

---

***HB***

***90***

---

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

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

HB 90

House Transportation

2/7/89

FEBRUARY 7, 1989

\*\*\*\*\*

COMMITTEE CALENDAR

HB 90: "An Act relating to school bus safety and the wages and licensing of school bus drivers; and providing for an effective date."

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

Folder 1: House Bill 90

- ITEM #1: HB 90
- #2: Sectional/Overview
- #3: FISCAL NOTE: DEPARTMENT OF EDUCATION
- #4: FISCAL NOTE: DEPARTMENT OF LABOR
- #5: Statutes

# HOUSE COMMITTEE REPORT

(5)

Date Referred: January 20, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 2/7/89

The TRANSPORTATION Committee recommends that:

HOUSE BILL NO. 90

"An Act relating to school bus safety and the wages and licensing of school bus drivers; and providing for an effective date."

be replaced with c/s HB 90 (Transportation)  the same title  
 a new title

have attached amendment(s)

- do pass
- do not pass
- 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:

- fiscal note(s) published: \_\_\_\_\_
- zero fiscal notes(s) published: \_\_\_\_\_

SIGNING DO PASS:

Bette Cato  
Ben Sussendorf  
Richard Staley

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

Brew D. Newman (no rec)  
Bill Hurd (no Rec)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Bette Cato  
 Chairman's signature

#1

6-0467Aa ✓  
Ford

A M E N D M E N T

OFFERED IN THE HOUSE

BY DONLEY

TO: HB 90

Page 2, line 8:

Delete "or"

Insert ", "

After "district"

Insert ", or a regional educational attendance area"

# HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-3892

February 7, 1989

## MEMORANDUM

To: Members, House Transportation Committee

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

Re: HB 90 - Alaska School Bus Safety Act

HB 90 is similar to HB 305 from last year, which passed out of the House Transportation as a committee substitute in early March. HB 305 passed both the House and the Senate during the last week of the session and was amended on the Senate floor to include the word "public" so that the scope of the bill applied only to public schools. However, the Senate version was not returned to the House prior to adjournment, so the measure did not pass into law.

Except for the last three items listed below, HB 90 is identical to the changes in law proposed in HB 305 including:

1. Raising the minimum age to qualify for a bus drivers license from 19 to 21.
2. Raising the minimum time an applicant must have had a drivers license from one to three years in order to qualify to apply for a bus drivers license.
3. Establishing a minimum wage for drivers at two times the Alaska minimum wage (\$.50/hour above whatever is the current federal minimum wage - currently \$3.35/hour + \$.50 = \$3.85/hour X 2 = \$7.70/hour).
4. Providing that the new minimum wage only goes into effect at the time of initial contract or contract renewal.
5. Creating a short title "Alaska School Bus Safety Act".
6. Requiring routine safety and mechanical inspections of school buses. (New language - suggested by pupil transportation/DOE).
7. Requiring instruction for passengers in school bus safety. (New language - suggested by pupil transportation/DOE).
8. Limiting the scope of the bill to public school only, as per the 1988 Senate floor amendment.

HB 90 has a small fiscal note from the Department of Education to pay the costs of preparing school bus safety instructional material. The Department of Labor has submitted a zero fiscal note as they anticipate no additional costs in enforcing the minimum wage requirement established in HB 90.

# 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	LIDLAW	\$8.10/HR	\$11.45/HR
MATSU/BOROUGH	TUNDRA 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.

LECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
LP		EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT

LL/RESOLUTION HISTORY

02:31 PM 11/01/88

PAGE 1

LL: HB 305

ME: CSHB 305(FIN) AM S

TITLE: "AN ACT RELATING TO TRANSPORTATION OF PUPILS, AND PROVIDING FOR AN EFFECTIVE DATE."

TIME SPONSOR: LABOR & COMMERCE COMMITTEE

PENDING

\$000 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: PASSED (S)

	JRN-DATE	JRN-PG		ACTION
1	05/07/87	1218	(H)	READ THE FIRST TIME - REFERRAL(S)
2	05/07/87	1218	(H)	TRANSPORTATION THEN HESS
3	03/04/88	2448	(H)	TRA RPT CS(TRSP) 4DP 2NR
4	03/04/88	2448	(H)	2 ZERO FISCAL NOTES PUBLISHED 3/4/88
5	03/04/88	2448	(H)	FISCAL NOTE PUBLISHED 3/4/88
6	03/04/88	2448	(H)	RECOMMENDS ADDITIONAL REFERRAL TO FIN
7	03/07/88	2470	(H)	FIN REFERRAL ADDED FOLLOWING HESS
8	03/23/88	2676	(H)	HES RPT CS(TRSP) 5DP 2NR
9	03/23/88	2676	(H)	ZERO FISCAL NOTE PUBLISHED 3/23/88
10	04/26/88	3143	(H)	FIN RPT CS(FIN) NEW TITLE 5DP 5NR
11	05/02/88		(H)	RULES TO CALENDAR 5/2/88
12	05/02/88	3323	(H)	READ THE SECOND TIME
13	05/02/88	3324	(H)	FIN CS ADOPTED UNAN CONSENT
14	05/02/88	3324	(H)	ADVANCED TO THIRD READING UNAN CONSENT
15	05/02/88	3324	(H)	READ THE THIRD TIME CSHB 305(FIN)
16	05/02/88	3324	(H)	PASSED Y33 N6 A1
17	05/02/88	3324	(H)	EFFECTIVE DATE SAME AS PASSAGE
18	05/02/88	3324	(H)	ULMER NOTICE OF RECONSIDERATION

LECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
LP		EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT

305

BILL/RESOLUTION FLOOR ACTION

PAGE 3 OF 4

CURRENT STATUS: PASSED (S)

	JRN-DATE	JRN-PG		ACTION
1	05/03/88	3386	(H)	RECON TAKEN UP - IN THIRD READING
2	05/03/88	3386	(H)	PASSED ON RECONSIDERATION Y32 N3 A5
3	05/03/88	3387	(H)	EFFECTIVE DATE SAME AS PASSAGE
4	05/03/88	3407	(H)	TRANSMITTED TO (S)
5	05/03/88	3386	(S)	READ THE FIRST TIME - REFERRAL(S)
6	05/03/88	3386	(S)	FINANCE
7	05/07/88	3587	(S)	FIN RPT 5DP
8	05/09/88	3675	(S)	RULES TO CALENDAR
9	05/09/88	3709	(S)	MOVED TO BOTTOM OF CALENDAR
10	05/09/88	3730	(S)	READ THE SECOND TIME
11	05/09/88	3730	(S)	ADVANCED TO THIRD READING UNAN CONSENT
12	05/09/88	3730	(S)	READ THE THIRD TIME CSHB 305(FIN)
13	05/09/88	3730	(S)	RETURN TO SECOND FOR AM UNAN CONSENT
14	05/09/88	3730	(S)	AM NO 1 MOVED BY HALFORD
15	05/09/88	3730	(S)	AM NO 1 ADOPTED UNAN CONSENT
16	05/09/88	3731	(S)	AUTOMATICALLY IN THIRD READING
17	05/09/88	3731	(S)	PASSED Y11 N8 A1
18	05/09/88	3731	(S)	EFFECTIVE DATE PASSED Y19 N- A1

LECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
LP		EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT

305

BILL/RESOLUTION FLOOR ACTION

PAGE 4 OF 4

CURRENT STATUS: PASSED (S)

	JRN-DATE	JRN-PG		ACTION
1	07/11/88	3978	(H)	BILL WAS NOT RETURNED TO HOUSE <i>Del. House 1989</i>

**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 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		25,000	5,000	5,000	5,000	5,000
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>25,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>

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

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	25,000	5,000	5,000	5,000	5,000
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

**FY90 Costs:** Develop and print manuals and guidelines on safety education and evaluation procedures for students. Develop and print equipment standards for buses.

**FY91-94 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: 2-02-89

Approved by Commissioner: William G. Demmert Date: \_\_\_\_\_

Agency: Education

**Distribution (by preparer):**

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

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: HB 90  
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						
---------	--	--	--	--	--	--

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: 2/2/89

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

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

## 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 700 (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

(12) employment by a nonprofit educational or child care facility to serve as a parent of children while the children are in residence at the facility if the employment requires residence at the facility and is compensated on a cash basis exclusive of room and board at an annual rate of not less than

(A) \$10,000 for an unmarried person; or

(B) \$15,000 for a married couple. (§ 2(1) ch 171 SLA 1959; am § 1 ch 2 SLA 1962; am § 1 ch 50 SLA 1972; am § 2 ch 124 SLA 1978; am § 1 ch 115 SLA 1982)

**Cross references.** — For wage rates for prisoners, see AS 33.30.227.

**Effect of amendments.** — The 1982 amendment added paragraph (12).

#### NOTES TO DECISIONS

**Employees covered by and exempt from Fair Labor Standards Act.** — AS 23.10.050 — 23.10.150 apply to both employees covered by the Fair Labor Standards Act, 29 U.S.C. §§ 201-219, and those who are, because of insufficient connections to interstate commerce, exempt from the Fair Labor Standards Act. *Webster v. Bechtel, Inc.*, Sup. Ct. Op. No. 2245 (File Nos. 3979, 4139), 621 P.2d 890 (1980).

**Prisoners excluded from operation of chapter.** — See *McGinnis v. Stevens*, Sup. Ct. Op. No. 1207 (File Nos. 2255, 2312), 543 P.2d 1221 (1975).

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.** — Who is employed in "executive or administrative capacity" within exemptions from mini-

mum wage and maximum hours provisions of Fair Labor Standards Act, 40 ALR2d 332.

**Sec. 23.10.060. Payment for overtime.** An employer who employs employees engaged in commerce, or other business, or in the production of goods or materials in Alaska may not employ an employee not acting in a supervisory capacity, either male or female, for a workweek longer than 40 hours or for more than eight hours a day, except that if the employer finds it necessary to employ an employee in excess of 40 hours a week or eight hours a day, compensation for the overtime at the rate of one and one-half times the regular rate of pay shall be paid, and this provision is considered included in all contracts of employment. This section does not apply with respect to

(1) an employee employed by an employer employing less than four employees in the regular course of business, as regular course of business is defined by regulations of the commissioner;

(2) [Repealed, § 33 ch 127 SLA 1974.]

(3) [Repealed, § 1 ch 243 SLA 1970.]

(4) an employee employed in handling, packing, storing, pasteurizing, drying, preparing in their raw or natural state, 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

## NOTES TO DECISIONS

The regulations established by the commissioner do not provide for a driver's license for an airboat. State v. Stagno, Ct. App. Op. No. 725 (File No. A 1585), P.2d (1987).

**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 to or from a public school to enable them to participate in class or a school activity, or a bus transporting school children to or from a public school for classroom studies until the person has applied for and has been issued a license for that purpose under this section. This subsection does not apply to a person or motor vehicle exempted under regulations adopted by the commissioner. In this subsection "classroom studies" means curriculum studies that take place in a public school building.

(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);
- (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; am § 1 ch 13 SLA 1988)

**Effect of amendments.** — The 1988 subsection (a), added the last two sentences and rewrote the first sentence. amendment, effective March 27, 1988, in

**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 driving and is approved by the department. The restricted instruction permit allows the permittee, when the permittee has the permit in the permittee's immediate possession, to drive a specified type or class of motor vehicle; however, an approved instructor must occupy a seat beside the permittee or, if the permittee is driving a motorcycle, the permittee must be accompanied by and under the immediate supervision of an approved instructor.

(c) The department may issue a temporary driver's license to an applicant for a driver's license permitting the applicant to drive a

2/7

Cato  
Leman  
Cressander  
Fosk

Tap On  
Side A

8:35

020

Daily Briefly described HS 90  
Exempt public <sup>Min. grade of 75-1 (038)</sup> Set many uses  
two terms of drivers. Weeks with Contractors done out  
public employees (19-21 038) established minimum wage.  
Qualification re wages due.

092 Ben

099 Leman

Volunteer Rates

110 Daily

exempted people who drive for extra circuits

123

Bus - Actual drive 10 passenger car  
Van - 10 - less

132 Fosk

who p. 75 for Inspectors to Vehicles

144 Daily

Referred to Amendment

151

Mixed Aerial #1

157

Cato Operator - done. 50 orders

166 Leman

any other written who use.  
Subject to minimum cost

Don 171-

206

more notes about car

- Operator

50 orders - 8.45

homer, Foster, Luto, Grossdorf.

8:34 am

HB 90 - similar to HB 304 from last year. with a few changes

1. Exempts public schools from ~~scope~~ of bill

Main focus of bill is to set a minimum wage for school bus drivers. Statistics show that as wages speak downward, the number of accidents ↑ 3 fatal accidents in school districts this past year

to A majority of these accidents were caused by contractor driver buses not school district buses

Grossdorf - Would mechanical safety checks be responsibility of school district

Dooly - too there would be not fiscal impact on D. O. E

Lano What about volunteer drivers?

