

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board

—in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
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- Reed Elsevier, Inc.
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- ExxonMobil
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- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Did you know the NRA—the National Rifle Association—was the corporate co-chair in 2011?

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Statement of Principles on Federally Mandated Blood Alcohol Levels (BAC) and Drunk Driving Sanctions

The American Legislative Exchange Council finds the following:

Federal Funding and Mandates

Our nation's system of governance is based on a unique delicate balance between the federal government and the governments of the states. This balance is founded on the belief that each is a co-equal branch of government with clearly enumerated and distinct duties and responsibilities.

State officials have a duty and a vested interest in ensuring their roadways are as safe as possible for their citizens.

Knowing their states unique characteristics, state lawmakers are in the best position to set the appropriate safety standards. State lawmakers have a closer relationship than federal lawmakers with the citizens they represent and are in a position to directly respond to their concerns.

Federally imposed standards upset the balance between Washington and the states. Federally imposed standards force a "one-size-fits-all" approach that ignores local needs and concerns. Federally imposed standards also ignore the valuable experience of persons most familiar with a state's needs. The policies of the states are the result of a deliberative process of state lawmakers, acting on behalf of their citizens.

Federal highway funding is financed through various excise taxes paid by citizens into the Federal Highway Trust Fund. This funding is complemented by state funding, based on state excise taxes and fees. Taxpayers and the states deserve the maximum funding from this Trust Fund. The federal government should not withhold highway funding as a leverage to force a state to adopt or change its policy.

If states are forced to adopt a federally mandated policy, additional resources should be committed to the state to cover compliance and administrative costs

Blood Alcohol Content (BAC) Levels

Each state, through the deliberative legislative process, has the power set blood alcohol content (BAC) level at which a driver is considered legally intoxicated. Thirty-four states currently enforce a 0.10 BAC level and sixteen states enforce a 0.08 BAC level.

State officials, acting on behalf of citizens, are in the best position to determine the appropriate BAC level for this state. They have the ability to adjust this level as needed. Any effort that would shift this power to the federal government is a severe violation of state's rights and should be terminated.

Focusing Sanctions

When determining the focus of drunk driving sanctions or any other government regulation policymakers should ensure that the focus of such sanctions impacts the targeted violators and avoids burdening the law abiding citizen.

A driver with BAC levels of 0.15 or higher is 380 times more likely to be involved in a crash than a non drinking driver. In 1997, 58 percent of drivers involved in alcohol related traffic fatalities had BAC levels of 0.15 or higher, significantly higher than any state's legal limits.

Each year as many as 40 percent of fatally injured drivers have been previously convicted of DWI. Of these 80 percent have BAC levels of 0.15 or higher.

It is these "hardcore" drunk drivers that consistently drive with high BAC levels despite previous convictions that should be the target of drunk driving sanctions. Although the "hardcore" drunk drivers make up a relatively small group of drivers they continue to account for a substantial portion of drinking and driving problems.

Sanctions that focus on keeping the "hardcore" drunk driver off the roadways will have the most significant impact in reducing drunk driving accidents and fatalities.

Legislative Actions

When implementing sanctions to counter the hardcore drunk driver, states should coordinate existing laws and close existing loopholes. Measures should be taken to form a comprehensive system that ensures that offenders are charged at the proper level and

assure that separate sanctions are connected and reinforced.

The establishment of a reliable statewide DWI reporting system would ensure that multiple offenders are not treated as first time offenders, a common error due to the lack of data.

*Adopted by ALEC's Trade & Transportation Task Force March, 1999. Approved by full
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