

HB

305



Official Business

Alaska State Legislature

House of Representatives

House Transportation Committee

P.O. Box V
Juneau, Alaska
99811

Phone:
(907) 465-4859

February 3, 1988

COMMITTEE CALENDAR:

HB 305: "An Act relating to transportation of pupils;
and providing for an effective date.

This is a work session only that will be teleconferenced for the purpose of collecting public testimony from the communities of Anchorage, Delta Junction, Fairbanks, the Mat-Su area, Seward, Soldotna and Valdez.

FOR THIS MEETING, YOUR PACKET INCLUDES:

- Item #1: HB 305
- #2: fiscal notes: Depart. of Labor
 Depart. of Education
 Depart. of Public Safety
- #3: A memo from House Labor & Commerce Chairman
 Rep. Dave Donley
- #4: a sectional analysis
- #5: a letter form Depart of Public Safety
- #6: two (proposed) amendments



Official Business

Alaska State Legislature

House of Representatives

House Transportation Committee

P. O. Box V
Juneau, Alaska
99811

Phone:
(907) 465-4859

February 10, 1988

COMMITTEE CALENDAR:

HB 305: "An Act relating to transportation of pupils;
and providing for an effective date."

HJR 50: Requesting the Congress to remove the Highway
Trust Fund and the Airport and Airway Trust
Fund from the Unified Federal Budget.

(This is a first public hearing on HJR 50)

FOR THIS MEETING, YOUR PACKET INCLUDE:

a folder on HB 305:

item #1: HB 305

#2: fiscal notes: Depart. of Labor
Depart. of Education
Depart. of Public Safety

#3: a statement from Rep. Donley, Chairperson of
House Labor & Commerce

#4: sectional analysis

#5: letter re wages and safety record

#6: committee substitute for HB 305

#7: testimony - 2/3/88 minutes and other

#8: statutes

a folder on HJR 50:

item #1: HJR 50

#2: statement from Rep. Davis

#3: fiscal note: DOT/PF

Alaska State Legislature

House of Representatives

Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

March 2, 1988

COMMITTEE CALENDAR:

HB 305: "An Act relating to transportation of pupils;
and providing for an effective date."

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

a folder on HB 305 that includes:

- item #1: HB 305
- #2: fiscal notes, HB 305: Depart. of Labor
 Depart. of Education
 Depart. of Public Safety
- #3: 2/3 statement from Rep. Donley
- #4: sectional analysis
- #5: letter regarding wages and safety record
- #6: original committee substitute - 2/4
- #7: 2/03 & 2/10 minutes
- #8: statutes

New information: 3/2 statement from Rep. Donley
a new committee substitute - 2/16
sectional analysis
an amendment to the 2/16 CS

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An act relating to transportation of pupils.."
Sponsor: House Labor and Commerce
Requestor: House Transportation

Agency Affected: Labor
BRU: Labor Standards and Safety
Components: Wage and Hour

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Tom Stuart, Director *Stuart*
Division: Labor Standards and Safety

Phone: 264-2452
Date: 2/02/88

Approved by Commissioner: Jim Sampson *J. Sampson*
Agency: Labor

Date: 2/02/88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: ...transportation of pupils...

Agency Affected: Education
BRU: K-12

Sponsor: House Labor and Commerce
Requestor: House Labor and Commerce

Components: Pupil transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This is not a zero fiscal note. The potential cost of sections 2, 3, and 4 of the bill are indeterminate.

Prepared by: Steve Hole
Division: Commissioner's Office

Phone: 465-2800
Date: 2-2-88

Approved by Commissioner: William G. Demmert
Agency: Education

Date: 2-2-88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management & Budget
- Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: An Act relating to transportation BRU: Motor Vehicles
of pupils.
Sponsor: House L&C Components: _____
Requestor: House L&C

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact on this department.

Prepared by: Bill Brown Phone: 465-4335
Division: Motor Vehicles Date: 2-2-88
Approved by Commissioner: Arthur Engler Date: 2-3-88
Agency: Public Safety

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX V, JUNEAU 99811

(907) 465-3892



February 3, 1988

To: Representative Bette Cato, Chair
Members, House Transportation Committee

From: Representative Dave Donley, Chair
House Labor and Commerce Committee

Re: HB 305 - School Bus Drivers

HB 305, relating to wages and required experience for school bus drivers, was introduced by the House Labor and Commerce Committee and is before the House Transportation today.

I've included a brief sectional analysis of HB 305 to aid in your deliberations today. HB 305 makes three substantial amendments to existing statute: 1) raises the age to obtain a school bus drivers license from 19 to 21, 2) raises the one year requirement for having an Alaska drivers license to two years and, 3) establishes a minimum wage for drivers at no less than two and one half times the federal minimum wage law (\$3.35/hour - \$3.85/hour in Alaska).

The House Labor and Commerce Committee introduced HB 305 in response to concerns about the continuing reduction in wages for school bus drivers and the potential effect on the quality and availability of qualified drivers. Most school bus drivers are employees of contractors who bid for pupil transportation services. Less than twenty percent of school bus drivers in Alaska are paid directly by a school district. Since most pupil transportation costs are fixed (i.e. gas, oil, tires, insurance, heat, lights, license fees, routine maintenance, and the buses themselves), reducing wages paid to drivers may be the only way for a contractor to place the winning bid. The House Labor and Commerce Committee felt that the compensation levels of school bus drivers must not be allowed to deteriorate because wages currently paid are at an absolute minimum to expect qualified and proficient applicants.

Last year, the Committee received the results of a brief telephone survey of wages paid to school bus drivers:

CITY	CONTRACTOR	ENTRY WAGE	TOP WAGE
KENAI	LIDLAW	\$8.10/HR	\$11.45/HR
MATSU/BOROUGH	FUNDRA TOURS	\$8.22/HR	\$10.40/HR
KODIAK	T.M.S.	\$9.50/HR	\$10.00/HR
FAIRBANKS	T.M.S.	\$8.50/HR	\$10.00/HR
ANCHORAGE	T.M.S.	\$7.50/HR	\$ 9.00/HR
ANCHORAGE	LIDLAW	\$8.22/HR	\$ 9.75/HR

Before deciding to introduce HB 305, our Committee heard arguments that there is no correlation between wages paid to school bus drivers and a good safety record. However, the Anchorage School district has suffered three student fatalities in the last four years, in three separate school bus accidents. In each case, the contractor was T.M.S. (Transportation & Marketing Systems).

The operation of a school bus is viewed by many as nothing more difficult than driving the family car. From a mechanical standpoint this may be true. However, from a safety standpoint it is not. A much greater level of proficiency must be required of our school bus drivers than we require from drivers who do not carry passengers, let alone a bus full of children.

In recognition of the greater degree of experience and proficiency required, the legislature recently adopted measures to substantially increase the required experience and training levels for school bus drivers. While this legislation imposed considerable costs on potential drivers, it did nothing to protect their wages and therefore helped to make bus driving a substantially less attractive job. The resulting increase in the turnover rate among drivers means wasted training dollars, potentially unsafe pressure on current employees, and an overall lower level of proficiency.

In order to correct errors in the current version of HB 305, I prepared two amendments for your consideration. The first would correct the effective date so that it reads September 1, 1988 instead of September 1, 1987. The second amendment corrects a drafting oversight so that the minimum wage requirements established under HB 305 apply to all school bus drivers, whether they are paid by a school district or through an independent contractor.

The House Labor and Commerce Committee believes that HB 305 reasonably and fairly addresses an important public safety issue. We support measures to increase the proficiency and experience level for school bus drivers and feel strongly that the best way to accomplish that goal and still maintain a pool of qualified, experienced drivers, is to guarantee that they receive no less than a livable wage.

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX V, JUNEAU 99811

(907) 465-3892



Sectional Analysis for HB 305 "An Act relating to transportation of pupils"

Section 1:

Section 1 contains Legislative Findings that establish the public purpose behind requiring additional experience and proficiency levels for school bus drivers in Alaska.

Section 2:

Section 2 adds a new subsection (d) to AS 14.09.010 to require school districts, transportation contractors, or other recipients of state funds for pupil transportation services to establish classifications for their employees who provide transportation services in order to identify school bus drivers as employees eligible for the minimum wage established under AS 23.10.065(b). The section further requires that if the wage schedule for bus drivers established by an entity under this section is higher than the minimum wage established under AS 23.15.065 (b) then the higher wage applies to all other employees who work as bus drivers.

Section 3:

Amends AS 23.10.065 (Section of law that establishes a minimum wage for all employees in Alaska as \$.50 cents above federal minimum wage) to exempt school bus drivers under AS 23.10.065(b).

Section 4:

Adds a new subsection (b) to AS 23.20.065 providing that school bus drivers be paid a minimum wage no less than two and one half times the prevailing federal minimum wage. (Current federal minimum wage is \$3.35/hour nationally and \$3.85/hour in Alaska. Two and one half times \$3.85/hour establishes a minimum wage for school bus drivers as \$9.62 and hour.

Section 5:

Section 5 amends AS 28.15.046(b) to raise the minimum age for obtaining a school bus drivers license from 19 to 21 years (AS 28.15.046(b)(1)), and raises the one year requirement for possession of a license to two years (AS 28.15.046(b)(2)).

Section 6:

Effective date clause. The effective date in the current version is September 1, 1987.

Prepared by the House Labor and Commerce Committee
Representative Dave Donley, Chairman
February 3, 1988

STATE OF ALASKA

DEPARTMENT OF LABOR

STEVE COWPER, GOVERNOR

BOX 1149
JUNEAU, ALASKA 99802

PHONE:

(907) 465-4856

April 21, 1987

APR 22 1987

The Honorable Dave Donley
State Capital
P.O. Box V
Juneau, AK 99811

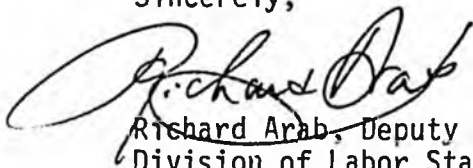
Dear Representative Donley:

I refer to your request of April 14, 1987 concerning statistics or a study which may indicate the relationship between wages paid to a school bus driver and his or her safety record.

The department does not have any information on this subject. I, therefore, called the Department of Education and the Alaska Highway Safety Council but neither of these agencies had any information on the subject. They referred me to the National School Transportation Association, in Springville, Virginia, and to the National Safety Council in Chicago, Illinois. I contacted both these organizations and they also were not aware of any studies in this area.

I am sorry I was not of more help but evidently there are no studies either on a state or national level on this subject.

Sincerely,



Richard Arab, Deputy Director
Division of Labor Standards
and Safety

5-0777B
Ford
2/4/88

Original sponsor: Labor and Commerce
Committee

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 305 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transportation of pupils; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that the
10 driving conditions existing in this state are unique and require school bus
11 drivers to have experience in driving a vehicle on the roads and under the
12 conditions existing in the state in order to ensure that they are adequate-
13 ly trained. The legislature also finds that in order to properly train
14 school bus drivers, drivers should be licensed in this state for a minimum
15 period of one year, as required under AS 28.15.046(b)(2), as amended by
16 sec. 6 of this Act.

17 * Sec. 2. AS 14.09.010 is amended by adding a new subsection to read:

18 (d) A school district, transportation contractor, or other
19 recipient of state funds for pupil transportation shall establish two
20 wage schedules for its employees who provide pupil transportation
21 services. One wage schedule must include employees, other than driv-
22 ers, paid on an hourly basis, by classification. The other wage
23 schedule must include drivers, by classification. After an entity
24 establishes a wage schedule required by this subsection, an employee
25 hired by that entity to provide substantially the same pupil transpor-
26 tation services as an employee compensated according to the estab-
27 lished wage schedule shall be compensated at a rate not less than that
28 established by the wage schedule. If wages paid to the employee are
29 higher than the rate established by the wage schedule, the wage

1 schedule shall be amended to conform to the higher wage rate.

2 * Sec. 3. AS 23.10.055(5) is amended to read:

3 (5) an individual employed by the United States or by the
4 state or political subdivision of the state, except as provided in
5 AS 23.10.065(b), including prisoners not on furlough detained or
6 confined in prison facilities;

7 * Sec. 4. AS 23.10.065 is amended to read:

8 Sec. 23.10.065. MINIMUM WAGES. Except as provided under (b) of
9 this section, an [AN] employer shall pay to each employee wages at a
10 rate of not less than 50 cents an hour greater than the prevailing
11 Federal Minimum Wage Law or \$2.60 an hour, whichever is greater, for
12 hours worked in a pay period, whether the work is measured by time,
13 piece, commission or otherwise. An employer may not apply tips or
14 gratuities bestowed upon employees as a credit toward payment of the
15 minimum hourly wage required by this section. Tip credit as defined
16 by the Fair Labor Standards Act of 1938 as amended does not apply to
17 the minimum wage established by this section.

18 * Sec. 5. AS 23.10.065 is amended by adding a new subsection to read:

19 (b) An employer shall pay to each person employed as a school
20 bus driver wages at a rate of not less than two and one-half times the
21 prevailing ^{Alaska} Federal Minimum Wage Law, ^{as described in 23.10.065} for hours worked in a pay period,
22 whether work is measured by time, commission, or otherwise. An em-
23 ployer may not apply fringe benefits as a credit toward payment of the
24 minimum wage established under this subsection.

25 * Sec. 6. AS 28.15.046(b) is amended to read:

26 (b) The department may not issue a license under this section
27 unless the applicant

28 (1) is at least 21 [19] years of age;

29 (2) has had a license issued by the department to operate a

1 motor vehicle at least one year before the date of application and has
2 had a license to operate a motor vehicle at least three years before
3 the date of application:

4 (3) has successfully completed all required driving, writ-
5 ten, and physical examinations;

6 (4) has submitted information sufficient to complete a
7 background check consisting of a fingerprint check of national crimi-
8 nal records and state criminal records of the state or states in which
9 the applicant has resided for the past two years;

10 (5) has completed a state approved school bus driver train-
11 ing course established under AS 14.07.020(a)(14) or has for the previ-
12 ous two years been licensed by the state to operate a school bus.

13 * Sec. 7. This Act applies to school bus driver employment contracts
14 entered into or renewed on or after September 1, 1988.

15 * Sec. 8. This Act takes effect September 1, 1988.
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STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. TRANS	2-3-88	1:30 p.m.
" "	2-10-88	1:30 p.m.
" "	3-2-88	1:30 p.m.

GORDON EPPERLY : JUNEAU

1. School bus drivers are required to complete first aid and CPR classes, which takes about four hours of personal time and costs \$20 for their certification cards.
2. School bus drivers are required to have physicals, costing \$50 - \$100, on their own time.
3. New drivers are required to attend a two week training program, at their own expense, and complete a "ground check". Certification is \$10.
4. Returning drivers are required to attend eight hours of continued training per year. Own expense.

School bus drivers have been for years trying to become affiliated with a labor union, but because they are hired by a contractor, affiliation attempts have failed.

Other bus and truck drivers are paid Davis Bacon wages.

Alaska Statutes

Title 14. Education.

Chapter

- 03. Public Schools Generally (§§ 14.03.010 — 14.03.140)
- 07. Administration of Public Schools (§§ 14.07.010 — 14.07.170)
- 08. Education in the Unorganized Borough (§§ 14.08.011 — 14.08.151)
- 09. Transportation of Pupils (§§ 14.09.010 — 14.09.020)
- 11. Construction, Rehabilitation, and Improvement of Schools and Education-Related Facilities (§§ 14.11.010 — 14.11.135)
- 12. Organization and Government of School System (§§ 14.12.010 — 14.12.180)
- 14. Local Administration of Schools (§§ 14.14.020 — 14.14.310)
- 17. Public School Foundation Program (§§ 14.17.010 — 14.17.250)
- 18. Prohibition Against Discrimination Based on Sex in Public Education (§§ 14.18.010 — 14.18.110)
- 20. Teachers and School Officials (§§ 14.20.010 — 14.20.650)
- 25. Teachers' Retirement (§§ 14.25.010 — 14.25.220)
- 30. Pupils and Educational Programs for Pupils (§§ 14.30.010 — 14.30.660)
- 33. School Safety Patrols (§§ 14.33.010 — 14.33.060)
- 35. Vocational Education (§§ 14.35.010 — 14.35.030)
- 36. Community Schools (§§ 14.36.010 — 14.36.070)
- 40. The University of Alaska and the Community Colleges (§§ 14.40.010 — 14.40.640)
- 42. Postsecondary Education (§§ 14.42.010 — 14.42.390)
- 43. Scholarship, Loan, and Grant Programs for Postsecondary Students (§§ 14.43.010 — 14.43.910)
- 44. Interstate Education Compacts (§§ 14.44.010 — 14.44.060)
- 45. Private and Denominational Schools (§§ 14.45.010 — 14.45.200)
- 48. Regulation of Postsecondary Educational Institutions (§§ 14.48.010 — 14.48.210)
- 50. Federal Aid for Education (§§ 14.50.010 — 14.50.080)
- 56. State Library and Historical Library and State Library Programs (§§ 14.56.010 — 14.56.350)
- 57. The State Museum (§§ 14.57.010 — 14.57.080)
- 60. General Provisions (§ 14.60.010)

Sec. 14.08.170. [Repealed, § 1 ch 124 SLA 1975.]

Chapter 09. Transportation of Pupils.

Section

10. Transportation of pupils

Section

20. Transportation for nonpublic school students

Collateral references. — 68 Am. Jur. 2d Schools, §§ 234-241.

79 C.J.S. Schools and School Districts, §§ 475-482.

One transporting children to or from school as independent contractor. 66 ALR 724.

Risks and causes of loss within liability policy covering transportation of school children. 154 ALR 1102.

Tort liability of public schools and institutions of higher learning for accidents associated with transportation of students. 34 ALR3d 1210.

Relief against school board's "bussing plan" to promote desegregation. 50 ALR3d 1089.

Tort liability for misclassification or wrongful placement of student in special education program. 33 ALR4th 1166.

Personal liability of executive or administrative officer unit for personal injury or death of student. 35 ALR4th 272.

Liability of school employee, other than teacher or administrator, for personal injury or death of student. 35 ALR4th 328.

Sec. 14.09.010. Transportation of pupils. (ε) The department may provide for the transportation of pupils who reside a distance from established schools, and in order to accomplish that purpose may

(1) require school districts to enter into contracts with the department for the administration, supervision, operation or subcontracting of the operation of transportation systems for students to and from the schools within their service area;

(2) require all school districts, transportation contractors and other recipients of state transportation funds to submit to the department an annual report, which includes a financial statement and other operational data required by the department;

(3) permit school districts to

(A) establish supplementary systems of student transportation for students ineligible to utilize transportation facilities paid for by the state;

(B) charge fares or fees for the supplementary transportation systems; and

(C) use local tax funds to pay, in whole or in part, the cost of the supplementary system.

(b) Each school district mentioned in (a)(1) of this section is entitled to receive reimbursement from the state for the operation of the transportation system on a unit cost basis determined by the department.

(c) The school board of a district, or the department for areas not within school districts, shall designate as hazardous those routes

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which cannot be safely traveled by children not served by school bus. The designation may recognize hazards that exist only part of the time and in these instances the designation shall be applicable only during the time the hazards are found to exist. The board or the department shall provide for the transportation of pupils on routes designated as hazardous. The additional cost of the transportation in a district shall be shared equally by the district and the department. Eligibility to receive school bus service on routes designated as hazardous shall not be subject to restrictions based on the minimum distance between established schools and the residences of pupils. (§ 1 ch 39 SLA 1966; § 1 ch 98 SLA 1966)

Revisor's notes. — Subsection (c) was enacted as AS 14.10.070(c). Renumbered in 1966.

Opinions of attorney general. — Until the Alaska Supreme Court issues a decision overruling *Matthews v. Quinton*,

Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961), or modifying it in a significant manner, the law in the state is that public funds may not be used to provide transportation to private school children. 1978 Op. Att'y Gen. No. 23.

NOTES TO DECISIONS

Prior law. — For cases construing former similar provisions, see *Tapscott v. Page*, 17 Alaska 507 (1958); *Matthews v. Quinton*, Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961), cert. denied, 368 U.S. 517, 82 S. Ct. 530, 7 L. Ed. 2d 522 (1962).

Borough was not acting as an agent of the state in furnishing transportation of pupils. *Kenai Peninsula Borough v. State*, Sup. Ct. Op. No. 1124 (File No. 2092), 532 P.2d 1019 (1975).

While the state did supervise the school transportation service insofar as it related to the funding provided by it and also had certain regulations in effect pertaining to the over-all safety of the transportation system, the actual control of the transportation services was undertaken by the borough which, on its own behalf, entered into the contract with a school bus owner to furnish transportation service for specified routes. *Kenai Peninsula Borough v. State*, Sup. Ct. Op. No. 1124 (File No. 2092), 532 P.2d 1019 (1975).

Department of Education discretion in awarding school busing contracts.

— Although neither the Department of Education nor regional school boards were explicitly given the discretion to decide when a busing contract was to be awarded by bid or by negotiation under former AS 37.05.230(4), the authority granted to the Department of Education under this section compelled the conclusion that the department additionally had been granted the discretion to choose between bid and negotiation in awarding busing contracts. *State v. Northern Bus Co.*, Sup. Ct. Op. No. 2899 (File No. 7079), 693 P.2d 319 (1984).

Applied in *Girves v. Kenai Peninsula Borough*, Sup. Ct. Op. No. 1168 (File No. 2016), 536 P.2d 1221 (1975).

Cited in *Jennings v. State*, Sup. Ct. Op. No. 1467 (File No. 2658), 566 P.2d 1304 (1977).

Collateral references. — Transportation of school pupils at expense of public. 63 ALR 413; 118 ALR 806; 146 ALR 625.

Nature and extent of transportation

that must be furnished under statute requiring free transportation of school pupils. 52 ALR3d 1036.

Alaska Statutes

Title 23. Labor and Workers' Compensation.

Chapter

- 05. Department of Labor (§§ 23.05.010 — 23.05.340)
- 10. Employment Practices and Working Conditions (§§ 23.10.015 — 23.10.415)
- 15. Employment Services (§§ 23.15.010 — 23.15.650)
- 20. Alaska Employment Security Act (§§ 23.20.005 — 23.20.535)
- 25. Employer's Liability for Negligence (§§ 23.25.010 — 23.25.040)
- 30. Alaska Workers' Compensation Act (§§ 23.30.005 — 23.30.270)
- 35. Commercial Fishermen's Fund (§§ 23.35.010 — 23.35.150)
- 40. Labor Organizations (§§ 23.40.020 — 23.40.260)
- 45. General Provisions (§ 23.45.010)

Revisor's notes. — The provisions of this title were redrafted in 1984 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982, and to make other minor word changes.

Cross references. — For rights of correctional industries workers, see AS 33.32.

Chapter 05. Department of Labor.

Article

- 1. Administration (§§ 23.05.010 — 23.05.130)
- 2. Wage Claims (§§ 23.05.140 — 23.05.260)
- 3. General Provisions (§§ 23.05.270 — 23.05.280)
- 4. Reciprocal Agreements (§§ 23.05.320 — 23.05.340)

Article 1. Administration.

Section

- 10. Purpose
- 20. Records of department
- 30. Funds
- 40. Bond of commissioner
- 50. Power to issue subpoenas and take testimony
- 60. Powers of the department

Section

- 80. Employer's records
- 90. Employer shall furnish information
- 100. Inspections and examination of records
- 110. Biennial report
- 120. Cooperation with other agencies
- 130. Preference for resident workers

NOTES TO DECISIONS

Based on Fair Labor Standards Act. — See notes under same catchline under article analysis. Webster v. Bechtel, Inc., Sup. Ct. Op. No. 2245 (File Nos. 3979, 4139), 621 P.2d 890 (1980), Notes to Decisions.

AS 23.10.050 — 23.10.150 are directed toward a situation distinct from that of

the Equal Pay for Women Act. Brown v. Wood, Sup. Ct. Op. No. 1551 (File Nos. 2564, 2565), 575 P.2d 760 (1978), modified on rehearing on other grounds, 592 P.2d 1250 (1979).

Applied in Dresser Indus., Inc v. Alaska Dep't of Labor, Sup. Ct. Op. No. 2415 (File No. 5625), 633 P.2d 998 (1981).

Sec. 23.10.055. Exemptions. The provisions of AS 23.10.050 — 23.10.150 do not apply to

(1) an individual employed in agriculture, which includes farming in all its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including forestry and lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with the farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market;

(2) an individual employed in the catching, trapping, cultivating or farming, netting or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;

(3) an individual employed in the hand picking of shrimp;

(4) an individual employed in domestic service, including a baby-sitter, in or about a private home;

(5) an individual employed by the United States or by the state or political subdivision of the state including prisoners not on furlough detained or confined in prison facilities;

(6) an individual engaged in the activities of a nonprofit religious, charitable, cemetery or educational organization where the employer-employee relationship does not, in fact, exist, and where services rendered to the organization are on a voluntary basis;

(7) an employee engaged in the delivery of newspapers to the consumer;

(8) an individual employed solely as a watchman or caretaker of a plant or property that is not in productive use for a period of four months or more;

(9) an individual employed in a bona fide executive, administrative or professional capacity or in the capacity of an outside salesman or a salesman who is employed on a straight commission basis;

(10) an individual employed in the search for placer or hard rock minerals;

(11) an individual under 18 years of age employed on a part-time basis not more than 30 hours in a week; or

Sec. 23.10.065. Minimum wages. An employer shall pay to each employee wages at a rate of not less than 50 cents an hour greater than the prevailing Federal Minimum Wage Law or \$2.60 an hour, whichever is greater, for hours worked in a pay period, whether the work is measured by time, piece, commission or otherwise. An employer may not apply tips or gratuities bestowed upon employees as a credit toward payment of the minimum hourly wage required by this section. Tip credit as defined by the Fair Labor Standards Act of 1938 as amended does not apply to the minimum wage established by this section. (§ 4 ch 171 SLA 1959; am § 2 ch 2 SLA 1962; am § 1 ch 41 SLA 1974)

Cross references. — For the Fair Labor Standards Act of 1938, see 29 U.S.C. 201-219.

NOTES TO DECISIONS

This section is based on the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201-219, and the terms used in the Alaska Statute are defined in the same way as in the federal act. *McGinnis v. Stevens*, Sup. Ct. Op. No. 1207 (File Nos. 2255, 2312), 543 P.2d 1221 (1975), decided prior to the 1978 amendment to AS 23.10.055(5).

Prisoners as employees of the state. — See *McGinnis v. Stevens*, Sup. Ct. Op. No. 1207 (File Nos. 2255, 2312), 543 P.2d 1221 (1975), decided prior to the 1978 amendment to AS 23.10.055(5).

Article not void. — The Alaska Wage and Hour Act merely requires higher minimum and overtime pay than the Fair Labor Standards Act, 29 U.S.C. §§ 201-219. Although compliance with both is more expensive than compliance with the federal act, it is not, in any sense, impossible so as to make the Alaska law void. *Webster v. Bechtel, Inc.*, Sup. Ct. Op.

No. 2245 (File Nos. 3979, 4139), 621 P.2d 890 (1980).

Concurrent coverage of minimum wage claims is not preempted by the Federal Fair Labor Standards Act. It appears that 29 U.S.C. § 218(a) was intended to allow the recovery of additional amounts under more protective state laws. It is logical that Congress contemplated that the state would allow for an action as to the whole claim, not just the increment, and, further, that Congress intended that the claims would be brought together, where possible, so that enforcement would not be costly. *Webster v. Bechtel, Inc.*, Sup. Ct. Op. No. 2245 (File Nos. 3979, 4139), 621 P.2d 890 (1980).

Applied in *Alaska Int'l Indus., Inc. v. Musarra*, Sup. Ct. Op. No. 1966 (File Nos. 3652, 3676), 602 P.2d 1240 (1979).

Cited in *Dresser Indus., Inc. v. Alaska Dep't of Labor*, Sup. Ct. Op. No. 2415 (File No. 5625), 633 P.2d 998 (1981).

Collateral references. — Validity of minimum wage statutes relating to private employment, 39 ALR2d 740.

Sec. 23.10.070. Exemptions from minimum wage. To the extent necessary to prevent curtailment of opportunities of employment, the commissioner may by regulations or orders provide for the employment at wages lower than the minimum wage prescribed in AS 23.10.050 — 23.10.150 of

Alaska Statutes

Title 28. Motor Vehicles.

Chapter

- 05. Administration (§§ 28.05.021, 28.05.041, 28.05.091, 28.05.141, 28.05.151)
- 10. Vehicle Registration and Title (§§ 28.10.011, 28.10.021, 28.10.041, 28.10.051, 28.10.101 — 28.10.108, 28.10.111, 28.10.121, 28.10.131, 28.10.141, 28.10.151, 28.10.181, 28.10.201, 28.10.321, 28.10.411, 28.10.421, 28.10.423, 28.10.431, 28.10.495, 28.10.502)
- 15. Drivers' Licenses (§§ 28.15.041, 28.15.046, 28.15.051, 28.15.071, 28.15.166, 28.15.171, 28.15.191, 28.15.221, 28.15.231, 28.15.271)
- 17. Commercial Driver Training Schools (§ 28.17.051)
- 20. Motor Vehicle Safety Responsibility Act (§ 28.20.440)
- 22. Motor Vehicle Liability Insurance (§§ 28.22.010, 28.22.100, 28.22.200, 28.22.600)
- 32. Commercial Motor Vehicle Safety Inspections (§§ 28.32.010 — 28.32.900)
- 33. Commercial Motor Vehicle Financial Responsibility (§ 28.33.010)
- 35. Miscellaneous Provisions (§§ 28.35.031 — 28.35.033, 28.35.045, 28.35.145, 28.35.235, 28.35.251 — 28.35.255)
- 37. Driver License Compact (§§ 28.37.010 — 28.37.040, 28.37.110 — 28.37.190)
- 40. General Provisions (§§ 28.40.050, 28.40.100)

Chapter 05. Administration.

Article

- 1. Powers and Duties of Department of Public Safety (§§ 28.05.021, 28.05.041)
- 2. Vehicle Equipment Standards (§ 28.05.091)
- 3. Subpoenas, Notices and Hearings (§ 28.05.141)
- 4. Disposition of Certain Vehicle and Traffic Offenses (§ 28.05.151)

Article 1. Powers and Duties of Department of Public Safety.

Section

- 21. Commissioner to enter compacts and reciprocal agreements
- 41. Commissioner to prescribe forms, ex-

amine applications, and administer oaths

nor may the department issue the license until proper application has been made and all required driving, written, and physical examinations have been successfully completed. A license issued under this subsection expires on September 1 of the year following issuance. Application for renewal may be made by submitting to the department the results of a current physical examination and paying the required fee.

(c) A person may not drive a commercial motor vehicle until the person applies for and is issued a license for that purpose under (a) of this section. The department may not issue a license under this subsection unless the applicant is at least 19 years of age, has held a valid driver's license at least one year, and has successfully completed all required driving tests and written and physical examinations. In this subsection, "commercial motor vehicle" has the meaning given in AS 28.32.900. (§ 19 ch 178 SLA 1978; am § 2 ch 104 SLA 1985; am § 2 ch 19 SLA 1986)

Effect of amendments. — The 1985 amendment added subsection (c). The 1986 amendment deleted "school bus transporting school children, or a bus transporting school-age children or another" preceding "motor vehicle" in the first sentence of subsection (b).

1986-28: editor deleted "school bus transporting school children, or a bus transporting school-age children or another" preceding "motor vehicle" in the first sentence of subsection (b).

Sec. 28.15.046. Licensing of school bus drivers. (a) In addition to the requirements of AS 28.15.041(a), a person may not drive a school bus transporting school children, or a bus transporting schoolage children until the person has applied for and has been issued a license for that purpose under this section.

(b) The department may not issue a license under this section unless the applicant

- (1) is at least 19 years of age;
- (2) has had a license to operate a motor vehicle at least one year before the date of application;
- (3) has successfully completed all required driving, written, and physical examinations;
- (4) has submitted information sufficient to complete a background check consisting of a fingerprint check of national criminal records and state criminal records of the state or states in which the applicant has resided for the past two years;
- (5) has completed a state approved school bus driver training course established under AS 14.07.020(a)(14) or has for the previous two years been licensed by the state to operate a school bus.

(c) The department may not issue a license under this section to an applicant who has been convicted of any of the following offenses within 20 years of the time of application:

- (1) sexual abuse of a minor in any degree (AS 11.41.434 — 11.41.440);
- (2) sexual assault in any degree (AS 11.41.410 or 11.41.420);

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- (3) incest (AS 11.41.450);
- (4) unlawful exploitation of a minor (AS 11.41.455);
- (5) contributing to the delinquency of a minor (AS 11.51.130);
- (6) a felony involving possession of a controlled or imitation controlled substance (AS 11.71 or AS 11.73);
- (7) a felony or misdemeanor involving distribution of a controlled or imitation controlled substance (AS 11.71 or AS 11.73);
- (8) promoting prostitution in the first or second degree (AS 11.66.110 or 11.66.120).

(d) The department may not issue a license to an applicant who has been convicted of driving while intoxicated (AS 28.35.030) within two years of the time of application or to an applicant who has two or more convictions for driving while intoxicated within 10 years of the time of application.

(e) For purposes of determining whether an applicant has been convicted of an offense listed under (c) or (d) of this section, a conviction under prior state law or in another jurisdiction of an offense having elements substantially similar to those of the offenses listed in (c) or (d) of this section is considered a conviction.

(f) Costs of conducting the background check required under (b)(4) of this section shall be paid by the applicant. A license issued under this section expires on September 1 of the year following issuance. Application for renewal may be made by submitting to the department the results of a current physical examination and paying the required fee. (§ 3 ch 19 SLA 1986)

Sec. 28.15.051. Instruction permit, temporary driver's license and special driver's permit. (a) Except as provided in (b) of this section, a person who is at least 14 years of age may apply to the department for an instruction permit. The department may, after the applicant has successfully passed all parts of the examination under AS 28.15.081 other than the driving test, issue to the applicant an instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed two years. The permittee must be accompanied by a person at least 19 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed.

(b) The department, upon receiving proper application, may issue a restricted instruction permit effective for a school year or for a more restricted period to an applicant who is at least 14 years of age and who is enrolled in a driver education program which includes practice

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE
Chairman - Representative Dave Donley

P.O. BOX Y, JUNEAU 99811
(907) 465-3892



March 2, 1988

M E M O R A N D U M:

To: Representative Bette Cato, Chair
House Transportation Committee

From: Representative Dave Donley, Chair
House Labor and Commerce Committee

Re: HB 305 - School bus drivers

A proposed committee substitute for HB 305, relating to school bus drivers, is before the House Transportation Committee for consideration today. The changes in the proposed CS are:

1. The minimum wage established for school bus drivers in HB 305 has been amended to be defined as two and one half times the federal minimum wage plus 50 cents ("Alaska" minimum wage).
2. The troublesome Section 2 from the previous version of HB 305 is deleted entirely.
3. Provisions have been added to provide that any change in the federal minimum wage (on which the minimum wage under HB 305 is based) does not apply during the contract period but only upon renewal or for a new contract.

The proposed CS for HB 305 represents good public policy that should go a long way in improving the experience and proficiency levels of Alaska's school bus drivers by protecting their wages and working conditions. The House Labor and Commerce Committee urges you to support the proposed House Transportation Committee Substitute for HB 305.

5-0777B
Ford
2/16/88

Original sponsor: Labor and Commerce
Committee

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 305 ()
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to transportation of pupils; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that the
10 driving conditions existing in this state are unique and require school bus
11 drivers to have experience in driving a vehicle on the roads and under the
12 conditions existing in the state in order to ensure that they are adequate-
13 ly trained. The legislature also finds that in order to properly train
14 school bus drivers, drivers should be licensed in this state for a minimum
15 period of one year, as required under AS 28.15.046(b)(2), as amended by
16 sec. 5 of this Act.

17 *(previous section has deleted)*

* Sec. 2. AS 23.10.055(5) is amended to read:

18 (5) an individual employed by the United States or by the
19 state or political subdivision of the state, except as provided in
20 AS 23.10.065(b), including prisoners not on furlough detained or
21 confined in prison facilities;

22 * Sec. 3. AS 23.10.065 is amended to read:

23 Sec. 23.10.065. MINIMUM WAGES. Except as provided under (b) of
24 this section, an [AN] employer shall pay to each employee wages at a
25 rate of not less than 50 cents an hour greater than the prevailing
26 Federal Minimum Wage Law or \$2.60 an hour, whichever is greater, for
27 hours worked in a pay period, whether the work is measured by time,
28 piece, commission or otherwise. An employer may not apply tips or
29 gratuities bestowed upon employees as a credit toward payment of the

1 minimum hourly wage required by this section. Tip credit as defined
2 by the Fair Labor Standards Act of 1938 as amended does not apply to
3 the minimum wage established by this section.

4 * Sec. 4. AS 23.10.065 is amended by adding new subsections to read:

5 (b) Subject to the limitation under (c) of this section, an
6 employer shall pay to each person employed as a school bus driver
7 wages at a rate of not less than two and one-half times the minimum
8 wage established under (a) of this section, for hours worked in a pay
9 period, whether work is measured by time, commission, or otherwise.
10 An employer may not apply fringe benefits as a credit toward payment
11 of the minimum wage established under this subsection.

12 (c) Notwithstanding (b) of this section, an employer who con-
13 tracts with the Department of Education or a school district to pro-
14 vide school bus transportation services is not required to adjust
15 school bus driver wages under (b) of this section, except when enter-
16 ing into or renewing the contract.

17 * Sec. 5. AS 28.15.046(b) is amended to read:

18 (b) The department may not issue a license under this section
19 unless the applicant

20 (1) is at least 21 [19] years of age;

21 (2) has had a license issued by the department to operate a
22 motor vehicle at least one year before the date of application and has
23 had a license to operate a motor vehicle at least three years before
24 the date of application;

25 (3) has successfully completed all required driving, writ-
26 ten, and physical examinations;

27 (4) has submitted information sufficient to complete a
28 background check consisting of a fingerprint check of national crimi-
29 nal records and state criminal records of the state or states in which

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the applicant has resided for the past two years;

(5) has completed a state approved school bus driver training course established under AS 14.07.020(a)(14) or has for the previous two years been licensed by the state to operate a school bus.

* Sec. 6. This Act takes effect September 1, 1988.

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE
Chairman - Representative Dave Donley

P.O. BOX Y, JUNEAU 99811
(907) 465-3892



Sectional Analysis for CS HB 305 (Transportation) "An Act relating to transportation of pupils"

Section 1:

Section 1 contains Legislative Findings that establish the public purpose behind requiring additional experience and proficiency levels for school bus drivers in Alaska.

Section 2:

Amends AS 23.10.055(5) to add school bus drivers to the list of exceptions from standard minimum wage requirements.

Section 3:

Amends AS 23.10.065(a) which is the section of law that establishes a minimum wage for all employees in Alaska as \$.50 cents above federal minimum wage) to exempt school bus drivers under AS 23.10.065(b).

Section 4:

Adds a new subsection (b) to AS 23.20.065 providing that school bus drivers be paid a minimum wage no less than two and one half times the prevailing federal minimum wage plus 50 cents. (Current federal minimum wage is \$3.35/hour nationally and \$3.85/hour in Alaska. Two and one half times \$3.85/hour establishes a minimum wage for school bus drivers as \$9.62 and hour).

3.85
3.85
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Section 5:

Section 5 amends AS 28.15.046(b)(1) to raise the minimum age for obtaining a school bus drivers license from 19 to 21 years.

AS 28.15.046(b)(2)) is amended to require that an applicant has had a license to operate moter vehicle for at least three hears prior to application for a school bus drivers license and at least one of those years had to possess a license to operate a moter vehicle in Alaska.

Section 6:

Effective date is September 1, 1988.

* * * * *

Prepared by the House Labor and Commerce Committee
Representative Dave Donley, Chairman
March 3, 1988

CS HB 305

A M E N D M E N T

by CATO

Page 2 Line 7 is amended to read

wages at a rate of not less than two [delete "two and one
half"] times the minimum

Original sponsor: Labor and Commerce
Committee

IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

CS FOR HOUSE BILL NO. 305 (Transportation)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to transportation of pupils; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. LEGISLATIVE FINDINGS. The legislature finds that the driving conditions existing in this state are unique and require school bus drivers to have experience in driving a vehicle on the roads and under the conditions existing in the state in order to ensure that they are adequately trained. The legislature also finds that in order to properly train school bus drivers, drivers should be licensed in this state for a minimum period of one year, as required under AS 28.15.046(b)(2), as amended by sec. 5 of this Act.

* Sec. 2. AS 23.10.055(5) is amended to read:

(5) an individual employed by the United States or by the state or political subdivision of the state, except as provided in AS 23.10.065(b), including prisoners not on furlough detained or confined in prison facilities;

* Sec. 3. AS 23.10.065 is amended to read:

Sec. 23.10.065. MINIMUM WAGES. Except as provided under (b) of this section, an [AN] employer shall pay to each employee wages at a rate of not less than 50 cents an hour greater than the prevailing Federal Minimum Wage Law or \$2.50 an hour, whichever is greater, for hours worked in a pay period, whether the work is measured by time, piece, commission or otherwise. An employer may not apply tips or gratuities bestowed upon employees as a credit toward payment of the

1 minimum hourly wage required by this section. Tip credit as defined
2 by the Fair Labor Standards Act of 1938 as amended does not apply to
3 the minimum wage established by this section.

4 * Sec. 4. AS 23.10.065 is amended by adding new subsections to read:

5 (b) Subject to the limitation under (c) of this section, an
6 employer shall pay to each person employed as a school bus driver
7 wages at a rate of not less than two times the minimum wage
8 established under (a) of this section, for hours worked in a pay
9 period, whether work is measured by time, commission, or otherwise.
10 An employer may not apply fringe benefits as a credit toward payment
11 of the minimum wage established under this subsection.

12 (c) Notwithstanding (b) of this section, an employer who con-
13 tracts with the Department of Education or a school district to pro-
14 vide school bus transportation services is not required to adjust
15 school bus driver wages under (b) of this section, except when enter-
16 ing into or renewing the contract.

17 * Sec. 5. AS 28.15.046(b) is amended to read:

18 (b) The department may not issue a license under this section
19 unless the applicant

20 (1) is at least 21 [19] years of age;

21 (2) has had a license issued by the department to operate a
22 motor vehicle at least one year before the date of application and has
23 had a license to operate a motor vehicle at least three years before
24 the date of application;

25 (3) has successfully completed all required driving, writ-
26 ten, and physical examinations;

27 (4) has submitted information sufficient to complete a
28 background check consisting of a fingerprint check of national crimi-
29 nal records and state criminal records of the state or states in which

1 the applicant has resided for the past two years;

2 (5) has completed a state approved school bus driver train-
3 ing course established under AS 14.07.020(a)(14) or has for the previ-
4 ous two years been licensed by the state to operate a school bus.

5 * Sec. 6. This Act takes effect September 1, 1988.
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HOUSE COMMITTEE REPORT

(7)

Date referred: 5/7/87

FURTHER REFERRALS: HESS

DATE: 3-2-88

HB 305

The Transportation Committee has considered

"An Act relating to transportation of pupils; and providing for an effective date."

RECOMMENDS:

replace with CS HB 305 (TRSP) the same title
 attached amendment(s) a new title

do pass

do not pass

no recommendation

individual recommendations

additional referral to the Finance Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

fiscal impact

same as previous fiscal note published _____

2 zero fiscal notes

same as previous zero fiscal note published _____

zero with analysis

SIGNING DO PASS:

Bill Hud
Bette Cutt
Henry Spriggs
John P. Bishop

SIGNING OTHER RECOMMENDATIONS:

Mike Hille No Rec
1) Gene Pearce No Rec

Bette Cutt
Chairman's signature

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* DELIVER TO: LHSCTRA
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* ORIGINAL
* SENT: 02/04/88 TIME: 09:39
* FROM: LIOCMAT
* SUBJECT: HTRANS, HB305, 2-3-88
* PRINT DATE: 02/04/88 TIME: 12:01
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DATE: 2/03/88
SITE: MATSU
SPONSOR: HOUSE TRANSPORTATION
SUBJECT: HB305 - TRANSPORTATION OF PUPILS
MODERATOR: MARY

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FINAL STATS

TESTIFIED
1. SAUNDRA HUTCHINS, MAT-SU SCHOOL DISTRICT, P O BOX 1688,
PALMER 99645

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OBSERVED:
NAME/REPRESENTING          ADDRESS          PHONE #
1. NONE
  TESTIFIED: 1
  UNABLE: 0
  OBSERVED: 0
  TOTAL: 1
          START/END TIME
1:30 TO 3:00PM

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* DELIVER TO: LHSCTRA
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* ORIGINAL
* SENT: 02/03/88 TIME: 14:46
* FROM: LTCCSOL
* SUBJECT: FS 2-3-88;H TRA;TRANSP.PUPILS
* PRINT DATE: 02/04/88 TIME: 08:55
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2-3-88
HOUSE TRANS
TRANSPORTING PUPILS
SOLDOTNA
VESTA

FINAL STATS

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TO TESTIFY

NAME/REPRESENTING	ADDRESS	PHONE #
1.CYNDI DREW/K.PEN BUS DRIV	BOX 3250,SOL	262-6104

*****\

TO OBSERVE

NAME/REPRESENTING	ADDRESS	PHONE #
1.MARVIN PARAZOO	BOX 2766,SOLDOTNA	283-9335
2.DONALD WOOD	SR2, BOX 930,SOLDOTNA	262-9568
3.JOHN KEATING	BOX 347,STERLING	262-9403
4.VERNON BENNENT	BOX 3197,SOLDOTNA	262-1831
5.WILLIAM HATFIELD	HCR68,BOX 1101,MOOSE PAS	262-7714
6.JACOB BARKMAN	BOX 4603,SOLDOTNA	262-1602
7.DONNA ATKINS	44610 GOLDN EAGLE ,KENAI	283-9127
8.TED CARMICHAEL/K PEN B. DRIV	BOX 1401, SOLDOTNA	262-1477
9.RICHARD LAND/KEN.P.BUS DRIV	SOLDOTNA, AK 99611	2623768
10.JOHN PALM	BOX 615,STERLING99672/2627213	

1 TESTIFIED
9 UNABLE
10 OBSERVED
12 TOTAL

1:25P/2:47P START/END TIME

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* DELIVER TO: LHSCTRA
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* SENT: 02/03/88 TIME: 15:09
* FROM: LIOCHTM
* SUBJECT: HTRA;TRANSPORT PUPIL;2-3-88
* PRINT DATE: 02/04/88 TIME: 08:55
*
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*** FINAL TELECONFERENCE STATISTICS ***

DATE: __FEBRUARY 3RD, 1988__
SITE: __ANCHORAGE HOUSE FINANCE CONFERENCE ROOM, 5TH FLOOR__
SPONSOR: __HOUSE TRANSPORTATION__
SUBJECT: __HB 305 - TRANSPORTATION OF PUPILS__
LOCAL MODERATOR: __HARRY TRACY MANDREGAN__

TESTIFIED:

NAME\REPRESENTING	ADDRESS	PHONE #
1. ELEANOR J. PACKARD	P.O. BOX 684 PALMER, ALASKA	745-3779
2. KATHRYN HARRINGTON	1140 JACKSON BLVD.	347-5759
3. JOYCE CONLEY	BOX 133 CHUGIAK, ALASKA	688-2952

OBSERVED:

NAME\REPRESENTING	ADDRESS	PHONE #
1. ROMAYNE KAREEN	DEPT. OF EDUCATION - JUNEAU	465-2890

TESTIFIED: 3
OBSERVED: 1
TOTAL: 4

START TIME: 1:30 PM
END TIME: 2:45 PM

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* DELIVER TO: LHSCTRA *
*
* ORIGINAL *
* SENT: 02/03/88 TIME: 15:10 *
* FROM: LIOCDJT *
* SUBJECT: HTRANS;FS;HB305;2-3-88 *
* PRINT DATE: 02/04/88 TIME: 08:56 *
*

DATE: FEBRUARY 3, 1988
SITE: DELTA JUNCTION
SPONSOR: HOUSE TRANSPORTATION
SUBJECT: HB 305 - TRANSPORTATION OF PUPILS
MODERATOR: LIZ SARVER

FINAL STATS

TESTIFIED	ADDRESS	PHONE #
1. LORETTA NISTLER	P.O. BOX 988	895-4310

OBSERVED	ADDRESS	PHONE #
1. WILLIAM STOOKEY	P.O. BOX 527	895-4658
BUSINESS MGR, DELTA/GREELY SCHOOL DISTRICT		

TESTIFIED: 1
UNABLE: 0
OBSERVED: 1
TOTAL: 2

START/END TIME

*
* DELIVER TO: LHSCTRA *
*
* ORIGINAL *
* SENT: 02/03/88 TIME: 16:46 *
* FROM: LIOCVAL *
* SUBJECT: H TRANS;FS;HB305;2-3-88 *
* PRINT DATE: 02/04/88 TIME: 09:56 *
*

DATE: FEBRUARY 3, 1988

SITE: VALDEZ
SPONSOR: H TRANS
SUBJECT: HB 305-TRANSPORTATION OF PUPILS
MODERATOR: DONNA GRENIER

FINAL STATS

TESTIFIED 0
NAME/REPRESENTING ADDRESS PHONE #

OBSERVED 0
NAME/REPRESENTING ADDRESS PHONE #

TESTIFIED:
UNABLE:
OBSERVED:
TOTAL:

START/END TIME:

VALDEZ HAD NO PARTICIPANTS, SO DID NOT DIAL IN.

EOM

*
* DELIVER TO: LHSCTRA *
*
* ORIGINAL *
* SENT: 01/11/88 TIME: 15:23 *
* FROM: LIOGGL *
* SUBJECT: HHES;FS;EXAMPLE;1-11-88 *
* PRINT DATE: 02/04/88 TIME: 08:57 *
*

***** EXAMPLE ONLY *****
THIS IS JUST A TEST MESSAGE TO LET YOU PRACTICE
USING EMAIL TO OBTAIN THE NAMES AND ADDRESSES OF
PARTICIPANTS DURING LEGISLATIVE TELECONFERENCES
FOR YOUR COMMITTEE MINUTES.

DATE: JANUARY 11, '988
SITE: PANCO PANGO
SPONSOR: HHES;
SUBJECT: EXAMPLE OF TELECONFERENCE FINAL STATS FORM
MODERATOR: GLENN

PARTICIPANT LIST
FINAL STATS

TESTIFIED	NAME/REPRESENTING	ADDRESS	PHONE #
1.	FRANK SEWARD	1414 ALASKA PLACE WASHINGTON DC	202-4522
2.	IVANOFF BARANOFF	C/O GEN DEL SITKA 99821	747-6653
3.	JOHN SMITH	1021 STIKINE ST. JUNEAU 99801	789-8649
4.	JANE DOE	623 BUCK AVENUE JUNEAU 99801	586-2087

OBSERVED	NAME/REPRESENTING	ADDRESS	PHONE #
1.	BILL HARRIS	2029 SECOND ST. JUNEAU 99801	(NO PHONE)
2.	JOE JUNEAU	C/O GEN DEL DOUGLAS 99834	364-2207
3.	ELAINE JOHNSON	(NO ADDRESS GIVEN)	

TESTIFIED: 4
 UNABLE: 0
 OBSERVED: 2
 TOTAL: 6

START/END TIME 4:45 - 6:15

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*****
*
* DELIVER TO: LHSCTRA
*
* ORIGINAL
* SENT: 02/03/88 TIME: 15:31
* FROM: LTCCFBX
* SUBJECT: HTRA;FS;TRANS PUPILS;2-3-88
* PRINT DATE: 02/04/88 TIME: 08:57
*
*****

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*****FINAL STATS*****

DATE: ___FEBRUARY 3, 1988___
 SITE: ___FAIRBANKS___
 SPONSOR: ___HOUSE TRANSPORTATION___
 SUBJECT: ___HB 305; PUPIL TRANSPORTATION___
 MODERATOR: ___FRAN___

```

*****
TESTIFY:
NAME\REPRESENTING ADDRESS PHONE #
1. MELVIN TRESCHER 5714 HOWELL RD,FBKS,99701 488-7722
2. LEOTA KOPP 946 COWLES,FBKS,99701 456-4782
3. JUDY PATTERSON P.O. BOX 73169,FBKS,99707 452-8167
4. JOHN ELDRIDGE P.O. BOX 73169,FBKS,99707 452-7649

```

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*****
OBSERVE:
NAME\REPRESENTING ADDRESS PHONE #
1. BOB SHOFCHIK P.O. BOX 1250,FBKS,99707 452-2000
2. PHYLLIS HUNSUCKER 1618 SCENIC LOOP,FBKS,99709 479-6668

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*****
TESTIFIED__ 4_____ TIME START__1:40 P.M.
OBSERVED__ 2_____ TIME END__ 2:45 P.M.
TOTAL__ 6_____

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*****
*
* DELIVER TO: LHSCTRA
*
* ORIGINAL
* SENT: 02/03/88 TIME: 17:25
* FROM: LIOCSIT
* SUBJECT: HTRANS;FS;HB305;2-3-88
* PRINT DATE: 02/04/88 TIME: 08:57
*
*****

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FEBRUARY 3, 1988
 HOUSE TRANSPORTATION
 HB305 - TRANSPORT PUPILS
 SITK
 MODERATOR-ELAINE SUNDE

FINAL STATS

 THERE WERE NO PARTICIPANTS IN SITKA.



Official Business

COMMITTEE:

House Transportation Committee

DATE: February 10, 1988

SIGN-IN

Subject of meeting:

HB 305: "An Act relating to the transportation of pupils; and providing for an effective date."

*HJR 50: Requesting the Congress to remove the Highway Trust Fund and the Airport and Airway Trust Fund from the Unified Federal Budget.

NAME Please include title **ADDRESS** Please use full address. Please include zip. **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY?**

Ron Lind	P.O. Box Z Juneau	465-4570	DOT & PF	11CA 50
Pesa Terrel	134 N. Franklin Juneau 99801	586-1740	A.G.C.	50
Ginger Baim	Rep. Dave Donley	465-4954	H. LTC Committee	IF needed ✓
J.R. Carr	3301 Eagle St Anch	264-2435	Dept of Labor	305
Johnny Kasper	Box F Juneau	465-2890	Dept of Educ	9.e.v
Valerie Therrien	779 8th Avenue Fairbanks	456-8113	Subcomm. on local govt. powers AK Municipal League	yes - 305
Michael Gatti	Box 1608 Palmer, AK 99567	745-4801	AKL subcomm. on local govt. powers attorney - mat sec Bero	yes - HB 305

* indicates first public hearing

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 2, 1988

SUBJECT: Durational Residency Requirement
CSHB 305 (Transportation)

TO: Representative Bette Cato, Chair
House Transportation Committee

FROM: Michael F. Ford MFF LMB
Legislative Counsel

This is to bring to your attention a constitutional problem in sec. 5 of CSHB 305 (Transportation) concerning requiring school bus drivers to have an Alaska driver's license for one year. In our opinion such a requirement would be held unconstitutional as it would violate the state equal protection clause.

In Williams v. Zobel, 619 P.2d 422 (AK 1980), the Alaska Supreme Court discussed the test to be used to determine if a durational residency requirement is constitutional. Essentially the court balances the denial of the benefit or right against the government objective involved. The state must show that the residency requirement has a fair and substantial relationship to a legitimate government objective. See also State v. Erickson, 574 P.2d 1, 11-12 (AK 1978). Requiring an Alaska drivers' license for one year prior to being eligible for employment as a school bus driver does not seem to be a legitimate government objective. The argument that familiarity with Alaska driving conditions, or a general safety aspect, fails when you consider that driving conditions vary greatly across Alaska. For example, a person living in Ketchikan is probably no better prepared to drive a school bus in Fairbanks, than a person living in Montana or California.

In short, this type of residency requirement would probably not survive constitutional challenge.

MFF:gc
WKG1:064

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 2, 1983

SUBJECT: Durational Residency Requirement
CSHB 305 (Transportation)

TO: Representative Bette Cato, Chair
House Transportation Committee

FROM: Michael F. Ford MFF LMB
Legislative Counsel

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In short, this type of residency requirement would probably not survive constitutional challenge.

MFF:gc
WKG1:064