

ALASKA LEGISLATURE

1612

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

Alaska State Legislature

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DEVELOPMENT
ALASKA COURT SYSTEM

Representative Joe Green
District 10

Sponsor Statement

HB 11 - "Licensing Requirements for Young Drivers"

HB 11 establishes new rules for young drivers. Due to the high incidence of accidents, injury, and death among teenage drivers many states, and other political jurisdictions, are changing the rules which grant teenagers the "license" to drive.

One strategy to reduce accidents among young drivers is the graduated licensing system. HB 11 establishes a graduated system whereby a new, young driver must begin his/her progression to "driver-hood" with a learners permit, graduate to a restricted, provisional license, and then, if driving performance has been satisfactory during the provisional period, an unrestricted license may be granted.

Language in HB 11 establishes certain conditions during the provisional stage which include restrictions on nighttime driving, so that driving takes place in less dangerous circumstances. Several states have laws which limit teenagers from operating motor vehicles during late evening or early morning hours. Studies in these states have shown that nighttime restrictions have significantly reduced accidents.

Finally, HB 11 is designed to allow the Division of Motor Vehicles to take advantage of federal legislation (the "High Risk Drivers Act of 1993") which establishes monetary incentives for states that implement programs for young drivers. I believe that passage of HB 11, along with federal support, will help stop the teenage carnage on our highways.

Sectional Description of SCS HB 11 (JUD)

An Act establishing a provisional drivers license

by Representative Joe Green

Sec. 1 Amends the restriction on the issuance of a drivers license to drivers between 16 and 18 to require a provisional license.

Sec. 2 Increases the age of the person that must accompany the permit holder from 19 to 22.

Sec. 3 Establishes the provisional drivers license. Under AS 28.15.055, the department may issue a provisional license to an applicant between the ages of 16 and 18 if the applicant has held an instructional permit for at least six months.

AS 28.15.057 establishes who is required to hold the provisional license. (a) states that an applicant between 16 and 18 may not be issued an unrestricted drivers license until: (1) they have had an instructional permit for six months; (2) a provisional license for one year. (b) establishes that a driver with a provisional license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m., except along the most direct route between the drivers' place of residence and place of employment.

Sec. 4 Allows the department to suspend, revoke or deny an instructional permit or provisional license for the accumulation of eight or more points in a 12-month period.

Sec. 5 Allows a reduction of penalty points for completion of a certified driver improvement course.

Sec. 6 Requires driver improvement courses taken for the reduction of points in Sec. 5 to be designed for persons under 21 years of age.

Sec. 7 Conforming definitional language which includes "provisional license" under the definition of "drivers license" or "license".

Sec. 8 Effective date.



Rich Mystrom,
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500

<http://www.ci.anchorage.ak.us>



Service since 1912

April 17, 1998

Alaska House of Representatives
Representative Joe Green
Chairman, House Judiciary Committee
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Green:

This letter is written in support of House Bill 11, an act establishing a provisional driver's license. Each year, the Anchorage Police Department investigates thousands of motor vehicle accidents, a substantial number of which involve young, inexperienced drivers. Many of these teens have had too little time behind the wheel before being issued an unrestricted license.

House Bill 11 addresses the issue of driver immaturity by requiring a more structured approach to obtaining a license, which could help to reduce motor vehicle accidents involving young teens. We believe this law will also produce better drivers sooner, as those who fall under its restrictions would be held to a higher standard during the early learning stages.

The Anchorage Police Department lends its support to House Bill 11 to promote a safer driving environment for all citizens.

Sincerely,

Mark T. Mew
Deputy Chief of Police

ALLSTATE INSURANCE GROUP

LAW AND REGULATION
3100 Zinfandel Dr., Suite 400
Rancho Cordova, CA 95670

Writer's Direct Dial 916-852-4899
Telecopier 916-852-4953

THERESA BEDOY
Government Relations Manager

February 10, 1998

The Honorable Mike Miller
President of the Senate
State of Alaska
State Capitol, Room 111
Juneau, AK 99801-1182

RE: HB 11 (Rep. Joe Green) - Graduated Licensing - Letter of Support

Dear Senator Miller,

Thank you for taking time out of your busy schedule to meet January 28, 1998. I want to follow-up on our meeting and let you know that Allstate supports graduated licensing. Graduated licensing ensures that initial driving experience is accumulated under lower-risk conditions. As teens gain experience on the road and prove they are a good driver, they graduate to fewer restrictions and more driving privileges. Graduated licensing laws protect teens, their passengers and others they meet on the roads

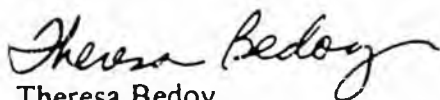
More and more states are passing graduated licensing laws. Graduated licensing laws have been passed in 8 states. Each law is different, but all have three stages in common -- a required length of time in a learners period with supervised driving practice; a restricted license for a set period of time with unsupervised driving allowed; and then a full, unrestricted license provided the driver has remained free of violations or crashes. Restrictions may include night driving curfews, limits on the number of passengers transported, and a low or zero blood alcohol concentration. Another 19 states have pending bills for graduated licensing. The U. S. Department of Transportation's National Highway Traffic Safety Administration encourages states to implement a graduated licensing system.

Graduating licensing laws are making a difference. NHTSA reports that states with nighttime driving restrictions or curfews for young novice drivers experience lower crash rates than comparison states. Graduated licensing has also been shown to reduce crashes among youthful drivers. For example, Oregon reported a 16 percent reduction in crashes for male drivers age 16-17. Graduated licensing laws are not a panacea, but they are effective in reducing motor vehicle crashes and injuries for teens.

Senator, you most likely have read about the horrifying statistics -- teens are 4 times more likely to die in car crashes than all other age groups combined. Most of these crashes happen because these inexperienced drivers do not yet have the experience they need to deal with the challenges they face on the road. With nighttime driving restrictions and more parental involvement with their teen behind the wheel, this supervised practice over an extended period of time makes teens better, safer drivers.

We hope you can support HB 11. If you have any questions about the reasons for our support I would be happy to talk with you.

Respectfully,



Theresa Bedoy
Government Relations Manager

cc: Representative Joe Green
Senator Drue Pearce

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LABOR

3301 Eagle Street
P.O. Box 100139
Anchorage, Alaska 99510-0139
Phone: (907) 269-4922
Fax: (907) 269-4950

ALASKA SAFETY ADVISORY COUNCIL

May 5, 1997

Dear Legislator,

The following pages contain the opinions of the Alaska Safety Advisory Council regarding current legislative bills that deal with the safety and health of Alaskans.

The Alaska Safety Advisory Council is a group of individuals representing industry, labor, public, federal, state, and local government who are commissioned with the task of working with organizations to promote safety and health so that resources can be marshaled and used to reduce the menace of accidental death and injury.

The ASAC council members are listed below, for your convenience, with phone numbers provided. Please feel free to contact us in the event of any questions. Thank you for your consideration in this matter.

Sincerely Yours,

Duane Taylor

Duane Taylor, Council Chairman
Alyeska Service Pipeline Company
(907)264-3054

Also on the Alaska Safety Advisory Council: "Safety Herb" Everett, Westmark Hotels (907) 337-0095; Marie Scholle UNIV OF AK FREKS (907) 474-5949; Ron Perkins, MPH AK Area Native Health Svc (907) 273-0102; Chris Ross, CSP Nana (907) 265-4113; Jeff Carpenter, CIH, State of AK Dept of Labor OSH (907) 269-4954; Joan Diamond MOA Dept of H&SS (907) 343-6583; George Jackinsky (907) 262-4883 Dale Reid, Local 302 (907) 586-3850; Donald Shannon Fairbanks Int'l Airport (907) 474-2521; Stephen Trosper AK Teamsters Local 959 (907) 269-4191; Tom Cashen, Comm. State of AK Dept of Labor (907) 465-2700; Al Dwyer, Dir. State of AK Dept of Labor (907) 465-4855; Mark Johnson EMS (907) 465-3027; Sherry Wright, (Admin Asst) Nat'l Assoc of Female Executives (907) 269-4922

Summary of Legislative Bills, 20th Legislature, 1st Session
Alaska Safety Advisory Council
February 20, 1997
prepared by Joan Diamond, Legislative Chairperson

4. HB 11 "An act relating to driver's licensing; and providing for an effective date." This bill provides for a graduated driver's license, beginning with an instructional permit, a provisional driver's license and restrictions on driver's license issued to a person under 21. A person licensed under these two licenses will have their license suspended, revoked, or denied for an accumulation of six or more points as a result of offenses committed during any consecutive 12 month period. **Decision- Support**

Justification: Juveniles have a very high rate of motor vehicle crashes and injuries in Alaska. Motor vehicle crashes are the leading cause of injury death to youth 15-19 years of age. Drinking, inattention and speeding are the common factor related to the crash injuries. A provisionial license has been effective in other states in reducing the incidence of injuries. The driver's license is a teenage priority and the graduated license provides a time to learn life skills about decision making driving skills and demonstrate responsibility for the privileges to drive before a permanent license is issued.

ALASKA TRUCKING ASSOCIATION, INC.

3443 Minnesota Drive • Anchorage, Alaska 99503 • PHONE (907) 276-1149 • FAX (907) 274-1946

February 19, 1997

TO: Members of the 20th Alaska Legislature:

FM: Frank Dillon, Executive Director, Alaska Trucking Association

RE: Support for House Bill 11

Members of the Alaska Trucking Association encourage your support of House Bill 11. House Bill 11 strengthens the requirements necessary to obtain a motor vehicle operator's license. As an organization that represents thousands of professional driver's throughout Alaska, we recognize a need to have properly trained young driver's on our roads. We also recognize that driver's between the ages 16 and 20 are involved in a disproportionate number of serious accidents resulting in many deaths and injuries. We believe that any prudent steps that enhance driver's training and skill for young driver's, and in fact all driver's, should be encouraged. Highway accidents are not a natural occurrence and dying in an automobile or motor vehicle accident is not a natural cause of death. Please support House Bill 11. We thank you and encourage its speedy passage.





**National Association
of Independent Insurers**

2600 River Road, Des Plaines, IL 60018-3286

TRISHA M. CONNORS
COUNSEL

February 10, 1998

Honorable Drue Pearce, Co-Chair
Honorable Bert Sharp, Co-Chair
Senate Finance Committee
Alaska State Capitol
Juneau, AK 99801-1102

RE: HB 11

Dear Representative Sharp,

I am writing on behalf of the National Association of Independent Insurers (NAII) and its 570 property and casualty company members to urge your support of HB 11 (Green). As you know, this bill would require drivers between the ages of 16 and 18 to drive with an instructional permit for six months and a provisional license for one year prior to obtaining an unrestricted drivers license. In addition, the bill would prohibit teens with provisional permits or instructional permits from driving between the hours of 1 a.m. and 5 a.m.

The NAII has performed several studies that show teenagers are more likely to be involved in dangerous accidents than adults. They lack the experience to drive defensively and react in hazardous situations. Driving with a provisional license or learning permit will provide necessary additional training for young drivers and should make the roads safer for everyone.

Based on the foregoing, we respectfully request that you support this measure in your committee. Thank you.

Sincerely,

Trisha M. Connors
Counsel

TMM/am
Representative Joe Green
Members of Senate Finance Committee

Telephone: (907) 522-6233
FAX: (907) 522-6234



Mothers Against Drunk Driving

Anchorage Chapter
615 East 82nd Avenue, Ste. B 1
Anchorage, AK 99518-3157

January 30, 1997

Representative Joe Green
State Capitol Building
Juneau, Alaska 99801

Dear Representative Green:

On behalf of MADD - Anchorage's Board of Directors, staff and general membership, I write to express strong support for HB11. As we understand it, this bill would institute a graduated driver's licensing procedure for teenage applicants.

We are encouraged by the increased age of 22 requirement for the accompanying licensed instructor, although we feel age 25 is very prudent.

Again, you have our support for HB 11.

Sincerely,

Marti Greeson
Executive Director

Representative Joe Green
Alaska State Legislature
Juneau, AK 99801-1182

February 04, 1997

Dear Representative Green:



On behalf of the Juneau Mayor's Task Force on Youth, we would like to express our support for HB11 Licensing Requirements for Drivers. We supports a provisional licensing system as a way to reduce young driver accidents and prevent injury and death among teenage drivers in Alaska.

The Mayor's Task Force on Youth is concerned with the health and safety of young people in Juneau. We support programs, activities and public policy which support youth in making a healthy transition to adulthood.

The Mayor's Task Force on Youth agrees with the legislation proposing a graduated licensing system allowing a 14 year old to apply for a learners permit while increasing the age of the person accompanying the permittee. This will provide an opportunity for young drivers to learns from more experienced and hopefully more responsible drivers. We support allowing youth to get a provisional license at age 16 with restrictions on nighttime driving hours between 1 am and 5 am. We appreciate the exemption made for driving to and from work. At age 17 youth can progress to an unrestricted license if their driving performance has been satisfactory.

We do not feel this legislation will unduly limit the rights and freedom of young drivers, but rather provides a chance for them to gradually learn to be responsible drivers. This legislation will not significantly affect those youth who are already responsible drivers, instead it will support their efforts to drive carefully and responsibly.

We hope this bill will be supported by the legislature and be enacted by the Department of Public Safety as a way to reduce injuries and death to young drivers.

Thank you for introducing and supporting this legislation. If you need any additional support please do not hesitate to call Dan Fink at 463-5850 or Ron Gleason at 463-1900.

Sincerely,

Ron Gleason
Co-Facilitator,
Mayor's Task Force on Youth

Dan Fink
Co-Facilitator,
Mayor's Task Force on Youth

March 19, 1997

Representative Gene Therriault
Alaska House of Representatives
State Capitol, Room 511
Juneau, Alaska 99801-1182

Dear Representative Therriault,

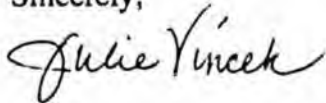
I am writing you to express my strong support for House Bill 11 which establishes a graduated licensing system in Alaska.

There is a great deal of supportive data telling our nation and more specifically our community that inexperienced teenage drivers operating their vehicles during high risk early hours is resulting in too many deaths and serious injuries.

There is no doubt that this bill must be passed now! Let's follow the example of other states who are standing up and demanding ways to reduce senseless, preventable auto deaths and injuries among youth.

I ask that you present this bill for action in the Finance Committee and assist in moving it forward! Thank you and good luck!

Sincerely,



Julie Vincek
12203 Woodward Dr.
Anchorage, Ak 99516
907-345-3130

April 9, 1997

Representative Gene Therriault
Alaska House of Representatives
State Capitol, Room 511
Juneau, Alaska 99801-1182

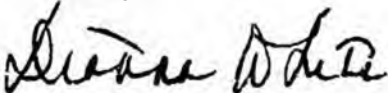
Dear Representative Therriault,

The purpose of this letter is to express my strong support for House Bill 11 which establishes a graduated licensing system in Alaska.

Supportive data indicates that the Graduated Licensing Programs have had a positive impact upon the driving habits of teenage drivers in other states. There have been numerous incidents in our very own community, which demonstrate why this bill should be passed.

I ask that you present this bill for action in the Finance Committee and assist in moving it forward

Sincerely,



Dianna White
6084 Doncaster Dr.
Anchorage, Ak 99504
907-337-3004

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

WASHINGTON OFFICE
2331 RAYBURN BUILDING
TELEPHONE 202/225-5783

COMMITTEES:
CHAIRMAN,
COMMITTEE ON
RESOURCES

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE



Congress of the United States
House of Representatives
Washington, D.C. 20515

April 1, 1996

DISTRICT OFFICES:
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TELEPHONE 907/271-5978

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TELEPHONE 907/456-0210

401 FEDERAL BUILDING
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JUNEAU, ALASKA 99802-1647
TELEPHONE 907/586-7400

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KETCHIKAN, ALASKA 99901-6485
TELEPHONE 907/225-6883

130 TRADING BAY ROAD
SUITE 350
KENAI, ALASKA 99611-7716
907 283-5808

Representative Joe Green
Alaska State Legislature
Room 24, State Capitol
Juneau, Alaska 99801-1182

Dear Joe:

Thank you for writing to request a letter of support for a bill you introduced to reform and improve safety on Alaska's highways. I appreciate hearing from you.

As a matter of policy, I rarely become involved in issues solely under the jurisdiction of the state. However, your bill, HB 57, appears to have great merit in that it provides a logical, orderly system of granting learner's permits and provisional driver's licenses to new drivers, who account for a disproportionately great share of fatalities on Alaska's roads. If this bill qualifies the state of Alaska for additional funds to implement the program, it will advance efforts to reduce the incidence of injuries and death among young Alaskans.

I am happy to assist you, and hope you will let me know what I can do on the Federal level to expedite your endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read 'Don Young', written over a circular stamp or mark.

DON YOUNG
Congressman for all Alaska

DY/cnf

FRANK H. MURKOWSKI
ALASKA

COMMITTEES:

CHAIRMAN
ENERGY AND NATURAL RESOURCES
FINANCE
VETERANS' AFFAIRS
INDIAN AFFAIRS

United States Senate

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130 TRADING BAY ROAD, SUITE 350
KENAI, AK 99611-7716
(907) 283-5808

109 MAIN STREET
KETCHIKAN, AK 99901-6489
(907) 225-6280

March 27, 1996

The Honorable Joseph P. Green
Representative
Alaska State Legislature
State Capitol
Juneau, AK 99801

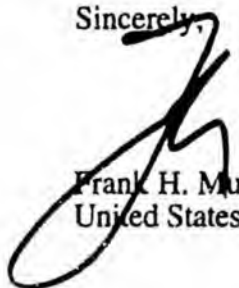
Dear Joe:

Thank you for providing me with an explanation of H.B. 57, your bill to allow provisional driver licensing to those 16-18 years old who have previously held a learner's permit, or those between 18 and 21 who have not.

I appreciate learning of your effort. The goal of reducing accidents involving young drivers is an important one, and your bill appears to be consistent with the provisions of Federal law.

Please keep me informed of your activities in this regard.

Sincerely,



Frank H. Murkowski
United States Senator

TED STEVENS, ALASKA
 THAD COCHRAN, MISSISSIPPI
 ARLEN SPECTER, PENNSYLVANIA
 PETE V. DOMENICI, NEW MEXICO
 PHIL GRAMM, TEXAS
 CHRISTOPHER S. BOND, MISSOURI
 SLADE GORTON, WASHINGTON
 MITCH MCCONNELL, KENTUCKY
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 J. BENNETT JOHNSTON, LOUISIANA
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 HERB KOHL, WISCONSIN
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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

J. KEITH KENNEDY, STAFF DIRECTOR
 JAMES H. ENGLISH, MINORITY STAFF DIRECTOR

March 28, 1996

The Honorable Joseph Green
 Alaska State Representative
 Alaska State Legislature
 Room 24
 State Capitol
 Juneau, Alaska 99801-1182

Dear Joe:

Thank you for your letter regarding H.B.57 which you recently introduced.

I am sorry to say that it is my general policy not to endorse legislation that is pending before the Alaska State Legislature since my job is to represent Alaska at the Federal and not the State level.

As a father I support efforts to keep kids off of the streets late at night and I hope that you are successful in your efforts to reduce fatalities among teenage drivers.

With best wishes,

Cordially,



TED STEVENS



Preface

This publication is a joint effort between the American Association of Motor Vehicle Administrators (AAMVA) Driver License and Driver Control Committee and the National Highway Traffic Safety Administration (NHTSA). Together, an improved graduated driver licensing system to assist states in licensing novice drivers and motorcycle operators has been developed. The program was developed specifically for the AAMVA Guidelines for Motor Vehicle Administrators series, and designed to improve novice drivers and motorcycle operators entry into the traffic system.

Implementation of a comprehensive program, such as that proposed in this document, has not been achieved by any jurisdiction. This is due, in part, to the lack of documented benefits and questions over the acceptability of some of the components of the program, for example; voluntary or mandatory parent/adult participation and nighttime driving restrictions.

While AAMVA and NHTSA believe that the concept of a comprehensive graduated driver licensing system similar to the one proposed is beneficial in reducing crashes and convictions, it is not recommending that jurisdictions implement the program in its entirety. Both agencies support the concept of a comprehensive program leaving the adoption of specific components and features up to each of the states and provinces.

States and provinces implementing any component of a graduated driver licensing system or any other new driver licensing initiative are encouraged to evaluate the program and share the results with AAMVA membership and NHTSA.

This handbook targets young drivers of motor vehicles and motorcycles. Throughout the handbook, when you see "drivers" this also includes motorcycle operators.

A Graduated Driver Licensing System For Young Novice Drivers

Traffic crashes are the number one cause of youth deaths. One answer to minimizing the tragic outcomes caused by youthful drivers is a graduated driver licensing system.

What Is Graduated Licensing?

Graduated Licensing is a system designed to ease beginning drivers into the traffic environment under controlled exposure to progressively more difficult driving experiences. This system helps improve their driving skills and helps them acquire on-the-road experience under less risky conditions by progressing, or graduating, through driver licensing stages before unrestricted licensure. The system consists of three licensing stages, named by the type of license possessed at each stage: learner's permit, intermediate or provisional license, and full or unrestricted license.


There are several states that have a three-tiered licensing system with some components of a graduated licensing system. But, within the majority of states, the learner's permit period, if required, has minimal requirements and restrictions and a full unrestricted license can be acquired at a young age with minimal behind-the-wheel experience.

Why Do We Need Graduated Licensing?

Young people, ages 15-20, continue to be overrepresented in motor vehicle crashes. The problems contributing to young drivers' high crash rates include:

- **Inexperience:** Novice drivers lack the adequate skills needed to safely operate a motor vehicle.
- **High risk-taking behavior:** Characteristics of young drivers include being immature and impulsive which results in poor driving judgement and participation in high risk behaviors such as speeding and traveling too fast for conditions.
- **High risk exposure:** Novice drivers drive during nighttime high-risk hours, often with young passengers in the vehicle. Having passengers in the vehicle can cause distractions and peer pressure to participate in risk-taking behaviors.

Considerable driving experience is required, after initial licensing, before a young, novice achieves dependable skills, judgment, and performance that result in safe driving.



A graduated driver licensing system addresses the causes of youth crashes by:

- Increasing the amount of supervised behind-the-wheel driving practice.
- Increasing exposure to more difficult driving experiences through each stage of licensure by gradually removing restrictions, so that new and more complex traffic conditions are encountered.
- Requiring crash and violation free driving performance for a minimum period of time before advancing to the next level of licensing.

What Are The Outcomes Of Graduated Licensing?

Under a graduated licensing system, the novice driver is rewarded for safe driving. As the young driver graduates through the licensing system, restrictions/conditions are removed. Benefits of the system are that it:

- Reduces exposure to high-risk and nighttime driving.
- Motivates by requiring a crash and violation-free record before regular licensing.
- Educates through associated driver training and improvement programs.

A graduated licensing system can significantly reduce the crash rate of young inexperienced drivers.

Reducing Driving Risks Through Graduated Licensing

Developing safe behaviors early in the driving experience can impact the high risk years of the early 20's and beyond. As young drivers progress through the three licensing stages, they are given the opportunity to gain driving practice and maturity before receiving a full license.

The three stages of a graduated licensing system are:

- Stage 1 Learner's permit.
- Stage 2 Intermediate; provisional or restricted license.
- Stage 3 Full or unrestricted license.

Each stage includes specific recommended components and restrictions to introduce driving privileges gradually to beginning drivers. Young drivers are required to demonstrate responsible driving behavior in each stage of licensing before advancing to the next stage.

The following graduated licensing program provides guidance to States in their implementation of graduated licensing to address youth traffic safety problems. And, the section titled "Graduated Licensing - It Works", beginning on page 18, discusses some states experience with implementing graduated licensing components.

Stage 1 Learner's Permit

The learner's permit allows the novice driver the opportunity to practice basic driving skills and safe driving practices under totally supervised conditions prior to obtaining an intermediate license. Example eligibility recommendations and components follow:

Eligibility recommendations for a learner's permit

Prior to receiving a learner's permit, the novice driver should:

- OK — • Meet the minimum age required by the state (e.g., be at least 15 1/2 years of age).
- OK — • Pass vision and knowledge tests, including rules of the road and signs and signals.

Recommended Components For A Learner's Permit

The following components should be considered as part of the learner's permit stage:

- age 19 - need age raised to 21 — • All driving must be supervised by licensed parent, guardian, or adult at least age 21 or older.
- OK — • All vehicle occupants must wear safety belts.

- helmet — ok — ✓ Motorcycle rider must wear a helmet that meets FMVSS No. 218 and protective clothing and carry no passengers.
- ok — ✓ All drivers under age 21 subject to zero tolerance, 0.02 Blood Alcohol Concentration (BAC) or less.
- ok — ✓ Permit is cancelled if applicant is convicted of any alcohol-related offense.
- do not have — ● Parent participation in driving process (e.g. certifying that the novice driver had a minimum number of supervised hours of driving).
- do not have — ● Recommend novice driver receive basic driver education.
- ok — ✓ Permit is visually distinctive from other driver licenses..
- do not have — ● Must remain crash-and conviction-free for six consecutive months to move to the next stage.
- do not have — ● Recommend motorcycle rider be enrolled in a rider education course.
- do not have — ● Recommend motorcycle riders apply for next stage in 90 days.
- do not have — ● The learner could be subject to limitations on the speed or type of roads they are allowed to use, or the number of passengers allowed in vehicle.

Stage 2 Intermediate License

The intermediate license provides the young driver behind-the-wheel practice under restricted conditions prior to obtaining a full license. This stage exposes the driver to more demanding driving situations by providing the young driver the opportunity to use his or her decision making skills by allowing unsupervised driving during lower risk times.

Eligibility recommendations for intermediate license

To be eligible for an intermediate license, it is recommended that the novice:

- do not have (in HB 11) — ● Successfully complete the learner's permit stage.
- " " " " — ● Meet any minimum age required by the state.
- do not have — ● Successfully complete basic driver education.
- do not have — ● Pass second level knowledge test, including safe driving practices.
- do not have (in HB 11) — ● Pass on-road driving test.

Recommended components for intermediate license

The following components should be considered for the intermediate license:

- do not have —● Restricted hours of driving unless supervised by a parent/guardian or licensed adult at least 21 years of age (e.g. no driving from 10:00 p.m. - 5:00 a.m.)
- OK —● All occupants must wear safety belts.
- helmet OK —● Motorcycle rider must wear a helmet that meets FMVSS No. 218 and protective clothing and carry no passengers.
- OK —● All drivers under age 21 subject to zero tolerance, 0.02 BAC or less.
- OK —● License revocation for any alcohol-related offense.
- do not have in (HBI) —● Youth-oriented and more rapid driver improvement actions are taken in the event of violations or at-fault crashes.
- OK —● Intermediate license is visually distinctive from learner's permit and regular license.
- do not have —● Must remain crash-and conviction-free for 12 consecutive months to move to the next stage.
- do not have —● Parent participation in driving process (e.g. certifying that the novice driver had a minimum number of supervised hours of driving).
- do not have —● Recommend novice driver receive advanced driver education.
- do not have —● Recommend novice rider receive advanced driver education.
- do not have —● The driver could be subject to limitations on speed or road types that they are allowed on (e.g. 45 m.p.h. speed limit and no freeway driving), or the number of passengers allowed in vehicle.

**Stage 3
Full License**

The full or unrestricted license allows the applicant unlimited driving privileges.

Eligibility recommendations for full license

For the novice driver to be eligible for a full license, the following components should be considered:

- Successfully complete the intermediate license stage.
- Meet any minimum age required by the state.
- Successfully complete advanced driver education.
- Pass a second level knowledge and on-road driving skills test.

Recommended components for full license

The following components should be considered as part of the full license:

- ok — • All drivers under age 21 subject to zero tolerance, 0.02 BAC or less.
- do not have — • A provisional license for suspended or revoked drivers (all ages) requiring violation and crash free driving for a specified period, prior to reobtaining full licensure.

Components of a Graduated Licensing System

It is recommended that states consider the following supporting information on the components of graduated licensing when planning for the implementation of a graduated driver licensing system.

Testing Requirements for Licensing

Components:

- oe — Pass vision and knowledge tests, including rules of the road and signs and signals (stage 1).
- oe — Pass second level knowledge test, including safe driving practices (stages 2 and 3).

The objective of testing is to ensure novice applicants know the rules of the road, have knowledge of the meaning of road signs and signals, and have sufficient skills to operate a motor vehicle safely. A vision test and a knowledge test on rules of the road and signs and signals is recommended to obtain a learner's permit.

The objective of a second level knowledge test and the on-road test are to ensure that the novice driver knows what safe driving practices are and how to react in certain driving situations.

A second level knowledge test which includes safe driving practices and an on-the-road performance test are recommended prior to obtaining an intermediate and a full license. While a states current knowledge test on driving laws can be used for the learner's permit, the second level of knowledge testing should be based upon the NHTSA developed safe driving performance material. AAMVA/NHTSA driver licensing testing programs for passengers, commercial vehicles, and motorcycle operators is found in Appendix B.

Parent/Adult Supervised Driving Practice

Components:

- in HB 11 — All driving must be supervised by parent, guardian, or licensed adult age 21 or older (stage 1).
- do not have — Restricted hours of driving unless supervised by a parent, guardian, or licensed adult at least 21 years of age (stage 2).

The objective of supervised driving is to provide an opportunity for the novice driver to gain behind the wheel experience under the observations of an adult. Traffic safety authorities believe that parents can be an important influence in the development of their youngsters' operating skills as most novices need additional experience. This is true for even those who receive formal training. Under the learner's permit it is recommended that the novice driver be supervised at all times. As part of the intermediate license, it is recommended that there be supervision of the novice during high-risk driving. It is recommended that parents be given instructional materials and be responsible for helping to train the novice by supervising them during some amount of driving practice.

Crash statistics from NHTSA's Fatal Accident Reporting System (FARS) indicate young drivers have high involvement in fatal crashes during the nighttime hours. The consensus of traffic safety authorities is that immaturity, lack of experience, high risk taking behavior, and alcohol use account for many of the nighttime crashes involving young drivers. This suggests that a novice driver with a graduated license should have adult supervision during nighttime hours (e.g., 10:00 p.m. to 5:00 a.m.). There is some evidence that the supervised requirement also acts as a motivator for the novice to meet other requirements of the novice licensing system in order to receive a regular license.

Since direct supervision is not feasible for a motorcycle rider, it is suggested that a rider permit holder be restricted to daylight driving only.

Nighttime driving restrictions have been documented in many states to reduce the crash rates for young novice drivers. Also, these restrictions afford the parent/guardian an opportunity to provide supervised driving practice during high risk driving hours and allow the young novice driver to gain driving experience during daylight, when increased visibility makes driving less demanding. The following ten states have nighttime restrictions for young drivers.

State	Restricted Hours	Age
Idaho	Daytime only	Under 16
Illinois	11:00 p.m. to 6:00 a.m.	Under 17
Louisiana	1:00 p.m. to 5:00 a.m.	Under 16
Maryland	Midnight to 5:00 a.m.	Under 19
Massachusetts	1:00 a.m. to 4:00 a.m.	Under 19
New Jersey	Midnight to 5:00 a.m.	Under 17
New York	9:00 p.m. to 5:00 a.m.	Under 17
Pennsylvania	Midnight to 5:00 a.m.	Under 19
South Carolina	6:00 p.m. to 6:00 a.m.	Under 16
South Dakota	8:00 p.m. to 6:00 a.m.	Under 16

Mandatory Occupant Protection

Components:

- All vehicle occupants must wear safety belts (all stages).
- Motorcyclist must wear a helmet that meets FMVSS No. 218 and protective clothing (all stages) and carry no passengers (stages 1 and 2).

The objective of this feature is to reduce, in the event of a crash, the severity of injury to properly restrained occupants of motor vehicles being driven by young, novice drivers.

Unrestrained occupants in crashes are four times more likely to be seriously injured than restrained occupants. Unfortunately, several studies have shown that young drivers use safety belts less than more experienced drivers. A secondary objective is to establish a conditioned habit for using a seat belt or motorcycle helmet for all motor vehicle occupants.

In the states where only minors are required to wear helmets, the latest data shows that 75 percent of the fatally injured minors were not wearing helmets even though the law requires them to do so.

Zero Blood Alcohol Concentration (BAC)

Component:

- All drivers under age 21 are subject to zero tolerance, 0.02 BAC or less (all stages).

Because it is illegal in every state for person's under the age of 21 to purchase and publicly possess alcoholic beverages, it makes sense that it be illegal for these persons to drink and drive.

A blood alcohol concentration (BAC) level of .08 percent or greater for illegal per se is not appropriate for young drivers. Studies indicate that the average person's ability to perform mental and physical tasks degrades at well below .08 percent. The evidence also indicates that young people are affected more at lower BAC levels than are older people.

Approximately 10 percent of 16 year olds involved in fatal motor vehicle crashes have a BAC of .08 percent or higher. About 50 percent of male operators (age 21 or younger) involved in fatal nighttime crashes, are found to have a BAC of .08 percent or greater.

It is recommended that states consider a zero tolerance BAC level for young drivers, since it is illegal for persons under the

age of 21 to consume alcohol. A Young persons inexperience with both alcohol and with driving, resulting in greater exposure to more hazardous driving situations, indicate that a zero BAC level is appropriate.

Driver Education

Components:

- Recommend novice driver receive basic driver education (stage 1).
- Recommend novice driver receive advanced driver education (stage 2).

do not have

Training that has been proposed by some educators and researchers, but has not been evaluated, is to recommend all drivers take an advanced level of driver education after the learning phase and prior to full licensure. While a novice driver is devoting attention to keeping the vehicle on the road, it is very difficult for them to absorb safety information. Thus, safe driving education should be taught after the novice has learned basic vehicle control skills. The requirements of a graduated licensing system allow the novice to gain basic vehicle control skills under supervised conditions. By providing safety information after the basic control skills are learned, novices may be more receptive to the information as they can better relate the information to driving situations they have experienced.

A NHTSA Report to Congress, "Research Agenda for an Improved Novice Driver Education Program (1994)" recommends the development of a cost-effective two-stage driver education program that is an integral part of a graduated licensing system. The first driver education stage would provide basic vehicle handling skills, and the second stage would provide for other safe driving skills, including enhanced decision making to reduce the risk taking of young drivers. The effort also includes developing procedures that would extend the role of parents, and other adults in the process of educating and training novice drivers. The Agency has started the development of this program (1995).

The purpose of motorcycle rider education is to provide the novice with the information and skills needed to operate a motorcycle and ride safely in traffic. Rider education is usually taken before licensing and prepares the novice for the licensing test. In general, rider education involves a formal, structured course that provides an opportunity to gain familiarity with the motorcycle as well as its on road operation.

Youth-Oriented Driver Improvement Actions

in HB-11

Component:

- Youth-oriented and more rapid driver improvement actions are taken in the event of violations or at-fault crashes (stage 2).

The objective of the driver improvement feature is to quickly identify young operators who become involved in crashes or who are cited for traffic violations. This allows the driver licensing agency to take effective improvement action, including extending the required period of the intermediate licensing phase.

Young people who have violations and are forced to participate in some type of educational program seem to have fewer crashes than violators that do not participate in such programs. A driver improvement classroom course should be designed for young graduated drivers and for other traffic violators under the age of 25. This is often required as the graduated driver population of violators is too small at any given time, to support timely scheduling of classes throughout states.

The NHTSA has developed, in cooperation with the AAMVA, a driver improvement program entitled *Driver Improvement System for Traffic Violators* (a part of the Guidelines for Motor Vehicle Administrators series), which provides a model driver improvement system with materials for an educational program designed for young traffic violators. This program should be considered for use in the graduated licensing phase.

Demonstrated Safe Driving Performance

Components:

- Must remain crash and conviction free for 6 consecutive months to move to the next stage (stage 1).
- Must remain crash and conviction free for 12 consecutive months to move to the next stage (stage 2).

The purpose of this feature is to motivate the novice operator to drive safely by having a crash and violation free record for a specified period. It also allows a minimum period of exposure before the novice moves to the next less restrictive stage. Before the holder of a learner's permit receives an intermediate driver's license, it is recommended they have a clean record for at least six months. Before the holder of an intermediate license receives a full license, it is recommended they have a clean record for at least one year.

Distinctive License

Component:

- Permit and intermediate license are visually distinctive from a full license (stage 1 and 2).

The purpose of this component is to facilitate the enforcement of novice driver entry system licensing laws. There also is evidence that the use of distinctively different licenses serves as another incentive for the novice to comply with the various requirements of the graduated licensure stage. Distinct licenses that are readily recognizable as different from a full unrestricted license are useful in enforcing the components of the licensing stages.

Limiting the Number of Passengers in the Vehicle

Component:

- Limitation on the number of passengers (Stages 1 and 2).

Young, inexperienced drivers have been found to be more easily distracted from important driving tasks than are more experienced drivers. Recognizing that having several friends in a vehicle can create an extremely complex driving situation, it has been suggested that inexperienced drivers should obtain a substantial amount of driving experience prior to taking on the added burden of dealing with a complex social environment while they are also trying to engage in the complicated task of driving. This component allows the State to restrict the number of passengers allowed in the vehicle.

Speed and Road Type Limitations

Component:

- The driver could be subject to limitations on speed or road types that they are allowed on (e.g. 45 m.p.h. speed limit and no freeway driving) (stages 1 and 2).

The purpose of this component is to provide safer practice conditions for the novice driver. High speed roads allow less time to respond to potentially dangerous situations. Requiring practice driving on lower speed, less risky roads allows the novice to practice in less demanding conditions.

This component is more popular in countries that have somewhat different road systems than does the United States. One problem with this restriction in this country is that freeways and other high speed limited access roadways are some of the safest in terms of crashes, while some of the lower speed rural roads are some of the most dangerous.

Recommendations for Motorcycle Permit Restrictions

Under a graduated licensing system, it is recommended that the learner's permit for motorcycle operators expire after 90 days and should not be automatically renewed. Rather, to regain operating privileges, the holder must apply for a second permit or a license and must complete all required testing.

Motorcycle Permit Riding Restrictions

To limit the beginning motorcycle riders' exposure to traffic and risk of injury, it is recommended that at least the following restrictions be applied to the learner's permit:

- **Mandatory Helmet Use** - Even in states where helmet use is not compulsory, permit holders should be required to wear approved helmets, meeting Federal Motor Vehicle Safety Standard (FMVSS) 218, and eye protection.
- **Passenger Restriction** - Because of the additional rider skill required for controlling a motorcycle when carrying a passenger, permit holders should be required to ride without passengers.
- **Zero BAC/Drug** - Even though permit holders will often be below the minimum drinking age, they should be subject to a zero tolerance (.02 or less) BAC limit including illegal drug use. This will allow the motor vehicle administration to impose actions on the riding privilege of youthful violators and discourage alcohol or drug use by all beginning riders during the high-risk learning period.
- **Daylight Riding** - Motorcycle riders have high involvement in fatal crashes during nighttime hours. Novice riders should be restricted to daylight driving or should have direct and continuous adult supervision during late nighttime hours (10:00 p.m. to 6:00 a.m.).
- **Age Restriction** - All applicants for a rider permit should be 16 years of age or older.

In addition to these minimum restrictions, the following conditions are also appropriate:

- **High Visibility Protective Clothing** - A requirement to wear protective clothing with high-visibility or reflective surfaces could make riders significantly more visible to other motorists and reduce the risk of crash involvement. Protective clothing can also prevent or reduce injuries in the event of a crash.

- **Supervision** - A requirement for constant supervision by either a fully-licensed rider on another motorcycle or a mature automobile driver could help the learning process and add further incentive to learn quickly and obtain a full license.
- **No Interstate/Highway Riding** - Although interstate/highway riding is typically less hazardous than other types of riding, the higher speeds pose an additional challenge to a beginning rider. An interstate/highway restriction would also add to the incentive to move through the permit process and become fully licensed.

Motorcycle Rider Education

Rider education can be effective in rapidly increasing the skill level and reducing the risk level of beginning motorcyclists. States with statewide training programs are progressing towards mandatory rider education prior to licensing. Mandatory training for motorcyclists under age 21 has proven feasible in many states.

Any applicant who fails the licensing test should be required to complete an approved rider education course.

Motorcycle Rider Testing

All eligible motorcycle license applicants must be given a riding test. Those who apply directly for a license without holding a learner's permit should be given a motorcycle-specific knowledge test. Applicants who do not hold a valid automobile driver's license should also be administered the same core licensing knowledge test as used in the automobile driver's licensing process.

Knowledge Test

The motorcycle-specific knowledge test is administered to determine if an applicant knows enough about safe and legal operation of a motorcycle to be granted riding privileges. The knowledge test for license applicants should be similar or identical in design to the test administered to learner's permit applicants. Those passing the knowledge test to meet permit requirements should be exempt from the knowledge test at this stage. A person applying for a "motorcycle only" license should take the core "automobile" test in addition to the motorcycle test.

Riding Test

To qualify for a license, an applicant should take one of two types of riding test; an off-street or on-street test. The

department may elect to waive either test on proof of completion of an approved rider education course. Either test may be administered, and the same test need not be administered at every location. The key is to administer the selected test in a qualitative, uniform and comprehensive manner.

A riding test should always be preceded by a vehicle inspection performed by the examiner and a demonstration of vehicle familiarity by the applicant. The vehicle inspection will ensure that the vehicle is safe to ride during the test. The demonstration of familiarity will indicate the basic competency of the applicant.

Off-Street Test

An off-street test is best suited to providing an accurate measurement of an applicant's vehicle handling skills. The test maneuvers need not physically resemble activities performed in normal highway operation. They must, however, faithfully reproduce the skills required to handle real-world operating conditions.

Handling skills should be assessed by determining the applicants ability to control the vehicle while changing speed, turning and stopping in a variety of situations (e.g., on straight-a-ways, curves, etc.).

On-Street Test

An on-street test gives the examiner a chance to assess an applicant's traffic sense and ability to put safe riding principles and procedures into practice on the road.

On-street riding practices must be measured objectively, for the same reasons discussed in the off-street test. Thus, specific standards must be established for each measured practice.

Motorcycle Occupant Protection

Wearing head and eye protection when operating a motorcycle is crucial. A motorcycle rider should be required to:

- Wear a helmet that meets Federal Motor Vehicle Safety Standard (FMVSS) 218, properly fasten the helmet to the head,
- Wear eye protection that means Vehicle Equipment Safety Commission Regulation VESC-8,
- Wear protective clothing.



OFFICIAL BUSINESS

Alaska State Legislature Senate

Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 485-3701
FAX: 465-2832

FOR YOUR IMMEDIATE ATTENTION

DATE: May 7, 1997

TO: Finance Committee - Senate Finance Room 520
Attention: Jerry Lee/Peggy

FROM: Office of the Senate Secretary

The Senate President has added/changed the referral(s) on the following bill(s):

HOUSE BILL NO. 11

RETRIEVE

“An Act relating to driver's licensing; and providing for an effective date.”

Please give the bill file(s) to the page delivering this message.

Thank you.

HB

12

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 12, 1998

FURTHER REFERRALS:

Date of Committee Action: 4/3/98

The FINANCE Committee considered:

HB 12

HOUSE BILL NO. 12

IMMUNITY FOR EQUINE ACTIVITIES

"An Act relating to civil liability for injuries or death resulting from equine activities."

recommends it be replaced with the following committee substitute CS HB 12 (FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) LAW, 2/12/98

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Therriault</i>	Therriault			X	
<i>Dee Kelly</i>	Kelly				✓
<i>Mark Hanley</i>	Hanley			X	
<i>Ellen Mulder</i>	Mulder	X			
<i>Ben Grossendorf</i>	Grossendorf				X
<i>Dee Dames</i>	DAMES			X	
<i>Al Moses</i>	Moses			X	
<i>Henry Davis</i>	DAVIS	X			

CHAIR'S SIGNATURE *Mark Hanley*
 CO-CHAIR *Gene Therriault*
Hanley Therriault

FISCAL NOTE

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

BILL NO. CSHB 12 (FIN)

Revision Date (Note if correction) _____	Dept. Affected <u>Law</u>	_____
Title <u>An Act relating to civil liability for commercial recreational activities; and providing for an effective date.</u>	BRU <u>Civil Division</u>	_____
Sponsor <u>Representative Davis</u>	Component <u>Special Litigation</u>	_____
Requester <u>House Finance Committee</u>	Component Serial No. <u>2213</u>	_____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 12 (FIN) is intended to establish the responsibilities of operators of commercial recreational activities and participants in those activities and to decrease uncertainty regarding the legal responsibility for injuries that result from participation. The bill establishes that participation in a commercial recreational activity constitutes acceptance of the inherent risks of the activity, and that acceptance of the risks means a person is contributorily negligent to the extent the inherent risk causes injury, death, or property damage. Compensatory damages awarded in a case resulting from injury, death, or property damage shall be reduced for contributory negligence. CSHB 12 (FIN) further sets out certain responsibilities of the operator of the commercial recreational activity, including explaining risks to participants, requiring employees be trained and competent, and maintaining equipment and facilities in good repair.

CSHB 12 (FIN) will have no fiscal impact on the Department of Law.

Prepared by Joan M. Kasson
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 4/10/98
 Date 4/10/98

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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FISCAL NOTE

No: 1

Bill Version: CSHB 12 (JUD)

(H) Publish Date: 2/12/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction)	Dept. Affected	Law
Title	BRU	Civil Division
resulting from equine activities	Component	Special Litigation
Sponsor	Representative Davis	
Requester	House Judiciary Committee	Component Serial No. 2213

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill provides immunity from injuries resulting from equine activities subject to certain, specified exceptions. HB 12 will have no impact on the Department of Law.

Prepared by Joan M. Kasson
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 2/10/98
 Date 2/10/98

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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Adopted
4/3/98

CS FOR HOUSE BILL NO. 12(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE DAVIS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil liability for commercial recreational activities; and**
2 **providing for an effective date."**

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

4 *** Section 1. PURPOSE.** It is the purpose of this Act to establish the responsibilities of
5 persons who operate commercial recreational activities and persons who participate in those
6 recreational activities and to decrease uncertainty regarding the legal responsibility for injuries
7 that result from participation in commercial recreational activities. It is also the purpose of
8 this Act to encourage the continued availability of businesses that offer commercial
9 recreational activities to the public.

10 *** Sec. 2. AS 05 is amended by adding a new chapter to read:**

11 **Chapter 50. Civil Liability for Commercial**
12 **Recreational Activities.**

13 **Sec. 05.50.010. Acceptance of inherent risks.** Participation in a commercial
14 recreational activity constitutes acceptance of the inherent risks of the commercial

1 recreational activity that are or should be apparent to an ordinarily prudent person.

2 **Sec. 05.50.020. Contributory negligence.** A person who accepts an inherent
3 risk of a commercial recreational activity as described in AS 05.50.010 is
4 contributorily negligent to the extent that the inherent risk causes injury, death, or
5 property damage. In an action seeking to recover damages for injury or death to a
6 person or harm to property resulting from an inherent risk of a commercial recreational
7 activity, compensatory damages shall be reduced for contributory negligence as
8 provided under AS 09.17.060.

9 **Sec. 05.50.030. Responsibilities of participants.** A participant in a
10 commercial recreational activity has the responsibility to

- 11 (1) learn about and expressly accept the risks of the activities;
- 12 (2) act within the limits of the person's abilities;
- 13 (3) heed all warnings regarding participation in the commercial
14 recreational activity;
- 15 (4) maintain control of the participant's person, the participant's
16 children, and any equipment, devices, or animals the participant is using;
- 17 (5) refrain from acting in a manner that may cause or contribute to
18 injury of the participant or another person.

19 **Sec. 05.50.040. Responsibilities of operators of commercial recreational**
20 **activities.** A person who operates a business that offers a commercial recreational
21 activity shall

- 22 (1) explain to a participant the
 - 23 (A) fundamental inherent risks of the commercial recreational
24 activity; and
 - 25 (B) skills or equipment required to participate in the commercial
26 recreational activity that are not apparent to an inexperienced participant;
- 27 (2) require that employees who are responsible for assisting participants
28 in the actual performance of a commercial recreational activity have training in basic
29 first aid and cardiopulmonary resuscitation and explain to those employees how to use
30 emergency medical services available in the area;
- 31 (3) maintain recreational equipment and facilities in good repair;

1 (4) provide trained and competent personnel; and

2 (5) act in a reasonably safe and competent manner.

3 **Sec. 05.50.050. Interaction with other laws.** This chapter does not affect the
4 immunity of an owner of unimproved land under AS 09.65.200 or of a ski area
5 operator under AS 05.45.010.

6 **Sec. 05.05.100. Definitions.** In this chapter,

7 (1) "children" means persons under 18 years of age;

8 (2) "commercial recreational activity" means a recreational activity for
9 which the participants pay compensation;

10 (3) "recreational activity" means an outdoor activity undertaken for the
11 purpose of exercise, education, relaxation, pleasure, or sport or as a hobby.

12 * **Sec. 3.** This Act applies to acts or omissions that occur on or after the effective date of
13 this Act.

14 * **Sec. 4.** This Act takes effect July 1, 1998.

Journal Text



03/29/94

House Journal

Page 3065

HB 300

The question being: "Shall CSHB 300(JUD) am pass the House?"

The roll was taken with the following result:

CSHB 300(JUD) am
Third Reading
Final Passage

YEAS: 30 ~~NAYS: 8~~ EXCUSED: 0 ABSENT: 2

Yeas: Barnes, Bunde, Carney, G.Davis, Finkelstein, Foster, Green, Grussendorf, Hanley, Hoffman, Hudson, James, Kott, Larson, Mackie, MacLean, Martin, Menard, Mulder, Olberg, Parnell, Phillips, Porter, Sanders, Sitton, Therriault, Toohy, Ulmer, Vezey, Williams

Nays: Brice, Brown, Davies, B.Davis, Navarre, Nicholia, Nordlund, Willis

Absent: Davidson, Moses

And so, CSHB 300(JUD) am passed the House.

Representative Phillips moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Brown gave notice of reconsideration of her vote on CSHB 300(JUD) am.

Bill Root:

[Return to BASIS Main Menu\(18th Legislature\)](#)

BASIS Last Updated 12/31/94

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

Journal Text



03/29/94

House Journal

Page 3065

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Bill Root: Display History/Action Clear Bill Root

Return to BASIS Main Menu (18th Legislature)
BASIS Last Updated 12/31/94

Adopted

AMENDMENT

1

OFFERED IN THE HOUSE

BY *Dinies*

TO: CS HB12 (FIN) (Work Draft "B" version)

Page 2, following line 8:

Insert "In this section "compensatory damages" do not include benefits paid under an insurance policy."

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

Adopted

AMENDMENT

1A |

OFFERED IN THE HOUSE

BY *D. Mies*

TO: CS HB12 (FIN) (Work Draft "B" version)

Page 2, following line 8:

Insert "In this section "compensatory damages" do not include benefits paid under an insurance policy."

AMENDMENT

OFFERED IN THE HOUSE

BY

TO: CS HB12 (FIN) (Work Draft "B" version)

Page 2, following line 8:

Insert "Nothing in this paragraph limits a person's ability to recover benefits from medical, accidental, or disability insurance."

MO

Alaska State Legislature

Interim:

145 Main Street Loop #223

Kenai, Alaska 99611

(907) 283-7095

(907) 283-3075 (fax)

(907) 262-7574 (h)



Session:

State Capitol

Juneau, Alaska 99801

(907) 465-2693

(fax) (907) 465-3835

Representative Gary L. Davis

SPONSOR STATEMENT

HB12

"An Act relating to civil liability for injuries or death resulting from equine activities."

HB 12 is intended to provide owners and handlers in the equine profession extra protection from civil liability lawsuits. The reasoning behind this proposition is that horses and related animals can be unpredictable in their behavior. This unpredictability is an inherent characteristic of some domestic animals, especially equines because of their size and specific utilization for human activities.

A horse that is carrying a rider can be easily spooked by a number of events. If the rider is subsequently thrown from the horse, the owner or trainer may not be directly responsible for the accident. This would be true as long as the owner or trainer has cared for and trained the equine in the best possible manner.

Obviously, there are a number of exceptions to this piece of legislation. If the owner or trainer is negligent in properly caring for the horse or uses faulty equipment (such as the saddle), they would not be immune to civil liability.

People who participate in equine activities are aware beforehand of the risks involved. Many of the resulting unfortunate accidents are intrinsic in nature. Therefore, innocent parties should not be held accountable simply for compensation

Representing House District 8

Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward

Alaska State Legislature

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Session:

State Capitol
Juneau, Alaska 99801
(907) 465-2693
(fax) (907) 465-3835

Representative Gary L. Davis

SECTIONAL ANALYSIS OF HB 12

"An Act relating to civil liability for injuries or death resulting from equine activities."

Section 1 is an addition to AS 09.65 stating that a sponsor or professional of equine activity is not liable for civil damages that arise from the injury or death resulting from equine activities.

This section also outlines the exceptions to this act. If an equine activity sponsor or professional is guilty of reckless or intentional misconduct, he/she can still be held liable for damages. Other exceptions are the failure to provide adequate warning signs for a dangerous condition, faulty equipment, allowing an unskilled participant to become engaged in a risky activity and the injury or death of a spectator.

In the latter part of section 1, the key terms are defined in order to provide clarity.

Section 2 states that this act would apply to all civil actions that occur on or after the effective date, which is 90 days after the bill becomes law.

Representing House District 8
Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward



APR 10 1997

HC 03, Box 8392, Palmer, Alaska 99645 Phone: (907)745-4203 FAX: (907)745-4206

April 3, 1997

Honorable Gary Davis
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Representative Davis,

I would like to go on record as Director of Victory Ministries, Inc., as highly favorable to the passage of House Bill 12 and any other proposals that are designed to give immunity to organizations resulting from equine activity injuries.

As a camp, we find the Horsemanship program is a great experience for campers and groups coming to our facilities. We have offered this program for over 22 years with good results and minimal accidents.

We try to operate with safety as a big priority. Our teachers of horsemanship skills are required to be trained and certified with CHA (Association of Horsemanship Safety and Education). We also require two certified wranglers on each trail ride. Helmets must be worn by all campers and staff unless judged by the Program Director in unique situations to be less safe.

In spite of extreme care on our part, we do recognize however, that the very nature of horseback riding, carries some inherent risks. Most people recognize this and want to enjoy the challenge of this sport or allow their children to have this experience. We feel if the organization is negligent, it should assume responsibilities. However, when accidents incur simply because of inherent risks or inappropriate behavior of the rider, it is unfair for the organization to be held liable.

We believe House Bill 58, the Tort Reform package, since it would cover more activities would relieve some of our concerns about providing other fun, outdoor events and would be most helpful to us and other camps. To try to remove every situation that would involve any risks would render a camp program with very few choices of activities.

We will appreciate your efforts to help remove from us the concern of frivolous lawsuits and the extreme costs of high liability insurance.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Gillespie", with a horizontal line extending to the right.

Stan Gillespie
Executive Director

Echo Ranch Bible Camp
PO Box 210608
Auke Bay, AK 99821
(907) 789-3777 FAX 789-4403
March 6, 1997

Honorable Gary Davis
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Representative Davis:

As the Director of Echo Ranch Bible Camp located 40 miles north of Juneau, I would like to write in support of House Bill 12 or similar legislative proposals that offer immunity for injuries resulting from equine activities.

Echo Ranch Bible Camp hosts nearly 3000 campers each season offering a variety of school retreats, Christian camps, and family and church outings. The horsemanship program at Echo Ranch is an integral part of our camping ministry and has been for over 30 years. We currently use 19 horses in the program under the oversight of trained wranglers.

We take pride in the fact that the horsemanship program has been operated with an emphasis on safety. Our horses are trained to accommodate young riders. Helmets and pointed-toe boots are a requirement for trail rides and two wranglers accompany each ride. Our tack is well maintained and suitable for the rider. Still, the very nature of horseback riding through rough country makes it a somewhat risky sport, even when everything is done correctly. Most people recognize this and accept the risks, especially since camping in general is designed to present natural risks and the associated challenges to the participant.

When accidents occur resulting from negligence on the part of the sponsoring organization, then the organization should take responsibility. But when accidents occur simply because of the inherent risks or because of inappropriate behavior of the rider, then it is not reasonable for the organization to be liable. Actually, such immunity should be considered for a number of activities normally conducted at Camp in addition to equine events. In that sense, perhaps House Bill 58, the Tort Reform package, may be a more appropriate legislative remedy than singling out one activity.

At least 15 percent of our liability insurance coverage at Echo Ranch can be attributed solely to the use of saddle animals in our program. We suspect Tort Reform would help reduce this and possibly for other activities as well. This is an important budgetary item for us since insurance providers for camping operations in Alaska are not numerous. Besides the monetary considerations, Tort Reform may help reduce a growing reluctance

House Bill 12

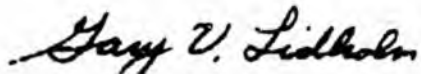
Page 2

on the part of program managers to involve people in risky activities because of a concern for frivolous lawsuits.

Again, we feel responsible to provide a safe environment for the participant at Echo Ranch Bible Camp and we will do what is feasible to ensure a safe operation. But we would truly appreciate any relief from liability for accidents when they are beyond our reasonable ability to prevent them. To eliminate all risks from an outdoor camp would be to destroy the very reason that people participate in camping.

Thank you for allowing me to comment.

Sincerely,



GARY V. LIDHOLM

Director, Echo Ranch Bible Camp

For your information, the following is a list of equine owners that have sent in additional letters of support for HB12 to Representative Davis.

Sandy Shacklett
Southcentral Horsemen, Inc.
PO Box 670034
Chugiak, AK 99567-0034
907-688-7433

Linda L. McQueary
Diamond H. Ranch
Anchorage AK
907-346-1050

Diana Taplin
CAD-RE Farm and Ranch Supplies
281 Aspen Avenue
Soldotna, AK 99669
907-262-4698

Kent Lee Woodman
Producer, *Company's Coming*
12920 Hillside Drive
Anchorage, AK 99516-3260
907-345-135

Roger and Amy Anderson
4804 Strawberry Road
Kenai, AK 99611
907-283-3414

Jacqueline Imle
714 Cypress Dr.
Kenai, AK 99611
907-283-9198

Shirley Schollenberg
HC 67 Box 250
Anchor Point, AK 99558
907-567-3467

Marcia L. Boyd
Twin View Horse Park
HC 31 Box 5083-P
Wasilla, AK 99654
907-376-3276

Bill L. Turner
Bluff Park Farm
1800 West Fairview Loop
Wasilla, AK 99687-1634
907-376-6849

Julie A. Eaton
Eaton Equestrian Centre
5801 Moosemeadow Lane
Anchorage, AK 99516
907-346-3745

Journal Text



03/29/94

House Journal

Page 3065

HB 300

The question being: "Shall CSHB 300(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 300(JUD) am
Third Reading
Final Passage

YEAS: 30 ~~NAYS: 8~~ EXCUSED: 0 ABSENT: 2

Yeas: Barnes, Bunde, Carney, G.Davis, Finkelstein, Foster, Green, Grussendorf, Hanley, Hoffman, Hurison, James, Kott, Larson, Mackie, MacLean, Martin, Menard, Mulder, Olberg, Parnell, Phillips, Porter, Sanders, Sitton, Therriault, Toohey, Ulmer, Vezey, Williams

Nays: Brice, Brown, Davies, B.Davis, Navarre, Nicholia, Nordlund, Willis

Absent: Davidson, Moses

And so, CSHB 300(JUD) am passed the House.

Representative Phillips moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Brown gave notice of reconsideration of her vote on CSHB 300(JUD) am.

Bill Root:

[Return to BASIS Main Menu\(18th Legislature\)](#)

BASIS Last Updated 12/31/94

SECTIONAL ANALYSIS
CSHB 12(FIN)

Civil Liability for Commercial Recreational Activities

Section 1 sets out the purposes of the bill -- to establish the respective responsibilities of persons who operate commercial recreational activities and persons who participate in them, to decrease uncertainty about liability for damages for injuries resulting from participating in commercial recreational activities, and to encourage the continued availability of commercial recreational activities.

Section 2 enacts a new chapter relating to "Civil Liability for Commercial Recreational Activities," and adds five new statutory provisions -- AS 05.50.010 through AS 05.50.100.

AS 05.50.010 provides that a person who participates in a commercial recreational activity accepts the risk that an injury might occur as a result of participating in the activity. AS 05.50.020 provides that if the risk inherent in the activity causes an injury, and the injured person has accepted that risk, then the person's damages, if any, will be reduced by the percentage of fault that the court or jury determines is attributable to the acceptance of the risk.

AS 05.50.030 sets out the responsibilities of a person who participates in a commercial recreational activity. Those responsibilities include learning about the risks; acting within the limits of the person's abilities; heeding all warnings; maintaining control over oneself, children, equipment, or animals; and refraining from actions that might cause or contribute to an injury. AS 05.50.040 sets out the operator's responsibilities, which include explaining the risks inherent in the activity and the skills and equipment required to participate; requiring that employees directly assisting participants have first aid and CPR training; maintaining all facilities and equipment in good repair; providing trained and competent personnel; and acting in a reasonably safe and competent manner.

AS 05.50.050 makes it clear that the provisions of the bill do not affect existing statutes relating to the immunity of an owner of unimproved land or of the operator of a ski area.

AS 05.50.100 defines the terms "children" (a person under 18), "commercial recreational activity" (an activity for which participants pay compensation), and "recreational activity" (an outdoor activity for the purpose of exercise, education, relaxation, pleasure, sport or hobby).

Section 3 makes the Act applicable only to acts or omissions that occur on or after the effective date of the Act.

Section 4 provides that the Act will take effect July 1, 1998.

HB

13

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 21, 1997

FURTHER REFERRALS:

Date of Committee Action: 3/5/97

The FINANCE Committee considered:

HB 13

HOUSE BILL NO. 13

MARINE SAFETY TRAINING & EDUCATION

"An Act relating to marine safety training and education programs."

recommends it be replaced
with the following committee substitute

CS HB 13 (FIN)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____


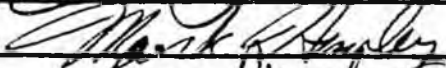
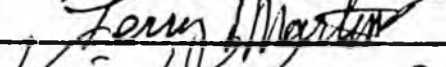
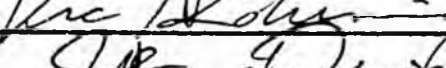
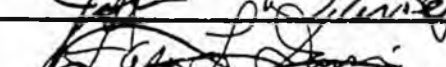


APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____



fiscal note(s) _____

zero fiscal note(s) HFC

zero fiscal note(s) labor 2/21/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Therriault			X	
	Hanley			X	
	martin			X	
	Kohring	X			
	J. DAVIES	X			
	G. DAVIS			X	
	FOSTER	X			

CO-CHAIR'S SIGNATURE

 
Therriault Hanley

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 13

Title: Marine Safety Training & Education
 Sponsor: Rep. Alan Austerman
 Requestor: _____

Dept. Affected: Revenue
 BRU: Revenue Operations
 Components: Treasury
 Serial #: 121

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
----------------	------------	------------	------------	------------	------------	------------

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
----------------	------------	------------	------------	------------	------------	------------

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

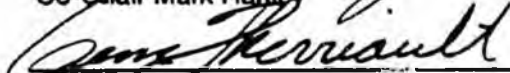
Prepared by: House Finance Committee

Date: 3/5/97

Approved by: 

Phone: 465-4797

Co-Chair Mark Hanley



Phone: _____

Co-Chair Gene Therriault

Revision Date: _____ Dept. Affected: Revenue
Title: Marine Safety Training and Education BRU: Revenue Operations
Component: Treasury
Sponsor: Rep. Ivan Austerman
Requestor: (H) STA COMPONENT SERIAL NO. 121

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	239.0	239.0	239.0	239.0	239.0	239.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	239.0	239.0	239.0	239.0	239.0	239.0

Estimate of any current year (FY97) cost \$ 0.00

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:

Earnings on the Fisherman's Fund currently are left with the General Fund and do not belong to the fund. This bill would allow for appropriating upto one-half of the interest that currently goes to the General Fund to be used for marine safety and education programs. Treasury will incur no additional costs if this bill is passed. While we have shown the funding source above as General Fund, it is unclear which agency would affect the expenditure of the money as the bill does not address the administration of the programs.

ASSUMPTIONS:

Current balance is approx \$9 million. If we assume the balance of the fund stays stable and use 5.32% (the 12/30/96 480 T-bill rate) as our interest rate assumption, the fund will earn approx \$478,000 interest per year. One-half of this amount would then be \$239,000.

Prepared by: Betty Martin, Comptroller Phone: 465-2350
Division: Treasury Date: 2/19/97
Approved by Commissioner: Ross Kinney, Deputy Commissioner Date: 2/19/97
Agency: Department of Revenue

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FISCAL NOTE

No. 2
 Bill Version: HB 13
 (H) Publish Date: 2/21/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.

Revision Date: _____
 Title: Marine Safety Training & Education
 Sponsor: Representative Austerman
 Requestor: House STA

Department Affected: Labor
 BRU: Fishermen's Fund
 Component: Fishermen's Fund
 COMPONENT SERIAL NO. 343

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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						
----------------	--	--	--	--	--	--

CHANGE IN REVENUE FUND SOURCE #						
--	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

A Bill to identify the interest earned off the fisherman's fund as a source of revenue to fund marine safety training and education.

Prepared by: Paul Grossl, Director *Paul Grossl* Phone: 465-2790
 Division: Workers' Compensation Date: 1/21/97
 Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*
 Agency: Department of Labor Date: 1/21/97

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handout 3/5/97



Alaska Marine Safety Education Association

P.O. Box 2592, Sitka, Alaska 99835 PH (907) 747-3287 FAX (907) 747-1406

DATE: Jan. 16, 1995
 TO: Amy Daugherty, Rep. Austerman's office
 FROM: Jerry Dzugan, AMSEA
 SUBJECT: AMSEA FUNDING SOURCES FOR PAST 5 YEARS

Number of pages faxed 2

Projected FY 97 without state support

Federal NIOSH (till 9/30/96 only)	\$ 10,000
AMSEA memberships and donations	est 5,000
<u>FY 97 Total</u>	<u>\$ 15,000</u>

FY 96

National Institute of Occupational Safety & Health (NIOSH) (last year of 3 year grant- NIOSH being targeted altogether for elimination)	\$ 40,130
Federal EMS for Children program (one year grant- may be eligible to reapply)	11,000
AMSEA Memberships and donations (estimated)	6,000
<u>FY 96 Total</u>	<u>\$ 57,130</u>

FY 95

Carl Perkins Vocational Training Grant (Federal DOE) (One year only-federal program discontinued in 1995)	\$ 54,164
NIOSH (2nd year of 3 year grant)	41,694
Federal Health Promotion grant (Last year of two year grant- program ended in 1994)	25,000
U.S. Coast Guard (One time contract for evaluation study)	25,000
Center Disease Control (CDC) & Injury Prevention (Last year of multi-year grant: discontinued)	17,500
Federal EMS Children program (one year grant)	11,000
AMSEA Membership and donations (private)	@ 5,000
<u>FY 95 Total</u>	<u>\$179,358</u>

FY 94

Carl Perkins Vocational Training Grant (Federal DOE) (one year only)	\$ 69,428
NIOSH (First year of three year funding)	50,000
U.S. Coast Guard (last year of unsolicited grant)	50,000
Federal CDC grant (third year of multi-year grant)	36,000
Federal Health Promotion grant (first year of new two year grant)	25,000
AMSEA memberships and donations (private)	@ 4,000
<u>FY 94 Total</u>	<u>\$234,428</u>

Support Organizations: Alaska Department of Public Safety - Alaska Department of Health & Social Services, Emergency Medical Services Section
 Alaska Native Health Service - Alaska Vocational/Technical Center - Southeast Alaska Regional Health Consortium
 Southeast Region Emergency Medical Services Council - University of Alaska Marine Advisory Program - United States Coast Guard, 17th District

<u>FY 93</u>	
U.S. Coast Guard (first year of two year unsolicited grant)	50,000
Federal CDC grant (second year of multi-year grant)	50,000
Federal Health Promotion (last year of two year grant)	20,000
AMSEA memberships and donations (private)	@ 3,000
<u>FY 93 Total</u>	<u>\$123,000</u>

<u>FY 92</u>	
Federal CDC grant (first year of multi year grant)	\$ 43,334
Federal Health Promotion (first year of two year grant)	20,000
U.S. Coast Guard grant (first of multiyear)	7,900
AMSEA memberships and donations (private)	1,950
Boat/U.S. Foundation	1,226
<u>FY 92 Total</u>	<u>\$ 74,410</u>

Handout 3/5/97

AMSEA Proposed Budget

**Secured FY 96 Funding
NIOSH**

**Requested Funding
State of Alaska**

AMSEA Proposed Budget		Secured FY 96 Funding NIOSH	Requested Funding State of Alaska
Personnel			
Director/Training Coordinator FTE	52,216.32	20,927.00	31,289.32
Administrative Assistant FTE	38,562.58	15,425.00	23,137.58
Training Assistant PTE	21,330.27	0.00	21,330.27
Trainers PTE-seasonal	7,890.85	0.00	7,890.85
	120,000.00	36,352.00	83,648.00
Travel			
Travel/accomodation/food	10,000.00	0.00	10,000.00
	10,000.00	0.00	10,000.00
Facility			
telephone	3,500.00	0.00	3,500.00
postage	2,750.00	0.00	2,750.00
rent	3,750.00	0.00	3,750.00
	10,000.00	0.00	10,000.00
Supplies			
office	2,000.00	0.00	2,000.00
training	4,000.00	0.00	4,000.00
	6,000.00	0.00	6,000.00
Equipment			
	3,000.00	0.00	3,000.00
	3,000.00	0.00	3,000.00
Other			
audit	4,000.00	0.00	4,000.00
freight	1,000.00	0.00	1,000.00
insurance	4,000.00	0.00	4,000.00
printing	1,000.00	0.00	1,000.00
	10,000.00	0.00	10,000.00
Total	159,000.00	36,352.00	122,648.00

HB

13

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/27/97

FURTHER:

DATE TURNED
 IN TO OFFICE: 4-28-97

Finance Committee considered CS FOR HOUSE BILL NO. 13(FIN) am

"An Act relating to marine safety training and education programs."

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Roll Et 3000</i>	<i>✓</i>				
<i>Le Adams</i>	<i>X</i>				
<i>Wade Guley</i>	<i>X</i>				
Co-Chair: <i>[Signature]</i>		Co-Chair: <i>Pearce</i>	<i>✓</i>		
Co-Chair: <i>[Signature]</i>		Co-Chair: <i>Bestling</i>	<i>✓</i>		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
DCRA	4/28		150.0

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
#2 DOL			

APR 24 1997

FISCAL NOTE

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: Marine Safety Training and Education BRU: Administration & Support
 Component: Administrative Services
 Sponsor: Rep. Ivan Austerman
 Requestor: (S) FIN COMPONENT SERIAL NO. 684

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	150.0	150.0	150.0	150.0	150.0	150.0
MISCELLANEOUS						
TOTAL OPERATING	150.0	150.0	150.0	150.0	150.0	150.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE: _____

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0	150.0	150.0	150.0	150.0	150.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	150.0	150.0	150.0	150.0	150.0	150.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current (FY97) impact \$ _____

ANALYSIS: (Attach a separate page if necessary)

ANALYSIS:
 This bill would allow for appropriating up to one-half of the interest that currently goes to the General Fund to be used for marine safety and education programs.

ASSUMPTION:
 Current balance is approx \$9 million. The money in the fund is currently earning at a rate that equates to over \$400,000 per year in income to the general fund. Although the bill allows up to 50% of this income to be appropriated, DCRA has been asked to assume only \$150,000 will be needed in FY98.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
 Division: Division of Administrative Services Date: *4/28/97*
 Approved by Commissioner: *[Signature]* Date: *4.28.97*
 Agency: Mike Irwin, Dept. of Community & Regional Affairs

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FISCAL NOTE

No. 2

Bill Version: HB 13

(H) Publish Date: 2/21/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

REPORTED OUT OF
APR 24 1997

BILL NO.

Revision Date: _____
Title: Marine Safety Training & Education
Sponsor: Representative Austerman
Requestor: House STA

Department Affected: Labor
BRU: Fishermen's Fund
Component: Fishermen's Fund
COMPONENT SERIAL NO. 343

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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						
---------	--	--	--	--	--	--

CHANGE IN REVENUE FUND SOURCE #						
------------------------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

FUNDING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITION TYPE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

A Bill to identify the interest earned off the fisherman's fund as a source of revenue to fund marine safety training and education.

Prepared by: Paul Grossl, Director *Paul Grossl* Phone: 465-2790
 Division: Workers' Compensation Date: 1/21/97
 Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*
 Agency: Department of Labor Date: 1/21/97

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COMMITTEE COPY



SPONSOR STATEMENT

CSHB 13(FSH)

"An Act relating to marine safety training and education programs."

Safety training is required by the Commercial Fishing Vessel Safety Act of 1988 to communities throughout Alaska. The Act, which took effect in 1991, requires a minimum in safety training and equipment for commercial fishing vessels.

Although the AMSEA organization is no longer specified in this legislation. It is anticipated that they will receive the funds provided by this bill as they are the only statewide marine safety organization and have an exemplary reputation.

The Alaska Marine Safety Education Association (AMSEA) has been operating in the State of Alaska for 12 years. The primary purpose of this organization is to reduce the loss of life and injury in the Alaskan marine environment by providing education through a statewide network of qualified marine safety instructors.

AMSEA also helps Alaskans by training marine safety instructors, some of whom teach drill instructor courses. Other marine safety instructors also train the Alaska boating and fishing public, including many children and adults, in marine safety. Of the 7300 people AMSEA trained in 1995, 2000 were from the commercial fishing industry, 3700 were Alaskan children, and the remaining 1600 were from all walks of life.

The Fishermen's Fund (AS 23.35.060) was created before statehood. One hundred percent of the fishermen's fund is funded by commercial fishing license fees. Sixty percent of license fees are dedicated to this fund. Since commercial fishermen are often the beneficiaries of the required marine safety training, it is appropriate to allow part of the interest on the fund to be used to fund marine safety programs.

It is estimated that the Fishermen's Fund generates approximately \$450,000 in interest a year. By way of this legislation, I am requesting up to approximately \$225,000 a year to maintain a minimum of water and boating safety in our state.

Alaska Marine Safety Education Association

*Dedicated to Providing Quality
Marine Safety Education*



AMSEA Membership Information

Newsletter Subscription Only	\$15.00	Group	\$100.00
Individual	\$20.00	Sustaining	\$500.00

Name _____

Address _____

City, ZIP _____

Amount enclosed \$ _____



All members receive the quarterly newsletter, *Marine Safety Update*. Group and Sustaining members receive recognition in the publication. The membership year runs from January 1 through December 31. Those paying dues between October 1 and December 31 will be paid through the following year.

Send membership to: AMSEA, P.O. Box 2592, Sitka, Alaska 99835 (907) 747-3287

As a NON-PROFIT ORGANIZATION, AMSEA is funded by public grants and private donations. We are also supported by a dedicated group of volunteers and by a cooperative effort between a number of organizations concerned about marine safety and survival in Alaska. Support members include:

United States Coast Guard
17th District

Alaska Department of Health
and Social Services,
Emergency Medical Services Section

State of Alaska
Department of Education
Alaska Vocational Technical Center

Alaska Department of Public Safety

Northstar Survival, Inc.

Southeast Alaska Regional
Health Corporation

Southeast Region Emergency
Medical Services Council

University of Alaska
Marine Advisory Program

Alaska Native Health Service

Alaska Marine Safety Education Association (AMSEA) provides training without discrimination because of race, color, age, sex, national origin, religious beliefs, or handicapping conditions.



University of Alaska Fairbanks

SFOS Highlights

School of Fisheries and Ocean Sciences

RII-92-5 May 1992

AMSEA: ALASKA'S MARINE SAFETY NET

Henry (Hank) Pennington

Since 1971 the University of Alaska Fairbanks, Marine Advisory Program (MAP) and the Alaska Sea Grant College Program have worked with the fishing industry to reduce high accident rates and loss of life in the industry. Much of this effort has taken the form of marine safety training. Recognizing that the scope of the problem far exceeded their resources, MAP Marine Safety program personnel enlisted the aid of the U.S. Coast Guard in 1982 to help with training efforts and ultimately to produce the award-winning Fisheries Safety and Survival video series.

Encouraged by the success of that joint effort, I joined representatives of state and federal agencies and private organizations in 1985 to develop a training program that would address the safety needs of commercial fishermen and other marine users. At that time no safety regulations existed for commercial fishing vessels. Although agencies involved in marine activities recognized the need for safety training, especially in regions with extreme conditions, like Alaska, funding and expertise were lacking in any one agency. The Alaska Marine Safety Education Association (AMSEA) was formed as a result of the cooperative effort among agencies. It was the first program of its kind and has played a leading role in training instructors from throughout the country to develop marine safety programs in their home regions.

AMSEA is a nonprofit, community-based information and training network with headquarters in Sitka; it is funded by public grants and supported by volunteers. The association takes a unique approach for an education program: curricula are developed by committees comprising representatives from the agencies involved, depending on the expertise required. Training programs are conducted by agency personnel, and the Board of Directors is made up of agency representatives. Supporting organizations include the School of Fisheries and Ocean Sciences Marine Advisory Program; the Alaska Department of Health and Social Services, Emergency Medical Services Section; the Alaska Department of Public Safety; Northstar Survival, Inc.; the Southeast Alaska Regional Health Corporation; the Southeast Regional Emergency Medical Services Council; the U.S. Coast Guard; and the Alaska Department of Education Alaska Vocational Technical School. Grants have been obtained from the Alaska Department of Health and Social Services, the U.S. Department of Commerce, and the U.S. Coast Guard.

A major goal is to teach instructors to train others in their communities. Instructors are versed not only in the specifics of the marine safety and survival curriculum, but also in methods of instruction; they are given practice teaching opportunities and hands-on reinforcement of subject material. Training supplies and materials are available at no cost to AMSEA instructors for use in their own marine safety classes. Equipment includes marine survival gear, videos, and other educational materials.

Participation in marine safety programs in Alaska increased dramatically after passage of the National Commercial Fishing Vessel Safety Act by Congress in 1988. The Act, which took effect in 1991, delineates the minimum safety training and equipment requirements for commercial vessels, with regional differences depending on conditions. Since passage of the Act, requests for AMSEA classes have more than tripled.



Hank Pennington demonstrates the proper and safe method of getting into a survival suit during a safety workshop. (Photo: D. Mercy)

ALASKA MARINE SAFETY EDUCATION ASSOCIATION BOARD MEMBERS

P.O. Box 2592 Sitka, AK. 99835 ph. (907) 747-3287 fax (907) 747-1406 Feb. 1997

Dolly Garza (Vice-Chair)

Marine Advisory Program

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e-mail ffdag@aurora.alaska.edu

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Alaska DHSS-EMS Section

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17th USCG District (moc)

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Hank Pennington

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Paula Cullenberg

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99501

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e-mail mpic@uaa.alaska.edu



Alaska Marine Safety Education Association

P.O. Box 2592, Sitka, Alaska 99835 PH (907) 747-3287 FAX (907) 747-1406

AMSEA FUNDING FACT SHEET

1. The State of Alaska has never funded a statewide marine safety program. Federal funds that are available for state boating safety programs are unavailable to Alaska since we have no safe boating act.
2. The State of Alaska is the only state without a safe boating program.
3. The state of Alaska has the highest drowning rate in the nation.
4. It's commercial fishing fleet also has the highest fatality rate in the nation.
5. AMSEA has filled in the states' marine safety void for the last ten years through its port based instructor network which has been funded by several small federal grants. This void has been filled at no cost to the state.
6. In FY 1995, AMSEA's budget from federal sources was cut by 20%. Due to recent Congressional action, in FY 1996, AMSEA's budget will be cut by another 75%. This will result in a budget that will not sustain AMSEA's marine safety efforts at even a basic level.
7. It is past time for the State of Alaska to assume responsibility for one of the leading cause of unintentional death in the state.
8. The interest on Alaska's Fishermen's Fund is approximately \$350,000 a year. This interest has been put into the state's general fund every year.
9. The State of Alaska can be categorically responsible by "earmarking" 50% of the interest from the Fishermen's Fund to AMSEA in FY 1996 for AMSEA's proven effective injury prevention program.
10. The cost to society of a human life is estimated at one million dollars. This does not include the additional costs injuries and fatalities add to fishing businesses every year. Not to mention the pain and suffering associated with these losses.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

7 Safety training saves lives

7
1-17-76
Rig
Leroy Fox's survival following a fire aboard his commercial fishing vessel near Togiak recently was no accident. As news accounts correctly pointed out, he lived because of a federal law passed nearly a decade ago that required he have survival equipment on board.

But the law is not in itself the reason Leroy Fox is alive to tell his tale.

Fox's preparedness reflects a changing attitude among fishermen that puts safety above machismo in what will always be an inherently dangerous industry. Those attitude changes, while spurred by passage in 1988 of the Commercial Fishing Vessel Safety Act, are due in larger measure to the efforts of many people to provide safety information, education and training to fishermen.

Sea-safety training is offered by groups including the Alaska Marine Safety Education Association, the University of Alaska Sea Grant and Marine Advisory Programs, and the U.S. Coast Guard. In the past 10 years, members of these groups have personally trained thousands of fishermen to use survival equipment and deal with life-and-death situations at sea. People like Jerry Dzugan of AMSEA, Hank Pennington of the Marine Advisory Program, Lt. Cmdr (retired) Glenn Sicks of the U.S. Coast Guard and so many others deserve mention and credit. These dedicated people made it their business to change the way fishing is done in Alaska.

Although it was difficult to change deeply-rooted attitudes in Alaska's fishing culture, the effort has paid off. Safety is a priority in the industry, and as a result more fishermen return home from the sea to their families than ever before. Last year, Alaska saw the lowest number of fishing-related deaths since the law was passed.

— Ron Dearborn, director
Alaska Sea Grant College Program

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 1, 1996

SUBJECT: Fishermen's Fund (CSHB 366(HES))

TO: Representative Alan Austerman
Attn: Amy Daugherty

FROM: George Utermohle *GU*
Legislative Counsel

You have asked whether CSHB 366(HES) alters or impairs the present dedication of certain revenues to the fishermen's fund (AS 23.35.060).

The answer is no.

The fishermen's fund is composed of 60 percent of money received by the state from commercial fishermen's licenses and money appropriated to the fund by the legislature. AS 23.35.060. The dedication of commercial fishermen's license fees is valid under art. IX, sec. 7 of the Constitution of the State of Alaska because the dedication existed at the time the constitution was ratified by the voters of the Territory of Alaska.¹ Dedicated funds in existence at the time of ratification are allowed to continue. The Attorney General on numerous occasions has stated that such grandfathered dedicated funds may be destroyed if the purpose or terms of the dedication are altered. 1959 Alaska Att'y Gen. Op. No. 7; 1959 Alaska Att'y Gen. Op. No. 14; 1985 Inf. Alaska Att'y Gen. Op. (366-071-85) October 31; among several others.

¹ Article IX, sec. 7, Constitution of the State of Alaska states (emphasis added):

SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

Representative Alan A. Erman

February 1, 1996

Page 2

CSHB 366(HES) does not alter the purpose or the terms of the dedication of certain revenue to the fishermen's fund. The bill provides that interest earned on the principal of the fishermen's fund may be appropriated by the legislature for marine safety training and education programs. The interest earned on the principal of the fund is not dedicated to the fund. The interest is deposited into the general fund and is available for appropriation by the legislature for any public purpose. See, 1982 Alaska Att'y Gen. Op. No.13, at 14 - 18, November 30; 1985 Inf. Alaska Att'y Gen. Op. (366-071-85) October 31. The bill does not alter this arrangement in the least. All the bill does is to state that the legislature may appropriate some of this interest to certain programs if the legislature so decides.

Thus the bill does not alter or impair the current dedication of commercial fishermen's license fees to the fishermen's fund or the use of those fees to provide benefits to injured fishermen.

If I may be of further assistance, please advise.

GU:glc

96-077.glc

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

December 28, 1994

SUBJECT: Fisherman's fund (AS 23.35)(Work Order No. 9-LS0362)

TO: Representative Ben Grussendorf
Attn: Katherine

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have asked if the fisherman's fund (AS 23.30.060) could be used to fund a program to teach safety to commercial fishermen. As explained in this memo, I believe that using the fund to teach safety could only be done if this purpose was added as a statutory purpose of the fund.

The existing benefits provided by the fund, those under AS 23.35.070 - 23.35.140, are all intended to treat fishermen who become disabled. There are no funds provided for prevention of injuries, or safety training. It could certainly be argued that prevention of accidents is directly related to the general purpose of the fund, but without statutory authority this type of expenditure would be beyond the scope of the benefits provided under existing law.

I should also point out that if the legislature alters the fund this would raise dedicated fund issues. As a fund in existence at statehood, the fisherman's fund is exempt from the prohibition against dedicated funds contained in Article IX, section 7, of the Alaska Constitution. However, the Attorney General has taken the position that no change to a grandfathered fund is permitted without destroying the legal dedication and making the fund subject to the dedicated fund clause. In short, you could modify the purpose of the fisherman's fund to permit funding for a safety program but by doing so you run the risk of destroying the dedicated fund exemption presently enjoyed by the fund.

If you have further questions on this matter please contact me.

MFF:lmb
95-063.lmb

AMSEA Proposed Budget

**Secured FY 96 Funding
NIOSH**

**Requested Funding
State of Alaska**

AMSEA Proposed Budget		Secured FY 96 Funding NIOSH	Requested Funding State of Alaska
Personnel			
Director/Training Coordinator FTE	52,216.32	20,927.00	31,289.32
Administrative Assistant FTE	38,582.58	15,425.00	23,137.56
Training Assistant PTE	21,330.27	0.00	21,330.27
Trainers PTE-seasonal	7,890.85	0.00	7,890.85
	120,000.00	36,352.00	83,648.00
Travel			
Travel/accomodation/food	10,000.00	0.00	10,000.00
	10,000.00	0.00	10,000.00
Facility			
telephone	3,500.00	0.00	3,500.00
postage	2,750.00	0.00	2,750.00
rent	3,750.00	0.00	3,750.00
	10,000.00	0.00	10,000.00
Supplies			
office	2,000.00	0.00	2,000.00
training	4,000.00	0.00	4,000.00
	6,000.00	0.00	6,000.00
Equipment			
	3,000.00	0.00	3,000.00
	3,000.00	0.00	3,000.00
Other			
audit	1,000.00	0.00	4,000.00
freight	1,000.00	0.00	1,000.00
insurance	4,000.00	0.00	4,000.00
printing	1,000.00	0.00	1,000.00
	10,000.00	0.00	10,000.00
Total	159,000.00	36,352.00	122,648.00

rev. 4-18-95

February 11, 1997

Senator Sean Parnell
Alaska State Legislature
State Capitol (MS3100)
Juneau, AK 99811-1182

Dear Senator Parnell,

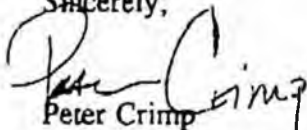
I am writing in support of HB 13, designed to use some of the interest from the Fishermen's Fund to support the educational activities of the Alaska Marine Safety Education Association (AMSEA).

I am a constituent of yours. My family have held a commercial salmon permit in Bristol Bay since 1998. Before that, we fished on the Yukon River. Each year, we hire at least two crewmembers who are required by law to purchase a crewmember's license. Sixty percent of that money goes into the Fishermen's Fund, designed to pay medical costs of uninsured, injured fishermen up to \$2,500.

AMSEA proposes that a percentage of the interest on this fund be used to educate fishermen and crewmembers about safety and survival. I can think of no better use for this money. The majority of our crew are new to fishing when they are hired by us. The training that we have received from AMSEA has enabled us to set safety guidelines and teach these young people how to prepare and how to react on board fishing vessels. AMSEA's training is excellent, and is geared to adults and children, commercial and recreational boat users.

They are a small, but extremely effective group that makes a big difference. Please support this bill.

Sincerely,


Peter Crimp
5100 E 142nd Ave.
Anchorage, AK 99516



UNIVERSITY OF ALASKA ANCHORAGE

211 West 7th Avenue
Anchorage, Alaska 99501
(907) 272-2704
FAX: (907) 272-5269

North Pacific Fisheries
OBSERVER TRAINING PROGRAM
COLLEGE OF COMMUNITY AND
CONTINUING EDUCATION

February 11, 1997

Senator Sean Parnell
Alaska State Legislature
State Capitol (MS3100)
Juneau, AK 99811-1182

Dear Senator Parnell,

I am writing on behalf of the approximately 350 groundfish and shellfish observers working in Alaska's commercial fisheries, in support of HB 13. The bill directs a percentage of the annual interest from the Fishermen's fund toward the educational activities of the Alaska Marine Safety Education Association. The Fishermen's Fund is in support of this bill.

The Observer Training Center is a subset of the University of Alaska Anchorage. Annually, we train over 150 observers for either the National Marine Fisheries Service's groundfish program or the Alaska Department of Fish and Game's crab and scallop program. Following training, observers head out to sea for approximately 90 days, collecting biological information about target fisheries, bycatch, birds and marine mammals. Approximately 25% of the observers trained in Anchorage are Alaska residents.

Safety training encompasses a full day of our training and is critical to the well being of our observers, many of whom have never been to sea before. Both of our instructors have gone through AMSEA's safety instructor training program. AMSEA's curriculum materials, including videos and handouts are used in all of our training classes.

Without reservation, I can say that AMSEA's training and materials are top notch. Their program has been instrumental in ensuring the safety of observers. AMSEA's staff is approachable and flexible; their materials are affordable and are clearly in touch with Alaska's commercial fishing industry.

I urge you to support AMSEA in face of their financial cuts from Congress. They are undoubtedly one of the most valuable programs to the State's commercial fishing industry.

Sincerely,
A handwritten signature in black ink, appearing to read "Paula Cullenberg".

Paula Cullenberg, Director
North Pacific Fisheries Observer Training Center