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HOUSE COMMITTEE REPORT

(11)

Date Referred: February 8, 1989

FURTHER REFERRALS:

Date of Committee Action: 3/28/89

The FINANCE Committee considered:

HB 90

HOUSE BILL NO. 90 [SCHOOL BUS SAFETY/LICENSING/WAGES]
"An Act relating to school bus safety and the wages and licensing of school bus drivers; and providing for an effective date."

RECOMMENDS:

- [x] replacing with CS HB 90 (Finance) [] the same title [] a new title
[] the attached amendment(s)
[] do pass
[] do not pass
[x] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
[] zero fiscal note
[] zero with analysis

APPROVES PREVIOUS:

- [x] fiscal note(s) published: DOE 2/8/89
[x] zero fiscal notes(s) published: Labor 2/8/89

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS: (Do Not Pass, No Recommendation, Amend)

Koponen
Barnes

Larson
Swack-hammer
Brown
Ulmer
Shultz
Rieger
Wallis
Chairman's signature

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 90 (Trsp)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
Title: " An Act relating to school bus
safety and ... wages..." BRU: Labor Standards & Safety
Sponsor: House Labor & Commerce Components: Wage & Hour
Requestor: House Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Tom Stuart, Director Phone: 264-2452
Division: Labor Standards & Safety Date: 2/9/89

Approved by Commissioner: Jim Sampson Date: 2/9/89
Agency: Department of Labor

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Adopted

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Education
 Title: School bus safety and the BRU: Education Finance and
wages and licensing of school bus drivers Support Services
 Sponsor: House L & C Components: District Support
 Requestor: House L & C

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	25.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	25.0	5.0	5.0	5.0	5.0	5.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	25.0	5.0	5.0	5.0	5.0	5.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

FY91 Costs: Develop and print manuals and guidelines on safety education and evaluation procedures for students. Develop and print equipment standards for buses.

FY92 Costs: Update and print additional material on safety education for students. Update and print equipment standards for buses.

Prepared by: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 2/22/90

Approved by Commissioner: William G. Demmert Date: 2/22/90
 Agency: Education

Distribution (by preparer):

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

Adopted

Original sponsor: Labor and Commerce
Committee

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 90 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to school bus safety and the wages
7 and licensing of school bus drivers; and providing
8 for an effective date."

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

10 * Section 1. SHORT TITLE. This Act may be known as the Alaska School
11 Bus Safety Act.

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

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

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

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

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

29 (b) Subject to the limitation under (c) of this section, an

1 employer shall pay to each person employed as a public school bus
2 driver wages at a rate of not less than two times the minimum wage
3 established under (a) of this section, for hours worked in a pay
4 period, whether work is measured by time, commission, or otherwise.
5 An employer may not apply fringe benefits as a credit toward payment
6 of the minimum wage established under this subsection.

7 (c) Notwithstanding (b) of this section, an employer who con-
8 tracts with the Department of Education, a school district, or a
9 regional educational attendance area to provide school bus transporta-
10 tion services is not required to adjust school bus driver wages under
11 (b) of this section, except when entering into or renewing the con-
12 tract.

13 * Sec. 5. AS 28.05 is amended by adding a new section to article 2 to
14 read:

15 Sec. 28.05.104. SCHOOL BUSES. (a) Each school district or
16 regional educational attendance area shall

17 (1) provide instruction on safe boarding, riding, exiting,
18 and emergency procedures to school children transported to or from a
19 public school by school bus; and

20 (2) conduct at least two drills each school year on school
21 bus emergency procedures.

22 (b) The Department of Education, in coordination with the De-
23 partment of Public Safety, shall

24 (1) establish equipment requirements for a school bus that
25 is used to transport school children to or from a public school; and

26 (2) at least twice each calendar year, inspect each school
27 bus for compliance with this subsection.

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

29 (b) The department may not issue a license under this section

1 unless the applicant

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

3 (2) has had a license to operate a motor vehicle at least
4 three years [ONE YEAR] before the date of application;

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

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

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

14 * Sec. 7. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1,
15 1989. Notwithstanding AS 28.15.046(b)(1), as amended in sec 6 of this Act,
16 a person who is 19 years of age or older as of January 1, 1989, may be
17 licensed as a school bus driver, if the person is otherwise qualified under
18 AS 28.15.046.

19 * Sec. 8. Section 5 of this Act takes effect January 1, 1990.

20 * Sec. 9. Except for sec. 5, this Act takes effect September 1, 1989.

A M E N D M E N T # 1

OFFERED IN THE HOUSE

BY DONLEY

TO: CSHB 90 (Transportation)

Page 3, after line 13:

Insert a new bill section to read:

"* Sec. 7. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1, 1989. Notwithstanding AS 28.15.046(b)(1), as amended in sec 6 of this Act, a person who is 19 years of age or older as of January 1, 1989, may be licensed as a school bus driver, if the person is otherwise qualified under AS 28.15.046."

Renumber the following bill section accordingly.

A M E N D M E N T # 2

OFFERED IN THE HOUSE

BY DONLEY

TO: CSHB 90 (Transportation)

Page 3, after line 13:

Insert a new bill section to read:

"* Sec. 7. Section 5 of this Act takes effect January 1, 1990."

Page 3, line 14:

Delete "* Sec. 7. This"

Insert "* Sec. 8. Except for sec. 5, this"

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-3892



March 27, 1989

M E M O R A N D U M

To: Members, House Finance Committee

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

Re: HB 90 - Alaska School Bus Safety Act

HB 90 sets a minimum wage for school bus drivers at two times the Alaska minimum wage or \$7.70 an hour, raises the minimum age and experience requirements for drivers, requires routine safety and mechanical inspections for school buses and establishes guidelines for school districts to teach school bus safety to Alaska's children.

HB 90 was introduced by the House Labor and Commerce Committee in response to concerns about the effect of wage reductions on the availability and professionalism of school bus drivers, the lack of standard safety and mechanical inspections for buses, and the lack of training in routine safety procedures for children riding school buses.

HB 90 has a small fiscal note from the Department of Education to prepare school bus safety materials. Funding for routine mechanical and safety inspections is already included in the pupil transportation budget.

There are two proposed amendments to HB 90 in your file. The first would "grandfather" in licensed drivers who are under the age of 21 on the effective date of this act, September 1, 1989. The second would delay the effective date for Section 5, requiring passenger safety instruction and routine inspections, until January 1, 1990 in order to give local school districts time to prepare and distribute educational material and guidelines for inspections.

Alaska's school children are currently at risk because of serious deficiencies in the manner in which we operate school buses in the state. HB 90 is a critical step in correcting that problem and will serve to protect our children by increasing the safety of our pupil transportation services.

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811


(907) 465-3892



February 7, 1989

M E M O R A N D U M

To: Representative Lyman Hoffman, Co-Chair
Representative Ron Larson, Co-Chair
House Finance Committee

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

Re: Request for hearing - HB 90

I am writing to request that you schedule HB 90, relating to school bus safety, for a hearing before the House Finance Committee at your earliest convenience.

HB 90 is similar to HB 305, introduced last year by the House Labor and Commerce Committee. HB 305 passed both the House and the Senate. However, the bill was amended on the Senate floor and did not reach the House for final concurrence prior to adjournment, so the measure did not pass into law.

HB 90 establishes minimum wage and licensing requirements for Alaska school bus drivers. The measure provides for routine mechanical and safety inspections of school buses and requires instruction to passengers in school bus safety procedures. HB 90 applies only to public schools that contract for pupil transportation services, as per a Senate floor amendment added to HB 305 last year.

A House Transportation Committee CS for HB 90 passed out with a majority recommending do pass this morning. The CS made a technical amendment to Section 4 of the bill, specifically including REAA's in the language providing that the new wages and licensing requirements apply only to contracts that are renewed or initiated after the effective date of the act.

A referral file on HB 90 is attached for your convenience. Please contact Colette Jensen or Ginger Baim at 4954 if you have any questions or need additional information.

Enclosure

dd/gb

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

Chairman - Representative Dave Donley

(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:

<u>CITY</u>	<u>CONTRACTOR</u>	<u>ENTRY WAGE</u>	<u>TOP WAGE</u>
KENAI	LAIIDLAW	\$8.10/HR	\$11.45/HR
MATSU/BOROUGH	TUNDKA 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	LAIIDLAW	\$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.

February 7, 1989

We, the undersigned school bus operators, support House Bill 90 with modifications.

The attempt to attain a high level of safety for our school bus children that the State of Alaska desires, as evidenced in existing statutes and regulations which mandate a special licensing of school bus operators as professionals, and strives to inculcate professional competence, while mandatory, is flawed.

We believe that without a State mandated minimum wage level of 2.5 times the Alaska minimum wage, as opposed to the proposed 2 times the State minimum wage, it will be even more difficult to attract and retain school bus operators. Indeed as HB 90 is currently written the minimum wage would amount to \$7.70/hour which is below most entry levels presently existing in Alaska. The low wages create a high turnover in school bus operators and a loss of experienced operators which can only affect safe bus operations.

We are regarded and treated as quasi-faculty, and indeed are required to participate in district "In-Service Days" for professional growth training that includes child abuse intervention, first aid, substance abuse, pupil management, safe vehicle operations, and inter-personal relations. However, we find the caliber of people we can attract and retain with attributes and experience requisite for this profession to be limited by the existing and proposed wage levels. In fact we find that we, with whom Alaskans entrust the safe driving of their children, are paid less than those who drive the garbage trucks that transport their trash!

As a matter of safety we laud the Bill's mandating of State certification of school bus operators, for we take seriously the responsibility for the "precious cargo" that is ours.

We also praise and support the Bill's mandating of education for the children in being safe school bus riders. This aspect of school bus safety has been too long neglected. It is very important as we believe that a school bus with children aboard who are not aware that their actions could distract an operator at a moment that his or her full attention is needed to avoid an accident is an unsafe school bus.

As professionals in our field, we appreciate this Bill's addressing these aspects of school bus safety which have concerned us for so long. We hope you will consider our suggestion to increase this provision for a State minimum wage for school bus operators from 2 times to 2.5 times the State minimum wage which we believe will enable us to attract and retain experienced operators and maintain our State's high safety standards.

Sincerely,

Petition signature will follow by the end of the week. We are forwarding this portion to your office at this time for information prior to the meeting Feb. 7th, at 8:30 AM.