

HB

2

CS FOR HOUSE BILL NO. 2()

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE PHILLIPS

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring drug and alcohol tests for school bus drivers."**

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

3 *** Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that**

4 (1) over 40,000 Alaska children ride school buses every school day;

5 (2) road, weather, and driving conditions can be extremely hazardous;

6 (3) the state expects school bus drivers to operate their vehicles without drug

7 or alcohol-induced impairment of physical or mental condition;

8 (4) the federal Department of Transportation has adopted drug testing

9 regulations for operators of commercial vehicles, including interstate buses, in 53 FR 47002;

10 (5) Alaska has a compelling interest in the safety of its children riding school

11 buses.

12 (b) The purpose of this Act is to enact a drug and alcohol testing program for all

13 school bus drivers.

14 *** Sec. 2. AS 14.09 is amended by adding a new section to read:**

1 Sec. 14.09.025. DRUG TESTING FOR SCHOOL BUS DRIVERS. (a) A
2 school district or regional educational attendance area that provides for the
3 transportation of pupils shall require that the drivers of motor vehicles used to transport
4 pupils submit to testing for the use of drugs and alcohol. The testing program must
5 include random testing. A driver who tests positive for the improper use of drugs or
6 alcohol may be disciplined, including termination from employment.

7 (b) The department shall adopt regulations to implement this section. The
8 regulations must include a provision for a hearing before discipline is imposed.

9 (c) In this section, "improper use of drugs or alcohol" means use that
10 constitutes a criminal offense and use that violates regulations adopted by the
11 department under this section.

Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
FINANCE SUBCOMMITTEES
FISH AND GAME
PUBLIC SAFETY

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M E M O R A N D U M

DATE: April 6, 1993

TO: Representatives Barnes, Carney, Hanley, Phillips,
Sanders and Ulmer
House Rules Committee Members

FROM: Rep. Carl E. Moses, Chairman *CEM*
House Rules Committee

RE: Today's Rules Committee Meeting - Proposed CS for
House Bill 2

Representative Phillips will ask consideration for a Rules CS for HB 2, the bill to require drug and alcohol testing for school bus drivers. The draft CS, attached, adds a findings section, and defines "improper use of drugs or alcohol."

Included in your folder is a bill history, and minutes from House HES and JUD hearings. House JUD also issued a Letter of Intent.

If there are questions, please contact Tim Benintendi of my staff at 3764.

CEM/tb/m12

8-LS0003VO
Cramer
4/5/93

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IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

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Sponsor(s): REPRESENTATIVE PHILLIPS

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- 6 (3) the state expects school bus drivers to operate their vehicles without drug
- 7 or alcohol-induced impairment of physical or mental condition;

8 (4) the federal Department of Transportation has adopted drug testing
9 regulations for operators of commercial vehicles, including interstate buses, in 53 FR 47002;

10 (5) Alaska has a compelling interest in the safety of its children riding school
11 buses and therefore enacts a drug and alcohol testing program for all school bus drivers.

12 *** Sec. 2.** AS 14.09 is amended by adding a new section to read:

13 **Sec. 14.09.025. DRUG TESTING FOR SCHOOL BUS DRIVERS.** (a) A
14 school district or regional educational attendance area that provides for the

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transportation of pupils shall require that the drivers of motor vehicles used to transport pupils submit to testing for the use of drugs and alcohol. The testing program must include random testing. A driver who tests positive for the improper use of drugs or alcohol may be disciplined, including termination from employment.

(b) The department shall adopt regulations to implement this section. The regulations must include a provision for a hearing before discipline is imposed.

(c) In this section, "improper use of drugs or alcohol" means use that constitutes a criminal offense and use that violates regulations adopted by the department under this section.

Alaska State Legislature

Representative Carl E. Moses

TIM

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FAX: (907) 581-2875

MEMORANDUM

DATE: March 31, 1993

TO: Representatives Barnes, Carney, Hanley, Phillips,
Sanders and Ulmer
House Rules Committee Members

FROM: Rep. Carl E. Moses, Chairman *CEM*
House Rules Committee

RE: Rules Committee Meeting

I have scheduled a Rules Committee meeting to discuss CSHB 2 (FIN), the measure requiring drug and alcohol tests for school bus drivers.

We will meet on Tuesday, April 6th, in the Speaker's Chambers at 3:00pm. Please be prompt.

If there are questions, please contact Tim Benintendi of my staff at 3764.

cc: Chief Clerk

CEM/tb/m12

CS FOR HOUSE BILL NO. 2 (IN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/26/93
Referred: Rules

Sponsor(s): REPRESENTATIVE PHILLIPS

A BILL
FOR AN ACT ENTITLED

1 "An Act requiring drug and alcohol tests for school bus drivers."

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

3 * Section 1. AS 14.09 is amended by adding a new section to read:

4 Sec. 14.09.025. DRUG TESTING FOR SCHOOL BUS DRIVERS. (a) A
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6 transportation of pupils shall require that the drivers of motor vehicles used to transport
7 pupils submit to testing for the use of drugs and alcohol. The testing program must
8 include random testing. A driver who tests positive for the illegal use of drugs or
9 alcohol may be disciplined, including termination from employment.

10 (b) The department shall adopt regulations to implement this section. The
11 regulations must include a provision for a hearing before discipline is imposed.

Alaska State Legislature

House of Representatives

Official Business



State Capitol
Juneau, Alaska 99801-1182
(907) 463-3718

House Majority Leader

TO: Representative Carl Moses, Chairman *Carl Moses* 3/30/93

FROM: Representative Gail Phillips *Gail*

RE: Request For Rules Committee Meeting

As the Sponsor of CSSS HB 2 (FIN), I would like to request a Rules Committee meeting for the purpose of considering a possible Rules Committee Substitute before the bill goes to the Floor for a vote.

Thanks!

Rules

Moses - Yes 3:00

Sanders - ~~3~~ Yes 3:00

Phillips - 3:00 Yes

Barnes - yes

Hanley - ~~Finance~~ ^{Finance} 3:00 tentative

Ulmur - 3:00 Yes

Carney - 3:00 Yes

April 6TH

Tues @ 3:00

(TB)

Carl's calendar

Alaska State Legislature



House of Representatives
House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

HOUSE JUDICIARY COMMITTEE LETTER OF INTENT FOR H. B. 2

It is the intent of the House Judiciary Committee in passing HB 2, that the random testing for drugs and alcohol called for in the bill be done in a nonpredictable manner. That is, merely because a person is tested today does not mean they may not be tested again tomorrow. The legislature does not want to create a situation where someone subject to this act feels that, once tested, they will not be tested again until the next annual cycle.

In addition, the Committee has special concerns that the regulations promulgated to implement H. B. 2 should provide for careful attention to the handling of samples and other testing procedures to preclude the possibility of someone becoming ^{falsely} ~~fasley~~ incriminated in the use of drugs or alcohol.

A handwritten signature in cursive script that reads "Brian D. Porter".

Representative Brian Porter
Chairman, House Judiciary Committee

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 1
Bill Version: HB 2
(H) Publish Date: 2/10/93

Revision Date: _____ Dept. Affected: Education
Title: Drug/Alcohol Tests for BRU: Executive Administration
School Bus Drivers Component: Administrative Services
Sponsor: Rep. Gail Phillips
Requestor: _____ COMPONENT SERIAL NO. 157

Expenditures/Revenues:	(Thousands of Dollars)					
	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	135.6	135.6	135.6	135.6	135.6	135.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	135.6	135.6	135.6	135.6	135.6	135.6

CAPITAL						
REVENUE FUND SOURCE:	GF	GF	GF	GF	GF	GF

FUNDING:	(Thousands of Dollars)					
	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	135.6	135.6	135.6	135.6	135.6	135.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	135.6	135.6	135.6	135.6	135.6	135.6

POSITIONS:	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Garv Bader *Garv M. Bader* 1/25/93 Phone: 465-2875
Division: Administrative Services Date: 1/25/93
Approved by Commissioner: *Wes McMillan* Date: 1/26/93
Agency: Education

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COMMITTEE COPY

F.N. HB 2

STATE OF ALASKA
DEPARTMENT OF EDUCATION

HB 2
Fiscal Note - 1/25/93

\$135,600 Annual Cost

HB 2
No. 1
p. 2 of 2

ASSUMPTIONS:

1. Each driver would receive an alcohol/drug test prior to his/her employment as a school bus driver.
2. An alcohol/drug test would be required annually for each individual employed as a school bus driver. All drivers in a district would be tested. Selection of districts would be random, with each district selected sometime during each year.
3. Post-accident and reasonable cause testing could also be conducted.
4. The alcohol/drug test would be a urine test.
5. The estimated cost for one test is \$80 to cover initial testing, shipping to lab, record keeping, and follow-up testing if results come back positive. A more accurate estimate of actual cost could be made after the question listed below is answered and quotations are obtained from laboratories.

CALCULATION OF \$135,600 ANNUAL COST:

Pre-Hire Tests:

Estimated number of pre-hires based on number of original school bus driver permits issued annually by Department of Public Safety, Division of Motor Vehicles:	480
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Random Tests:

Estimated number of individuals employ as school bus drivers on any day of the school year:	840
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Estimated total number of annual alcohol/drug tests to be conducted:	1,320
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X estimated cost for test	X	\$80
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Estimated annual cost for tests	\$ 105,600
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Estimated annual cost to contract for administration of program	<u>30,000</u>
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TOTAL ESTIMATED ANNUAL COST TO STATE	\$ 135,600
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QUESTION:

What constitutes "improper use of drugs and alcohol?" The answer is needed to determine: (a) what we are testing for, such as illegal use of drugs, blood alcohol content above a certain level, presence of any kind of medication that would have an adverse effect on psycho-motor skills to safely operate a school bus, etc.; (b) the method of testing required, such as blood, urine, saliva or combination thereof; (c) regulations that would need to be promulgated; and (d) determination of cost to state for tests conducted and administration of program.

FISCAL NOTE

No. 2
 Bill Version: CSHB 2 (FI:)
 (H) Publish Date: 3/26/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: 3/16/93

Title: Drug and Alcohol Testing for School Bus Drivers

Sponsor: Representative Gail Phillips

Requestor: _____

Department Affected: Education

BRU: Executive Administration

Component: Administrative Services

COMPONENT SERIAL NO. 157

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	15.0	15.0	15.0	15.0	15.0	15.0
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	79.0	79.0	79.0	79.0	79.0	79.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	99.0	99.0	99.0	99.0	99.0	99.0

CAPITAL						
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REVENUE FUND SOURCE:	GF	GF	GF	GF	GF	GF
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	99.0	99.0	99.0	99.0	99.0	99.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	99.0	99.0	99.0	99.0	99.0	99.0

POSITIONS:

FULL-TIME	.25	.25	.25	.25	.25	.25
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared by: Gary Bader *Gary M. Bader* Phone: 465-2875
 Division: Administrative Services Date: 3/16/93

Approved by Commissioner: Jerry Covey *Jerry Covey*
 Agency: Education Date: 3-16-93

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CS HB 2 (Fin)
NO. 2
pg 2 of 2

ALASKA DEPARTMENT OF EDUCATION
HB 2
Drug/Alcohol Testing of School Bus Drivers
Revised Fiscal Note - 3/16/93
\$99,000 Annual Cost

ASSUMPTIONS:

1. Each driver would receive an alcohol/drug test prior to his/her employment as a school bus driver.
2. Random testing would be conducted throughout the year. The number of random tests administered each year would approximate 50% of the total number of persons employed as school bus drivers.
3. Post-accident and reasonable cause testing could also be conducted.
4. The drug/alcohol test would be a urine test.
5. The estimated cost for one test is \$80 to cover taking of sample, shipping to lab, analysis, record keeping, and follow-up testing if results come back positive.

CALCULATION OF \$99,000 ANNUAL COST:

<u>Pre-Hire Tests:</u>	480
Estimated number of pre-hires based on number of original school bus driver permits issued annually by Department of Public Safety, Division of Motor Vehicles	
<u>Random Tests:</u>	+ 420
Estimated number of individuals employed as school bus drivers on any day of the school year: 840 drivers x 50% = 420 random tests	
Estimated total number of annual alcohol/drug tests to be conducted:	<u>900</u>
x estimated cost for test	x \$80
Estimated annual cost for tests	\$72,000
Estimated annual cost to administer the program: (Hearing Officer \$5,000; personal services \$15,000; travel \$3,000; supplies \$2,000; printing, telephone, etc. \$2,000)	<u>27,000</u>
TOTAL ESTIMATED ANNUAL COST TO STATE	\$99,000