to pending or proposed legislative or administrative action;

(4) cause or influence the introduction of a legislative measure solely for the purpose of thereafter being employed to secure its passage or its defeat;

(5) cause a communication to be sent to a public official in the name of any fictitious person or in the name of any real person, except with the consent of that person;

(6) accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action;

(7) serve as a member of a state board or commission, if the lobbyist's employer may receive direct economic benefit from a decision of that board or commission;

(8) serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising event, directly or indirectly collect contributions for, or deliver contributions to, a candidate, or otherwise engage in the fund-raising activity of a legislative campaign or campaign for governor or lieutenant governor if the lobbyist has registered, or is required to register, as a lobbyist under this chapter, during the calendar year; this paragraph does not apply to a representational lobbyist as defined in the regulations of the Alaska Public Offices Commission, and does not prohibit a lobbyist from making personal contributions to a candidate as authorized by AS 15.13 or personally advocating on behalf of a candidate;

(9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person covered by AS 24.60, during a legislative session, a gift, other than food or beverage for immediate consumption; however, this paragraph does not prohibit a lobbyist from providing, during a legislative session or at any other time of the year, tickets to a charity event described in AS 24.60.080 (c)(10), or a contribution to a charity event under AS 24.60.080 (c)(11);

(10) make or offer a gift or a campaign contribution whose acceptance by the person to whom it is offered would violate AS 24.60.

(b) A person may not employ for pay or any consideration, or pay or agree to pay consideration to, a person to lobby who is not registered under AS 24.45.041 unless that person registers and that person does in fact so register before engaging in lobbying.

(c) A former member of the legislature may not engage in activity as a lobbyist before the legislature for a period of one year after the former member has left the legislature. This subsection does not prohibit a former member from acting as a volunteer lobbyist described in AS 24.45.161 (a)(1) or a representational lobbyist as defined under regulations of the commission.

Sec. 24.60.030. Prohibitions related to conflicts of interest and unethical conduct.

(a) A legislator or legislative employee may not

(1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions, solicitation or acceptance of contributions for a charity event, as defined in AS 24.60.080 (c)(10), or the acceptance of a lawful gratuity under AS 24.60.080 ;

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of either the legislator, legislative employee, or another person; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

(B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;

(C) telephone or facsimile use that does not carry a special charge;

(D) the legislative council, notwithstanding AS 24.05.190 , from designating a public facility for use by legislators and legislative employees for health or fitness purposes; when the council designates a facility to be used by legislators and legislative employees for health or fitness purposes, it shall adopt guidelines governing access to and use of the facility; the guidelines may establish times in which use of the facility is limited to specific groups;

(E) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others;

(F) a legislator from use of legislative employees to prepare and send out seasonal greeting cards;

(G) a legislator from using state resources to transport computers or other office equipment owned by the legislator but primarily used for a state function;

(H) use by a legislator of photographs of that legislator;

(I) reasonable use of the Internet by a legislator or a legislative employee except if the use is for election campaign purposes;

(J) a legislator or legislative employee from soliciting, accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable organization in a state facility;

(K) a legislator from sending any communication in the form of a newsletter to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

(L) full participation in a charity event approved in advance by the Alaska Legislative Council;

(3) knowingly seek, accept, use, allocate, grant, or award public funds for a purpose other than that approved by law, or make a false statement in connection with a claim, request, or application for compensation, reimbursement, or travel allowances from public funds;

(4) require a legislative employee to perform services for the private benefit of the legislator or employee at any time, or allow a legislative employee to perform services for the private benefit of a legislator or employee on government time; it is not a violation of this paragraph if the services were performed in an unusual or infrequent situation and the person's services were reasonably necessary to permit the legislator or legislative employee to perform official duties;

(5) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for the purpose of political fund raising or campaigning; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

(B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;

(C) telephone or facsimile use that does not carry a special charge;

(D) storing or maintaining, consistent with (b) of this section, election campaign records in a legislator's office;

(E) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others; or

(F) use by a legislator of photographs of that legislator.

(b) A legislative employee may not on government time assist in political party or candidate activities, campaigning, or fund raising. A legislator may not require an employee to perform an act in violation of this subsection.

(c) Unless approved by the committee, during a campaign period for an election in which the legislator or legislative employee is a candidate, a legislator or legislative employee may not use or permit another to use state funds, other than funds to which the legislator is entitled under AS 24.10.110, to print or distribute a political mass mailing to individuals eligible to vote for the candidate. In this subsection,

(1) a "campaign period" is the period that

(A) begins 90 days before the date of an election to the board of an electric or telephone cooperative organized under AS 10.25, a municipal election, or a primary election, or that begins on the date of the governor's proclamation calling a special election; and

(B) ends the day after the cooperative election, municipal election, or general or special election;

(2) a mass mailing is considered to be political if it is from or about a legislator, legislative employee, or another person who is a candidate for election or reelection to the legislature or another federal, state, or municipal office or to the board of an electric or telephone cooperative.

(d) A legislator, legislative employee, or another person on behalf of the legislator or legislative employee, or a campaign committee of the legislator or legislative employee, may not distribute or post campaign literature, placards, posters, fund-raising notices, or other communications intended to influence the election of a candidate in an election in public areas in a facility ordinarily used to conduct state government business. This prohibition applies whether or not the election has been concluded. However, a legislator

may post, in the legislator's private office, communications related to an election that has been concluded.

(e) A legislator may not directly, or by authorizing another to act on the legislator's behalf,

(1) agree to, threaten to, or state or imply that the legislator will take or withhold a legislative, administrative, or political action, including support or opposition to a bill, employment, nominations, and appointments, as a result of a person's decision to provide or not provide a political contribution, donate or not donate to a cause favored by the legislator, or provide or not provide a thing of value;

(2) state or imply that the legislator will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political contribution, donate or not donate to a cause favored by the legislator, or provide or not provide a thing of value; or

(3) unless required by the Uniform Rules of the Alaska State Legislature, take or withhold official action or exert official influence that could substantially benefit or harm the financial interest of another person with whom the legislator is negotiating for employment.

(f) A legislative employee may not serve in a position that requires confirmation by the legislature. A legislator or legislative employee may serve on a board of an organization, including a governmental entity, that regularly has a substantial interest in the legislative activities of the legislator or employee if the legislator or employee discloses the board membership to the committee. A legislator or legislative employee who is required to make a disclosure under this subsection shall file the disclosure with the committee by the deadlines set out in AS 24.60.105 stating the name of each organization on whose board the person serves. The committee shall maintain a public record of the disclosure and forward the disclosure to the appropriate house for inclusion in the journal. This subsection does not require a legislator or legislative employee who is appointed to a board by the presiding officer to make a disclosure of the appointment to the committee if the appointment has been published in the appropriate legislative journal during the calendar year.

(g) Unless required by the Uniform Rules of the Alaska State Legislature, a legislator may not vote on a question if the legislator has an equity or ownership interest in a business, investment, real property, lease, or other enterprise if the interest is substantial and the effect on that interest of the action to be voted on is greater than the effect on a substantial class of persons to which the legislator belongs as a member of a profession, occupation, industry, or region.

(h) An employee who engages in political campaign activities other than incidental campaign activities during the employee's work day shall take leave for the period of campaigning. Political campaign activities while on government time are permissible if

the activities are part of the normal legislative duties of the employee, including answering telephone calls and handling incoming correspondence.

(i) Except for supplying information requested by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a legislator or legislative employee may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer assigned to the hearing or the individual, board, or commission with authority to make the final decision in the case unless the

(1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or

(2) fact and substance of the contact is promptly disclosed by the legislator or legislative employee to all parties to the hearing and the contact is made a part of the record.

Sec. 24.60.080. Gifts.

(a) Except as otherwise provided in this section, a legislator or legislative employee may not solicit, accept, or receive, directly or indirectly, a gift worth $250 or more, whether in the form of money, services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same person worth less than $250 that in a calendar year aggregate to $250 or more in value. Except for food or beverage for immediate consumption, a legislator or legislative employee may not solicit, accept, or receive during a legislative session a gift with any monetary value from a lobbyist or a person acting on behalf of a lobbyist.

(b) *[Repealed, Sec. 42 ch 127 SLA 1992]*.

(c) Notwithstanding (a) of this section, it is not a violation of this section for a legislator or legislative employee to accept

(1) hospitality, other than hospitality described in (4) of this subsection,

(A) with incidental transportation at the residence of a person; however, a vacation home located outside the state is not considered a residence for the purposes of this subparagraph; or

(B) at a social event or meal;

(2) discounts that are available

(A) generally to the public or to a large class of persons to which the person belongs; or

(B) when on official state business, but only if receipt of the discount benefits the state;

(3) food or foodstuffs indigenous to the state that are shared generally as a cultural or social norm;

(4) travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern;

(5) gifts from the immediate family of the person;

(6) gifts that are not connected with the recipient's legislative status;

(7) a discount for all or part of a legislative session, including time immediately preceding or following the session, or other gift to welcome a legislator or legislative employee who is employed on the personal staff of a legislator or by a standing or special committee to the capital city or in recognition of the beginning of a legislative session if

the gift or discount is available generally to all legislators and the personal staff of legislators and staff of standing and special committees; this paragraph does not apply to legislative employees who are employed by the Legislative Affairs Agency, the office of the chief clerk, the office of the senate secretary, the legislative budget and audit committee, or the office of the ombudsman;

(8) a gift of legal services in a matter of legislative concern and a gift of other services related to the provision of legal services in a matter of legislative concern;

(9) a gift of transportation from a legislator to a legislator if the transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other means of transport owned or under the control of the donor; this paragraph does not apply to travel described in (4) of this subsection or travel for political campaign purposes;

(10) tickets from a lobbyist for a charity event at any time, including during a legislative session, except that tickets to or gifts received at a charity event under this paragraph are subject to the calendar year limit on the value of gifts received by a legislator or legislative employee in (a) of this section; in this paragraph, "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in advance; the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services involved in the charity event; or

(11) a contribution to a charity event from any person at any time; in this paragraph, "charity event" has the meaning given in (10) of this subsection.

(d) A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of $250 or more shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of $250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4) and (8) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4) and (8) of this section that it receives from legislators and legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of $250 or more shall disclose to the committee annually on or before March 15 the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record of

a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

(e) A political contribution is not a gift under this section if it is reported under AS 15.13.040 or is exempt from the reporting requirement under AS 15.13.040 (g). The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to that legislator under this section.

(f) Notwithstanding (a) of this section, a legislator or legislative employee may accept a gift of property worth $250 or more, other than money, from another government or from an official of another government if the person accepts the gift on behalf of the legislature. The person shall, within 60 days after receiving the gift, deliver the gift to the legislative council, which shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.

(g) Notwithstanding (a) of this section, a legislator or legislative employee may solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable organization.

(h) A legislator, a legislative committee other than the Select Committee on Legislative Ethics, or a legislative agency may accept a gift of (1) volunteer services for legislative purposes so long as the person making the gift of services is not receiving compensation from another source for the services, or (2) the services of a trainee who is participating in an educational program approved by the committee if the services are used for legislative purposes. The committee shall approve training under a program of the University of Alaska and training under 29 U.S.C. 2801 - 2945 (Workforce Investment Act of 1998). A legislative volunteer or educational trainee shall be considered to be a legislative employee for purposes of compliance with this section, AS 24.60.030 - 24.60.039, 24.60.060, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer or educational trainee has violated the provisions of one of those sections, the person may file a complaint under AS 24.60.170 . The provisions of AS 24.60.170 apply to the proceeding.

(i) A legislator or legislative employee who knows or reasonably should know that a family member has received a gift because of the family member's connection with the legislator or legislative employee shall report the receipt of the gift by the family member to the committee if the gift would have to be reported under this section if it had been received by the legislator or legislative employee or if receipt of the gift by a legislator or legislative employee would be prohibited under this section.

(j) In this section, the value of a gift shall be determined by the fair market value of the gift to the extent that the fair market value can be determined.

(k) In this section, "immediate family" or "family member" means

(1) the spouse of the person;

(2) the person's domestic partner;

(3) a child, including a stepchild and an adoptive child, of the person or of the person's domestic partner;

(4) a parent, sibling, grandparent, aunt, or uncle of the person;

(5) a parent, sibling, grandparent, aunt, or uncle of the person's spouse or the person's domestic partner; and

(6) a stepparent, stepsister, stepbrother, step-grandparent, step-aunt, or step-uncle of the person, the person's spouse, or the person's domestic partner.

Alaska Division of Elections

INITIATIVE PETITION BILL LANGUAGE
by Petition Sponsors

Petition ID: 03DISC

AN ACT RELATING TO CONTRIBUTION LIMITS, LOBBYISTS, AND DISCLOSURE.

Posted 7/13/06

Proposed Bill:

AN ACT RELATING TO CONTRIBUTION LIMITS, LOBBYISTS, AND DISCLOSURE

Be it enacted by the people of the State of Alaska:

Section 1. AS 15.13.070(b) is amended to read:
(b) an individual may contribute not more than
(1) $500 per year to a nongroup entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, or to a group that is not a political party;
(2) $5,000 per year to a political party.

Section 2. AS 15.13.070(c) is amended to read:
(c) A group that is not a political party may contribute not more than $1,000 per year
(1) to a candidate, or to an individual who conducts a write-in campaign as a candidate;
(2) to another group, to a non-group entity, or to a political party.

Section 3. AS 15.13.040(b) is amended to read:
(b)Each group shall make a full report upon a form prescribed by the commission, listing
(1) the name and address of each officer and director;
(2) the aggregate amount of all contributions made to it; and, for all contributions in excess of $100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; for purposes of this

paragraph, "contributor" means the true source of the funds, property, or services being contributed; and
(3)the date and amount of all contributions made by it and all expenditures made, incurred or authorized by it.

Section 4. AS 24.45.171(8) is amended to read:
(8) "lobbyist" means a person who
(A) is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislation or administrative action for more than 10 hours in any 30-day period in one calendar year, or
(B) represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation or profession.

Section 5. AS 24.60.200 is amended to read:
Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors. A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or domestic partner, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:
(1)the information that a public official is required to report under AS 39.50.030, other than information about gifts;
(2)as to income in excess of $1,000 received as compensation for personal services, the name and address of the source of the income, and a statement describing the nature of the services performed; if the source of income is known or reasonably should be known to have a substantial interest in legislative, administrative, or political action and the recipient of the income is a legislator or legislative director, the amount of income received from the source shall be disclosed;
(3) as to each loan or loan guarantee over $1,000 from a source with a substantial interest in legislative, administrative, or political action, the name and address of the person making the loan or guarantee, the amount of the loan, the terms and conditions under which the loan or guarantee was given, the amount outstanding at the time of filing, and whether or not a written loan agreement exists.

Section 6. Effective Date. This Act takes effect January 1, 2005.

End

Initiative Petition Status Report

Alaska Division of Elections Home Page

Rep. Lynn ←

To Gov. Palin & each Alaska legislator

PETITION

Re: Permission to Testify about Effectively Dealing with Corruption in State Government

I petition you to allow me to address, in open meeting, Alaska elected officials about dealing with representative government incompetence, corruption and poor ethics. My authority to command your attention is the inherent sovereignty of an informed citizen over government, as recognized by the Alaska and US Constitutions. By your oaths of office, I conjure you to recognize this.

For courtesy's sake, I resubmit, in the at[illegible]ied published letters, the foundation of my testimony and idea for simply controlling corruption and et[illegible]s standards in government. This is so you can reasonably determine that I am sensible and sincere.

I ask for this widest possible official audience because of my treatment at the hands of state lawmakers and the governor last year. My petition to be heard by the House and Senate Rules committees, concerning inoculating lawmakers against destructive ignorance, prejudice and corruption, was refused – though they had proper jurisdiction over legislative rules. I have documented evidence of this. I reported this rejection and a summary of my intended testimony and solution to the governor and all 60 legislators. Only about 8 lawmakers responded. None expressed interest in a simple proven solution to controlling ethics lapses and corruption, or recognized the corruption inherent in what I experienced. I have documented evidence of this. Yet I only wanted to help the Legislature improve its performance and ethics standards in a gentle fashion. This year, corruption and ethics are now being given emergency attention. This is apparently due to the attitude of the new governor, embarrassment over the gross corruption uncovered by the FBI, and embarrassment over ethics lapses now being punished by APOC. I hope I will now be decently treated.

My testimony will verifiably show that:

1. the current measures being considered against corruption and ethics lapses are acceptable, but are superficial. Such solutions naturally permit problems to mutate until those solutions later no longer work.
2. the full discipline of our constitutional form of government is itself the ultimate control over corruption – if enough of it known and fully practiced. Our republican form of government is based on a vastly verified study and debate by our founding fathers about the strengths and weaknesses of all other government forms that preceded it. So failures to control corruption and ethics lapses are actually evidence of cooperative incompetence at using the constitutional devices and disciplines that make up our political heritage.
3. the common solution lawmakers are using to address their overwhelm from the volume of legislative material naturally leads to corruption. Specifically, addiction to trusted lobbyists and practicing follow-your-caucus-leader is discredited by the history of aristocrats and monarchs. People-based information and research support for leaders is practically unknown, much less used, despite our political heritage from early America and from our Alaska native cultures.
4. the example set by modern elected representatives and chief executives is probably the most major influence behind skyrocketing high school dropouts and disinterest in learning. Youth consistently see how people must join an aristocracy – born of money, "who you know", prominence and popularity in the community, and name recognition – to be elected to run things or to be empowered to call the shots. Why know history, civics, math or even how to study if you can get "experts" and advisors to know this for you when you're in power?
5. there is a simple remedy for current conditions that is historically proven.

May I please be given the respect of a public hearing before legislators so I can discharge my duty of preserving the existence of my state?

S 1/22/07

Stuart L Thompson
Direct responses to [illegible] or VM 1-877-950-7980 as am currently working in SE cities
Permanent address: PO Box 870702, Wasilla, AK 99687

Sir! I appreciated your OPED in the ADN. I assure you I don't believe that all politicians are naturally evil ogres. I do believe they are imperfect human beings that deserve help though Stuart T

Frontiersman
TUESDAY, NOVEMBER 21, 2006 PAGE A

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Y ON SUBMISSIONS

to the Editor. Letters will be edited for length, l libel. Factual accuracy and a civil tone are

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'Educated competence' needed in government

To the editor:

People moan about political corruption, destructive partisanship by representatives, and undue influence by special interests, yet carelessly accept empty rhetoric from politicians. Let's talk seriously about making our form of government work to its potential.

Consider that the Alaska Constitution's Article 2, Sect. 12, last sentence reads: "The legislature shall regulate lobbying."

What? This is the very thing that nearly all Alaskans complain the Legislature doesn't do enough of. Here are excuses given by past and present politicians for brushing this off:

A- "Lobbying is part of the fabric of democracy." Yet common sense shows lobbying works best to the degree just a few or one person calls the political shots, which sounds like aristocracy or monarchy in action. History calls efficient lobbying "having the ear of the king."

B- "Lobbyists perform valuable educational and research services for the legislature on complex issues." Yet it's self-evident that whoever controls the information diet of a mind controls most of its conclusions and decisions.

What powers such hypocrisy?

Basically, current political traditions and practices are increasingly turning away from people-based government principles. Example: how to successfully harvest and organize a population's ideas, contributions and efforts toward state and national goals is rarely practiced, or even understood.

See LETTERS, Page A5

LETTERS

Continued from Page A4

This is demonstrated by the common assertion "Representatives are elected to make the hard decisions for everyone." Yet this defines aristocracy, not representative government.

Furthermore, politicians who rebel against "how things are done" are suppressed and demoralized by our modern tradition-oriented political infrastructure. Consequently, it's why citizen apathy is never actually addressed. Apathy serves benevolent elected aristocrats that masquerade as representatives very well.

How have political traditions come to have more influence than constitutional oaths of office? Well, consider this. U.S. founding fathers were at least partially educated in Greek and Latin. This naturally drove their comprehension and use of English words derived from these languages.

The word "represent" is derived from Latin words for "show or give again." This obviously applies to a constitutional republic that is supposed to reflect the will and ideas of its citizens.

But modern dictionaries and politicians give the word "represent" in government another meaning. They use "be an agent or official in behalf of."

Yes. Look it up.

This goes beyond the original theory of Congress acting as a check against mob rule. An agent by definition isn't req[illegible]ed to reflect the ideas and thinking of his clients. He just has to provide for their well-being and interests based on his judgment of realities.

Now you see why even well-meaning elected officials tend to ignore their constituents in favor of knowledgeable lobbyists. It's obviously more efficient for an "agent" to do so.

Consequently, "we" citizens have to pass initiatives about lobbying and even, in desperation, attempt to move the Capitol. Unbelievably, all this visibly proceeds from faulty comprehension of just one key word.

There's an easy and inexpensive way to change all this. Our Legislature is constitutionally commanded to provide rules to maximize cooperative efficiency for doing the public's busin[illegible] (Article 2, Sect 12). But current legislative rules fail to include the most successful method of all time at accomplishing just that. The Rules don't require on-the-job self-education by legislators about the craft of government. Yet true professionals have always proven commitment to results and ethical standards through career-long self-education about their work. Why should Alaska lawmakers be any different?

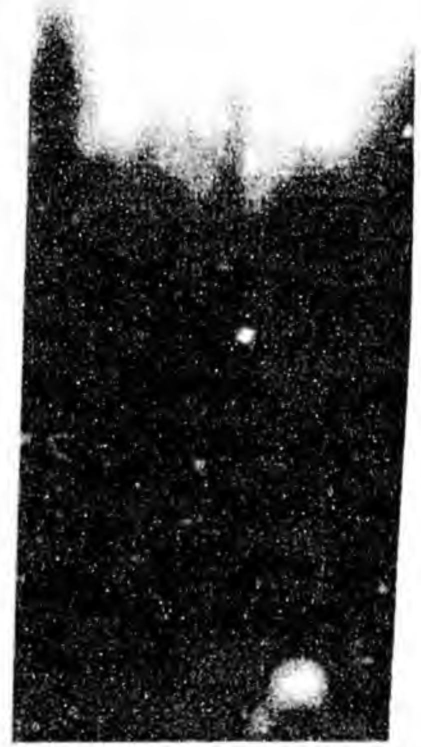
In remedy, the Legislature could pass this simple rule:

"Each member of the Legislature shall spend at least three hours per week each session personally studying government forms and lawmaking, including histories of their successes and failures. At the beginning of each term, each legislator shall take a voluntary exam about government to have a benchmark to individualize personal studies.

The regularly freshened exam shall be composed by Alaska's social studies teachers, under the supervision of the Lt. Governor's office, with Alaska Supreme Court oversight."

Let's make our government run on educated competence.

Stuart Thompson



Letters

Continued from Page A6

from the vote.

Maybe it is because you do not have the time to spend researching the subject.

provisions to House Bill 149, Murkowski did not give the House an opportunity to debate the merits of his plan to recriminalize marijuana. We should not allow this kind of an end-run around the House and the democratic process.

should outfit a golf course because it is grizzly habitat? Common sense and logic more clearly point to eliminating a dangerous predator from a densely populated area. That golf course must have looked like an all-you-can-eat buffet to an angry bear.

If there are really five alligators in every pond in Florida, as Mr. Thompson contends, Floridians should start an alligator golf bag industry. I would place an order tomorrow.

Don Eagle
Fairbanks

Pro-monarchists

June 3, 2006

To the editor:

This concerns everyone. Behold signs of practicing pro-monarchists in government and among us:

They believe ordinary citizens are generally too politically immature or corrupt to make our lawmaking process effective. Therefore, the executive branch alone must judge whether to overrule law for national security and public good.

They believe national emergencies and foreign threats are rarely traceable to U.S. government errors but instead justify giving the executive branch more authority.

They believe privacy is an impediment to law and order and national security. Privacy's not important because people "who have done nothing wrong" don't really need it with the "right" people in charge.

They believe in common use of secrecy to achieve effective government and public protection. But secrecy can't even exist without a select aristocracy—jealously organized and practiced.

They believe American citizens elect officials "to make the hard decisions for everyone." Yet this defines ruling by an elite, rather than representing informed citizen will.

They believe "lobbying is part of the fabric of democracy." Yet lobbying is efficient to the degree just a few or one person call the shots politically—the character of aristocracy or monarchy, despite feel-good propaganda.

They believe people act civilized solely from threats from force of law or armed supervision. So they scoff at encouraging constructive motivations based on reason, conscience,, religion, or mutual pursuit of happiness.

They believe administering justice for lawbreaking is best left to expert guidance or manipulation. So a jury's intended powers of trying a case "considering both matters of fact and of law" is too dangerous in the hands of citizen peers of the accused.

They believe prejudice appeasement, or bribing constituents with government funding, work better than actually harvesting, organizing and using constituent input and contributions.

Citizens beware!

Stuart Thompson
Fairbanks

Test ride?

June 6, 2006

To the editor:

Wanna test your car's shocks? Drive out South Cushman.

Guy Ramsey
Nenana

The realities of limited government

To the editor:

Politicians like Vic Kohring and Ethan Berkowitz are sincere, but miss something vital. There are self-evident realities about making American-style limited government with low taxes happen. Consider these descriptions of them:

1. Limited government is possible in proportion to the amount of organized civic participation by citizens. Attempting limited government without such citizen activity produces anarchy. Such anarchy stimulates regulation and supervision typical of kings and dictators.

2. Demand for expanded government increases in proportion to the amount of unchecked human irrationality rampant in society. Unjust harm from natural human irrationality increases in proportion to citizens neglecting the religion, philosophy, self-education and communication exchanges that check it. Consequently, founding father James Madison observed in "The Federalist Papers" (No. 51), "Justice is the end of government. It is the end of civil society."

3. Permitting growth of economic dependence on government — through excessive subsidies, grants, entitlements and work contracts — risks enslaving the rich and the poor alike. Consider this analogy: One commonly tames or trains animals by forming dependency on the master for survival essentials. Empowered by such dependency, a master comes to command the animal's willing obedience through calculated awards for compliance and calculated punishments for non-compliance.

So it can be with citizens — using government's legislative process. This process clearly contains the capabilities of appropriations control and threats of fines and imprisonment. Thus, overly powerful government, using government funding, can become an addictive necessity for even mediocre civilization.

4. How can we encourage rational and realistic independence from overly powerful government — the essence of civil freedom? It requires leaders up at cultivating, organizing and using widespread citizen participation in civic matters.

Such matters include help for the weak and for minorities tyrannized by the majority — what typically prompts serious government intervention. These are realities for successful cooperative pursuit of mutual happiness. Comparatively, when has concentrated government power using dictatorial benevolence ever been effective at dispensing happiness?

These concepts prompt two questions: Citizens, are you willing to personally exercise responsibility for the practical work of civic freedom? Politicians, are you willing to actually represent the true political power this generates?

Stuart Thompson

Reader offended by editorial cartoons

To the editor:

I am very offended by Chuck Legge's cartoons. What bothers me more is that there isn't a cartoon representing other views. It is OK

Letters

Continued from Page A6

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FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB020-DOA-APOC-1-22-07
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Administration
Title: An Act relating to disclosure of campaign contributions; prohibiting spouses ...
RDU: AK Public Offices Commission
Component: AK Public Offices Commission
Sponsor: Representatives Harris, Meyer, Hawker, et al.
Requester: House State Affairs Committee
Component No.: 70

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	126.5	126.5	126.5	126.5	126.5	126.5
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**126.5**	**126.5**	**126.5**	**126.5**	**126.5**	**126.5**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	126.5	126.5	126.5	126.5	126.5	126.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	**126.5**	**126.5**	**126.5**	**126.5**	**126.5**	**126.5**

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

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

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

This bill removes the $5000 exemption for candidates. This will result in substantially more work for APOC. A high percentage of the municipal candidates in the 31 municipalities that must file campaign disclosure reports, currently file exemptions. In addition, removing the ability for groups to aggregate their $100 or less contributions will result in substantially more work for APOC, particularly with labor unions and other PAC's that operate under payroll deduction programs. Lastly, the removal of the exempt fundraising provision will require more work of APOC and may result in a fundamental change in the way candidates conduct their campaigns. To perform the additional work required of APOC funding for a group administrator position and clerical support is required.

Prepared by: Brooke Miles, Executive Director
Phone: 907-334-1726
Division: Alaska Public Offices Commission
Date/Time: 1/22/2007 2:30 p.m.
Approved by: Melanie Millhorn, Deputy Commissioner
Date: 1/22/2007
Agency: Department of Administration

(Revised 9/18/2006 OMB)

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB20
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Legislature
Title "An Act relating to disclosure of campaign contributions; prohibiting spouses and domestic partners..."
RDU Legislative Council
Component Select Committee on Legis. Ethics
Sponsor Harris, Meyer, Hawker, Chenault, Samuels..."
Requester House State Affairs Committee
Component No. 2321

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

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

POSITIONS

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

ANALYSIS: *(Attach a separate page if necessary)*
This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
Phone 465-6626
Division Legislative Affairs Agency
Date/Time 1/19/07 11:11 AM
Approved by: Pamela Varni, Executive Director
Date 1/19/2007
Agency Legislative Affairs Agency

Nancy Manly

From: Rep. Bob Lynn
Sent: Friday, January 19, 2007 6:30 PM
To: Rep. Bob Lynn; Nancy Manly; Nancy Manly; infosica@gci.net
Subject: FW: Please hold HB 6 and 20 in committee

From: Melinda Taylor [mailto:mtaylor@ibew1547.org]
Sent: Friday, January 19, 2007 3:10 PM
To: Rep. Bob Lynn
Subject: Please hold HB 6 and 20 in committee

Rep. Lynn,

Please hold House Bills 6 and in 20 in committee. They are unfair.

Thank you.

Melinda Taylor
Communications Director
IBEW LOCAL 1547
3333 Denali Street, Suite 200
Anchorage, AK 99503
907.777.7248 phone
907.777.7255 fax
907.240.9008 cell

www.ibew1547.org
www.wildsalmononparade.com

Alaska State Legislature

Session: (Jan-May)
State Capitol, Room 508
Juneau, AK 99801-1182
(907) 465-4859
Fax (907) 465-3799

Interim: (June-Dec)
716 West 4th Avenue, Suite 300
Anchorage, AK 99501-2133
(907) 269-0129
Fax (907) 269-0128

John Harris
Speaker of the House

MEMORANDUM

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Representative John Harris
Speaker of the House

Date: January 17, 2007

Subject: Hearing Request for HB 20

Please consider this request to hear House Bill 20: Campaign Finance/Lobbying/Consulting, before your committee at your earliest possible convenience.

Background materials for the bill will be forthcoming. If you have questions or need additional information, please contact Tom Wright of my staff at 465-4859.

Thank you for your consideration of this request to schedule HB 20.

HB

21

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 16, 2007 **FURTHER REFERRALS:**

Date of Committee Action: 2-6-07

The STATE AFFAIRS Committee considered: **HB 21**

HOUSE BILL NO. 21 **DISPOSAL OF STATE FLAG**

"An Act relating to the proper disposal of the state flag."

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 21 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero
Admin				X

***PREVIOUS* FISCAL NOTES**

List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle Johansen	JOHANSEN	X			
Bob Roses	Roses	X			
M. Greenberg	Greenberg	✓			
John Coghill	Coghill	✓			
D Doll	Doll	✓			
Chair:	LYNN	X			
Chair:					