

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 26, 2004

3:33 p.m.

TAPE (S) 04-11&12

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator John Cowdery, Vice Chair
Senator Bert Stedman
Senator Lyman Hoffman

MEMBERS ABSENT

Senator Gretchen Guess

COMMITTEE CALENDAR

SENATE BILL NO. 227

"An Act relating to municipal initiative and referendum elections."

MOVED CSSB 227(STA) OUT OF COMMITTEE

SENATE BILL NO. 327

"An Act relating to pedestrians using rollerblades, roller skates, and similar devices."

MOVED CSSB 327(STA) OUT OF COMMITTEE

SENATE BILL NO. 316

"An Act relating to motor vehicle safety belt violations."

MOVED SB 316 OUT OF COMMITTEE

SENATE BILL NO. 245

"An Act relating to retirement contributions and benefits under the public employees' retirement system of certain harbor officers."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 227

SHORT TITLE: MUNI INITIATIVE AND REFERENDUM ELECTIONS

SPONSOR(S): SENATOR(S) STEVENS G

05/15/03 (S) READ THE FIRST TIME - REFERRALS

05/15/03 (S) CRA, STA
02/18/04 (S) CRA AT 1:30 PM FAHRENKAMP 203
02/18/04 (S) Moved SB 227 Out of Committee
02/18/04 (S) MINUTE(CRA)
02/19/04 (S) CRA RPT 4DP 1NR
02/19/04 (S) DP: STEDMAN, LINCOLN, WAGONER,
02/19/04 (S) STEVENS G; NR: ELTON
02/24/04 (S) STA AT 3:30 PM BELTZ 211
02/24/04 (S) Heard & Held
02/24/04 (S) MINUTE(STA)
02/26/04 (S) STA AT 3:30 PM BELTZ 211

BILL: SB 327

SHORT TITLE: ROLLERBLADERS REGULATED LIKE BICYCLES
SPONSOR(s): SENATOR(s) SEEKINS

02/13/04 (S) READ THE FIRST TIME - REFERRALS
02/13/04 (S) STA, FIN
02/26/04 (S) STA AT 3:30 PM BELTZ 211

BILL: SB 316

SHORT TITLE: SEAT BELT VIOLATION AS PRIMARY OFFENSE
SPONSOR(s): SENATOR(s) BUNDE

02/11/04 (S) READ THE FIRST TIME - REFERRALS
02/11/04 (S) STA, JUD
02/26/04 (S) STA AT 3:30 PM BELTZ 211

BILL: SB 245

SHORT TITLE: PERS BENEFITS FOR HARBOR OFFICERS
SPONSOR(s): SENATOR(s) ELTON

01/12/04 (S) PREFILE RELEASED 1/2/04
01/12/04 (S) READ THE FIRST TIME - REFERRALS
01/12/04 (S) STA, FIN
02/26/04 (S) STA AT 3:30 PM BELTZ 211

WITNESS REGISTER

Doug Letch
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced SB 227

Senator Ralph Seekins
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of SB 327

Brian Hove
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Testified on SB 327

Al Storey
Alaska State Trooper
Department of Public Safety
PO Box 111200
Juneau, AK 99811-1200

POSITION STATEMENT: Expressed concerns about SB 327 and commented favorably on SB 316

Dan Yaunt
Fairbanks, AK 99707

POSITION STATEMENT: Opposed SB 327

Wendall Waters
Fairbanks, AK 99707

POSITION STATEMENT: Opposed SB 327

Mike Kramer
Fairbanks, Alaska 99707

POSITION STATEMENT: Supported SB 327

Dick Flaharty
Fairbanks, AK 99707

POSITION STATEMENT: Supported SB 327

Aelin Peterson
Fairbanks, AK 99707

POSITION STATEMENT: Supported SB 327

Richard Doering
Fairbanks, AK 99707

POSITION STATEMENT: Testified on SB 327

Senator Con Bunde
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of SB 316

Mark Johnson
Department of Health &
Social Services

PO Box 110601
Juneau, AK 99801-0601
POSITION STATEMENT: Testified on SB 316

Curt Winston
Regional Administrator
National Highway Traffic Safety Administration
Seattle, WA

Don Smith
Department of Transportation &
Public Facilities
3132 Channel Dr.
Juneau, AK 99801-7898
POSITION STATEMENT: Testified on SB 316

Cindy Cashen
Executive Director, MAAD Juneau Chapter
Juneau, AK 99801

Peggy Hyashe
Registered Nurse
Anchorage, AK 99513
POSITION STATEMENT: Supported SB 316

Kevin Quinlin
National Transportation Safety Board
POSITION STATEMENT: Answered questions on SB 316

Corlus Taylor
Fairbanks, AK 99707
POSITION STATEMENT: Supported SB 316

Linda Wilson
Deputy Director
Public Defender Agency
Department of Administration
PO Box 110200
Juneau, AK 99811-0200
POSITION STATEMENT: Answered questions on SB 316

Marie Lavine
AK Public Health Association
POSITION STATEMENT: Supported SB 316

Sgt. Dan Welborn
Fairbanks Police Department

Fairbanks, AK 99707

POSITION STATEMENT: Testified on SB 316

Joan Diamond

Municipality of Anchorage

4501 South Bragaw

Anchorage, AK 99508

POSITION STATEMENT: Supported SB 316

Chief Walt Monagan

Anchorage Police Department

Anchorage, AK 99508

Senator Kim Elton

Alaska State Capitol

Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor SB 245

ACTION NARRATIVE

TAPE 04-11, SIDE A

CHAIR GARY STEVENS called the Senate State Affairs Standing Committee meeting to order at 3:33 p.m. Present were Senators Cowdery, Stedman, and Chair Gary Stevens.

SB 227-MUNI INITIATIVE AND REFERENDUM ELECTIONS

CHAIR GARY STEVENS announced SB 227 to be up for consideration and asked for a motion to adopt the proposed committee substitute (CS) as the working document.

SENATOR JOHN COWDERY motioned to adopt committee substitute (CS) SB 227, \D version, as the working document. There being no objection, it was so ordered.

CHAIR GARY STEVENS noted that the CS addresses the questions that were raised at the last hearing. He asked Mr. Letch to elaborate.

DOUG LETCH, staff to sponsor, Senator Gary Stevens explained that the CS clearly gives municipalities the option of putting a referendum or initiative question before voters at a regularly scheduled election or at a special election that is already scheduled. If a special election is not already scheduled and the local governing body determines that it is in the best

interest of the municipality to address the issue before the next regular election, which may be up to 14 months away, they may by ordinance order a special election to be held within 75 days, but not sooner than 45 days after the referendum or initiative petition is certified.

SENATOR COWDERY asked if the election would happen between 60 and 75 days.

MR. LETCH said that is correct. This gives greater flexibility to the governing body in a municipality.

CHAIR GARY STEVENS added that the CS addresses Senator Guess's concerns. Although she couldn't attend the hearing, she said she was satisfied with the change. He asked for the pleasure of the committee.

SENATOR COWDERY motioned to move CSSB 227(STA), \D version, from committee with individual recommendations and attached fiscal note. There being no objection, it was so ordered.

SB 327-ROLLERBLADERS REGULATED LIKE BICYCLES

CHAIR GARY STEVENS announced SB 327 to be up for consideration. He asked Senator Seekins to step forward.

SENATOR RALPH SEEKINS, sponsor of SB 327, read the title of the bill and the following sponsor statement:

For many years roller-skiers' legal use of public roadways was, more or less, taken for granted. This assumption was successfully challenged in the Fairbanks area last fall. SB 327 seeks to remedy this situation by specifically allowing the use of particular wheeled devices on those public roadways also available to bicyclists. It also recommends a set of safety standards for the use of these devices.

Alaska is home to some of the best international, national, collegiate, and junior cross-country skiers on the planet. In fact, seven of the ten Alaskans competing in the 2002 Winter Olympics in Salt Lake City were cross-country skiers. Imagine that. Seven Olympic cross-country skiers from such a small state as ours! This speaks volumes not only about our skiers' work ethic but also their training opportunities.

The natural preference of many of these world-class athletes would, no doubt, have Alaska covered in snow year-round. Since this is not a reasonable near-term possibility, the use of wheeled skis to imitate snow skiing has grown to become an effective training tool for use during non-winter months. What's more, Alaska is becoming well known nationally and internationally as a favored summer-time training site.

For these reasons, it is the intent of the proposed legislation to accommodate this seasonal use of some of our roadways. In fact, other northern locales - such as Norway, Sweden and Canada - have, for many years, supported the efforts of their cross-country athletes with similar provisions. Furthermore, the proposed legislation borrows heavily from Cross Country Canada's policy respecting the use of roller-skis on public roads.

SB 327 seeks to accommodate this important training activity by utilizing safe and reasonable methods for sharing roadway surfaces with motorized vehicles. It has garnered a groundswell of support throughout the cross-country community ranging from Alaska's Inter region to Southcentral to the Kenai Peninsula.

The 2006 Winter Olympic games are just around the corner. Would it be too much to expect seven (or more) of our cross-country skiers to make the trip to Torino, Italy? Of course not! In fact, a little courtesy and common sense combined with a small statutory revision can help make it happen.

SENATOR JOHN COWDERY questioned the title because roller skis weren't specifically listed.

SENATOR SEEKINS replied they are covered under the term "similar devices."

SENATOR COWDERY wanted it a matter of record the intent is to include roller skis.

SENATOR SEEKINS agreed adding that he didn't intend to include skateboards.

CHAIR GARY STEVENS asked whether unicycles would be included.

SENATOR SEEKINS replied unicycles aren't covered because they aren't in the pedestrian class. He intended to include only those devices that are used on your feet.

SENATOR COWDERY asked if these devices could be used on any roads or would certain ones be designated while others would be off limits. He also questioned how this state law would correlate with municipality restrictions.

SENATOR SEEKINS replied the law doesn't say that municipalities couldn't place further restrictions. This bill says that any road that a bicyclist can legally use would be eligible for use with roller skis. In addition there are safety restrictions applied such as traveling in single file except when passing and not using electronic devices that might inhibit hearing.

SENATOR COWDERY noted that Anchorage has a number of trails and he hopes that pedestrians using wheeled adjuncts would be encouraged to use them whenever possible.

SENATOR SEEKINS agreed that is a good idea whenever possible; common sense should prevail.

SENATOR BERT STEDMAN asked if there is a definition for bright clothing and how enforceable that clothing requirement might be.

SENATOR SEEKINS replied, "We're asking, you'll notice in the first part there, for the department to set up some of these regulations. We're giving them some discretion."

SENATOR STEDMAN noted that the use of headsets is excluded.

SENATOR SEEKINS said that is for safety reasons.

BRIAN HOVE, staff to Senator Seekins, stated that when headsets are worn around the neck it's possible to listen to music and still hear what's going on around you.

SENATOR COWDERY asked who would be liable if a roller skier caused an automobile accident.

SENATOR SEEKINS advised there is no mandatory insurance for bicyclists and the same would apply for these devices, but that doesn't mean they wouldn't be personally liable.

CHAIR GARY STEVENS noted the title specifically mentions rollerblades, roller skates, and similar devices, but in the body of the bill rollerblades, roller skates and roller skis are mentioned. He questioned whether it wouldn't be better to list all three in the title.

SENATOR SEEKINS stated he had no objection to that suggestion. Originally they left it open to include other similar devices, but they have received no input for any other devices.

CHAIR GARY STEVENS asked, "So your intention is no other devices, just these three."

SENATOR SEEKINS said that's correct and he wouldn't object to an amendment.

MR. HOVE chimed in, "Part of this is a drafting situation as well."

SENATOR COWDERY asked what it takes to change the title of a bill in committee.

CHAIR GARY STEVENS explained that the committee could make the amendment.

SENATOR COWDERY said he would consider that a friendly amendment.

SENATOR SEEKINS supported the amendment.

CHAIR GARY STEVENS questioned whether the sponsor was comfortable changing the title to specifically include rollerblades, roller skates, and roller skis.

SENATOR SEEKINS replied he was comfortable.

CHAIR GARY STEVENS asked for and received no objection to the amendment to change the title and it was so ordered.

He then opened public testimony.

AL STOREY, with the Alaska State Troopers, testified via teleconference to advise that they had a few concerns, but they were ready to work with the sponsor.

DAN YAUNT testified via teleconference from Fairbanks to oppose the bill. He reported that he had several problems with roller

skiers on Cripple Creek Road last summer because they were skiing three and four abreast. They took up most of the road and seldom made any effort to get out of the way. He also expressed concerns about liability and that his insurance company would have to pay and he would be held responsible if there was an accident.

SENATOR COWDERY told Mr. Yaunt that his experience has been that the insurance company would go after the person that is liable.

SENATOR SEEKINS agreed that going down the road three and four abreast is unsafe and the bill specifies single file unless passing.

WENDALL WATERS testified via teleconference from Fairbanks in opposition to SB 327. He said, "Common sense is to keep obstacles off the road as much as possible." He charged that getting the police to respond to a roller skier who is creating a hazard is a nightmare and it won't happen.

MIKE KRAMER testified via teleconference from Fairbanks in support of SB 327 and opined that concern about liability was causing the discussion to drift in a different direction than Senator Seekins intended. Roller skis should be regulated the same way that bicycles are regulated, he said. He urged the committee to pass the bill.

DICK FLAHARTY testified via teleconference from Fairbanks in support of the bill. He reported that he just returned from Norway where he watched his son participate as a member of the U.S. Jr. ski team. Roller skiing is how most teams in the rest of the world train during the summer and if this kind of training isn't allowed in Alaska, then U.S. skiers are placed at a decided disadvantage. He said it's foolish if it's not allowed and he hopes the bill passes quickly.

CHAIR GARY STEVENS noted that Senator Lyman Hoffman had joined the meeting.

AELIN PETERSON testified via teleconference from Fairbanks to say that she was privileged to represent the U.S as a cross-country skier in the 2002 Winter Olympics. She briefly described what it took to realize her long-term goal to become an Olympic skier. She noted that in 2002, 3 of the 8 skiers on the woman's team were Alaskans and a fourth does considerable training in Alaska. As Senator Seekins mentioned, about half the entire

cross-country ski team came from Alaska, which is something to be proud of and not to be discouraged.

She said, "Roller skiing is absolutely an essential part of my training. If I were unable to roller ski in Alaska I would be forced to leave the state. It is that crucial to, at least, ski racers."

She said she completely agreed that skiing single file should be strictly enforced. In addition, most coaches probably don't support the use of electronic devices because they would prefer that the skier focus on form instead. She noted that she always wears bright colored clothing and that could be encouraged.

MS. PETERSON said she is proud to represent Alaska in international ski competitions and she hopes the state continues to produce young cross-country skiers, elite athletes and aware communities.

RICHARD DOERING testified via teleconference from Fairbanks as a concerned citizen. He said, "I would hate to think that we would restrict anyone from using our roads." Although he drives a car more often than not, he believes that "roads are not just for cars." He agreed with Senator Seekins that common sense and courtesy should be employed.

CHAIR GARY STEVENS noted that there was no further testimony.

SENATOR COWDERY made a motion to move CSSB 327(STA) from committee with attached fiscal note and asked for unanimous consent. There being no objection, it was so ordered.

SB 316-SEAT BELT VIOLATION AS PRIMARY OFFENSE

CHAIR GARY STEVENS announced SB 316 to be up for consideration. He asked Senator Bunde to come forward and identify himself.

SENATOR CON BUNDE, sponsor of SB 316, explained that this bill would change the current seatbelt law from a secondary law to a primary law. He clarified that a secondary law means that a driver can be cited for not wearing a seatbelt only if he or she has already been stopped for another legitimate reason even though seatbelt use is already required by statute. Change to a primary law means that the police could stop a motorist who was noticeably not wearing a seatbelt and issue a citation.

"SB 316 just changes the enforcement powers so that a police officer could more readily enforce what is currently our law." Seatbelts do save lives, he stated emphatically, and the \$500 million that Alaskans spend on crashes every year would more than likely decrease with increased seatbelt use. Also, Alaska would be eligible to receive an additional \$4 million in federal funds if it were to pass a primary seatbelt law.

SENATOR BUNDE noted that according to some polling he has seen, 67 percent of Alaskans believe that a primary seatbelt law would be a good idea.

SENATOR JOHN COWDERY asked him to comment on the fact that not all seatbelts can be seen because some older vehicles don't have shoulder belts.

SENATOR BUNDE replied just a small number of cars would have just lap belts and although he wouldn't want to require retrofits, if it were his car he would certainly install a shoulder harness.

SENATOR COWDERY asked for the intent regarding passengers since the bill speaks only to drivers.

SENATOR BUNDE said his interpretation of the bill is that everyone in the vehicle needs to wear a seatbelt.

SENATOR BERT STEDMAN asked what fines would be established.

SENATOR BUNDE thought that the current state fine is \$15 and municipalities are free to establish their own fines.

SENATOR LYMAN HOFFMAN asked whether this would take away any points from a driving license.

SENATOR BUNDE admitted he didn't know the answer.
[An unidentified speaker advised him that there wouldn't be any points.]

TAPE 04-11, SIDE B

4:20 pm

CHAIR GARY STEVENS repeated, "Zero points then."

SENATOR COWDERY asked the sponsor whether he would consider raising the state penalty to \$50.

SENATOR BUNDE replied that would be a greater inducement to wearing a seatbelt, but he would defer to the wisdom of the committee.

SENATOR STEDMAN asked what the additional \$4 million in federal funds could be used for.

SENATOR BUNDE said the money could be used for improvements and beyond that the state would also be eligible for federal money for safety belt education programs.

MARK JOHNSON with the Department of Health & Social Services stated support for the bill. He reported that more people do wear seatbelts if the law requires them to do so, which saves lives and reduces injuries. He estimated that if there was a 10 percent increase in seatbelt usage in Alaska, approximately seven lives would be saved every year and about 72 major injuries and 50 minor injuries would be prevented.

Other accident statistics include: The Alaska Trauma Registry shows that over a ten year period there were 1,765 people in Alaska hospitalized as a result of an injury in a motor vehicle crash who weren't wearing a seatbelt. Thirty-one percent of those individuals billed a government agency and 22 percent of the individuals were uninsured. In addition, about 15 percent of the individuals were permanently disabled.

With regard to the issue of fines, he said that the last time he checked the fine could be given to the local ambulance service instead of the court and SB 316 wouldn't change that.

SENATOR HOFFMAN remarked that many accidents are a result of other violations such as speeding or running a red light. He asked Mr. Johnson if he could sort the data that way.

MR. JOHNSON replied, "The number undoubtedly would be lower, but some of the people who are injured are not the ones who are violating the law and this would help reduce some of those injuries."

SENATOR HOFFMAN retorted most of those statistics come from people that are breaking existing laws.

MR. JOHNSON told the committee that research has shown that adults who are belted are far more likely to restrain their children and the reverse is true as well.

CURT WINSTON, regional administrator for the National Highway Traffic Safety Administration, reported that his agency is charged with reducing the deaths, the injuries, and the property damage caused on public roads. His son, who is an EMT in the Chugiak Fire Department, estimates that seatbelt use in his area is about 80 percent. Mr. Winston added that their research shows that the 20 percent that aren't using seatbelts are predominantly young males between 16 and 37 years of age who drive pickup trucks and consume more than the average amount of alcohol. In addition, those young males tend to be uninsured and are not particularly responsible financially.

The Bush administration supports the legislation strongly, which is why President Bush put the bonus program in the current highway bill. As previously stated, \$3.9 million is available to Alaska as an incentive to pass a more effective seatbelt law. In addition, up to \$100 million might be saved by preventing serious injury to people that were previously not buckled.

MR. WINSTON emphasized that SB 316 would move Alaska into line with other west coast states all of which have primary laws. He noted that in Washington state 76 lives were saved in the first year out of a previous total of 630 fatalities. "It's a very good bill and I highly recommend its passage," he said.

SENATOR HOFFMAN asked if the 76 people indicated that they wouldn't have worn a seatbelt if it weren't the law.

MR. WINSTON clarified there were 76 fewer occupant fatalities in 2003 than 2002.

SENATOR HOFFMAN observed it might be a result of driver education.

MR. WINSTON thought it was the "Click it or ticket," and "Buckle up it's the law fine \$101" signs.

SENATOR HOFFMAN noted that 80 percent of Alaskans use seatbelts and asked what the rates are for the other 20 states.

MR. WINSTON replied the rates run from 79 percent to about 95 percent.

SENATOR HOFFMAN asked for a copy of that data listing the states and the usage.

MR. WINSTON said he would supply that information.

SENATOR STEDMAN remarked, "The biggest target group is 16 to 37 year old pickup drivin' beer drinkin' males."

MR. WINSTON agreed and added that those statistics are from all 50 states, not just Alaska.

DON SMITH, administrator of the Alaska Highway Safety Office, handed out pamphlets showing that in 2003 there were 94 highway fatalities in Alaska. The data was further broken down by geographic area and whether or not the fatally injured person was wearing a seatbelt.

SENATOR COWDERY noticed that motorcycles were listed and asked if motorcycles had seatbelts.

DON SMITH replied the information is a summary of all the various accidents so all motorcyclists, bicyclists, and pedestrians that were involved in traffic fatalities were listed in the NA category.

Noting that major trauma traffic accidents that entail long hospital stays and long-term disability cost an average of \$1.3 million per accident, he postulated that increasing seatbelt use another 10 percent would probably save 10 or 12 lives each year and as a consequence, quite a lot of pain, suffering and money.

CINDY CASHEN, executive director of the MAAD Juneau chapter, introduced herself and told members that she was representing the four Alaska MAAD chapters. She stated support for SB 316 and described seatbelts as "our best defense against a drunk driver."

AL STOREY, lieutenant and legislative liaison from the Department of Public Safety, reported that the commissioner supports changing the law from secondary to primary. After spending 26 years in law enforcement, he feels this is long overdue.

MR. STOREY advised he has been in law enforcement for 24 years and when he was a patrol officer he spent a number of years responding to motor vehicle accidents. He detailed the ways that motor vehicle accidents impact lives and couldn't emphasize enough how important it is to wear your seatbelt. When he polled troopers across the state asking what kinds of legislative changes they would like to see, the number one answer was to

make seatbelt usage a primary offense so that more people would wear them.

CHAIR GARY STEVENS asked him to verify that the state fine is \$15, that municipalities can have varying fines, and that seatbelt violations remove zero points from a driving license.

MR. STOREY agreed and added it's also correct that the fine may be donated to a local medical response organization rather than to the court.

SENATOR HOFFMAN asked what the department's position would be to an amendment that said the police are not able to use the seatbelt violation as a pretext search.

MR. STOREY acknowledged that is a concern but,
It doesn't seem appropriate that we should take away that person's right to give us permission if we ask them for that permission. It seems that anybody should be able to give consent to a search of themselves or their vehicle if we're to have contact with them. The question then being is that do we want to use the seatbelt as a means of contacting them? Well, if it's not fastened then we do need to contact them to talk about that issue in and of itself.

SENATOR HOFFMAN asked if his answer was yes or no.

MR. STOREY replied,
If they don't have a seatbelt on then we certainly should have a legitimate right to contact them to discuss that. If that develops into an investigation of another type it seems appropriate that police officer should follow the leads as they are presented to them and that's just good police work.

SENATOR HOFFMAN again asked whether his answer was yes or no.

MR. STOREY replied, "I would not be in favor of an amendment that would restrict us from asking additional questions about things we discover during the course of our traffic contact.

CHAIR GARY STEVENS asked how they might handle the situation in which an individual tries to fasten their seatbelt as the officer approaches the car.

MR. STOREY replied that already happens and the officer simply discusses proper seatbelt use with the driver and wouldn't issue a citation if the elements of the violation are not present.

PEGGY HYASHE, a registered nurse representing the Alaska Nurses' Association and Alaska Safe Kids, spoke in strong support of SB 316. She said that after nearly 40 years of being an emergency nurse this is very important to her. For general information, seatbelts came into effect in 1965 and lap shoulder belts came into effect in 1973 so there is sufficient data to evaluate the effectiveness of seatbelts. Ongoing education and strong enforcement of primary seatbelt laws does have an affect of a population. She concluded, "It takes very little to put a seatbelt on; it takes lots more to plan a funeral."

CHAIR GARY STEVENS announced that he would lose the quorum at 5:30 pm.

KEVIN QUINLIN, chief of safety advocacy with the National Transportation Safety Board (NTSB), spoke via teleconference and noted that the committee had his written testimony. [Full written testimony may be found in the bill file.] He made the point that the NTSB conducts objective and scientific investigations. The product of their investigation is a recommendation that the state may adapt to their need.

An important factor that hadn't been mentioned is that seatbelts prevent ejections. He continued to say that,

Those who do not wear belt are ejected from their vehicles 30 percent of the time and 73 percent of ejectees die. Further, belt use decreases, that is it goes down, with increasing crash severity. ... We looked at an eight year period and we found nearly 600 vehicle occupants died in Alaska and 64 percent of them were unrestrained. In 2002, there were 37 unrestrained fatalities. Seatbelts are between 45 and 73 percent effective in reducing fatalities. I think that's an important range to differentiate because the low end is for cars and drivers in cars in particular and the higher end is for pickup trucks and SUVs. It's possible if you have a greater SUV and pickup truck population your law would be more effective than it would be in some other states. We estimated, based on a conservative 50 percent effectiveness, that in 2002 you would have prevented 18 deaths and saved about \$18 million.

MR. QUINLAN said there is popular support for primary seatbelt laws and the NTSB strongly supports adoption of SB 316 because they know it is the most effective action to take to reduce highway fatalities and injuries every year.

A brand new study says,

One of the strongest predictors of higher belt use for both drivers and passengers was whether the crash occurred in a state with a primary belt law. Mean belt use fatally injured teenage drivers was only 36 percent and fatally injured teenage passengers was 23 percent. These are some of our higher risk folks, but it's not 21 to 37, it includes those who are just starting driving.... We think this is so important that it is on our list of most wanted safety recommendations right up there with measures to prevent aircraft fuel tanks from exploding.

SENATOR HOFFMAN challenged the statement that seatbelt use is the highest and best use to reduce fatalities and asked whether reducing speeds wouldn't result in fewer accidents.

MR. QUINLAN replied he doesn't have any indication that lower speed would reduce accidents and fatalities as much as seatbelt use would.

CORLUS TAYLOR, manager for education and staff development at Fairbanks Memorial Hospital, spoke via teleconference in strong support of SB 316. She agreed with the previous testimony and although the statistics are important, she appreciated the individuals who put personal touches in their testimony because the bottom line is, "We're still talking about our friends and neighbors."

LINDA WILSON, deputy director of the Alaska Public Defender Agency testified via teleconference to say that she agrees that seatbelts save lives. However, she wanted to clarify that Alaska is actually a hybrid state rather than a secondary state with regard to seatbelt use and, she cautioned, there are ramifications associated with repealing AS 28.05.095(e). Section (e) is the secondary law portion that prohibits stopping a driver who is over 16 for not wearing a seatbelt unless there is another reason for the stop and (e) only applies to (a).

Section (b) is the primary law part and it says that anyone under 16 who is riding in a car must be wearing a seatbelt or sitting in a child safety device. Currently the police can stop

a driver if they see someone in the car that is under 16 and not properly seat belted or restrained.

With regard to the fines, she clarified that violating section (a), which is for someone over 16, the fine is \$15 and no points are assessed. However under section (b), which addresses any passenger in the car who is under 16 and not properly restrained, there is a \$50 fine and points are assessed.

If the law becomes primary for adults, the agency is concerned that this will validate pretext stops. The police would be able to pull a driver over on the pretext that they didn't see a seatbelt in use when they were really interested in something else. Although she didn't believe that is the intent of the bill, she expressed concern that that would be an unintended consequence.

She suggested that the "Click it or Ticket" program raises public awareness of the benefits of wearing seatbelts. "Maybe just raising the fines for these offenses would get us where we would want to be without changing this to address adults and make it 100 percent primary instead of the quasi-primary that we are now."

Finally, she noted that there would be a fiscal impact if this were to pass. If the police are making more stops because of seatbelts, then more things will come to their attention and more things will be prosecuted, she reasoned.

MARIE LAVINE, executive director of the Alaska Public Health Association testified via teleconference to represent more than 200 public health professionals across Alaska in support of SB 316. They are committed to developing sound public health policy to improve the health of all Alaskans and this includes the use of seatbelts. They have long recognized just how effective seatbelts are in minimizing injury and death as a result of traffic accidents. She urged the committee to pass the bill quickly.

04-12, SIDE A
5:05 pm

SERGANT DAN WELLBORN testified via teleconference from Fairbanks in support of SB 316. He said he has attended the Northwest Traffic Institute for accident investigation and is currently called out for serious injury and fatal accidents. In addition, he has participated in a number of safety training and

certification programs and is committed to the enforcement of seatbelt use.

Education does work, he insisted, and perhaps more important is that when adults wear a seatbelt, statistics show that their children do too. Children who wear seatbelts grow up and become adults who wear seatbelts. Although education might not make an adult buckle up, enforcement will, he asserted. "You don't forget a ticket."

JOAN DIAMOND, Municipality of Anchorage representative, testified via teleconference in support of the primary seatbelt law. She validated the data given previously.

CHIEF WALT MONAGAN, Anchorage Police Department, testified via teleconference to say that he echoed everything that had already been said. He acknowledged that people do tend to buckle up when they see his car and if that's what it takes that's fine because he's gone to more accidents in his career than he wants to remember. "I am a strong supporter of a primary seatbelt usage. ... The main thrust of this is not a fine generation. It is solely for the purpose of safety. Not only for the safety of the occupants inside, but for the individuals who are also sharing the road.... We have a duty to be respectful, courteous, and law abiding for the safety of everyone."

CHAIR GARY STEVENS closed the public testimony and brought the discussion back before the committee. He noted that education was emphasized throughout the testimony and asked Senator Bunde to comment on whether part of the \$4 million would be used for education programs.

SENATOR BUNDE replied, "There's \$4 million plus there is additional monies available for education."

CHAIR GARY STEVENS asked for a motion.

SENATOR COWDERY made a motion to move SB 316 from committee with the attached fiscal note. He asked for unanimous consent. There being no objection, it was so ordered.

SB 245-PERS BENEFITS FOR HARBOR OFFICERS

SENATOR GARY STEVENS announced SB 245 to be up for consideration. He invited Senator Elton forward and apologized that he would lose the quorum in just 5 minutes so there wouldn't be time to hear from all the people who had signed up

to testify. He noted that the calendar was full on Tuesday, but he would hear the bill again on the following Thursday.

SENATOR JOHN COWDERY said he had several questions and would work with the sponsor before the next public hearing.

SENATOR KIM ELTON, sponsor of SB 245, outlined the general duties of a harbor officer from the sponsor statement.

Among other duties, harbor officers:

- Enforce regulations on the use of parking, safe operation of boats and vehicles, and the conduct of people and animals in the harbor and harbor areas
- Have the authority to issue citations and can testify in court
- Assist police, fire and other emergency personnel in harbor-related activities
- Carry radios to stay in contact with local police, state troopers and coast guard
- Work with state troopers and fish and wildlife officers
- Are required to render aid to distressed persons along with body recovery of drowning victims
- Work with the coast guard and FBI on security issues at the port
- Have the authority to arrest individuals for violations

Under federal regulations, harbor officers are responsible for port security. They have training in explosives and related fields and are part of homeland security. They are responsible for the security of docks when the huge cruise ships tie up and bring visitors to Alaska communities.

Harbor officers should be given the same retirement benefits as peace officers, fire fighters and dispatchers in the Public Employees Retirement System.

SENATOR ELTON concluded by saying that,

If I had been presented the parameters of this bill at the turn of the century - four or five years ago - I wouldn't have been as enthusiastic a proponent of the bill. But given the new

realities, post 911, and given the responsibilities that these harbor officers have, I think the scope of their duties and certainly the magnitude of their responsibilities have changed dramatically and we can only anticipate that they will change even more in the future. These really are first-line people in port security and they are no longer seen as just people who enforce ordinances and protocols in the harbors.

SB 245 only applies to how harbor officers are treated in their retirement system. It doesn't change the scope of duties in any way. For instance, municipalities will still determine whether or not harbor officers will be armed and when they will be armed.

CHAIR GARY STEVENS thanked Senator Elton for his patience and expressed appreciation to everyone who signed up to speak and asked them to return on Thursday for the second hearing. He then adjourned the meeting at 6:00 pm.