

TO: Charlie Perello
Westside Pulse
FAX: (907) 248-9309
Telephone: (907) 243-6404
e-mail: pulse@anchortown.com

FROM: Representative Norman Rokeberg
FAX: (907) 465-2040
Telephone: (907) 465-4968



DATE: April 10, 2002

RE: May 2002 Westside Pulse Article

FISCAL GAP EFFECTS DRUNK DRIVING BILL
By Representative Norman Rokeberg
House District 11

Proposing legislation is a process: you take an idea, nurture it, advocate for it, and then, at some point, have to turn it loose. You also have to make decisions about legislation based on what item it costs. Such is the way that bills are presented and move through the legislative system.

[House Bill 4](#) is my omnibus drunk driving bill. The "H" version of the bill generated Administration fiscal notes of over \$4 million. In order to get a bill passed, I am "forced" by these fiscal notes to propose eliminating some provisions of the bill:

1. Confiscation of registration plates will be eliminated as a recent court decision mandates that DMV must conduct hearing face to face instead of by telephonic methods. Driver's license and registration plate hearings would have to be accomplished separately due to privacy concerns.
2. Mandated treatment while incarcerated. While I would like to see this continue in the bill, it carries a \$605,000 fiscal note.
3. With the exception of the increased sentence for manslaughter while driving

drunk, all the increased jail sentences called for in the bill would be eliminated thus reduce the notes by about \$1,000,000. This is a bitter pill for me to swallow

4. Mandatory vehicle forfeiture and/or confiscation for misdemeanor offenses. This reduces the approximately \$2 million fiscal note that Departments of Law, Administration (Public Defender), and Public Safety have. No matter how I argue with them on this, I cannot convince the Executive Branch of the benefits of a statewide mandatory impoundment/confiscation/forfeiture program such as the ones operated in Anchorage and Fairbanks.

What, you might ask, does this leave in the bill? Well, there is still a lot of good left in the bill. It:

1. Mandates vehicle forfeiture for any felony charge.
2. Mandates revocation of vehicle registration for felons.
3. Provides local governments with the ability to have more stringent standards than the state on municipal impoundment and forfeiture for drunk driving, driving without a license, and driving without insurance.
4. Increases fines for all misdemeanor and felony charges for driving under the influence and refusal to submit to a sobriety test.
5. Provides of judges with the ability to reduce fines and jail sentences for those who successfully complete a therapeutic or court-ordered treatment program.
6. Increases fees for obtaining a drivers license, when eligible, for persons who have drunk driving or refusal convictions.
7. Changes "driving while intoxicated" to "driving under the influence". This more accurately reflects the intent of legislative action and the newly adopted .08 BAC.
8. Increases penalty for manslaughter resulting from drunk driving.
9. Clarifies use of the house arrest/electronic monitoring program and right to independent test to determine blood alcohol content.
10. Keeps the increased reimbursement level for imprisonment costs (goes up

from \$1,000 to \$2,000).

By giving up some of the more stringent provisions, which I would still like to see enacted, we should have fiscal notes that comes in at about the \$38,000 after deducting the increased drivers' license restatement fees and felony confiscation fees. My estimate of the revenue from the increased fines, after considering low collection rates and the reduced fines for persons who successfully complete a treatment program, is about \$500,000. That then means that I can argue that the bill shouldn't cost any money with its revisions but might generate a few dollars. These figures are just my "guessestimate" based on information I have gleaned from DPS arrest statistics and fiscal note information.

That's the status of my bill as I write this on April 10th.

If you wish to contact me during the 2002 legislative session, please: write me at: State Capitol, Juneau, AK 99801-1182; telephone: 1-800-773-4968 (from Anchorage) or 907-465-4968; fax: (907) 465-2040; e-mail: Representative_Norman_Rokeberg@legis.state.ak.us; or call 269-0111 and send a public opinion message.