

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7774 HOUSE HEALTH EDUCATION & SOCIAL SERVICES 39

with respect, + yet Alaska has 6x the nat'l  
ave of child sexual assault. In the Y-K Delta  
alone, AST investigated 152 CSA cases during  
FY92 - physical abuse + neglect are also on the  
rise. Inherent abuse among children in the Bush  
is a growing concern as well as the continued  
struggle with alcohol. Tragically, we are losing too  
many (as if even one ~~loss~~ was an acceptable  
loss), of our young people to suicide.

What about adequate health care for our children,  
what can we do about lowering our infant mortality  
rate - I know several families who have lost their  
babies to pneumonia + meningitis within the last  
year. What about teen pregnancy, teen runaways, high  
school drop-outs? I could go on. I hope you  
begin to see the enormity of the scope of issues  
facing our children that must be addressed at the  
state level.

The seriousness of the current impact of these  
problems to our children, of the future impact to  
our state in + of itself speaks to the need for a  
specific commission whose sole charge is to  
address the needs of our children.

Thank you for the opportunity to testify today.  
I appreciate your willingness to carefully  
consider keeping the commissions separate.

Oliver Hugonin

Testimony to the House HESS Committee  
Executive Order 84  
February 1, 1993

My name is Nurrarraaluk Amillamarnan Valerie Davidson. I am one-half Yup'ik Eskimo, originally from Bethel and Aniak.

I am here today to testify against Executive Order 84, "consolidating the duties and functions of the Alaska Women's Commission and the Alaska Commission on Children and Youth into a new Alaska Human Relations Commission".

Please allow me to preface my reasons with the history of my involvement with the Alaska Commission on Children and Youth.

I was appointed by Governor Cowper in June of 1990 to serve on the Alaska Commission on Children and Youth. I served as Vice-Chair, then Chair until Governor Hickel appointed new members to serve on the Commission. I remained the only original member of the Cowper appointed Commission.

Fiscally the Children's Commission suffered a blow when Governor Hickel reduced the budget from the FY91 budget of over \$100,000 to the FY92 budget of \$32,000. This forced us to seriously examine the effectiveness and future of the Commission.

The Children's Commission and Women's Commission was strongly encouraged to meet jointly to discuss the possibility of shared resources and common goals. At the June 21, 1991 Children's Commission meeting Cheri Jacobus, the representative from the Department of Law stated that "we cannot statutorily combine the two commissions. We are statutorily created, statutorily separate and we have different purposes and different mandates and we in this Commission recognize that."

At the June 22, 1991 joint meeting the Children's Commission voted to combine and share the FY92 budgets. I noted for the record that "the Commission is being forced into this position not because it is something I or other members really support." The Women's Commission also voted to share the FY92 budgets. Carol Sturgulewski stated for the record, "the proposed budget is being accepted because it is forced by fiscal realities." The two Commissions then voted on a "Face to Face Meetings" budget unless the Children's Commission be awarded \$2 million for the Children's Trust fund and unless the Women's Commission receive pending future grants. The two Commissions directed their Executive Committee members to "negotiate a memorandum of agreement to draft the way in which the budget will be controlled by each Commission subject to the approval of the whole Commission". My term ended on July 1, 1991.

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Now that you have some of the history behind the Children's Commission, I would like you to know that I am opposed the merging of the Children's Commission and Women's Commission.

The Alaska Commission on Children and Youth has worked so hard to encourage young people to testify on behalf of themselves, their siblings and their peers. Children and Youth felt a sense of ownership and were willing to testify at times in great numbers.

I do not think young people are going to be as likely to testify before a "Alaska Human Relations Commission". By having a separate Children's Commission, we are sending the message to Alaska's children that they are important enough to stand alone.

In simple mathematical terms the new Commission would be charged with two times the focus: that of women and that of children. In other words, children will be only half the focus. We are telling kids that they are now worth half the time and half the effort.

In terms of representation, women have a voice. Women can vote. Children do not. Women's groups are more likely to have the financial resources to advocate for themselves. Children do not have the resources to come from across the State to lobby the Legislature and the Governor. Children's resources go toward education and protection of life and safety. It seems that when we do ask young people what their opinions are, we listen and thank them. However, when their opinions differ from those of adults, young people are told that the adults are the professionals and the ones in the know. We need to send the message to young people that we are listening and not only respect, but welcome what they have to say.

In combing the two Commissions how will the new Commission evaluate what they are doing in terms of need and progress? I have no doubt they will find a way to accomplish this, but the issue is greater than that. The issue is spending as much time and effort as possible on our greatest natural resource, our children.

I challenge you to go beyond the fiscal limitations to prove that our children are still regarded as our greatest natural resource. In light of the resource we have the original FY 91 Children's Commission budget of \$100,000 is well worth the investment. We need to let our children know that they still have their own Commission and they have great worth on their own.

An old Chinese proverb says if you don't change your direction, you're bound to end up where you're headed. It's time to change direc-

tion. Instead of just saying children are our greatest natural resource, it's time we truly invested in their future.

### General Fund Per Capita Expenditures for Youths and Seniors

#### YOUTH

	<u>FY 86 (Actual)</u>	<u>FY 87 (Revised)</u>	<u>FY 88 (Governor)</u>	<u>FY 88 (Appropriation)</u>
Total	\$119,300,400	\$110,407,400	\$108,229,000	\$113,008,000
Population*	169,269	167,115	166,580	166,580
Per Capita	\$705	\$661	\$650	\$678

#### SENIORS

	<u>FY 86 (Actual)</u>	<u>FY 87 (Revised)</u>	<u>FY 88 (Governor)</u>	<u>FY 88 (Appropriation)</u>
Total	\$93,845,100	\$96,514,200	\$72,786,000	\$103,123,500
Population*	19,417	20,632	21,923	21,923
Per Capita	\$4,833	\$4,678	\$3,320	\$4,704

\*Population is from Alaska Department of Labor, 1988 mid-level projections. Prepared by the House Research Agency, July 1987. This table does not include per capita expenditures for regular education grades K-12. State funding for education is between \$2,700 and \$3,000 per capita annually for FY 86-88. Because education is constitutionally guaranteed and provided to all citizens during their youth, these data were not included. If funding for education of youth were included, youth expenditures would be about 60 percent of senior expenditures in FY 88.

<u>Body</u>	<u>Dates</u>	<u>Location</u>
Youth Committee:	July 10-11	Anchorage
	August 7	Fairbanks
	Sept. 9-10	statewide public hearing
	Sept. 17-18	Anchorage
	Oct. 7	statewide public hearing
	Nov. 9-10	Anchorage

## Commission Activities and Participation:

The following lists, by month, meetings, conferences, workshops, trainings, seminars, etc. in which Commission members participated or at which they represented the Commission:

### JUNE:

Conference of the Association of School Superintendents: John Antonnen, Annie Calkins.

Meeting of the Cabinet of Professional Associations: Annie Calkins.

Meeting of the Alaska State Writing Consortium: Annie Calkins.

Meeting of the Child Advocacy Network: Judy Rich.

Planning meeting, Anchorage Covenant House: Sen. Josephson, Judy Rich, Peter Scales.

Surgeon General's Conference on Family-Centered, Community-Based, Coordinated Care for Children with Chronic Illnesses and Other Disabilities: Kayleen Lowe.

Visit to the Crippled Children's Association Day Care Facility, Wanganui, New Zealand: Kayleen Lowe.

"STD: Check It Out" program review, Ministry of Health, New Zealand: Kayleen Lowe.

### JULY:

Visits to Juneau child care centers: Rep. Ulmer.

Visit to the Asthma Society of Auckland's Children's Asthma Program, Auckland, New Zealand: Kayleen Lowe.

### AUGUST:

Meeting of the Fairbanks Child Care Providers Association: Ms. Lare.

Visits to child care centers, Fairbanks: Child Care Committee.

Meetings with Juneau child care providers: Rep. Ulmer.

Dram-edy Workshop: Sen. Josephson.

Kapulani Preschool Parenting Training Project, Oahu, Hawaii: Kayleen Lowe.

Meeting of the Perinatal Association of Alaska: Kayleen Lowe.

Meeting of the Special Education Service Agency: Kayleen Lowe.

**SEPTEMBER:**

Joint meeting of the Governor's Council on Vocational Education and the State Job Training Partnership Coordinating Council: Peter Scales.

WIC Annual Meeting: Peter Scales.

Bilingual/Bicultural Education Coordinators Institute: John Antonnen, Annie Calkins, Shirley Covington, Ms. Lare, Kayleen Lowe.

Meeting of Volunteers for Youth At-Risk: Sen. Josephson.

Meeting for Participants in State Early Childhood Initiatives, National Association of State Boards of Education: Annie Calkins.

Meeting of the League of Women Voters: Rep. Ulmer.

Meeting of the Emergency Medical Services Advisory Council: Kayleen Lowe.

Hearings on Anchorage Municipal Health Plan: Kayleen Lowe.

Hearings on State Child Care Regulations: Kayleen Lowe.

ACCESS Alaska, Family Issues Conference: Kayleen Lowe.

Special Hearing of the Federal Office of Special Education, Audit of State Education Programs: Kayleen Lowe.

Presentation to Child Care Connection: Kayleen Lowe.

KIDPAC Meeting: Kayleen Lowe.

KENI Radio Talk Show: Kayleen Lowe, Peter Scales.

Conference of Theta Omicron Chapter of Sigma Theta Tau, the National Honor Society of Nursing: Kayleen Lowe.

Seventh Annual Pediatrics Conference. Presentation by Dr. Richard Krugman on the Sexual Abuse of Children: Kayleen Lowe.

**OCTOBER:**

Annual Conference of the Child Welfare League of America: Ms. Lare.

Public Hearing: Upper Mat-Su Valley and

Wasilla: Shirley Covington, Ms. Lare.

Conference of the Alaska Association for Community Education: Ms. Lare, Kayleen Lowe.

National Juvenile Justice Conference, Boston: Sen. Josephson.

Workshop on the Medical Indicators of Child Abuse and Neglect: Blanche Brunk.

Meeting of the National Association for the Advancement of Colored People, Northwest Region: Peter Scales.

Parents Meeting, Juneau Montessori School: Rep. Ulmer.

Alaska Federation of Natives Convention, Youth and Elders' Conference: Governor's Interim Commission on Children and Youth.

Meeting of the Emergency Medical Services Advisory Council: Kayleen Lowe.

Meeting of the Alaska Women's Commission: Kayleen Lowe.

Alaska Vocational Education Conference: Blanche Brunk.

Meeting of the State Board of Education: Blanche Brunk, Annie Calkins, Reggie Joule, Rep. Koponen, Patty Meritt, Niesje Steinkruger.

Visit to Covenant House, New York: Sen. Josephson.

Public Hearing: Nelson Island and Scammon Bay High Schools: Sen. Binkley, Clara Kelly, Kayleen Lowe.

Presentation to the Family Law Section, Alaska Bar Association: Niesje Steinkruger.

**NOVEMBER:**

Conference of the National Association of State Directors of Child Development: Ms. Lare.

Meeting of the Matanuska Valley Child Protection Team: Shirley Covington.

Meeting of the Alaska State School Boards Association: John Antonnen, Blanche Brunk, Peter Scales.

Fairbanks Mayor's Task Force on Children

and Youth: Patty Meritt, Niesje Steinkruger.  
Meeting of the State Board of Education:  
Annie Calkins, Peter Scales, Ms. Lare, Dianne  
Olsen.

Meeting of the Alaska Municipal League:  
Peter Scales.

Annual Conference of the National Association  
for the Education of Young Children,  
Chicago: Ms. Lare, Kayleen Lowe.

Alaska School Administrators Conference:  
John Antonnen.

Siberian Medical Research Conference:  
Kayleen Lowe.

Teen Pregnancy Workshop: Rep. Collins,  
Judy Rich.

Seventh Annual Statewide Alcohol and Drug  
Abuse Prevention Symposium: Reggie Joule,  
Kayleen Lowe, Judy Rich.

Visit to the Lee Street Shelter: Sen.  
Josephson.

Presentation of National Teacher's Awards:  
Sen. Josephson.

Meeting of Standing Together Against Rape  
(STAR): Sen. Josephson.

"Public Official in the Classroom" Program:  
Sen. Josephson, Rep. Ulmer.

Visit to Lekotek Toy Lending Library, Com-  
puplay, and Pre-School Mainstreamed Pro-  
grams, Evanston, Illinois: Kayleen Lowe.

Foster Care Hearings, Department of Health  
and Social Services: Kayleen Lowe.

#### **DECEMBER:**

National Forum for Youth At-Risk, Washing-  
ton, D.C.: John Antonnen, Sen. Josephson.

#### **ON-GOING:**

Alaska Teen Pregnancy Task Force: Peter  
Scales.

Anchorage Association for the Education of  
Young Children: Ms. Lare.

Child Care Connection Board meetings: Ms.  
Lare.

ARCO Dependent Care Task Force: Ms. Lare,  
Tri-Department Committee: Blanche Brunk,  
Annie Calkins, Ms. Lare.

Fairbanks Directors' Association: Patty  
Meritt.

Fairbanks Association for the Education of  
Young Children: Patty Meritt.

Governor's Council on Handicapped and  
Gifted: Ms. Lare, Kayleen Lowe.

Postsecondary Education Commission: Sen.  
Josephson.

# It's time to speak out for children

by Sen. John Binkley  
for the Tundra Times NOV 12 1990

JUNEAU — Not long ago I wrote a column about a state report issued this summer entitled, "The State of Adolescent Health in Alaska." I can summarize its findings again here pretty quickly: Too many of our children are at risk, threatened by a variety of perils ranging from their own abuse of substances, to abuse at the hands of the adults in their lives.

## OPINION

While I wish I could tell you I have new information to contradict those unhappy findings, I don't. But I do take hope in the fact that a new group created by the Legislature last year has the potential to provide us the opportunity to take steps that eventually could change this situation.

The Alaska Commission on Children and Youth, which held its first organizational meeting last month, is an outgrowth of the Governor's Interim Commission on Children and Youth, which Gov. Steve Cowper convened in 1987.

I served with that interim commission as a member of the Senate, and the report we submitted to the governor and public in 1988 contained 85 primary recommendations we believed would serve well as an investment in the future of Alaska's children.

Our recommendations covered a wide variety of health, safety and



education issues, and our last finding was a strong recommendation to the Legislature to create a permanent commission.

Despite the long list of recommendations, we also had to acknowledge there were many serious issues affecting Alaska's children and young people that we didn't have time to even approach. Poverty, needed changes in the welfare system and increasing youth employment options were just part of the long list of unfinished business.

We were later told our interim group received more input from the public than any other government fact-finding commission convened in our 30 years of statehood. I believe the overwhelming numbers of people who wrote or testified to us during the commission's brief life can be taken as a

*...Alaskans truly are concerned about our children and want our state to do a better job caring for them and preparing them for the future.*

sign that Alaskans truly are concerned about our children and want our state to do a better job caring for them and preparing them for the future.

Now there is a formal commission in place, and I'm happy to report that its members are hoping for and encouraging the same level of public input that we in the interim commission received. Readers can contact Commission Director Carla Timpone in Juneau at 465-3155, or write the commission at Box A, Juneau 99801.

I sincerely hope the public responds because the issues these commissioners will be taking up at their upcoming quarterly meetings deserve the fullest consideration of Alaskans. It's especially important to hear from rural Alaskans, because many of the proposals considered by the commission

will specifically relate to the needs of rural children.

The commission members are charged with developing a comprehensive statewide plan for services designed to benefit children and youth and also will serve as a clearinghouse for information about such services. And they eventually will have perhaps an even larger responsibility in sitting as the board for the Children's Trust Fund.

Although the trust fund is designed to make grants to community-based organizations with programs aimed at benefitting young people, there is no money in the fund right now.

Once the Legislature appropriates money to it or other methods of producing income for the trust fund are developed, the commissioners will be charged with deciding what programs to support with the earnings of the fund.

I believe it's imperative that we get some money into the fund as soon as possible. Forty-nine states have such a fund, but Alaska currently is the only state to have one with no money in it.

The first thing we need to do, as parents and citizens concerned about Alaska's young people, is to encourage the Legislature and new governor to support the commission and the Children's Trust Fund.

And then, if we truly believe that often-repeated saying about children being our greatest natural resource, we need to make sure the commissioners hear from as many Alaskans as possible about what needs to be done to protect this most important asset.

AWL: advocating for and dedicated to improving the economic and legal status of women in Alaska.

KIDPAC: advocacy organization focusing on the needs of young children.

Both organizations have requested that I come before you today to urge that you oppose the passage of EO 84 which would eliminate both the Alaska Women's Commission and the Alaska Commission on Children and Youth creating in their stead an entity obscurely titled the Alaska Human Relations Commission.

The Alaska Women's Commission was created by the legislature in 1978. During the first 13 years of its existence the Commission successfully met its mandate by focusing attention on issues of vital concern to Alaskan women: health care, day care, domestic violence and sexual assault, equal treatment and opportunity and personal freedom.

As an example of its work I would share with you the goals set by the Commission for FY 92. Unfortunately these goals could not be met when funding for the Commission was slashed by 85% in that year's operating budget.

The Alaska Commission on Children and Youth was created much more recently in response to statistics showing that in some respects children in our state fared no better than those in third world countries.

During its brief life this Commission, made up of concerned members of the public and representatives of state agencies charged with providing services to children did much to encourage improvements that directly affected the well being of our children.

In direct response to the Commission's recommendations community based programs for children who were victims of family violence increased.

There was recognition of the need for additional training for all professionals who interact with children.

The waiting list for Head Start decreased.

Additional funding for the Child Care Grant Program added 88 new child care facilities.

Additional social workers were hired and more Native foster homes were recruited.

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Parent education and support services were funded to improve parenting skills and prevent child abuse.

A teenage prenatal care program was designed to get pregnant teens and low income women into the medical care system early.

Runaway youth in Anchorage received needed services and counseling.

The Infant Learning Program for developmentally disabled children was expanded as was the Women Infants and Children Supplemental Food Program.

Because one in four children in Alaska has an alcoholic parent counseling services were provided.

But again just as a state plan was developed and improvements began to be seen funding for this important Commission was drastically reduced and commission members were dismissed from their duties.

The lack of expertise and interest in the status of children of the new members became apparent in September 1991 when with only half of the Commission members present they voted themselves out of existence. Then they opened the session to public comment. Every speaker testifying from Fairbanks, Sitka, Juneau, Kodiak Soldotna and Valdez opposed the action and were astounded that the vote had been taken before they had a chance to say so.

The Chair then asked for discussion of legislation concerning children but there was not a peep from the commissioners. A commissioner finally did speak- to a motion for adjournment.

The needs of women and children are different. All mothers are women but women's issues go beyond motherhood.

Women make up 46% of Alaska's labor force but their average wages are only 62% of men's. They still earn 15% less than men in the same occupations. Lack of adequate health care, high rates of sexual assault and domestic violence and substance abuse are all survival issues for women in Alaska.

These Commissions which have served the people of this state well have been made impotent by lack of support and now as a final blow it is the Administration's intention to refuse to acknowledge that women and children have separate needs by having their interests compete for the severely limited funds merged into something they would call a Human Relations Commission.

The language of the statute refers to women's issues and children's issues but for some reason women and children are not mentioned in the title of this new Commission. We take exception to that fact.

There are other problems attendant to this merger which relate to the administration of the Children's Trust Fund referenced in sections 1 through 5 of the Executive Order. The Trust Fund exists in the Department of Revenue and is intended to fund community based programs to prevent child abuse.

It was the legislature's intent that the Commission on Children and Youth would serve as the board of the Fund as long as it existed. When the Commission on Children and Youth ceased to exist the Trust Fund Board would be re-established as an independent board. It was never intended that a Human Relations Commission would be the administrator of the fund much less have access to the principle of the fund.

But these concerns are moot since the legislature does not have the ability to amend an executive order. The only avenue open is to introduce a resolution to disapprove the order and bring it to the floor for a vote and this the Alaska Women's Lobby and KIDPAC respectfully urge you to do.

SHERRIE  
ALL



# Alaska State Legislature

Please enter into the record my testimony to the Hess  
committee name

committee on EO 84, dated 2-1-93  
bill/subject

Dear Hess Committee  
I am interested in how <sup>she got</sup> and what letter head  
had the Abbott Loops Christian Center printed  
as the phone number of the Alaska Women's  
Commission as Bonnie Jack said in her testimony.

Points of information I want to note.

1. I am serving on the Alaska Women's Commission  
and I reported the action we took. I did not  
say I am or was the governor's representative.
2. Jean McHight is one of the past Commission  
members to be appointed.

Please seriously consider combining the Commission,  
"in unity that is strength!"

Signed: Virginia C. Phillips  
Testifier

Representing (Optional)

404 Lake St. 2-D, Sitka  
Address

747-8024  
Phone No.

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ATTACHMENT 6

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Alaska Women's Commission  
1991 Annual Report



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## LETTER FROM THE CHAIR

The Alaska Women's Commission is pleased to present its 1991 annual report, summarizing the Commission's projects and accomplishments for the calendar year.

The Commission has made significant progress towards its goal of helping and enabling women in Alaska to support and further themselves. In response to budget reductions, the Commission has emphasized important, positive programs such as the Alaska Womensfund for Women in Business and Sexual Abuse Seminar to educate and advise Alaskan women.

Many publications have been made available, including Women's Guide to Public Assistance, Teen Pregnancy, and Parents' Guide to Advocating for Children in Alaska's Public Schools.

This Commission has championed causes important to the dignity and furtherance of women in Alaska, enhancing their ability to make informed decisions and positive contributions that affect the quality of life of all Alaskans.

We wish to especially recognize and thank Mary McClinton for her active role and guidance during the formative stages of this newly constituted Commission. We also wish to thank Faye Hilsinger, who served the Commission so well, and to extend to her our prayers for a full and speedy recovery.

Sincerely,

Barbara Tyndall  
Chair



## LETTER FROM PROJECT DIRECTOR

January 1, 1992

Over this calendar year many people, women's groups, and agencies have given of themselves in volunteering time and resources to assist the Commission. Through the efforts of all of these volunteers we have made progress in women's issues, in the State of Alaska. We have addressed the needs of pregnant teens, school children, women on public assistance, women in business, women who are sexually abused, and many others. We have provided a safe environment for women to come and share with us about their financial struggles, family problems, and other personal issues of importance to them.

Research, seminars, publications, referrals, and public education are just small milestones compared to the work which need to be done! Women still suffer economically compared with men, still suffer from sexual harassment, sexual abuse, inequity in education, poverty as a result of divorce, and a lack of health services geared to women.

This year we are working on economic development planning through an entrepreneurial framework as well as development of a loan fund which allows women access to capital.

The Alaska Women's Commission still continues to be a voice for women in Alaska, and wishes to continue being so until the inequities which exist in our society are diminished.

Sincerely,

*Carol Mikos*

Carol Mikos  
Staff

# WOMEN IN BUSINESS CONFERENCE

On April 20, 1991, 75 women attended Women In Business, a conference for existing and potential business women, sponsored by the Women's Commission and the University of Alaska Small Business Development Center. The steering Committee for the conference identified business start-ups and expansion as the two chief topics to be addressed at the conference. The following presentations were given at the conference:

- \* Market Analysis: Pricing: Customer Base: How to find information
- \* Developing a Business Plan
- \* Financing: Getting Money from a Bank
- \* Women in the New Economy: Marketing Your Business
- \* Risk Management: Record Keeping : Planning for Growth
- \* Networking and Resources

The conference participants had three opportunities to ask professionals about their current business and future business plans. They talked about what was good and what was hard for them being a business owner or business professionals. Information made available to the business conference attendees covered ten agencies and multiple other resources in Alaska to help equip and enable women to become strong business owners.

## WOMENSFUND: LOAN PROGRAM AND BUSINESS SUPPORT SYSTEM.

The Alaska Women's Commission began Womensfund, a non-profit organization in August of 1991.

The purpose of Womensfund is to provide motivated individuals, primarily women business owners, with access to capital. Simultaneously Womensfund provides the community with a model for bridging the gap between traditional financing avenues and the non-traditional borrower.

Womensfund will help clients in many ways:

- \* To graduate a client to other forms of financing by using the initial Womensfund to establish the feasibility of a product or services.
- \* To help them establish a good credit history.
- \* To provide for them strategic planning assistance to grow the business to an expansion phase.
- \* To teach the basic skills of business ownership through technical assistance from the Womensfund Staff.

Womensfund will fill the lending "gap" in the financial community by providing innovative methods of financing for start-up businesses and high risk clients.

To meet client eligibility requirements for Womensfund, the business must be owned and primarily controlled by women. The business must be able to demonstrate:

- (a) the need for financing
- (b) a method of repayment
- (c) be ineligible for financing from a traditional lender.
- (d) its willingness to maintain a relationship with the Womensfund staff and its Business Development Team.

Womensfund was given a great deal of input from Kathryn Keeley, an internationally known economic developmental specialist in the area of women owned business. Ms. Keeley spent the entire month of August traveling Alaska, meeting with agency providers, and potential women entrepreneurs, and existing business owners. It was through her expertise and generous donation of time to the Commission that we were able to create a program that uniquely fit our economy and cultures.

If you would like more information on Womensfund, Inc. you may call the Commission offices.

## COMMISSION PRODUCES STUDY ON TEEN PREGNANCY PROBLEM

In August the Commission produced a study on why young women in Alaska have such a high teen pregnancy rate titled Young Women in Alaska Speak Out about Teen Pregnancy, the report is based on interviews with 78 pregnant teenage women.

Currently, Alaska has the second highest teen pregnancy rate among the 50 states. This rate is two and one half times the national average.

This study is unique in that it focuses on the thoughts and feelings of young women who have gone through the experience of being a pregnant teenager. Through their candid and thoughtful comments, we get a better understanding of the immense emotional and financial burdens they carry in their financial and educational struggle

The study identified the following as the major causes of teen pregnancy:

- \* The unmet needs for safety, self esteem, a sense of belonging, and a sense of life options experienced by most of the young people involved.
- \* the impact of discrimination and stereo typing (due to gender, class, race, and age) on these teens.

The report includes messages from pregnant and parenting teens to other teens and to adults, as well as conversations with young men about teen pregnancy. If you would like a copy of Young Women In Alaska Speak Out About Teen Pregnancy contact the Commission.

## SEXUAL ABUSE SEMINAR

On November 23, approximately 70 people attended the Alaska Women's Commission Sexual Abuse Seminar, co-sponsored by UAA Center for Women and Men.

The seminar focused on assisting counselors and therapists and helping women overcome the trauma of sexual abuse.

Presentations covered a range of topics, individual recovery, homicide, and sexual abuse, teen sexual abuse, and the grief and grieving. Counselors listened, learned, and contributed as Dr. Edith Eger P.H.D. schooled them in her unique and effective approach to sexual abuse counseling.

Dr. Eger, a survivor of WWII Nazi concentration camps, shared her personal experience interwoven with professional expertise to make a most effective presentation.

Dr. Eger, worked with women as they listened, learned, contributed, cried, and laughed while they healed themselves and each other.

Women from other sexual abuse agencies in Anchorage who are known for their work in this field also made presentations.

Both verbal and written seminar evaluations were extremely positive. Many women stated that "sharing their story" was the most useful to them. Many also said they acquired a new perspective or understanding.

One of the significant issues that emerged in the course of the seminar was survival. How people can work through horrible situations where there is a great deal of pain and still emerge without the painful ordeal affecting them negatively for the rest of their lives. As a group, the attendees discussed these issues toward the close of the seminar, and it was clear that women who are abused need support and assistance in recovery if they are to continue to work toward healing the pain of sexual abuse.

## COMMISSION PUBLISHES DIRECTORY OF FUNDING SOURCES

In cooperation with the Interior Alaska Economic Development Council, the Alaska Women's Commission produced the Directory of Funding Sources & Technical Assistance for Alaska Entrepreneurs and Artists.

The directory outlines funding sources availability on a state-wide basis as well as technical assistance agencies who's services are geared to business ownership.

The manual is constructed in such a way that it can be updated periodically with relative ease.

It's purpose is to educate potential and existing entrepreneurs and artists of the grants, loans, and technical assistance opportunities which exist in Alaska.

## PARENTS' GUIDE TO ADVOCATING FOR CHILDREN IN ALASKA'S SCHOOLS

The Women's Commission published the guide in June of this year. This guide is intended to help parents who have specific questions and to provide general information on advocating for children in the schools.

Glenn Ralls, project manager for the Commission, says "The guide covers a wide range of issues from helping with homework to suspected child abuse. It includes perspectives from urban and Bush parents and professionals."

Advocacy is especially important for certain children. Parents and professionals discuss how to handle children in trouble or children with special needs.

Cultural issues are address in the guide as well as an effective communication model giving parents tips on how to navigate the system of public education.

Finally, the Resource Guide offers statewide agencies and organizations and hot line numbers for parents and children.

Any interested in receiving a copy of The Parents' Guide to Advocating for Children in Alaska's Schools should contact the Commission offices.

## ☐ COMMISSION BEGINS WORK ON LEADERSHIP IN SOBRIETY CONFERENCE

The Alaska Women's Commission and State of Alaska Department of Health and Human Services are co-sponsoring a Leadership in Sobriety Conference for Rural Women in March of 1992. Planning meetings have been held in the Anchorage Women's Commission offices for several months. The Women's Commission initiated these meetings to gather information and to help direct the course of the conference.

Most of the people who attended the planning meetings were service providers or women who have had a long standing history of involvement and interest in the sobriety movement. There have been a total of 16 participants from around the state providing input in the conference agenda. These meetings provide an opportunity for sobriety leaders to share ideas and make recommendations for agenda changes and follow-up programs.

Leadership In Sobriety II: A Substance Abuse Conference for Rural Women will be held March 10, 11, and 12 at the Meier Lake Conference Center near Wasilla. Speakers Phyllis Chelsea and Dr. Edith Eger P.H.D. will be keynoting the Conference.

If you would like information covering the upcoming Conference, please contact our office.

## ALASKA WOMEN'S HALL OF FAME INDUCT THREE WOMEN

Approximately 250 people attended the Commission's reception in honor of Arne Beltz, Lucille Fry, and Lillie Hope McGarvey. These women were inducted to honor them as women who have made contributions to Alaska and provided role models for tomorrow's leaders.

In 1991, the Commission selected 3 people to be inducted in the Women's Hall of fame instead of only one, sighting the fact that Alaska has some "catching up" to do in honoring women.

The Women's Hall of Fame was established by Governor Cowper in 1988 to honor women.

A reception in honor of the new inductees was held in March in conjunction with Women's History Month.

## WOMEN'S GUIDE TO PUBLIC ASSISTANCE

In November the Women's Commission produced a report A Women's Guide to Public Assistance, which received wide circulation. The booklet is designed to be self-help. It tells certain basic information and answers some questions about public assistance (welfare) programs. Because many people are embarrassed about needing help from welfare programs, they do not ask enough questions. This booklet is designed to help answer questions many people may be afraid to ask. It gives people the information they need to make assistance work for them.



## PUBLICATIONS REQUESTED

"Young Women of Alaska Speak Out About Teen Pregnancy"	125
"The Parents' Guide to Advocating for Children in Alaska's Schools"	175
"A Woman's Guide to Public Assistance in Alaska"	150
"Leadership in Sobriety"	135
"Young Women Speak Out About Dropping Out"	156
"Medical Aid" <i>Medic Aid in Alaska</i>	50
"Welfare Recipients Talk About Welfare Reform"	55
"5 Years Later"	40
"Family Equity at Issue"	35
"Women's Legal Rights Handbook"	645
"1990 Annual Report"	47
"Names/Profiles"	30
"News Letter"	20
"Women's Organizations, Directory 1989"	50
"Directory of Funding Sources"	61

### MEDIA CONTACTS:

Guest Editorial - one time

Radio Interview - Alaska Women's Commission

Television Interview on Teen Pregnancy Reports

Television Interview on Sexual Abuse Seminar

THE  
FOLLOWING  
DOCUMENTS  
ARE  
POOR  
ORIGINAL  
COPIES



WALTER J. HICKEL  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
ALASKA COMMISSION ON CHILDREN AND YOUTH

February 4, 1991

On behalf of the members of the Alaska Commission on Children and Youth, I am pleased to present its first Annual Report.

In accordance with statutory mandates, the Commission has begun development of a comprehensive, statewide plan of services for children and families including an overview of services, methods of evaluating programs, and suggestions for delivering services in a more cost-effective and efficient manner. In designing this plan, the Commission will incorporate written and oral testimony from young people and adults from all areas of Alaska.

It has been a privilege to work with and for Alaska's children and their families over the past seven months. We look forward to continuing this important work on their behalf.

Sincerely,

*Valerie J. Davidson*

Valerie J. Davidson  
Chair

## Alaska Commission on Children and Youth

### Public Members

*Valerie Davidson, chair, Juneau*

*Fred Ali, Anchorage*

*(former chair, resigned 1/1/91)*

*Thomas Brock, Aniak*

*Patty Meritt, Fairbanks*

*Christina Reagle, Juneau*

*Victoria Lynn Shaver, Anchorage*

*Blanche Brunk White, Bethel*

### Department Representatives

*Scott Davis, Fairbanks*

*Steve Hole, Juneau*

*Barbara Malchick, Anchorage*

*Sally Mead, Anchorage*

*(resigned 12/12/90)*

3 3500 00191 7467

**Introduction**

**Commission History**

**Trust Fund • Publications**

**Goals • Public Outreach • Members**

## History of the Alaska Commission on Children and Youth

In 1987, Governor Steve Cowper and members of the Fifteenth Alaska Legislature's Children's Caucus recognized the need to place children higher on Alaska's public policy agenda. Governor Cowper created the Governor's Interim Commission on Children and Youth (GICCY) and charged the Interim Commission with two tasks: develop plans for a first class child care system for working parents and make recommendations to improve the economic status of young Alaskans.

After an intensive six month preparation, the Interim Commission's report, *Our Greatest Natural Resource: Investing in the Future of Alaska's Children*, was released in January, 1988. It contained 85 recommendations on a wide variety of children and youth issues. The Governor's Children's Funding Package was introduced early in the legislative session and, despite an economic downturn, Alaska invested more than \$10 million in new funds for children for FY89.

The term of the Interim Commission extended through June, 1989. In their second report, *The Unfinished Agenda: Caring for Alaska's Children*, the Interim Commission recommended changes in areas they were unable to fully develop in their first report. Although the funding initiated for FY89 was maintained

in FY90, the momentum to fully meet the needs of Alaska's children slackened. In the haste of the last days of the 1989 Legislative Session, a permanent Children's Commission was not established and Alaskans temporarily lost their forum for continuing the progress of meeting Alaska's children's needs.

With the expiration of the Interim Commission, there was no statewide forum for Alaskans to voice their many concerns about children and youth. In response to this need, Governor Cowper created the Governor's Task Force on Youth with Federal Anti-Drug funding. The Task Force would serve until June 30, 1990 and was charged with developing a plan to combat youth substance abuse.

The extensive public testimony the Task Force heard reiterated the need for many of the Interim Commission's recommendations which had not been funded or were under-funded. The Task Force's report, *Blueprint for Change: Preventing Youth Substance Abuse*, agrees with the Interim Commission's conclusion that increased funding for programs and services for children, youth, and families is a necessary, cost-effective investment in Alaska's future. However, both reports stress that increased funding is only one component in what must be a comprehensive public and private statewide effort.





*Legislators, children's advocates, and Interim Commission members watch Governor Cowper sign HB 66, establishing the Alaska Commission on Children and Youth.*

During the opening days of the 1990 Alaska Legislature, the bill establishing the Alaska Commission on Children and Youth passed. With a "sunset" review in 1993, the Commission is mandated to develop a comprehensive statewide plan that assesses the needs and recommends improvements in services for children and youth, among other duties. The first meeting of the Commission was held August 30, 1990.

There is much work to be done. Children's needs cannot be adequately addressed through intermittent efforts. This Commission will play a critical role as an advocate and statewide planning center for children and youth. It will ensure an ongoing awareness that the well-being of our children and youth must be high on Alaska's public policy and funding agendas.

## **Commission History**

**Trust Fund • Publications**

**Goals • Public Outreach • Members**

## Alaska Children's Trust Fund

The Alaska Children's Trust Fund was created in 1988 in response to the need for a new, protected source of revenue for community-based child abuse and neglect prevention programs. The Alaska Commission on Children and Youth serves as the Board of Directors for the Children's Trust Fund and the Commissioner of Revenue acts as Treasurer.

Alaska ranks 4th in the nation in the number of reports of child abuse and neglect. Child abuse and neglect are serious problems, but they can be prevented. The Children's Trust Fund will enable Alaska's child abuse and neglect prevention efforts to expand without jeopardizing state funding for equally essential treatment services for children who have already suffered from child abuse.

The Alaska Children's Trust Fund is a "separate endowment trust fund of the state." Two sources of revenue may be utilized to build the principal of the fund: legislative appropriations and donations of cash or other assets. The principal will remain in the fund while the net income is distributed in grants to local child abuse and neglect prevention efforts throughout Alaska. **Although 49 states have established Children's Trust Funds, Alaska is the only state that has not appropriated any monies to its Fund.**

During the 1990 Legislative Session, a bill creating "suitable for display" birth certificates was passed. Revenue from these new Alaska Heritage Birth Certificates may be deposited into the principal of the Fund, if directed by the Legislature. Although not intended to be the backbone of the Children's Trust Fund, it is hoped the revenue will provide a steady contribution to the Fund's principal.

*where's money*

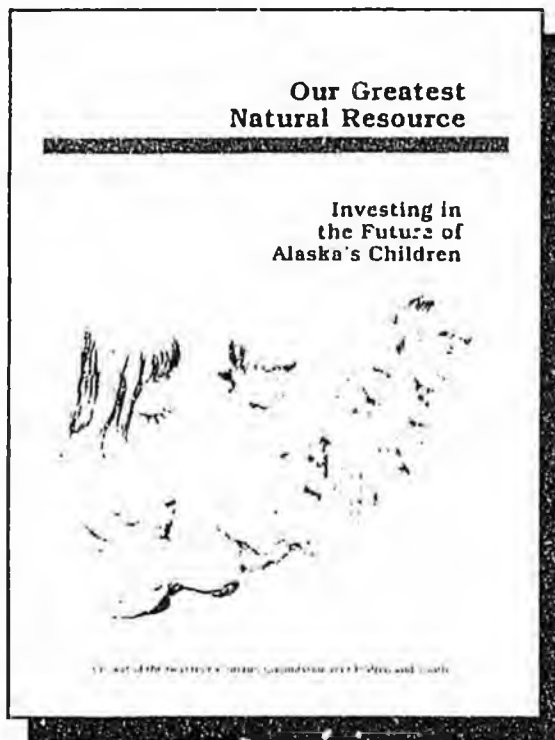


The first priority of the Board of Directors of the Alaska Children's Trust Fund is to establish a significant amount of principal in the Fund through legislative appropriations and donations from individuals and corporations.

In 1988, Children's Trust Funds in 43 states distributed a total of \$21 million to community-based prevention efforts. When adequately capitalized, the Alaska Children's Trust Fund will significantly return the investment and prevent suffering in the lives of thousands of Alaskan children.

Publications from the Alaska Commission on Children and Youth:

## Publications from the Alaska Commission on Children and Youth:



### **Our Greatest Natural Resource: Investing in the Future of Alaska's Children (1988)**

This publication is the result of an intensive effort by the Governor's Interim Commission on Children and Youth to respond to Governor Cowper and the 15th Alaska Legislature's Children's Caucus' charge to develop a plan for a first class child care system for working parents and to make recommendations to improve the economic status of young Alaskans. The 85 recommendations cover a wide variety of issues including parenting education, child care, pre-natal care, teen suicide, substance abuse, teen pregnancy, dropouts, school counseling, and runaways.

### **The Unfinished Agenda: Caring for Alaska's Children (1989)**

This is the report of the second year's work of the Governor's Interim Commission on Children and Youth. It addresses issues the Interim Commission was not able to address in *Our Greatest Natural Resource*. Of particular interest is the 14 page chart in the Progress Summary detailing the Status of Funding and Accomplishments of the Interim Commission's Recommendations for FY89 and FY90.

### **Blueprint for Change: Preventing Youth Substance Abuse (1990)**

This report "lays out what has to be done by all Alaskans if we want to solve the problem of youth substance abuse." Created from the public testimony of Alaskan students, parents, teachers, service providers and business leaders, and extensive research on Alaskan substance abuse and related youth issues, this report provides practical recommendations for coordinated youth substance abuse prevention efforts in Alaska. Published by the Governor's Task Force on Youth (1990).

### **One Nation Under Age (1990)**

Published by Alaska Youth and Parent Foundation (5th edition, 1990) with financial assistance from the Governor's Task Force on Youth. This handbook is designed to provide young Alaskans (under 18 years) with information about their rights, responsibilities, and protection under current Alaskan laws. Also included in this edition are sections on the rights and responsibilities of parents, school policies, discrimination, protections from abuse, juvenile justice in rural Alaska, and a directory of helping agencies across the state.

**Trust Fund • Publications**

**Goals • Public Outreach • Members**

**Alaska Commission on  
Children and Youth  
Statutory Mandates**

The commission shall develop a **comprehensive statewide plan** that identifies the needs of children and youth and makes recommendations to enhance their quality of life.

The commission shall **actively solicit advice and information from children and youth** of all ages and socioeconomic backgrounds, parents, and service providers when formulating strategies.

The commission shall **prepare and publish an annual report** on the status of children in the state.

The commission shall **serve as the Board of Directors** for the Alaska Children's Trust Fund.

(AS 44.19.521-529)

## Goals and Accomplishments

Members of the Alaska Commission on Children and Youth have begun to carry out the mandates of both the Commission and the Alaska Children's Trust Fund. Standing committees on Budget and Finance, Legislation, and Planning and Evaluation have been organized. The Commission has produced annual reports on both the Commission and the Alaska Children's Trust Fund. The office in Juneau serves as a clearinghouse for information on services and programs for children throughout the state and in the lower 48.

Among the first priorities of the Commission, included in its responsibilities as the Board of the Alaska Children's Trust Fund, is to establish a significant amount of capital in the Fund through legislative appropriations and gifts from individuals and corporations. Other priorities are to begin the development of the comprehensive statewide plan on children's services (to be published in 1993) and to insure that the Commission is adequately funded in FY92 to carry out the mandates and many duties assigned to it by statute (AS 44.19.521-529 and AS 37.14.200-270).

The goal of the Alaska Commission on Children and Youth is to improve the quality of life for young Alaskans by assessing children's needs statewide and advocating for changes to better meet those needs. As members work to capitalize the Children's Trust Fund, they look forward to the eventual distribution of grants for local prevention efforts, so more Alaskan children will grow up without suffering from the effects of child abuse.

## Public Outreach

Commission members will facilitate and participate in statewide public discussions on a wide variety of children and youth issues. Public testimony will be critical in the development of the comprehensive statewide plan to be published in 1993.

To enhance the role of the Commission as a clearinghouse for information and as an advocate for children's needs, Commission members act as liaisons to statewide organizations with interests in children and youth issues. Individual members also represent the Commission at statewide conferences and conventions, and in local presentations throughout the state.

All regular meetings of the Commission include two hours of public testimony. Special efforts are made to invite young people, as well as adults, to testify so all age groups and areas of the state are well represented. The role of the Commission as a public forum and advocate for Alaskans' concerns about children and youth will be invaluable to government agencies, public and private organizations, concerned adults, and young Alaskans.

Alaska Commission on Children and Youth  
Post Office Box A  
Juneau, Alaska 99811-0101  
907-465-3155  
907-463-3454 (FAX)

Executive Director: Carla Timpone  
Research Analyst: Maureen Conerton



*The Commission's Youth Representative, Victoria Shaver, represents the Commission at youth conferences throughout the state.*

## Members of the Alaska Commission on Children and Youth

**Valerie Davidson, Chair, Public Member** A Yup'ik Eskimo born in Bethel, Valerie was a legislative aide on Education and Youth Issues for Senator Binkley. In 1988 she received the Alaska Federation of Natives' Roger Lang Youth Leadership Award. Valerie is a full-time student at UAS studying Early Childhood Education. One of her many concerns is the need for "community helpers" to assist youth in accessing community resources.

**Fred Ali, Public Member (Former Chair, resigned 1/1/91)** Fred was the Executive Director of Covenant House in Anchorage which provides shelter for runaway and homeless youths. He resigned from the Commission when he accepted a job with Covenant House in Los Angeles. In Fred's experience, many of the problems young people face are the result of a lack of pre- and post-natal care.

**Thomas R. Brock, Public Member** During the past twelve years Tom has taught elementary and high school in Aniak, he has become familiar with many of the problems facing rural Alaskan children and their families. He is especially concerned with the problems of FAS/FAE children, the high rate of suicide among Alaskan youth, and rural foster care placement.

**Patty Meritt, M.A.T., Public Member** The Chair of the Governor's Interim Commission on Children and Youth ('89), Patty is a certified teacher with a special interest in early childhood and child care issues. She is Executive Director of Play n' Learn Child Care Centers in Fairbanks and an active member of the National Association for the Education of Young Children and KIDPAC. Patty believes the early years are the most critical in children's development and should be supported accordingly.

**Christina Reagle, M.ED., Public Member** Christina has been a certified teacher for 23 years and has taught students from preschool to college levels. She has been a trainer in the field of alcohol and drug abuse prevention for the past 5 years and is currently an Education Specialist with Southeast Regional Resource Center in Juneau.

**Victoria Lynn Shaver, Youth Representative** Although she is the youngest member of the Commission, Victoria has been involved in a variety of statewide activities, including the Governor's Student Health and Safety Conferences. Currently attending UAA as a freshman, she is also a Teen Trainer with the Alaska Council on Prevention of Alcohol and Drug Abuse and a Student Liaison with Alaska Students Taking a New Direction (A.S.T.A.N.D.) a statewide youth coalition.

**Blanche Brunk White, R.N., M.P.H., Public Member** Now living in Bethel, Blanche is a former member of the Governor's Interim Commission on Children and Youth and the Governor's Task Force on Youth, as well as a former Deputy Commissioner of Health and Social Services. She believes health care and social service programs must become more responsive to their clients by tailoring their services to fit the needs of individuals, families, and communities throughout rural and urban Alaska.

**Scott Davis, Department of Law** A former member of the Governor's Task Force on Youth, Scott has years of experience dealing with children and youth in the legal system. One of the problems he has encountered is an insufficient number of treatment/dispositional alternatives available for youth, resulting in young people falling through the cracks. He would like to see communities establish local children's advisory boards to address the specific needs of children and youth in their community.

**Steve Hole, Department of Education** As Acting Commissioner of the Department of Education Steve will be working with both the Commission on Children and Youth and the State Board of Education. When he began working for the Department 17 years ago, schools were committed only to meeting student educational needs. Today, schools are involved in addressing not only students' educational needs - but their social, medical, and emotional needs as well.

**Barbara Malchick, Office of Public Advocacy** As Deputy Public Advocate in Anchorage, Barbara is familiar with Child in Need of Aid care through her work as a GAL (guardian ad litem), as supervisor of the GAL throughout Alaska, and as overseer of the volunteer GAL program. She believes that communities need to be encouraged to develop programs that address the treatment needs of children and families "in the system," as well as programs to prevent child abuse and neglect.

**Sally Mead, Office of Prevention (resigned, 12/12/90)** Among many other career accomplishments, Sally established North Pacific Resources Corporation's Family and Child Services Program and acted as Special Assistant to the Commissioner of Health and Social Services. A former Director of the Office of Prevention, one of her duties was to oversee the first statewide survey of existing prevention services in Alaska.

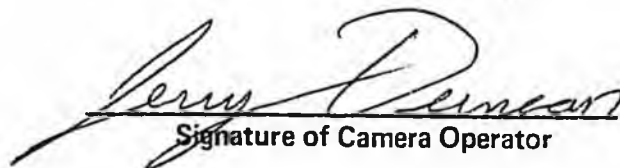


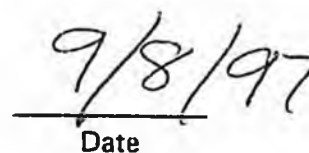
# RECORDS



# CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

2

HB

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 11, 1993

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2-8-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 2

HOUSE BILL NO. 2

DRUG TESTING FOR SCHOOL BUS DRIVERS

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

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact DOE

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X	<i>[Signature]</i>		X	
<i>[Signature]</i>	X	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		X	
<i>[Signature]</i>	X	<i>[Signature]</i>		X	
<i>[Signature]</i>	X				

*[Signature]*  
CHAIRMAN'S SIGNATURE



# Alaska State Legislature

House of Representatives  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

DATE: FEBRUARY 8, 1993

PLACE: Capitol Room 106

### SUBJECT OF MEETING:

- \*HB 114: DRUG DISPENSING: ADV. NURSE PRACT
- \*HB 2: DRUG TESTING FOR SCHOOL BUS DRIVE
- \*HB 78: TESTIMONY OF MINORS IN CRIMINAL T
- \*HB 97: PARENTAL CARE FOR CHILD IN STATE
- \*HB 100: PROSECUTION OF JUVENILE FELONS

BILLS HELD OVER FROM PREVIOUS CALENDERS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Eomayne Karsen	Dept of Education	811 W. 10th St Juneau	99801		465-8652	Y N	Available HR 2
Peter Nakamura	Dept of Health	A D B			4653090	(Y) N	HB 114
VINCENT USERA	AGO				465-2399	Y N	if needed HB 79
KARL Luob	DCED	Director Occupational Licensing			5-2558	Y (N)	only if needed HB 114
KARL WELTZIN	self	STUDENT ASSISTANCE COUNCIL 1000 BRIDGE PARKER SCHOOL JUNEAU AK 99801 10014 K. St., Juneau, Ak.			463-1854	Y N	HE 150
Deborah	DFVS				465-3191	(Y) N	HB 97
						Y N	
RENA SUKOVICH LES MIEG TO STEVEN MALDEN					-6872	Y N	
JERRY LUCKHART LES CUNNINGHAM LEC. ATTORNS		ELSTON BLVD JUNEAU, AK 9			-2450	Y N	
						Y N	
						Y N	



# Alaska State Legislature

House of Representatives  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

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- \*HB 100: PROSECUTION OF JUVENILE FELONS

BILLS HELD OVER FROM PREVIOUS CALENDERS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
SHERRIE GILL	AKSUY WOMEN'S LEARN	P.O. Box 22156, Juneau	99802		463-6744	(Y) N	HB 100
Chas EADDY	DIVERSIFIED SVCS DIV	P.O. Box 20845, JNL	99802		586-5865	Y (N)	HB 700
GARY BADER	DOF	801 W. 10th JUNEAU	99802		465-9650	(Y) N	HB 2
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY  
PURPOSE: PUB PUBLIC HEARING BUNDE  
CONTACT: LYNN SMITH TEL#: (907)465-6825  
CHAIRING SITE: JUNEAU CAPITOL CAP106  
TOLL FREE: DIAL-UP: LIO:(800)478-9908

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 5 MINUTE LIMIT

SPONSOR REMARKS(LIO): BACKUP MATERIAL:N MEETING IN PROGRESS:N MAX. SITES: 5  
FOR HB 97, DIANE OLSEN, DEPT. OF LAW WILL BE IN ANCHORAGE TO TESTIFY BY INVITE  
TON REQUESTED ON 02/08/93 AND HAS 4 UPDATES

\*\*\*\* AGENDA \*\*\*\*

- 1 HB 114 DRUG DISPENSING:ADV. NURSE PRACTITIONERS
- 2 HB 97 PARENTAL CARE FOR CHILD IN STATE CUSTODY
- 3 (BY INVITATION ONLY)

\*\*\*\* PARTICIPATING LIOS \*\*\*\*

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
MAT MATSU	165 E PARKS HWY.	LOCATION STAFF

PARTICIPANTS IN:ANCHORAGE

ANC

- |   |                       |                  |                        |
|---|-----------------------|------------------|------------------------|
| 1 | PATRICIA HONG         | AK NURSE ASSOC   | TSFY. HB 114           |
|   | 237 E THIRD, NO 3     | ANCHORAGE        | AK 99501 (907)274-0827 |
| 2 | DARYL YOUNG           | UAA              | TSFY. HB 114           |
|   | 3211 PROVIDENCE DRIVE | ANCHORAGE        | AK 99508 (907)786-4040 |
| 3 | SUE ANNE JENKINSON    | AK NURSE PRACTIT | TSFY. HB 114           |
|   | 237 E THIRD           | ANCHORAGE        | AK 99501 (907)274-0827 |
| 4 | GAIL MCGUILL          |                  | TSFY. HB 114           |
|   | 3601 C STREET         | ANCHORAGE        | AK 99503 (907)561-2878 |
| 5 | DIANNE OLSEN          |                  | TSFY. HB 97            |
|   | 1031 W 4TH AVE        | ANCHORAGE        | AK 99501 (907)269-5139 |
| 6 | STAN THOMPSON         |                  | OBCV. HB 114           |
|   | 1018 W 73RD           | ANCHORAGE        | AK 99518 (907)344-5149 |
| 7 | KAY LAHDENPERA        | NOA/DHHS         | TSFY. HB 114           |
|   | P.O. BOX 196650       | ANCHORAGE        | AK 99519 (907)343-4624 |

PARTICIPANTS IN:JUNEAU

JNU

- |   |              |                  |
|---|--------------|------------------|
| 1 | REP TOOHEY   | TSFY. HB 114     |
|   |              | AK (907)000-0000 |
| 2 | REP BUNDE    | TSFY. HB 114     |
|   |              | AK (907)000-0000 |
| 3 | REP G. DAVIS | TSFY. HB 114     |
|   |              | AK (907)000-0000 |
| 4 | REP VEZEY    | TSFY. HB 114     |
|   |              | AK (907)000-0000 |
| 5 | REP KOTT     | TSFY. HB 114     |
|   |              | AK (907)000-0000 |
| 6 | REP OLBERG   | TSFY. HB 114     |
|   |              | AK (907)000-0000 |
| 7 | REP B. DAVIS | TSFY. HB 114     |

PARTICIPANTS IN:MATSU

MAT

- |      |             |                 |                        |
|------|-------------|-----------------|------------------------|
| 1 MS | DIXIE LIGHT | IS FOR THE BILL | TSFY. HB 114           |
|      | POB 382     | HOUSTON         | AK 99694 (907)892-8804 |

HOUSE BILL 2 (REQUIRING DRUG AND ALCOHOL TESTS FOR SCHOOL BUS DRIVERS)  
TESTIMONY BEFORE HOUSE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE  
(2-8-93)

MADAM CHAIRMAN.....FOR THE RECORD MY NAME IS GAIL PHILLIPS.....  
REPRESENTING HOUSE DISTRICT 7.....

HOUSE BILL 2 IS ENTITLED: "AN ACT REQUIRING DRUG AND ALCOHOL TESTS  
FOR SCHOOL BUS DRIVERS"

AT THE REQUEST OF MY CONSTITUENTS AND AS A RESULT OF PARTICULAR  
INCIDENTS WE HAVE HAD ON THE KENAI PENINSULA.....I HAVE RE-INTRODUCED  
THIS LEGISLATION TO HELP INSURE THE SAFE TRANSPORTATION OF OUR  
CHILDREN BACK AND FORTH FROM SCHOOL.....

THE REASON I SAY RE-INTRODUCED.....IS THAT I ORIGINALLY SPONSORED  
THIS IDENTICAL LEGISLATION IN 1992.....IT PASSED OUT OF THE FIRST  
2 COMMITTEES OF REFERRAL BUT DIED IN THE LAST COMMITTEE UPON  
ADJOURNMENT.....

THE LANGUAGE IN HOUSE BILL 2 IS SELF-EXPLANATORY.....THE BILL WOULD  
REQUIRE A SCHOOL DISTRICT OR REAA TO ESTABLISH A DRUG AND ALCOHOL  
TESTING PROGRAM.....INCLUDING RANDOM TESTING....IF THEY PROVIDE  
TRANSPORTATION FOR STUDENTS.....

THIS TYPE OF TESTING IS ALREADY PROVIDED FOR UNDER CURRENT LAW IN THE  
EVENT OF AN ACCIDENT OR WHEN "REASONABLE CAUSE" EXISTS.....

ADDITIONALLY, THIS BILL REQUIRES REGULATIONS BE PROMULGATED BY THE  
DEPARTMENT OF EDUCATION IN ORDER TO IMPLEMENT THE PROGRAM AND PROVIDE  
FOR A HEARING PROCESS BEFORE DISCIPLINE IS IMPOSED.....

SGN

TESTIMONY - REP. GAIL PHILLIPS

PAGE -2-

HOUSE BILL 2 (REQUIRING DRUG AND ALCOHOL TESTS FOR SCHOOL BUS DRIVERS)  
TESTIMONY BEFORE HOUSE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE  
(2-8-93)

FOLLOWING PASSAGE.....HOUSE BILL 2 WILL GO INTO EFFECT 90 DAYS AFTER  
IT IS SIGNED INTO LAW BY THE GOVERNOR.....

I HAVE PROVIDED THE COMMITTEE WITH BACK UP MATERIALS WHICH I BELIEVE  
YOU HAVE IN THE FILES BEFORE YOU.....

YOU MIGHT NOTE A MEMO FROM TERRY CRAMER, FROM OUR LEGAL DEPARTMENT,  
THE DRAFTER OF THIS LEGISLATION.....

IN HER MEMO SHE POINTS OUT THAT 'A SCHOOL BUS DRIVER COULD CHALLENGE  
THE GOVERNMENT-REQUIRED SEARCH WITHOUT A STIPULATION THAT THERE BE  
PROBABLE CAUSE FOR THE SEARCH'

HER CONCERN ADDRESSES THE RANDOM TESTING ASPECT OF THIS BILL; HOWEVER  
AS SHE ALSO POINT OUT.....THERE IS PRECEDENCE SINCE SOME COURTS HAVE  
ALREADY RULED THAT RANDOM TESTS ARE ACCEPTABLE WITHOUT PROBABLE CAUSE  
WHERE THE EMPLOYEE'S EXPECTATION OF PRIVACY IS LESSENER BECAUSE OF THE  
TYPE OF EMPLOYMENT AND WHERE THE PUBLIC INTEREST WAS SUFFICIENTLY  
GREAT.....

FRANKLY, I DO NOT SEE THAT THERE COULD BE A GREATER PUBLIC INTEREST  
THAN THE SAFETY OF OUR CHILDREN!.....

AND IF THE LAW ALREADY PROVIDES FOR TESTING OF COMMERCIAL TRANSPORTERS,  
PILOTS, TRAIN ENGINEERS, ETC....WHY SHOULDN'T WE REQUIRE THE SAME TESTING  
FOR SCHOOL BUS DRIVERS?

SGN

HOUSE BILL 2 (REQUIRING DRUG AND ALCOHOL TESTS FOR SCHOOL BUS DRIVERS)  
TESTIMONY BEFORE HOUSE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE  
(2-8-93)

I HAVE ALSO PROVIDED THE COMMITTEE WITH COPIES OF STATUTES FROM SEVERAL OTHER STATES (ARIZONA, ILLINOIS AND LOUISIANA.....FOR AN EXAMPLE) WHO REQUIRE DRUG TESTING OF SCHOOL BUS DRIVERS AS WELL AS SOME STATES THAT ARE CONSIDERING SUCH LEGISLATION.....

THERE A TWO ITEMS THAT ARE CONTAINED IN YOUR BILL FILES THAT I WOULD LIKE TO SPECIFICALLY MENTION.....ONE IS A RESEARCH PAPER PREPARED BY OUR LEGISLATIVE RESEARCH AGENCY.....AT MY REQUEST.....

THE OTHER IS A COPY OF THE DRUG TESTING REQUIREMENTS IMPLEMENTED IN 1991 BY THE NORTH SLOPE BOROUGH FOR ALL OF THEIR EMPLOYEES.....

I THINK YOU WILL FIND BOTH OF THESE HELPFUL IN ANSWERING ANY QUESTIONS YOU MIGHT HAVE ON THIS SUBJECT.....

THE DEPARTMENT OF EDUCATION HAS SUBMITTED A FISCAL NOTE WITH ATTACHED ANALYSES AND POSITION PAPER IN SUPPORT.....WITH THE STATEMENT THAT THEY BELIEVE THAT AT A VERY MINIMUM.....DRIVERS SHOULD BE TESTED ANNUALLY AS WELL AS PRIOR TO EMPLOYMENT.....THE ANNUAL TEST WOULD BE CONSIDERED THE RANDOM TEST.....THE POSITION PAPER OUTLINES IN DETAIL HOW THE TESTS WOULD BE CONDUCTED.....

AGAIN, I APPRECIATE THE OPPORTUNITY TO TESTIFY BEFORE YOU.....IF YOU SHOULD HAVE ANY QUESTIONS.....I WOULD BE HAPPY TO ANSWER THEM.....

# 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

February 8, 1993

**SUBJECT:** Drug and alcohol testing for school bus drivers (HB 2)

**TO:** Representative Gail Phillips

**FROM:** Teresa B. Cramer *TBC*  
Legislative Counsel

You have asked whether there are legal questions raised in HB 2, requiring drug and alcohol testing for school bus drivers.

In my opinion, implementation of this program could be subject to legal challenge as a government-required search for which the school district had not established probable cause that a violation of law had occurred or as an invasion of the bus driver's privacy.

Many courts have required individualized suspicion before a urinalysis is conducted. However, some courts have been willing to allow random drug searches without probable cause where the employee's expectation of privacy is lessened because of the type of employment and where the public interest was sufficiently great. In Internat'l Broth. of Teamsters v. Department of Transportation, 932 F.2d 1292 (9th Cir. 1991), the court examined a drug testing program that required commercial motor vehicle operators to submit to a pre-employment, post-accident, and biennial drug testing program for drivers operating certain interstate motor vehicles. The court considered the seriousness of harm if those vehicles were operated while the driver was impaired by drugs, the extent of government regulation already present in the industry, and the extent of government monitoring of the drivers health and qualifications, which includes a required urinalysis already. The court concluded that the additional intrusion of the drug testing procedure was constitutionally tolerable.

In Amalgamated Transit Union, 1277 v. Sunline Transit Agency, 663 F.Supp 1560 (C.D. Cal. 1987), the plaintiff union asked the District Court to issue a preliminary injunction against the defendant's proposed alcohol and drug testing program which included random drug testing. The court awarded the preliminary injunction noting that the evidence did not disclose a single documented case of alcohol or drug abuse, nor were there allegations of accidents caused by alcohol or drug abuse. The court

ruled that drug testing that was not based on a reasonable suspicion that the employee was under the influence of alcohol or drugs was an unreasonable search.

Implementation of the drug testing program could also be challenged as an invasion of privacy. However, Luedtke v. Nabors Alaska Drilling, Inc., 768 P.2d 1123 (Alaska 1989), the Alaska supreme court considered a private company's implementation of a drug testing program and found that the invasion of the employee's privacy was outweighed by the safety considerations inherent in the work performed. The court did not rely on the constitutional right to privacy,<sup>1/</sup> holding that it applies only to government action and not to private action. The court did analyze the constitutional right when considering the public policy against invasion of privacy. The court found that urine testing was a minimal invasion of privacy, that the employer already required urine testing as part of the annual physical examination requirement, and that the seriousness of harm that could result from an accident on an oil drill rig was sufficient to outweigh the employee's privacy interest. Since legislation necessarily involves government action, a bus driver could clearly claim that his or her constitutional right to privacy had been invaded. The analysis in Luedtke suggests how the state might answer that challenge.

Under the Teamsters and Luedtke analyses, in determining whether the testing program proposed by HB 2 could survive a constitutional challenge either as an unconstitutional search or as an invasion of privacy, a court would weigh how extensively school bus drivers are regulated now, including the intrusiveness of the current regulation on their expectation of privacy, the history of drug or alcohol abuse by and accidents involving school bus drivers, and the seriousness of harm that could result if a school bus were involved in a motor vehicle accident. Whether the law would survive the legal challenge depends on the persuasiveness of the facts presented. The requirement in HB 2 for random drug testing would require particularly strong evidence to uphold.

Please let me know if I can be of further assistance.

TC:pl  
93-070.plm

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<sup>1/</sup>Art. 1, sec. 22, Constitution of the State of Alaska, states

The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

**POSITION PAPER: DEPARTMENT OF EDUCATION**

**Division:** Administrative Services

**Bill Number:** HB 2

**Bill Title:** Drug and Alcohol Tests for School Bus Drivers

**Sponsor:** Representative Gail Phillips

*Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.*

The Department of Education supports the concept of drug and alcohol tests for school bus drivers. At a minimum we believe that all drivers should be tested prior to employment and annually. The latter test would be considered random. All drivers in a given district would be tested on the same unannounced day. Districts would be selected randomly, with each district selected sometime during each year. Additional testing would be done after an accident and when reasonable cause exists.

This frequency is consistent with mandatory testing requirements in the states of Delaware and Arizona, and comparable to federal requirements for drivers of school buses in interstate commerce. Drivers of school buses within Alaska are not currently affected by federal drug testing regulations.

**APPROVED:**

**Director:** Garv Bader **Division:** Administrative Services

**Signature:** Doug M. Bader **Date:** 1/26/93

**Commissioner/Deputy:** \_\_\_\_\_

**Signature:** Sheila Peterson for Mike Miller **Date:** 1/28/93

NORTH SLOPE BOROUGH  
ORDINANCE SERIAL NO. 91-07

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT  
OF A DRUG TESTING PROGRAM FOR NORTH SLOPE  
BOROUGH EMPLOYEES

WHEREAS, the North Slope Borough has a compelling interest in assuring the safety and security of all Borough employees and all citizens of the Borough as they go about their daily business, and

WHEREAS, the North Slope Borough, as the largest employer in the Borough and as a matter of public policy, has a critical interest in securing a safe workplace, and

WHEREAS, citizens and communities throughout the North Slope Borough have indicated that substance abuse in the workplace is a continuing and growing concern, and

WHEREAS, numerous Borough employees are currently subject to Federal regulations governing drug use in the workplace which require drug testing of said employees, and

WHEREAS, the Drug and Alcohol Policy of the North Slope Borough was adopted to address the problem of drug and alcohol abuse by Borough employees, and

WHEREAS, the ultimate concern of the Borough is the protection of workplace and public safety, it is in the best interest of the Borough and the citizens of the North Slope Borough to extend drug testing to all Borough employees to ensure the safety of all.

NOW THEREFORE, BE IT ENACTED:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Borough code.

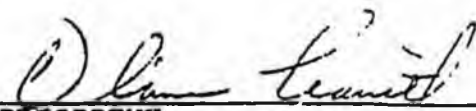
SECTION 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SECTION 3. Effectiveness. This ordinance shall become effective upon adoption.

SECTION 4. Adoption of Section. Title 2, Chapter 20, Section 440 is hereby adopted as annexed hereto as part of Title 2 of the Code of Ordinances of the North Slope Borough.

INTRODUCED: August 13, 1991

ADOPTED: Sept. 10, 1991


  
PRESIDENT

Date: 9-26-91

ATTEST:

  
BOROUGH CLERK

Date: 9-26-91

  
MAYOR

Date: 9-26-91

2.20.440 Provision for establishment of a drug and alcohol testing program for borough employees.

A. The Mayor, with the assistance of the Law Department, shall prescribe drug and alcohol testing rules and regulations that govern all Borough employees regardless of position, classification or location of employment.

B. The drug and alcohol testing rules and regulations shall:

1. Become effective upon approval by the Mayor and review and ratification by the North Slope Borough Assembly.

2. Be comprehensive in nature and contain provisions covering the following:

a. Development of an employee handbook incorporating the drug and alcohol policy statements, testing requirements and detailed penalties for violation of the drug and alcohol testing rules and regulations.

b. Assessment of local drug and alcohol rehabilitation programs and existing policies relating to Employee Assistance Programs as described in the North Slope Borough Drug and Alcohol Policy.

c. Provide for professional services contract(s) for drug and alcohol testing and analyses of specimens. Specific services to include:

1. Confirmatory testing by gas chromatography/mass spectrometry when initial screenings are positive.

2. Documented procedures for chain of custody.

3. Timeliness of analyses of specimens and report of results.

4. Computer based random number generator or similar system to ensure true random selection.

5. Competitive price for services.

d. Establish procedures for taking specimens.

e. Develop a supervisory report form for drug and alcohol incidents.

f. Establish a filing system for all drug and alcohol testing information and incident reports, confidential and separate from regular personnel files.

g. Notify and train supervisors on the drug and alcohol policy and train supervisors in recognizing the symptoms of drug and alcohol abuse.

h. Notify employees and prospective employees of the drug and alcohol testing policy of the North Slope Borough.

i. Organize a drug and alcohol testing policy orientation for all employees to be held prior to implementation of the testing program, and thereafter as part of the orientation of new employees.

j. Notify all contractors and other service providers by ordinance that compliance with the Drug and Alcohol testing policy will be a contractual condition for performing work for the North Slope Borough.

D. Notwithstanding any provision in this chapter or any personnel rule and regulation adopted under it, the rules and procedures prescribed and approved under this section shall apply to all Borough employees and if in conflict with any existing provision shall supersede it.

ord\91-07.clk

# Alaska State Legislature

Legislative Research Agency




130 Seward Street, Suite 218  
Juneau, Alaska 99801-2196

Phone: (907) 465-3991  
Fax: (907) 463-3351

February 10, 1992

## MEMORANDUM

TO: Representative Gail Phillips  
FROM: Dale O. Brandt   
Legislative Analyst  
RE: States Requiring Drug Testing of School Bus Drivers  
Research Request 92.133

You wanted to know if any states require random drug and alcohol testing of school bus drivers. We found three states (Arizona, Illinois and Louisiana) that mention drug testing of school bus drivers in statutes; one state, Missouri, with proposed legislation; and one state, Maryland, considering different proposals.

The Maryland legislature has proposals to meet the standards established by the U.S. Department of Transportation in Section 48 CFR Part 40. Features of the Maryland proposals include mandatory pre-employment testing, and random, probable cause, and post-accident testing at the discretion of the local supervisor. Driver skills tests and yearly certification in cardio-pulmonary resuscitation (CPR) are also required of school bus operators.

Introduced December 2, 1991, Missouri Senate Bill Number 572 specifically addresses drug testing of school bus operators including a "neutral selection basis" for selecting school bus operators for drug tests and "reasonable suspicion drug testing."

Statutes from Arizona, Illinois and Louisiana are less specific regarding drug testing. Arizona statutes state that tests shall be performed to detect the presence of alcohol or the use of a drug that may adversely affect the ability of the applicant to safely operate a school bus, and Illinois statutes authorize the state Regional Transportation Authority to establish a comprehensive drug testing program in conformity with federal statutes. In Louisiana, a public employer may require, as a condition of continued employment, samples from employees to test for the presence of drugs following an accident during the course of their employment. Also in Louisiana, a public employer may implement a program of random drug testing of those employees in safety-sensitive positions.

LEG. RESEARCH

Representative Phillips  
February 10, 1992  
Page 2

Attached are statutes from Arizona, Illinois and Louisiana, the Maryland proposal, Missouri Senate Bill No. 572 and a copy of a Congressional Research Service Report titled "Federally Mandated Drug Testing of Transportation Workers" by Charles V. Dale, 1989.

We hope this information is useful. Please contact this agency if you have questions or need additional information.

Attachments

ARIZONA  
REVISED STATUTES

ANNOTATED

1991

Cumulative Pocket Part

*For Use In 1991-1992*

Replacing 1990 Pocket Part in back of volume

Volume 9A

Title 28

NOV 20 1991  
LEGISLATIVE AFFAIRS §§ 28-101 to 28-1300  
Reference Library

Including Legislation Enacted In The First Regular  
And The First and Second Special Sessions Of  
The Fortieth Legislature (1991)

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9A Ariz. Rev. Stats.—1  
1991 P.P.

§ 28-413. What persons shall not be licensed

A. The department shall not issue a license:

1. To a person, for a class D or M license, who is under the age of sixteen years, except that the department may issue a restricted class D license as provided by this chapter to a person who is at least fifteen years of age.
2. To a person, for a class A, B or C license, who is under the age of twenty-one years, except that the department may issue a class A, B or C license which is restricted to intrastate driving only to a person who is at least eighteen years of age.
3. To a person whose license has been suspended, during such suspension, nor to a person whose license has been revoked, except as provided in § 28-448.
4. To a person, for a class A, B or C license, who has been disqualified from obtaining a commercial driver's license.
5. To a person who is an habitual drunkard or is addicted to the use of narcotic drugs.
6. To a person who has previously been adjudged to be incapacitated pursuant to § 14-5304 and who has not at the time of application obtained a termination of incapacity by the methods provided by law.
7. To a person who is required by the provisions of this chapter to take an examination, unless the person has successfully passed the examination.
8. To a person who is required under the provisions of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof.
9. To a person when the department has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare.

B. The department shall not issue to or renew a driver's license for any person when the department has been notified by a court that the licensee has violated his written promise to appear in court when charged with a violation of the motor vehicle code until the department has received notification in a manner approved by the motor vehicle division that the person has appeared either voluntarily or involuntarily, or the case has been adjudicated, is being appealed or has otherwise been disposed of as provided by law. If notified pursuant to § 28-1080, the department shall not issue a driver's license to or renew the license of any person who has failed to pay a civil sanction as provided in § 28-1080, except a parking violation, until the department receives notification in a manner approved by the motor vehicle division that the person has paid the sanction or the case is being appealed or has otherwise been disposed of as provided by law. The magistrate or the clerk of the court shall provide such notification to the department in all cases affected by this subsection.

Amended by Laws 1989, Ch. 220, § 21, eff. Jan. 1, 1990.

**Historical and Statutory Notes**

The 1989 amendment, in subsec. A, rewrote par. 1, inserted new para. 2 and 4 and renumbered other paragraphs accordingly.

Laws 1989, Ch. 220, § 64 provides:

"This act is effective from and after December 31, 1989."

The 1989 amendment of this section by Ch. 220 explicitly amended the 1987 amendment of this section by Ch. 148.

**1989 Reviser's Note:**

In subsection A, paragraph 4 a comma following "C" was transposed to follow "license" pursuant to authority of § 41-1304.02.

§ 28-414.01. School bus drivers; requirements

A. A person shall not operate a school bus transporting school children unless he possesses the appropriate license class for the size of school bus being operated, a bus endorsement and a school bus certificate issued by the department.

B. In order to be certified as a school bus driver a person shall do all of the following:

1. Meet and maintain the minimum standards prescribed by this section and rules adopted by the department.

2. Complete an initial instructional course on school bus driver safety and training including behind the wheel training.

C. The department shall, by rule, establish minimum standards for the certification of school bus drivers and provide, in cooperation with local school districts or the department of education, for school bus driver safety and training courses. The standards established shall include requirements concerning moral character, knowledge of school bus operation, pupil and motor vehicle safety, physical impairments which might affect the applicant's ability to safely operate a school bus or which might endanger the health or safety of school bus passengers, knowledge of first aid, establishment of school bus safety and training courses and a refresher course to be completed on at least a biennial basis, and such other matters as the department may prescribe for the protection of the public. The standards shall provide that tests shall be performed to detect the presence of alcohol or the use of a drug in violation of title 13, chapter 34<sup>1</sup> that may adversely affect the ability of the applicant to safely operate a school bus and that hearing tests may be performed with or without the use of a hearing aid and that the hearing tests be performed as provided in title 19, code of federal regulations, part 391.41.

D. In carrying out the provisions of this section the department shall require applicants to furnish fingerprints, and the department shall obtain criminal history record information pursuant to § 41-1750. The applicant for certification for the purposes of this subsection shall pay a fee which is payable to the department of public safety to reimburse the department of public safety for the cost of obtaining the applicant's criminal history record information required by this section. The fee which is payable to the department of public safety shall not exceed the actual cost of obtaining the applicant's criminal history record information.

E. The department shall issue a school bus driver certificate to an applicant who fully meets the requirements of this section which is valid if the applicant maintains the minimum standards established by this section. The department may cancel the certificate if the person's license to drive is suspended, cancelled, revoked or disqualified. The department shall cancel the certificate if the person fails to maintain minimum standards established pursuant to subsection C of this section. A person whose application for a certificate is refused or whose certificate is cancelled for failure to meet or maintain minimum standards may request and receive a hearing.

Amended by Laws 1989, Ch. 220, § 22, eff. Jan. 1, 1990; Laws 1990, Ch. 324, § 2.

<sup>1</sup> Section 13-3401 et seq.

#### Historical and Statutory Notes

The 1989 amendment, effective January 1, 1990, rewrote subsecs. A and E (redesignated from "F"); and deleted former subsec. E.

Laws 1989, Ch. 220, § 64 provides:

"This act is effective from and after December 31, 1989."

The 1989 amendment of this section by Ch. 220 explicitly amended the 1987 amendment of this section by Ch. 148.

The 1990 amendment inserted provisions relating to alcohol or drug tests in the last sentence of subsec. C.

#### § 28-415. Instruction permits and temporary licenses

A. Any person who is at least fifteen years and seven months of age may apply to the department for an instruction permit for a class D license. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having the permit in his immediate possession, to drive a motor vehicle requiring a class D license upon the public highways for a period of twelve months when accompanied by a person who possesses the same class or higher class of license and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle.

B. The department upon receiving proper application may in its discretion issue a restricted instruction permit for a class D license effective for a school year or more restricted period to an applicant who is enrolled in a driver training program approved by the department and is at least fifteen years of age. After the applicant has successfully

SMITH-HURD  
ILLINOIS ANNOTATED  
STATUTES

Chapters 111<sup>2</sup>/<sub>3</sub> to 119

Chapter 111<sup>2</sup>/<sub>3</sub>  
Public Utilities  
¶ 601 to End  
to  
Records

1991  
Cumulative Annual Pocket Part

*For Use In 1991-1992*

Replacing 1990 Pocket Part in back of volume

Under same classification as  
ILLINOIS REVISED STATUTES  
STATE BAR ASSOCIATION EDITION

Includes laws through P.A. 86-1490,  
approved Jan. 14, 1991

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111<sup>2</sup>/<sub>3</sub> ¶ 699.15

PUBLIC UTILITIES

deficits as the Department determines to have been incurred in conformity with this Section.

P.A. 78-1109, Art. IV, § 4-4, added by P.A. 86-16, Art. III, § 1, eff. June 30, 1989.

149 U.S.C.A. § 1607a.

699.16. Termination of grant program

§ 4-5. The grant program established under this Article shall be terminated when UMTA Section 9<sup>1</sup> funds cease to be available to the State from the federal government.

P.A. 78-1109, Art. IV, § 4-5, added by P.A. 86-16, Art. III, § 1, eff. June 30, 1989.

149 U.S.C.A. § 1607a.

REGIONAL TRANSPORTATION AUTHORITY ACT

ARTICLE II. POWERS

★ 702.24. Comprehensive drug testing program

§ 2.24. Beginning January 1, 1990, the Regional Transportation Authority, and all of the Service Boards subject to the Authority, including the Chicago Transportation Authority, shall be responsible for the establishment, maintenance, administration and enforcement of a comprehensive drug testing program which is in absolute conformity with Federal statutes and regulations currently in effect.

P.A. 78-5, 3rd Sp.Sess., Part I, Art. II, § 2.24, added by P.A. 86-906, § 2, eff. Sept. 11, 1989.

ARTICLE III. ORGANIZATION

703.03. Terms, vacancies

§ 3.03. Terms, vacancies. Each Director, including the Chairman, shall be appointed for an initial term as provided for in Section 3.10 of this Act.<sup>1</sup> Thereafter, each Director shall hold office for a term of 5 years, and until his successor has been appointed and has qualified. A vacancy shall occur upon resignation, death, conviction of a felony, or removal from office of a Director. Any Director may be removed from office upon concurrence of not less than 9 Directors, on a formal finding of incompetence, neglect of duty, or malfeasance in office. Within 30 days after the office of any member becomes vacant for any reason, the appointing authorities of such member shall make an appointment to fill the vacancy. A vacancy shall be filled for the unexpired term.

After October 1, 1984, whenever a vacancy for a Director, except as to those Directors appointed by the Governor or the Mayor of the City of Chicago, exists for longer than 4 months, the new Director shall be chosen by election by all legislative members in the General Assembly representing the affected area. In order to qualify as a voting legislative member in this matter, the affected area must be more than 50% of the geographic area of the legislative district.

Amended by P.A. 86-1475, Art. 3, § 3-58, eff. Jan. 10, 1991.

<sup>1</sup> Paragraph 703.10 of this chapter.

Historical and Statutory Notes

P.A. 86-1475, Art. 3, of the Second 1990 Revisory Act, amends various Acts to delete obsolete text, to correct patent and technical errors, and to revise cross-references. For provisions of Art. 1,

§ 1-2, relating to intent and Art. 6, § 6-1, relating to effective dates and acceleration of Acts with later effective dates or extension or revival of repealed Acts, see Historical and Statutory Notes following ch. 17, § 302.

PUBLIC UTILITIES

703.05. Meetings

Notes of Decisions

1. Contracts  
South Suburban Safeway Lines, Inc.  
Transp. Authority, App. 1 Dist. 198:

704.01. Budget and program

§ 4.01. Budget and Program Authority. It shall by ordinance purposes and provide for purposes the Authority shall program document describing forthcoming fiscal year expenditures as the Authority intends to finance them. The estimate of the funds estimated to be on hand at first Five-Year Program, program and budget shall be amended program deviates giving the reasons for such on January 1st and end on that began October 1, 1982 1st of each year thereafter submit to the Authority collected from the taxes in the Public Transportation and Use Tax Replacement 1983, the Board shall report General Assembly and the January 1, 1984, and the General Assembly and the Before the proposed budget least one public hearing at least one meeting for each county board of each of conducting such hearings in the proposed program shall adopt its annual budget the affirmative votes of such sums of money as obligations of the Authority which appropriations are program. Additional by such ordinance may be votes of 9 of its then I

(b) The budget shall sources and anticipate discharge of encumbrance interest when due, and promptness all obligations

The annual budget charges for mass transit contracts of, the Service fare revenues from at least 50% of the aggregate fiscal year. "Fare r

WEST'S  
LOUISIANA STATUTES  
ANNOTATED

REVISED STATUTES

*Official Classification*

Sections 49:1 to 51:470

Volume 27A

1991

**Cumulative Annual Pocket Part**

Replacing 1990 pocket part in back of volume

**Includes laws through the 1990  
Regular Session**

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27A LSA-RS.—1  
1991 P.P.

56

B. No cause of action for defamation of character, libel, slander, or damage to reputation or privacy arises in favor of any person against an employer or testing entity who has established a program of drug or alcohol testing in accordance with this Chapter, unless:

(1) The results of that test were disclosed to any person other than the employer or testing entity, an authorized employee or agent of the employer or testing entity, the tested employee, or the tested prospective employee;

(2) The information disclosed was based on a false test result or a failure to comply with the provisions of this Chapter;

(3) All elements of an action for defamation of character, libel, slander, or damage to reputation or privacy as established by statute or civil law, are satisfied.

C. Any provision of this Chapter held to be prohibited by the laws of the state of Louisiana shall be ineffective to the extent of such prohibition without invalidating the remaining provisions of this Chapter.

Added by Acts 1990, No. 1036, § 1, eff. Jan. 1, 1991.

**Historical and Statutory Notes**

This section, enacted as R.S. 49:1122 by Acts 1990, No. 1036, § 1 effective January 1, 1991,

was redesignated as R.S. 49:1012; and in subsec. C, "Act" was twice changed to "Chapter", both on authority of R.S. 24:253.

**PART IV. PUBLIC EMPLOYEE DRUG TESTING**

★ § 1015. Public employee drug testing

A. A public employer may require, as a condition of continued employment, samples from his employees to test for the presence of drugs following an accident during the course and scope of his employment, under other circumstances which result in reasonable suspicion that drugs are being used, or as a part of a monitoring program established by the employer to assure compliance with terms of a rehabilitation agreement.

B. A public employer may require samples from prospective employees, as a condition of hiring, to test for the presence of drugs.

C. A public employer may implement a program of random drug testing of those employees who occupy safety-sensitive or security-sensitive positions.

D. Any public employee drug testing shall occur pursuant to a written policy, duly promulgated, and shall comply with the provisions of this Chapter.

E. In the event the Louisiana State Racing Commission shall require or conduct drug testing on its employees, agents, and representatives, the Commission shall comply with the provisions of this Part and the Louisiana Administrative Procedure Act as well as seek prior approval of the procedures of the drug testing by the appropriate legislative oversight committee. The failure of the State Racing Commission to receive the required legislative approval shall negate all test results conducted under the non-approved procedures. Any drug testing program or procedure required or conducted by the State Racing Commission shall be applicable and include the members of the State Racing Commission.

Added by Acts 1990, No. 1036, § 1, eff. Jan. 1, 1991.

**Historical and Statutory Notes**

This section, enacted as R.S. 49:1125 by Acts 1990, No. 1036, § 1, effective January 1, 1991,

was redesignated as R.S. 49:1015 on authority of R.S. 24:253.

**CHAPTER 16. NAMING STATE STATUTORY ENTITIES, AGENCIES, DEPARTMENTS, OFFICES AND BUDGET UNITS**

§ 1101. Naming state statutory entities, agencies, departments, offices, or budget units

A. Except as designated by the Constitution of Louisiana or as provided in R.S. 49:215(E) or Subsection B of this Section, no statutory entity, as defined in R.S. 49:190, or

SECOND REGULAR SESSION

# SENATE BILL NO. 572

86TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR TREPTLER

Printed December 2, 1951, and 1,000 copies ordered printed.

TERRY L. STELER, Secretary

2125-1538

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## AN ACT

Relating to drug testing of school bus operators.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section 1. As used in this act, the following words and  
2 phrases shall mean:

3 (1) "Approved laboratory," a facility approved by the  
4 department of health for the taking and collecting of specimens  
5 to be tested pursuant to this act;

6 (2) "Confirmation test," a drug test on a specimen to  
7 substantiate the results of an initial drug test on the specimen.  
8 The confirmation test shall use an alternate method of equal or  
9 greater sensitivity than that used in the previous drug test;

10 (3) "Drug," for the purposes of this act only, any controlled  
11 substance as defined in section 195.610, RSMo, or ethyl alcohol  
12 in a concentration in a person's blood or breath of eight-  
13 hundredths of one percent or more by weight of alcohol in the  
14 blood;

15 (4) "Drug test," a chemical test administered for the

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purpose of determining the presence or absence of a drug or drug metabolites in a person's blood, urine, saliva or breath;

(5) "Employer," for the purposes of this act only, any board of education of a local school district, the state board of education or any corporation, partnership, proprietorship or association which provides transportation for pupils pursuant to contract or agreement with any local board of education or the state board of education;

(6) "Initial test," the first drug test to determine the presence or absence of drugs or drug metabolites in test specimens;

(7) "Job applicant," a person seeking employment from an employer as defined in this act, for a position in which the duties involve the operation of a school bus. Such job applicant may or may not possess a school bus operator's permit pursuant to section 302.272, RSMo;

(8) "Neutral selection basis," a mechanism for selecting school bus operators for drug tests that:

(a) Results in an equal probability that any operator from a group of operators subject to the selection mechanism will be selected; and

(b) Does not give an employer discretion to waive the selection of any operator selected under the mechanism;

(9) "Prescription or non-prescription medication," a drug prescribed for use by a duly licensed physician, dentist or other medical practitioner licensed to issue prescriptions or a drug that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments or injuries;

(10) "Reasonable suspicion drug testing," drug testing based on a belief that a school bus operator is using or has used drugs in violation of the employer's policy drawn from specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things:

52 drug use or the physical symptoms of .....  
53 under the influence of a drug;

54 (b) Abnormal conduct or erratic behavior while at work or  
55 deterioration in work performance;

56 (c) A report of drug use provided by reliable and credible  
57 sources and which has been independently corroborated;

58 (d) Evidence that an individual has tampered with a drug  
59 test, during his employ with the current employer;

60 (e) Information that a school bus operator has caused or  
61 contributed to an accident while at work;

62 (f) Evidence that a school bus operator is involved in the  
63 use, possession, sale, solicitation or transfer of drugs while  
64 working or while on the employer's premises or operating the  
65 employer's school bus;

66 (11) "School bus operator," a person who holds a school bus  
67 operator's permit pursuant to section 302.272, RSMo;

68 (12) "Specimen," human blood, urine, saliva or breath in a  
69 quantity capable of chemically revealing the presence of drugs  
70 in the human body.

Section 2. 1. Any employer, as defined in this act, may  
2 test or cause to be tested for the presence of drugs a specimen  
3 obtained from any school bus operator holding a permit under  
4 the provisions of section 302.272, RSMo, or from a job applicant  
5 as defined in section 1 of this act.

6 2. Any local board of education or the state board of  
7 education in contracting with any corporation, partnership,  
8 proprietorship or association for the provision of pupil  
9 transportation services may require as part of the contract or  
10 agreement the implementation of a drug testing program as  
11 provided by sections 1 to 15 of this act.

Section 3. 1. Any school bus operator who may be  
2 required to submit to a drug test pursuant to sections 1 to 15  
3 of this act shall be provided, at least thirty days prior to the  
4 implementation of a drug testing program, a written polic

statement from the employer which contains:

(1) A general statement of the policy on school bus operator drug use which will include identifying both the grounds on which a school bus operator may be required to submit to a drug test and the actions which may be taken on the basis of a positive confirmed drug test result;

(2) A statement advising the school bus operator of the existence of sections 1 to 15 of this act;

(3) A general statement concerning confidentiality;

(4) Procedures for school bus operators to confidentially report the use of prescription or non-prescription medications prior to being tested;

(5) Circumstances under which drug testing may occur, and a description of which operators will be subject to testing on a reasonable suspicion, neutral selection or other basis;

(6) The consequences of refusing to submit to a drug test;

(7) A statement that a school bus operator who receives a positive confirmed drug test result may contest the accuracy of that result or explain it;

(8) A list of all drugs for which the test may be conducted. Each drug shall be described by its brand name or common name, as applicable, as well as its chemical name;

(9) A statement regarding any applicable collective bargaining agreement or contract.

2. An employer shall post the notice in an appropriate and conspicuous location on the employer's premises and copies of the policy will be available for inspection during regular business hours by school bus operators in the employer's personnel office or other suitable locations.

3. The department of health shall develop standard language for those sections of drug testing notices described in subsection 1 of this section.

4. An employer who conducts job applicant drug testing shall notify the applicant, in writing, upon application and prior to the collection of the specimen for the drug test, that the

10

metabolites.

41  
42 5. A school bus operator or job applicant required to submit  
43 to a drug test may be requested by an employer to sign a  
44 statement indicating that he has read and understands the  
45 employer's drug testing policy and notice. A school bus operator's  
46 or job applicant's refusal to sign such a statement shall not  
47 invalidate the results of any drug test, or bar the employer from  
48 administering the drug test or from taking action consistent  
49 with the terms of an applicable collective bargaining agreement  
50 or the employer's drug testing policy, or from refusing to hire  
51 the job applicant.

Section 4. 1. All drug testing conducted by employers  
2 shall be in conformity with the standards established in this  
3 section, other applicable provisions of sections 1 to 15 of this act,  
4 and all applicable regulations promulgated pursuant to sections  
5 1 to 15 of this act.

6 2. An employer may require that the following types of drug  
7 tests be administered to school bus operators or job applicants:

8 (1) Employers may require job applicants to submit to a  
9 drug test as a condition of the employment application and may  
10 use a refusal to submit to a test or may use a positive confirmed  
11 test result as a basis for refusal to hire;

12 (2) An employer may require all school bus operators to  
13 submit to reasonable suspicion drug testing;

14 (3) An employer may require a school bus operator to  
15 submit to a drug test on a neutral selection basis;

16 (4) An employer may require a school bus operator to  
17 submit to a drug test if the test is conducted as part of a  
18 routinely scheduled employee fitness for duty medical  
19 examination that is part of the employer's established policy and  
20 which is scheduled routinely for all school bus operators  
21 employed by the employer;

22 (5) An employer may require a school bus operator to  
23 submit to neutral selection or routine drug tests if the test is

21 conducted in accordance with the terms of an applicable  
25 collective bargaining agreement or contract that permits the  
26 employer to administer drug tests on a neutral selection or  
27 routine basis.

Section 5. All specimen collection and testing for drugs  
2 under this act shall be performed in accordance with the  
3 regulations promulgated by the department of health. Such  
4 regulations shall provide standards and procedures with respect  
5 to the following:

6 (1) The collection of specimens shall be performed under  
7 reasonable and sanitary conditions. Individual dignity shall be  
8 preserved to the extent practicable;

9 (2) Specimens shall be collected in a manner reasonably  
0 calculated to prevent substitution of specimens and interference  
1 with the collection or testing of specimens;

2 (3) Specimen collection shall be documented, and the  
3 documentation procedures shall include:

4 (a) Labeling of specimen containers so as to reasonably  
5 preclude the likelihood of erroneous identification of test results;  
6 and

7 (b) An opportunity for the school bus operator or job  
8 applicant to provide any information that he considers relevant  
9 to the test, including identification of currently or recently used  
0 prescription or non-prescription drugs, or other relevant medical  
1 information. The provision of this information shall not preclude  
2 the administration of the drug test, but shall be taken into  
3 account in interpreting any positive confirmed results,

4 (4) Specimen collection, storage and transportation to the  
5 testing site shall be performed in a manner which shall  
6 reasonably preclude specimen contamination or adulteration;

7 (5) Specimen testing for drugs shall conform to scientifically  
8 accepted analytical methods and procedures;

9 (6) Each confirmation test conducted under sections 1 to 15  
0 of this act, not including the taking or collecting of a specimen  
1 to be tested, shall be conducted by a laboratory approved by the

32 department of health for this purpose;

33 (7) A specimen for a drug test may be taken or collected  
34 by any of the following persons:

35 (a) A physician, a registered professional nurse or a licensed  
36 practical nurse;

37 (b) Any person deemed qualified by the department of  
38 health;

39 (8) The department of health may establish a program to  
40 train and certify persons to collect specimens and conduct on-  
41 site drug tests in the workplace. Employers may designate  
42 employees for this training and certification, or may utilize any  
43 person so trained and certified;

44 (9) A person who collects or takes a specimen for a drug  
45 test conducted pursuant to sections 1 to 15 of this act shall  
46 collect an amount sufficient for three drug tests as defined by  
47 the department of health;

48 (10) Any drug testing conducted or requested by an  
49 employer shall occur during the regular work period of current  
50 school bus operators and shall be deemed to be performed during  
51 work time for purposes of determining compensation and  
52 benefits for current school bus operators;

53 (11) Every specimen that produces a positive confirmed  
54 result shall be preserved by the approved laboratory that  
55 conducts the confirmation test for a period of ninety days from  
56 the time the results of the positive confirmed test are mailed  
57 or otherwise delivered to the employer. During this period, the  
58 school bus operator or job applicant who has provided the  
59 specimen shall be permitted by the employer to have a portion  
60 of the specimen retested, at the school bus operator's or  
61 applicant's expense, at an approved laboratory chosen by the  
62 school bus operator or applicant. The approved laboratory that  
63 has performed the test for the employer shall be responsible for  
64 the transfer of the portion of the specimen to be retested, and  
65 for the integrity of the chain of custody during such transfer;

66 (12) Within five working days after receipt of a positive

67 confirmed test result report from the testing laboratory, an  
68 employer shall, in writing, inform a school bus operator or job  
69 applicant of such positive confirmed test result and in form the  
70 school bus operator or applicant, in writing, of the consequences  
71 of such a report and the options available to him;

72 (13) A school bus operator or job applicant may request and  
73 receive from the employer a copy of the test result report;

74 (14) An employer may not discharge, discipline, refuse to  
75 hire or discriminate against a school bus operator or job  
76 applicant on the basis of a positive test result that has not been  
77 verified by a confirmatory test; and

78 (15) An employer who performs on-site drug tests or  
79 specimen collection shall establish chain-of-custody procedures  
80 to ensure proper recordkeeping, handling, labeling and  
81 identification of all specimens to be tested.

Section 6. 1. The employer shall pay the costs of all drug  
82 tests required, or requested, of a school bus operator or job  
83 applicant. The school bus operator or job applicant shall pay the  
84 costs of any additional drug tests requested by the school bus  
85 operator or job applicant.

86 2. Any local board of education which undertakes a drug  
87 testing program or which pays an employer's drug testing costs  
88 shall pay for such program out of local revenues and shall not  
89 be reimbursed by the state.

Section 7. Only approved laboratories shall conduct  
90 confirmation drug tests. All confirmation tests shall use an  
91 alternate method of equal or greater sensitivity than that used  
92 on the initial drug test. If an initial drug test is negative, there  
93 shall be no confirmation drug test.

Section 8. 1. A school bus operator or job applicant whose  
94 drug test result is confirmed as positive in accordance with the  
95 provisions of sections 1 to 15 of this act shall not, by virtue of  
96 the result alone, be defined as a person with a "handicap."

97 2. An employer who discharges or disciplines a school bus  
98 operator on the basis of a positive confirmed drug test in

99 accordance with sections 1 to 15 of this act shall be considered  
100 to have discharged or disciplined the employee for good cause.

101 3. A physician-patient relationship is not created between  
102 a school bus operator or job applicant, and an employer or any  
103 person performing or evaluating the drug test, solely by the  
104 establishment or implementation of a drug testing program.

105 4. Sections 1 to 15 of this act shall not prevent an employer  
106 from establishing reasonable work rules related to employee  
107 possession, use, sale or solicitation of drugs, including  
108 convictions for drug-related offenses and from taking action  
109 based upon a violation of any of those rules.

110 5. Sections 1 to 15 of this act shall not be retroactive and  
111 shall not abrogate any right of an employer under state law to  
112 conduct drug tests prior to the effective implementation date  
113 sections 1 to 15 of this act. A drug test conducted by an employer  
114 before the effective date is not subject to sections 1 to 15 of this  
115 act.

116 6. An employer may temporarily suspend a school bus  
117 operator or may transfer a school bus operator to another  
118 position which does not involve operation of a school bus after  
119 obtaining the results of a positive on-site initial test or positive  
120 confirmed test.

Section 9. 1. All information, interviews, reports,  
121 statements, memoranda and test results, written or otherwise  
122 received by the employer through its drug testing program are  
123 confidential communications and may not be used or received  
124 in evidence, obtained in discovery, or disclosed in any public or  
125 private proceedings, except in accordance with sections 1 to 15  
126 of this act.

127 2. Any information obtained by an employer pursuant to  
128 sections 1 to 15 of this act shall be the property of the employer.

129 3. An employer shall not release to any person other than  
130 the school bus operator or job applicant, except as provided by  
131 section 14 of this act, information related to drug test results  
132 unless:  
133

14 (1) The school bus operator or job applicant has expressly,  
15 in writing, subsequent to the testing and with knowledge of its  
16 results, granted permission for the employer to release such  
17 information; or

18 (2) It is necessary to introduce a positive confirmed test  
19 result into an arbitration proceeding pursuant to a collective  
20 bargaining agreement, an administrative hearing under  
21 applicable state law, or a judicial proceeding, provided that  
22 information is relevant to the hearing or proceeding to cancel  
23 the school bus operator's permit, or the information must be  
24 disclosed to a federal agency or other unit of United States  
25 government as required under law, regulation or order, or in  
26 accordance with compliance requirements of a federal  
27 government contract.

Section 15. No laboratory may be approved by the  
2 department of health for confirmation drug tests unless the  
3 laboratory follows proper quality control procedures, including,  
4 but not limited to:

5 (1) The use of internal quality controls including the use of  
6 samples of known concentrations which are used to check the  
7 performance and calibration of testing equipment, and periodic  
8 use of blind samples for overall accuracy;

9 (2) An internal review and certification process for test  
10 results, conducted by a person qualified to perform that function  
11 in the testing laboratory;

12 (3) Security measures implemented by the testing  
13 laboratory to preclude adulteration of specimens and test  
14 results; and

15 (4) Other necessary and proper actions are taken to ensure  
16 reliable and accurate test results.

Section 11. 1. A laboratory shall disclose to the employer  
2 a written test result report within five working days after the  
3 test.

4 2. All laboratory reports of a test result shall, at a  
5 minimum, state:

6 (1) The name and address of the laboratory that performed  
7 the test and the positive identification of the person tested;

8 (2) Any positive confirmed drug test results on a specimen  
9 which tested positive on an initial test, or a negative drug test  
10 result on a specimen. Reports should not refer to initial or  
11 confirmatory tests when reporting positive or negative results;

12 (3) A list of the drugs tested for;

13 (4) The type of tests conducted for both initial and  
14 confirmation tests and the cutoff levels of the tests;

15 (5) The report shall not disclose the presence or absence of  
16 any physical or mental condition or of any drug other than the  
17 specific drug and its metabolites that an employer requests to  
18 be identified.

Section 12. The department of health shall adopt rules  
2 concerning:

3 (1) Standards for approval of drug testing laboratories;

4 (2) Methods of analysis and procedures to ensure reliable  
5 drug testing results, including standards for initial tests and  
6 confirmatory tests;

7 (3) Guidelines on how to establish cutoff detection levels for  
8 drugs or their metabolites for the purposes of determining a  
9 positive test result;

10 (4) Chain-of-custody procedures to ensure proper  
11 identification, labeling and handling of specimens being tested;  
12 and

13 (5) Retention and storage procedures to ensure reliable  
14 results on confirmation tests and retests.

Section 13. 1. Any employer who exercises the provisions  
2 of sections 1 to 15 of this act shall be without liability from all  
3 civil actions arising from any drug testing programs or  
4 procedures performed in compliance with sections 1 to 15 of this  
5 act.

6 2. No cause of action for defamation of character, libel,  
7 slander or damage to reputation arises in favor of any person  
8 against an employer who has established a program of drug

waiting in accordance with sections 1 to 15 of this act, unless:

(1) Information regarded as confidential is released not in accordance with an information release form signed by the person or otherwise not in accordance with sections 1 to 15 of this act; and

(2) The incorrect test result was disclosed with malice; and

(3) All other elements of an action for defamation of character, libel, slander or damage to reputation as established by statute or common law, are satisfied.

3. No cause of action shall arise in favor of any person based upon the failure of an employer to establish a program or policy for drug testing.

Section 14. 1. Any local board of education and the state board of education shall report to the director of revenue any confirmed positive drug test result for any school bus operator employed by the board or for any job applicant.

2. Any corporation, partnership, proprietorship or association which provides transportation for pupils pursuant to contract or agreement with any local board of education or the state board of education shall report to the director of revenue and to the board with whom it has a contract or agreement any confirmed positive drug test result for any school bus operator whom it employs if that school bus operator transports pupils for that board. Any such corporation, partnership, proprietorship, or association shall report to the director of revenue the confirmed positive drug test result of any job applicant.

Section 15. 1. The director of the department of revenue shall immediately cancel the school bus operator's permit held by any person upon receipt of notice that such person has had a confirmed positive drug test according to the provisions of sections 1 to 15 of this act. The cancellation shall be in effect for a one-year period, after which the operator may re-apply for a permit if he or she has successfully completed a drug rehabilitation program approved by the director of revenue. A

9 second cancellation for a confirmed positive drug test shall be permanent.

11 2. Whenever the director of revenue becomes aware that a holder of a school bus operator's permit is not eligible for issuance or renewal of such permit pursuant to section 302.272, RSMo, the director shall immediately cancel such permit.

15 3. The director of revenue shall notify by registered mail any such school bus operator of such cancellation.

17 4. Upon notice of such cancellation, if any such school bus operator shall neglect or refuse to surrender his school bus operator's permit, the director shall direct the state highway patrol or any police officer to secure possession thereof and return it to the director.

22 5. In the event that the permit of any school bus operator is canceled pursuant to this section, the school bus operator may appeal to the circuit court of the county of his residence as provided in section 302.311, RSMo.

26 6. Any person who wishes to re-apply for a permit under subsection 1 shall pay the director a reinstatement fee of twenty dollars in addition to all other fees provided by law.

**Subtitle 17 MOTOR VEHICLE  
ADMINISTRATION — DRIVER LICENSING AND  
IDENTIFICATION DOCUMENTS**

**11.17.13 Point System: Definition of Moving  
Violation and Assessment of Points**

Authority: Transportation Article, §18-402,  
Annotated Code of Maryland

**Notice of Proposed Action**  
(92-019-P)

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .02 under COMAR 11.17.13 Point System: Definition of Moving Violation and Assessment of Points.

**Statement of Purpose**

When COMAR 11.17.13 was originally promulgated, the violation "failing to yield to an emergency vehicle" was a one point violation. Chapter 431 of the Acts of 1991 changed this to a two-point offense, "passing an emergency or police vehicle", so the original offense is being deleted from these regulations. In addition, Chapter 179 of the Acts of 1991 establishes a new offense "exceeding speed limit within highway work zone", and exceeding this limit by 1 - 9 miles per hour automatically becomes a 1-point violation under Transportation Article, §18-402(a)(1), Annotated Code of Maryland. Speeds in excess of 9 miles per hour over the limit are also assigned points under Transportation Article, §18-402, Annotated Code of Maryland.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Opportunity for Public Comment**

Written comments may be sent to Victoria D. Whitlock, Director, Division of Driver Control and Records, 6801 Ritchie Highway, N.E., Glen Burnie, Maryland, 21062 or by telephoning (410) 788-7681, Monday through Friday, 8:30 a.m. to 4:30 p.m. These comments must be received by February 11, 1992. No public hearing has been scheduled.

**.02 Assessment of Points.**

A. (text unchanged)

B. Section Moving Violation

(1) - (25) (text unchanged)

[(26) 21-405 Failure to yield right-of-way to emergency vehicle]

[(27)] (26) - [(46)] (45) (text unchanged)

(46) 21-802.1 Exceeding maximum speed limit by 1 - 9 miles per hour in a highway work zone

(47) - (73) (text unchanged)

C. (text unchanged)

**W. MARSHALL RICKERT**  
Administrator  
Motor Vehicle Administration

**Title 13A  
STATE BOARD OF EDUCATION**

**Subtitle 06 SUPPORTING PROGRAMS  
13A.06.07 Student Transportation**

Authority: Education Article, §§2-203(f), 5-201, 5-203, 9-411 - 9-412,  
Annotated Code of Maryland

**Notice of Proposed Action**  
(92-012-P)

The State Board of Education proposes to repeal current Regulations .01 - .12 and to adopt new Regulations .01 - .17 under COMAR 13A.06.07 Student Transportation.

**Statement of Purpose**

These new regulations govern the safe transportation of students by the local school systems. Many of the current regulations have been in effect since 1981. Language throughout the chapter has been changed to reflect the current terminology in use in specific areas ("handicapped student" replaced with "student with disabilities," "Level V" replaced with "Intensity V," etc.). Regulations that were considered redundant to other State or federal regulations have been repealed.

The proposed new regulations include drug testing requirements for school vehicle drivers. The tests include mandatory pre-service, random, and probable cause testing, and post-accident testing at the discretion of the local supervisor.

The psychophysical tests for school bus drivers have been replaced by performance tests for both drivers and attendants. Most of the equipment used to perform and score the psychophysical tests is old and no longer available from the manufacturers; the one piece that is still available has been modified so that the former method of scoring the tests is no longer valid (the new scoring requires scaling for age and sex of the individual taking the test). The performance tests are more objective, clearly demonstrating that the driver and attendant either can or cannot perform the tasks required by the job.

In the instructional area, the proposed new regulations require that each school bus driver and attendant be certified each year in cardio-pulmonary resuscitation (CPR).

**Estimate of Economic Impact**

I. Summary of Economic Impact. These proposed new regulations are expected to result in increased expenditures by the local school systems ranging from negligible to moderate. A slight to moderate benefit to medical laboratories is expected to result from the drug testing requirement. Although difficult to quantify, a moderate to significant benefit should accrue to the public through increased confidence in the drug-free status of the school bus drivers and attendants who have responsibility for the daily transportation of the public school students.

II. Types of Economic Impacts.	Revenue (+) Expense (-)	Magnitude
A. On issuing agency	NONE	
B. On other State or local agencies		
Local school systems:		
1. Driver skills tests	(-)	Slight
2. CPR for school bus drivers and attendants	(-)	\$1,059,338
3. Drug testing for school bus drivers	(-)	\$107,125

	Benefit (-) Cost (-)	Magnitude
C. On regulated industries or trade groups:		
1. Drug testing laboratories	(-)	Moderate
2. American Red Cross	(-)	\$36,000
D. On other industries or trade groups:		
	NONE	
E. Direct and indirect effects on public:	(-)	Moderate

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

2.1. The driver skill tests are expected to impact negligibly on the local school systems. The equipment needed to perform these tests will likely cost less than \$30 per local school system, and no more time will be required to perform these tests than is currently used to perform the psychophysical tests.

2.2. Certification in CPR for school bus drivers and attendants will require a considerable expenditure for the local school systems. The figure shown includes the training of one or more school bus driver instructors to become certified CPR instructors, training time and costs for all regular and substitute school bus drivers; and training time and costs for all regular and substitute school bus attendants. The cost to certify school bus driver instructors to become CPR instructors is a one-time cost; as long as they continue teaching the course, they retain the certification. For school bus drivers and attendants, however, the certification is only good for one year; thus, it must be given to every individual every year.

Costs were calculated as follows: For a school bus driver instructor to become a certified CPR instructor, 26 hours of instruction is necessary. An average of \$15 per hour was used times 26 hours; the number of school bus driver instructors to be certified was determined by using one instructor for each 50 classes (number of classes determined by dividing the total number of regular and substitute drivers and regular and substitute attendants by 10, the maximum allowed per class). The cost to certify instructors was \$12,480.

CPR instruction for school bus drivers and attendants requires an 8-hour course every year. Costs for this instruction were calculated by assuming an average hourly salary of \$12 for drivers and \$10 for attendants. This provided a cost of \$702,336 for driver instruction and \$133,200 for attendant instruction.

Also included in the cost is \$36,000 for purchase of "Resusc-Annle" mannequins necessary to CPR instruction. The American Red Cross recommends 1 mannequin for every 3 students in a class; therefore, 3 mannequins have been assumed for each local school system based on a maximum class size of 10.

2.3. The expense shown for drug testing for school bus drivers includes only the actual amount necessary to perform the pre-service and random tests. It does not include the cost for probable cause tests, since it would be impossible to quantify these; nor does it include the cost for post-accident testing, since this type of test is left to the supervisor's discretion. It also does not include the administrative costs involved in establishing a drug testing program in the school systems. The calculations were derived by calculating the total number of regular and substitute drivers, dividing it in half (since the regulation requires that 50 percent be tested every year), and adding 10 percent to allow for turnover. This figure was then multiplied by \$36, the anticipated cost per test.

C.1. The laboratories certified to perform drug tests will benefit from the regulation.

C.2. The American Red Cross is the sole source for the "Resusc-Annle" mannequin used for CPR training and would be the beneficiary of this amount of money for purchasing the mannequins.

E. With an additional 7,000 people trained in CPR as a result of these regulations, there could be a nonquantifiable benefit to the public in the event of an emergency requiring the presence of someone so trained. There should be improved public confidence in the school bus drivers and school bus attendants as a result of the drug testing regulation.

Opportunity for Public Comment

Pursuant to State Government Article, §10-506(c), Annotated Code of Maryland, the State Board of Education will hold a hearing concerning the repeal and new regulations on January 28, 1992 at 1:30 p.m. in the Maryland State Education Building, 200 West Baltimore Street, Baltimore, Maryland. All interested persons are invited to attend and give their views.

Written comments may be sent to Nancy S. Gramick, State Superintendent of Schools, Maryland State Education Building, 200 West Baltimore Street, Baltimore, Maryland 21201. These comments must be received not later than February 11, 1992.

Open Meeting

Action on the repeal and new regulations proposed below will be considered by the State Board of Education during a public meeting to be held February 26, 1992, in the Maryland State Education Building, 200 West Baltimore Street, Baltimore, Maryland, pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

21 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accident" means an occurrence or action involving a driver of a school vehicle operated by or under contract to a local school system which results in an injury or fatality to an individual or damage to a motor vehicle or property. Buses not registered as school buses or school charter vehicles are excluded from this definition.

(2) "Appreciable damage" means property damage in excess of \$500.

(3) "Incapacitating injury" means an injury, other than fatal, that prevents the injured individual from walking, driving, or normally continuing the activities that the individual was capable of performing prior to the accident.

(4) "Loading zone" means an area on or adjacent to a highway, but not on the roadway, where a school vehicle stops to load or unload passengers.

(5) "Personal injury" means an injury treated by a physician, dentist, or nurse, or in a hospital.

(6) "Preventable accident" means an accident in which the driver failed to do everything the driver reasonably could have done to prevent it according to accepted standards of the National Safety Council.

(7) "School charter vehicle" means a vehicle as described in Transportation Article, §13-420(c), Annotated Code of Maryland.

(8) "School vehicle" means a vehicle as defined in Transportation Article, §11-164, Annotated Code of Maryland.

(9) "Type I vehicle" means a vehicle as described in Transportation Article, §11-173, Annotated Code of Maryland.

22 Program.

Each local school system is responsible for the safe operation of its student transportation system and shall conform to the regulations promulgated by the State Board of Education and the procedures and guidelines established by the State Department of Education. Local school systems may adopt policies and procedures which do not conflict with existing federal and State rules, regulations, policies, and procedures. Local policies and procedures may exceed the minimum requirements established in these regulations.

(a) At least 1 hour shall be instruction in first aid,  
 (b) 8 hours shall be for certification in CPR; and  
 (c) 1 hour shall be instruction appropriate to the duties of the school vehicle attendant.

(2) In-service. A school vehicle attendant shall complete 10 hours of in-service instruction annually, as follows:

(a) 8 hours shall be for certification in CPR; and  
 (b) 2 hours shall be in topics appropriate to the duties of the school vehicle attendant.

(3) At least 1 hour of instruction in first aid shall be provided every 3 years.

D. *Instructional Records.* Each local school system shall maintain attendance records of all pre-service and in-service instructional sessions. The attendance school records shall contain all of the following information:

- (1) Name of trainee, driver, or attendant;
- (2) Name of instructor;
- (3) Dates of instruction;
- (4) Number of hours of classroom instruction and topics of instruction; and
- (5) Number of hours of behind-the-wheel instruction.

#### .08 Drug Testing Program.

A. Each local school system shall implement a drug testing program for school vehicle drivers by July 1, 1993. The drug testing procedures shall meet or exceed the standards established by the U.S. Department of Transportation in 49 CFR Part 40, which is incorporated by reference. A local school system may also adopt the guidelines for testing conditions established by the U.S. Department of Transportation in 49 CFR §§301.81-391.116, so long as they also meet the requirements of this regulation.

B. *Conditions for Testing for Illegal Use of Drugs.*

(1) A school bus driver trainee shall pass a drug test before being permitted to transport any student in a school vehicle.

(2) Random drug tests shall be administered to school vehicle drivers as follows:

(a) The number of tests administered annually shall equal at least 50 percent of the total number of driver names provided by the local school system to the Motor Vehicle Administration on its October roster;

(b) During each of the testing time periods in §B(2)(c), the pool of names from which the selection is made shall include the names of all drivers, including those previously tested; and

(c) Approximately 20 percent of the tests are to be administered in each of the following periods:

- (i) July - October,
- (ii) November - December,
- (iii) January - February,
- (iv) March - April, and
- (v) May - June.

(3) A drug test is to be administered as soon as practicable when a supervisor of transportation has reasonable cause to believe that a school vehicle driver is using an illegal drug.

(4) A drug test may be administered following any school vehicle accident.

C. A school vehicle driver may not be given more than 24 hours notification of the drug test. A driver who fails to take a drug test within 24 hours of notification is permanently disqualified from operating a school vehicle unless the supervisor of transportation determines and documents in writing that the driver had good and sufficient reason not to take the test within 24 hours. In this case, the driver may not operate a school vehicle until the driver has passed a drug test, which is to be administered at a time determined by the supervisor of transportation.

D. A school vehicle driver or trainee who tests positive for illegal drugs is permanently disqualified from operating a school vehicle.

#### .09 General Standards.

A. A school vehicle or school charter vehicle may not be used to transport students unless a Vehicle Acceptance Sheet as required by the State Department of Education has been completed by the supervisor of transportation and is on file in the local transportation office.

B. Type I vehicles shall be used to transport students to and from school. Vehicles other than Type I shall be used only when special approval in writing has been given by the Chief of Pupil Transportation, State Department of Education, unless:

- (1) The vehicle is a taxicab; or
- (2) Only one student is transported.

C. Vehicles used to transport students on regular routes shall be:

- (1) New; or
- (2) Previously registered school vehicles originally used to transport Maryland public school students.

#### D. Spare Vehicles.

(1) Spare vehicles shall be available during the time route vehicles are in operation.

(2) Spare vehicles shall be either:

- (a) New;
- (b) Previously registered regular route vehicles; or
- (c) Vehicles purchased new after July 6, 1983, and verified in writing by the Motor Vehicle Administration as originally used in Maryland to transport private or parochial school students.

E. An electric-powered wheelchair may be transported in a school vehicle if it meets all of the following conditions:

- (1) The battery is not of the liquid-acid type;
- (2) The battery is encased in an impact-resistant container;
- (3) The battery container is securely fastened to the wheelchair;
- (4) The battery container lid is securely fastened to the battery container; and
- (5) All electrical terminals not inside the battery container are protected from accidental contact.

F. At least twice during each school year, each student who is transported in a school vehicle shall participate in emergency school vehicle evacuation drills.

#### .10 Vehicle Inspections.

A. Three safety inspections and a preventive maintenance inspection shall be conducted on each public school vehicle annually in accordance with Motor Vehicle Administration regulations and inspection standards.

B. The supervisor of transportation or the Chief of Pupil Transportation, State Department of Education, may require additional inspections of individual vehicles at any time.

C. A preoperational check of each vehicle shall be performed at a designated time each day the vehicle is operated.

D. A vehicle that is found at any time to be mechanically unsafe shall be immediately discontinued from use until made safe and authorized to be placed in service again by the supervisor of transportation.

#### .11 Routing and Scheduling.

A. The prime consideration is the safety of riders.

B. Stops shall be approximately 1/4 mile apart. This does not apply to routes exclusively designated for students with disabilities.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 2

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

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	135.6	135.6	135.6	135.6	135.6	135.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>135.6</b>	<b>135.6</b>	<b>135.6</b>	<b>135.6</b>	<b>135.6</b>	<b>135.6</b>

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

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	135.6	135.6	135.6	135.6	135.6	135.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>135.6</b>	<b>135.6</b>	<b>135.6</b>	<b>135.6</b>	<b>135.6</b>	<b>135.6</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: † None

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

SEE ATTACHED

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

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STATE OF ALASKA  
DEPARTMENT OF EDUCATION

HB 2  
Fiscal Note - 1/25/93

\$135,600 Annual Cost

ASSUMPTIONS:

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

CALCULATION OF \$135,600 ANNUAL COST:

Pre-Hire Tests:

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

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

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