

ALASKA LEGISLATURE COMMITTEE FILES

1993-1994

8672

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HOUSE JUDICIARY

102

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BORN Sept. 19, 1921 San Antonio, Texas

MARRIED: James H. Howard
Ak. Chevron USA Mkt. Mgr. Retired

Non dependent children:

Thomas M. Howard -- Anchorage, Ak.
David J. Howard -- Fountain Valley, Calif.

EDUCATION;

Lafayette High School, Lafayette, La.
University of Southwest Louisiana - B of A 1942
Lafayette, Louisiana

GRADUATE STUDIES:

American University - Wash. D.C.
San Mateo College - San Mateo, Calif.
Calif. State Hayward - Hayward, Calif

WORK HISTORY;

High School Teacher - Eunice, La.
History, English and Comm. Educ.
Life & Casualty Insurance Co. Lafayette, La.
Cashier, Accountant
American Red Cross - O'Seas Assignment
Club and Recreation Director
Manila, Leyte and Iramagua, Japan
J. O. Sully & Assoc. (CPA Firm)
San Francisco, Calif.
Accountant
Lee Company - San Francisco, Calif.
Comptroller 1949-1956

1957 to 1965 Home raising two boys
1965- Substitute Teacher in Fremont,
Calif. School District and
doing post graduate studies
1966 Moved to London England and while
there, with Chevron USA money, organized
American O'Seas School of London. No pay
1969 - 1975 Westminster, Calif.
Substitute Teacher, LaQuinta High School

1969 -1975 contd.

Psychometric Testing

LaQuinta High School, Westminster, Calif.

Non-compensatory - volunteer

Tutor - Golden West College English Aid Students

May 1977 - April 1978 Bradbury & Bliss, Attys. at Law
Anchorage, Alaska

Set up Accounting System

June 1977 - Feb. 1987 Volunteer Activity
Anchorage, Alaska

Feb. 1987 - July 1991 Commissioner.
Alaska Public Offices Commission

VOLUNTEER ACTIVITIES

Anchorage Museum of History & Art 1977- Present
Tues. & Friday Museum Gift Shop

Anchorage Symphony League Board:
Membership and service
Annual Symphony of Trees

First Baptist Church

Vacation Bible School Principal

Anchorage Opera Guild Board

Alaska Chapter American Red Cross Board of Dr.

Samaritan Counseling Center Board of Dr.

UAA College of Fellows

Neighborhood Watch organizing board

APU President's Forum

Council on Government Ethics Laws

Steering Ctty.

Alaska Siberian Medical Research Steering Ctty.

CIVIC MEMBERSHIP;

Anchorage Chamber of Commerce

Alaska State Chamber of Commerce

HONORS

Anchor Chamber of Commerce Volunteer of the Year 1979

Governor's First Lady Award 1981

Gold Pan Nominee

YWCA/British Petroleum "Woman of Achievement" award 1991

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Ronald Smith
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Delaware House of Representatives
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FLORIDA

Betty Carter
Supervisor of Elections
Orange County, Florida
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Kathryn G. Denhardt
University of Central Florida
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Susan C. Erhart
Assistant to County Administrator
Sarasota County Government
Administration Center, Room 104
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Sarasota, Florida 34237
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Dorothy W. Joyce
Director, Division of Elections
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Room 1801, Capitol
Tallahassee, Florida 32399
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Donald Rhodes
Chairman
Florida Elections Commission
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Tallahassee, Florida 32359-0250
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Florida Commission on Ethics
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GEORGIA

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Individual Associate since 07/01/89

Rita L. Strmensky
Acting Executive Director
Executive Commission on Ethical
Standards
28 West State Street
Room 1407, CN-082
Trenton, New Jersey 08625
609-292-1892
Full Member since 07/01/85

NEW MEXICO

Furth Hoffman
Administrative Director
Common Cause, New Mexico
3416 Constitution NE
Albuquerque, New Mexico 87106
502-266-2800
Individual Associate since 03/22/89

NEW YORK

Jane Barcott
Executive Director
New York Legislative Ethics Committee
Senate P.O. Box 75
Albany, New York 12247
518-432-7837
Full Member since 06/28/89

Page Elizabeth Bigelow
Senior Staff
Institute of Public Administration
55 West 44th Street
New York, New York 10036
212-730-5179
Organizational Associate since 08/10/87

Robert J. Freeman
Executive Director
New York State Department of State
162 Washington Avenue
Albany, New York 12231
518-474-2518
Full Member since 07/01/85

Nicole Gordon
Executive Director
New York City Campaign Finance Board
40 Rector Street, 7th Floor
New York, New York 10005
212-306-7100
Full Member since 12/27/89

Thea Hoeth
Executive Director
New York State Ethics Commission
39 Columbia Street, #4
Albany, New York 12207-2717
518-432-8207
Full Member since 09/10/81

John H. Kilbourne
Senior Corporate Counsel
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017-
212-573-3093
Organizational Associate since 04/20/90

Patricia Martinelli
Executive Director
New York State Board of Elections
Swan Street Building
Core 1, Empire State Plaza
Albany, New York 12223-0002
518-474-2063
Full Member since 07/01/82

Robert Newman
650 East 22nd Street
Brooklyn, New York 11210
Individual Associate since 07/01/88

Eugene Price
Acting Executive Director
New York State Commission on Lobbying
One Commerce Plaza
Mezzanine Level - Suite 304
Albany, New York 12210
518-474-7126
Full Member since 07/01/85

Bartholomew M. Regazzi
Chief Clerk
Board of Elections
200 Varick Street
New York, New York 10014
212-888-3819
Individual Associate since 11/02/90

Barry Russell
Director
New York Senate Research Service
90 South Swan Street
Legislative Office Building
Albany, New York 12247
518-455-2166
Full Member since 07/01/87

Patricia E. Salkin
Director
Government Law Center
Albany Law School
60 New Scotland Avenue
Albany, New York 12208
518-445-2351
Individual Associate since 12/03/88

Michael Sarnar
New York City Conflicts of Interest
Board
2 Lafayette Street, Suite 1414
New York, New York 10007-
212-566-4900
Full Member since 05/14/89

Anthony J. Schenbr
Police Commissioner
Rye City Police Department
21 Third Street
Rye, New York 10580
914-967-1234
Individual Associate since 07/01/88

Katherine E. Timon
General Counsel
Office of the City Clerk
City of New York
Municipal Building, Room 265
New York, New York 10007
212-669-8171
Full Member since 08/08/88

Peter Vallone
Vice Chairman
New York City Council
City Hall, Main Floor
New York, New York 10007
212-788-7210
Organizational Associate since 07/01/89

NORTH CAROLINA

Millie Donavert
Administrative Assistant
North Carolina Board of Ethics
116 West Jones Street
Raleigh, North Carolina 27603
819-733-5103
Full Member since 07/01/82

OHIO

J. Warren Bertle
Disciplinary Counsel
Office of Disciplinary Counsel
175 South Third Street, Suite 280
Columbus, Ohio 43215
614-481-0256
Individual Associate since 05/01/87

Stephan W. Stover
Administrative Director
The Ohio Supreme Court
50 East Broad Street
State Office Tower, 3rd Floor
Columbus, Ohio 43266
614-466-2653
Full Member since 07/01/86

Gordon Strauss
Attorney
Thompson, Hine & Flory
312 Walnut Street, Suite 1400
Cincinnati, Ohio 45202
513-352-6635
Individual Associate since 10/12/82

Bob Taft
Ohio Secretary of State
30 East Broad Street, 14th Floor
Columbus, Ohio 43266-0418
Individual Associate since 05/15/91

Melissa A. Warheit
Executive Director
Ohio Ethics Commission
8 East Long Street, #1200
Columbus, Ohio 43215
614-466-7090
Full Member since 12/12/78

OKLAHOMA

Marlyn Hughes
Executive Director
Oklahoma Ethics Commission
Room B-2A, State Capitol Building
Oklahoma City, Oklahoma 73105
405-521-3451
Full Member since 07/01/85

OREGON

L. Patrick Hearn
Executive Director
Oregon Government Ethics Commission
700 Pringle Parkway, SE, 1st Floor
Salem, Oregon 97310
503-376-5105
Full Member since 07/01/82

PENNSYLVANIA

Mark B. Cohan
State Representative & Chairman
House Democratic Caucus
Pennsylvania House of Representatives
120 Main Capitol Building
Harrisburg, Pennsylvania 17120
717-787-4117
Individual Associate since 06/27/88

John J. Contino
Executive Director
Pennsylvania Ethics Commission
P.O. Box 11470
308 Finance Building
Harrisburg, Pennsylvania 17108-1470
717-783-1610
Full Member since 07/01/82

Barry Kauffman
600 North Second Street
Harrisburg, Pennsylvania 17102
Individual Associate since 09/11/89

Robert L. Kouch
Judicial Inquiry and Review Board
225 Market Street
Harrisburg, Pennsylvania 17101
Full Member since 07/31/91

Evan Meyer
Philadelphia Board of Ethics
1500 Municipal Services Building
Philadelphia, Pennsylvania 19102
215-696-3248
Full Member since 07/01/89

PUERTO RICO

Hector Feliciano-Carreras, Esq.
Executive Director
Puerto Rico Office of Government Ethics
P.O. Box 4629
Hato Rey, Puerto Rico 00919-4629
Full Member since 07/01/88

RHODE ISLAND

Mark Eckstein
Executive Director
Rhode Island Ethics Commission
43 Jefferson Boulevard
Warwick, Rhode Island 02903
Full Member since 07/01/88

Myrth York
28 John Street
Providence, Rhode Island 02906
401-331-3550
Individual Associate since 03/18/92

SOUTH CAROLINA

Gary R. Baker
Executive Director
South Carolina Ethics Commission
P.O. Box 11928
Columbia, South Carolina 29211
803-253-4192
Full Member since 12/12/78

Michael N. Coulter
Attorney
South Carolina Senate
P.O. Box 142
Columbia, South Carolina 29202
803-734-2731
Individual Associate since 04/25/90

Linda Shirley
Administrative Assistant
South Carolina Ethics Committee
P.O. Box 142
Columbia, South Carolina 29202
803-734-2731
Full Member since 07/06/87

TENNESSEE

Peggy Nance Catniano
Tennessee Registry of Election Finance
404 James Robertson Parkway
Suite 1614
Nashville, Tennessee 37243-1360
615-711-7959
Full Member since 08/13/90

TEXAS

Duane King
Attorney
Shell Oil Company
P.O. Box 2463
Houston, Texas 77252
713-241-4586
Organizational Associate since 06/05/86

John Steiner
Executive Director
Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070
512-463-5800
Full Member since 06/10/91

Janis K. Womack
City Secretary
City of San Marcos
630 East Hopkins
San Marcos, Texas 78666
Full Member since 02/22/90

Suzy Woodford
Executive Director
Common Cause/Texas
1615 Guadalupe, Suite 204
Austin, Texas 78701-1246
512-474-2374
Organizational Associate since 07/01/87

VERMONT

James H. Douglas
Vermont Secretary of State
Pavillion Office Building
109 State Street
Montpelier, Vermont 05602
802-828-2363
Full Member since 07/01/86

VIRGINIA

Susan H. Fitz-Hugh
Secretary
Virginia Board of Elections
101 Ninth Street Office Building
Richmond, Virginia 23219
807-786-6551
Full Member since 07/01/86

WASHINGTON

Cal Anderson
State Representative & Chair
House Committee on State Government
Washington House of Representatives
402 John L. O'Brien Building AS-33
Olympia, Washington 98504-0433
Full Member since 03/25/91

Graham E. Johnson
Executive Director
Washington Public Disclosure
Commission
P.O. Box 40908
Olympia, Washington 98504-0908
206-753-1111
Full Member since 12/12/78

Carolyn M. Vanoy
Director
Seattle Ethics Election Commission
Municipal Building, Room 308
600 Fourth Avenue
Seattle, Washington 98104
206-684-8500
Full Member since 05/16/92

WEST VIRGINIA

Richard M. Aiker
Executive Director
West Virginia Ethics Commission
1207 Quarrier Street
Charleston, West Virginia 25301
304-348-0664
Full Member since 02/28/90

Ervin S. Queen
West Virginia Ethics Commission
P.O. Box 810
Logan, West Virginia 25601
Individual Associate since 10/02/89

WISCONSIN

William E. Hauda
Executive Director
Common Cause, Wisconsin
16 North Carroll Street
Suite 310
Madison, Wisconsin 53703
608-266-2686
Individual Associate since 12/01/89

R. Roth Judd
Executive Director
Wisconsin State Ethics Board
44 East Mifflin Street
Suite 601
Madison, Wisconsin 53711
608-266-8123
Full Member since 07/01/82

Kevin J. Kennedy
Executive Director
Wisconsin Elections Board
132 East Wilson Street, Suite 300
Madison, Wisconsin 53702
608-266-6087
Full Member since 12/12/78

UNITED STATES (FEDERAL)

Karen L. Bovard
Counsel
Senate Select Committee on Ethics
220 Hart Senate Office Building
Washington, D.C. 20510
202-224-2981
Full Member since 07/01/89

Mark J. Davis
Counsel
Committee on Standards of Official
Conduct
HT-2, The Capitol
U.S. House of Representatives
Washington, D.C. 20515
202-225-7103
Individual Associate since 07/01/85

Pam Gavin
Superintendent
Senate Public Records
232 Hart Senate Office Building
Washington, D.C. 20510
202-224-0762
Individual Associate since 10/05/90

Jane Ley
Deputy General Counsel
Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, D.C. 20005-3917
202-523-5757
Full Member since 07/01/82

John C. Surina
Staff Director
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463
800-424-9530
Full Member since 12/12/78

Bernard L. Ungar
Representative
U.S. General Accounting Office
441 G Street, NW, Room 3858A
Washington, D.C. 20548
202-275-5074
Full Member since 07/01/89



Alaska State Legislature

Official Business

State Capitol
Juneau, AK 99801-1182

February 22, 1993

Annie Laurie Howard
3220 Amber Bay Cr.
Anchorage, AK 99515

Dear Mrs. Howard,

This letter confirms the notice which you have received by telephone that the Senate and House Judiciary Committees will hold a joint meeting on Wednesday, February 24, 1993 at 3:30 p.m., Room 120, State Capitol Building, Juneau, Alaska. The purpose of the meeting is to review your background and qualifications to serve on the Select Committee on Legislative Ethics.

Travel arrangements may be made through your local travel agent. Travel expenses will be reimbursed by the Legislature.

To facilitate the joint committees' review, we are asking you to grant permission for a review your criminal history records (if any). The present state of the law is somewhat unclear regarding the Legislature's authority to obtain criminal history records if the subject of the request objects to such access. To eliminate any possible uncertainty, we are requesting your permission to obtain your criminal history records (if any) through the Alaska Department of Public Safety. We are confident you will agree that the confirmation process will be best served by a complete and fair evaluation of all relevant aspects of a nominee's background and qualifications to serve on the Select Committee on Legislative Ethics. A review of criminal history records may assist the committee in one aspect of this evaluation process. Please complete the attached criminal history release form and return it via facsimile (fax) to 465-3834.

We look forward to meeting you on February 24th.

Sincerely,

Senator Robin Taylor
Chairman
Senate Judiciary Committee

Representative Brian Porter
Chairman
House Judiciary Committee

/em

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

February 23, 1993

ATTN: Eric Musser

Pursuant to your request for information regarding the voter registration of Annie Laurie Howard, the following public information is provided:

Name: Annie Laurie Howard

Original Registration: July 3, 1976

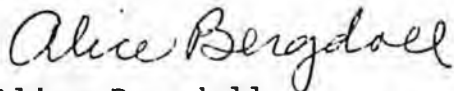
Residence Address: 3220 Amber Bay Circle
Anchorage, Alaska 99515

Party Affiliation: Republican

Voter History: 1984 Primary, General and local
1985 No activity
1986 Primary, General and Local
1987 Local
1988 Primary, General and Local
1989 Local
1990 Primary, General, Special and
Local
1991 No activity
1992 Primary and General

I certify that the above information accurately reflects the voter's record.

Sincerely,



Alice Bergdoll
Administrative Assistant

Confirmation:

1994 A.G.

B. Botelho



Alaska State Legislature
House of Representatives
Office of the Chief Clerk

Official Business

State Capitol, Rm 214
Juneau, AK 99801-1182
(907) 465-3725

MEMORANDUM

DATE: January 18, 1994
TO: Judiciary Committee
FROM: Suzi Lowell *sl*
Chief Clerk
SUBJECT: Referral

Attached is a letter from the Governor selecting Bruce M. Botelho to serve as Attorney General, Department of Law. The Speaker referred consideration to the Judiciary Committee on January 18, 1994.

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1994

*The Honorable Ramona Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Speaker Barnes:

In accordance with AS 39.05.080 and Article III, Sections 25 and 26 of the Alaska Constitution, I submit the following names for legislative confirmation of appointment to the positions noted:

ATTORNEY GENERAL, DEPARTMENT OF LAW
Bruce M. Botelho

COMMISSIONER, DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Margaret R. Lowe

COMMISSIONER, DEPARTMENT OF NATURAL RESOURCES
Harry A. Noah

The resumes for these appointments have been submitted to the offices of the Senate Secretary and the House Clerk.

With best regards.

Sincerely,

A handwritten signature in cursive script that reads "Wally".

*Walter J. Hickel
Governor*

Enclosures

BRUCE M. BOTELHO

Alaska Department of Law
P.O. Box 110300
Juneau, Alaska 99811-0300
907-465-3600

401 F Street
Douglas, Alaska 99824
907-364-2334

EMPLOYMENT HISTORY

| | |
|---|--|
| Deputy Attorney General 1992 - | Under the supervision of the attorney general, directs the activities of the Alaska Department of Law and its 180 attorneys in the civil and criminal divisions. |
| Mayor, City and Borough Juneau, Alaska 1988 - 1991 | Elected head of Alaska's capital city. Juneau is a home-rule municipality with a manager-council form of government and an annual operating budget of \$115 million. |
| Supervising Attorney Assistant Attorney General 1987 - 1991 | Juneau Oil, Gas and Mining Section with oversight responsibilities over major tax and royalty litigation, including the <u>ANS Royalty Litigation</u> that resulted in settlements of \$632 million. |
| Deputy Commissioner Alaska Dept. of Revenue 1984 - 1986 | Under the supervision of the Commissioner, supervised 400 employees responsible for the state's tax programs, child support enforcement, permanent fund dividends, charitable gaming and alcohol beverage control. As deputy commissioner served as chairman of the Alaska Resource Council and board member of the Alaska Industrial Development Authority. |
| Supervising Attorney Assistant Attorney General 1979 - 1983 | Juneau Human Services Section with responsibilities for legal services to the state departments of Education, Labor, and Health and Social Services. |
| Assistant Attorney General 1976 - 1978 | Juneau Business Regulation Section with specific responsibilities for legal services to the departments of Revenue and Commerce and Economic Development, particularly its division of occupational licensing, and consumer protection. |
| Law Clerk October 1975 | Washington World Law Conference. The Honorable Querube Makalintal, Chief Justice, Supreme Court of the Philippines. |
| Law Clerk Summer 1975 | Alaska Supreme Court. The Honorable Edmund Burke, Associate Justice. |
| Law Clerk 1974 - 1976 | Oregon Legislative Counsel. Law clerk for the Evidence Advisory Committee, Law Improvement Committee. |

| | |
|---|---|
| Lay Associate Pastor 1971 - 1973 | Ketchikan United Methodist Church, Ketchikan, Alaska. Social work, preaching, coffee house, organization of Ketchikan Human Relations Commission, wrote and directed federally-funded program for drop-in center, conducted state-funded study on racism in Ketchikan. |
| District Scout Executive 1972 - 1973 | Boy Scouts of America, Juneau, Alaska. Organize Scout units in the southern area of Southeast Alaska, provide training for volunteer leaders, organize district-wide events, publicize area activities, direct council-wide Scout camps, meet with community leaders. |
| Community Consultant | Alaska Department of Economic Development, Juneau, Alaska. Summers 1968 - 1969 Developed a standard industrial survey, beginning with format, field surveying and meetings with community leaders, through to publication of the "Alaska Standard Industrial Survey." |

EDUCATION

| | |
|---|---|
| Legal 1973 - 1976 | Willamette University College of Law, Salem, Oregon. Juris Doctor received May 1976. Associate Editor, Willamette Law Journal Member, Willamette Moot Court Board Student Bar Association Executive Committee President, International Law Society |
| Non-Legal 1967 - 1969 1970 - 1977 | Willamette University, Salem, Oregon. B.A. received May 1971. German Literature major. Student government - student body president, vice president, faculty committees Intercollegiate Debate Team Danforth Foundation, Honorable Mention |
| 1969 - 1970 | Universität Heidelberg, Heidelberg, Germany. Zwischenprüfung in Germanistik. German literature. |
| 1966 - 1967 | Hohenstaufen Gymnasium, Eberbach, Germany. Exchange student. |

REPRESENTATIVE CIVIC ACTIVITIES

Former member, Juneau City and Borough Assembly (1983 - 1985).
Current president, Juneau International Folkdancers.
Former president and board member, Southeast Alaska Council, Boy Scouts of America.
Former president and board member, Juneau Arts and Humanities Council.
Former president, Alaska Council, American Youth Hostels.
Former president, Juneau Human Rights Commission.

Former member, University of Alaska, Juneau Policy Advisory Council.
Former member, Juneau Convention Center Advisory Committee.
Former board member, Zach Gordon Youth Center
Selected Citizen of the Year by United Minority Coalition (1985).
Former co-chair, Oregon Hostel Association.

PROFESSIONAL LICENSES

Admitted to practice before the following courts:

United States Supreme Court.

Court of Appeals for the Ninth Circuit.

United States District Court for the District of Alaska.

Alaska Supreme Court.

Alaska teaching certificate, endorsed for secondary social studies and language arts.

Confirmation:

1994 Staton,

Feldman,

Leinhart, Congdon

Dahms

TABLE OF CONTENTS

| <u>NAME</u> | <u>BOARD OR COMMISSION</u> | <u>SECTION</u> |
|--------------------|--|----------------|
| ETHEL STATON | BOARD OF GOVERNOR'S OF THE ALASKA BAR | SECTION 1 ✓ |
| JEFFREY M. FELDMAN | COMMISSION ON JUDICIAL COUNCIL | SECTION 2 ✓ |
| JANICE LEINHART | JUDICIAL COUNCIL | SECTION 3 ✓ |
| ROBERT E. CONGDON | VIOLENT CRIMES COMPENSATION BOARD | SECTION 4 ✓ |
| LAURIE E. DAHMSTO | VIOLENT CRIMES COMPENSATION BOARD | SECTION 5 ✓ |

ETHEL STATON

BOARD OF GOVERNOR'S OF THE ALASKA BAR

SECTION 1

Ethel Staton
P.O. Box 829
Sitka, Alaska 99835
Telephone: (907)747-8136

I was born on January 13, 1925 in Ketchikan, Alaska to Mabel Mather Milonich and Robert Milonich. My mother is a Tsimshian Indian and my father was Yugoslavian. I graduated from the Ketchikan Public Schools in 1943 and married Norman Staton on September 25, 1944. My husband and I have two children; Candace Barger, a business woman, and Norman Staton Jr., an attorney; and five grandchildren.

We moved to Sitka in 1955 to open a restaurant. In 1962, we opened a second restaurant and, with other business people in Sitka, opened the Potlatch Motel in 1958. We sold all of these businesses in 1968 and opened Staton's Steak House and Staton's Jewelry. We purchased the oldest building of Russian heritage on the west coast to open Log Cache Gifts in 1985.

I was on the interim Board of Directors for Shee Atika in 1971 and incorporated the organization in 1974. I have been on the Shee Atika, Inc. Board of Directors for 20 years and have served as Chairman of the Board. I am currently the corporate secretary and serve on the Atikon Board of Directors for Shee Atika, Inc.

As a member of the Shee Atika, Inc. Board of Directors, I have made several trips to Washington, D.C. to lobby for land and have testified before the Select Committee on Indian Affairs. During my 20 years on the Board of Directors, Shee Atika, Inc. has been involved in several law suits.

In 1974, I attended a corporate law class at Sheldon Jackson College.

I am Past President of the Veterans of Foreign Wars, Ketchikan; Past President of the Emblem Club #142; Past District Deputy of the Emblem Club for Alaska; and Past President of Beta Sigma Phi. I served on the Advisory Board for Islands Community College; on the committee for the State of Alaska on planning for the future; and as a member of a task group for the Tongass Alaska Girl Scout Council. I am currently the President of the Tsimshian Tribal Association, Sitka Branch, and a member of the St. Peters Episcopal Church.

JEFFREY M. FELDMAN
COMMISSION OF JUDICIAL COUNCIL

SECTION 2

Jeffrey Feldman
 500 L Street, Suite 400
 Anchorage, AK 99501

JEFFREY M. FELDMAN, born Providence, Rhode Island, November 8, 1949; admitted to bar, 1976, Alaska and Rhode Island; 1977, U.S. Court of Appeals, Ninth Circuit; 1980, U.S. Supreme Court. *Education*: Northeastern University (B.A., with honors, 1972; J.D., 1975). Recipient, United States District Court Public Service Award, 1987. Author: "Search and Seizure in Alaska: A Comprehensive Review," 7 U.C.L.A.—Alaska Law Review 73, 1977; "Criminal Procedure in Alaska," 9 U.C.L.A.—Alaska Law Review 109, 1980; "The Fifth Amendment, Self-Incrimination and Foreign Prosecution: The Saga of the Ryuyo Maru," 11 U.C.L.A.—Alaska Law Review 119, 1982. Co-Author: "Compelling Testimony in Alaska: The Coming Rejection of Use and Derivative Use Immunity," 1 Duke-Alaska Law Review 229, 1986. Author: "Certifying Professional Competence: The Alaska Experiment," 52 The Bar Examiner 4, 1983; "Pre-Trial Diversion of the Mentally Retarded Offender," 1975, Massachusetts Bar Association Report. Law Clerk, Hon. Edmond W. Burke, Alaska Supreme Court, 1973-1976. Assistant Public Defender, 1976-1978. Member: Alaska Supreme Court Committee on Pattern Jury Instructions, 1979-1985; Alaska Committee of Bar Examiners, 1981-1986. Attorney Representative, 1983-1987 and Member, Judicial Evaluation Committee, 1985-1987, Judicial Conference of the Ninth Circuit Court of Appeals. Member, Ninth Circuit Judicial Screening Panel, 1988-1989. Member, 1984-1990 and Chairman, 1984-1989, Alaska Supreme Court Standing Criminal Rules Committee. Reporter, District of Alaska Advisory Group for Civil Justice Reform Act of 1990, 1991—. Member Anchorage, Alaska (Member, Board of Governors, 1986-1992; President-Elect, 1988-1989; President, 1989-1990; Chairman, Law Related Education Committee, 1982-1986), Rhode Island and American Bar Associations; American Judicature Society; The Association of Trial Lawyers of America; Alaska Academy of Trial Lawyers (Vice President, 1992—); National Association of Criminal Defense Lawyers; American Board of Trial Advocates; Washington State Trial Lawyers Association. *REPORTED CASES*: Western Pioneer v. Harbor Enterprises, 818 P.2d 634 (Alaska 1991); Wasilbe v. AVEC, 816 P.2d 158 (Alaska 1991); Yako v. U.S., 891 P.2d 738 (9th Cir. 1989); Turner Construction Co., Inc. v. Seales, 752 P.2d 467, 56 U.S.L.W. 2578 (Alaska 1988); Arnold v. State, 685 P.2d 1261 (Alaska App. 1984); Reynolds v. State, 655 P.2d 1313 (Alaska App. 1982); State v. Serdahely, 635 P.2d 1182 (Alaska 1981). *CONCENTRATION*: Negligence Law; Products Liability Law; Criminal Law; Appellate Practice.

JANICE LEINHART
JUDICIAL COUNCIL

SECTION 3

JANICE LIENHART

RESUME

EDUCATION:

Attended University of Washington, 1957-1958, Major in Nursing
Attended Chico State University, California, 1958-1960, Major in
Nursing, Minor in Psychology.

WORK EXPERIENCE:

Founder and Member, Board of Directors, Victims for Justice, 1986
- present.

Set up organization for purposes of providing emotional support
for victims of violent crimes and survivors of homicide victims,
as well as providing education for members of the criminal jus-
tice system concerning the impact of crime on victims and survi-
vors.

Obtained donations of equipment and supplies required for estab-
lishment of office space.

Remains active in fundraising and solicitation of in-kind contri-
butions for operational expenses of organization.

Assists in recruitment and training of volunteers.

Assists in preparation of brochures and other materials used in
public education and for emotional support of victims of crime.

Provided information to Representative Dave Donley which support-
ed his authorship of legislation, recently passed, which address-
es the rights of victims of crime.

Provided written testimony to Alaska House Health, Education and
Social Services Committee on needs of crime victims.

Speaker, Survivors of Homicide Victims, March 1990, North Ameri-
can Conference on Victim Assistance on Victim Assistance, Septem-
ber, 1988.

Provides education to juvenile offenders at McLaughlin Youth
Center concerning the impact of crime on victims and their fami-
lies/significant others.

Works with administrators at McLaughlin Youth Center to explore
the establishment of a victim-offender reconciliation program.

Organized a seminar entitled, "Victims' Rights: A New Frontier,"
held on June 6, 1989, open to individuals and agencies providing
services/assistance to victims of crime.

Janice Lienhart
Resume
Page 2

Member, Speakers' Bureau, giving presentations to community organizations, e.g., Lions Club and Rotary Club, for purposes of raising public awareness of needs of crime victims and fundraising.

Organizes public information events/services in connection with national and local observance of Victims' Rights Week, held annually during the month of April.

Effected inclusion of victim input into Judicial Conference, 1989.

Maintains current caseload of 100 clients, including victims of crime and friends/relatives of homicide victims.

Co-facilitates monthly peer support meeting for survivors of violent crime and friends/relatives of homicide victims.

Member, Citizen's Advisory Committee, McLaughlin Youth Center.

Member, 2nd Annual Interpersonal Violence Symposium Planning Committee, 1990.

A Panelist, The Alaska Geriatric Institute, The Elderly Victim's Perspective, February 1990.

Presenter, 1st Annual Paralegal Conference, March 1990

CONTINUING EDUCATION:

Advanced Victim Advocacy Classes, National Organization for Victim Assistance, Seattle, Washington, September 1987.

Fourteenth Annual North American Conference on Victim Assistance, Tucson, Arizona, August 1988.

Regional Training, "Victims' Rights: Opportunities for Action", National Victim Center, October 1989.

PROFESSIONAL ORGANIZATIONS\COMMITTEES:

Member, National Organization for Victim Assistance, Washington, D.C. (N.O.V.A.).

Member, National Victim Center, Fort Worth, Texas.

Member, Anchorage Sexual Assault Task Force.

Janice Lienhart
Resume
Page 3

Member, Citizen's Advisory Committee, McLaughlin Youth Center,
December, 1989-present.

Member, Planning Committee, Second Annual Conference on Interper-
sonal Violence, 1990.

ROBERT E. CONGDON
VIOLENT CRIMES COMPENSATION BOARD

SECTION 4

RESUME'

Robert E. Congdon

PERSONAL DATA

Address: 7300 South Park Drive
Anchorage, Alaska 99515
(907)345-1062

Family: Married to Joann Congdon, three children
D.O.B.: March 4, 1950

EDUCATION

B.A. June 1972, Seattle Pacific College (now University), Psychology

M.A. June, 1973, Washington State University,
Police Science and Administration, a
Criminal Justice System degree.

J.D. June, 1982, Willamette University, College of
Law, Salem, Oregon

EMPLOYMENT

1973 to present: University of Alaska, teaching and
developing curricula at Anchorage Community College,
Ketchikan Community College, Elmendorf Air Force
Base, Fort Richardson Army Base, Anchorage Senior
College, UAA, and other campuses in the UA system.

1982 to present: Consultant in small Business legal
matters with my own firm: Robert E. Congdon,
Attorney at Law

1982: Law Clerk, Alaska Court of Appeals

Summers of 1979 and 1980, Maintenance Subcontractor,
North Slope Borough School District in villages of
Pt. Hope, Pt. Lay, Kaktovik, Anaktuvuk Pass,
Wainwright

1975 to 1979, Guest Lecturer, Alaska Public Safety
Academy, Sitka, Alaska

UNIVERSITY
SERVICE

1988 Chair, Administrative Affairs
Board, Faculty Senate

1988 to present, member, Paralegal Advisory
Committee

1984, Member, Marketing Committee, Dept. of Social Sciences

1975, Sole University delegate to the statewide committee to establish the Criminal Justice Center

COMMUNITY
SERVICE

1985 to present, Elected member, Board of Directors InterAct Ministries, Inc., Secretary since 1986. This is the parent non-profit corporation of a church development operation in Alaska and Canada. It also operates summer and winter residential camps near Fairbanks and at Mile 95 of the Glenn Highway, which latter camp serves the Anchorage Public School District's Outdoor Education Programs

1977 to 1979, Member and President, Board of Directors, Anchorage Rescue Mission, Inc.

1974 to 1976, Member and President, Board of Directors, Alaska Alcoholism Treatment Center. While President of this organization, we built the Joint Council on the Accreditation of Hospital-approved alcohol treatment center wing at Point Woronzof now known as the Clitheroe Center

PROFESSIONAL
ORGANIZATIONS

1988 to present, member, American Business Law Association

1982 to present, member, Alaska Bar Association

1984 to present, member American Association for Paralegal Education (through Anchorage Community College)

1985 to present, member, American Bar Association

Laurie E. Dahmsto
Violent Crimes Compensation Board

SECTION 5

Laurie E. Dahms, M.D.

P.O. Box 876029
 Wasilla, AK 99687
 (907) 745-1777 office
 (907) 373-4040 home

Position 1990 to present Family Physician in Private Practice
 The Family Health Center
 425 E. Dahlia, Suite L, Palmer, Alaska 99645

Hospital -Active Staff Valley Hospital, Palmer, AK

Specialty FAMILY PRACTICE,
 Board Certified, American Board of Family Practice, July 14, 1989

Past Positions FACULTY
 MacNeal Family Practice Residency Program
 MacNeal Hospital, Berwyn, Illinois
 Coordinator, Family Medicine Service, 1989-90

Residency CHIEF RESIDENT, 1988-89
 St. Paul Medical Center, University of Texas
 Southwestern Medical Center, Dallas, Texas
 Resident in Family Practice, 1986-88

Research Dahms, LE, and Conard S: Stress in residency: External causes, Somatic Manifestations, and Impairment. FIRST PLACE exhibit at TAFP Annual Scientific Assembly, Sept. 1988.

Education 1982-86 UNIVERSITY OF KANSAS SCHOOL OF MEDICINE
 Kansas City, Kansas -- M.D. conferred May 1986

Honors

- Carl A Youngstrom award for outstanding research in Radiology
- Mahlon H. Delp Award to the senior student who best demonstrates the qualities of integrity, compassion and dedication to the care of the patient
- Student delegate to Kansas Academy of Family Physicians, KAFP Resident and Student Affairs committee member.

Actions

- Leader of Christian Medical Society
- Volunteer at Westport Free Health Clinic
- Delegate to AAFP National Conference of Residents and Student Members.

1976-81 UNIVERSITY OF KANSAS
Lawrence, Kansas
Bachelor of Arts, Human Biology. Conferred with honors.

Research Dahms LE: Gated cardiac blood pool parameters of cardiac function in patients with normal and abnormal hearts. Presented at Student Research Forum, March, 1984.

Exams NATIONAL BOARD EXAM: Part 1: Passed June, 1984.
NATIONAL BOARD EXAM: Part 2: Passed Sept., 1985
FLEX EXAM: Passed June, 1987.
AMERICAN BOARD OF FAMILY PRACTICE CERTIFYING EXAM:
Passed July 14, 1989.

Medical License: Alaska AA2519
Texas H2324

Professional Membership Alaska Academy of Family Physicians
American Academy of Family Physicians
Christian Medical Society

Professional Boards Valley Hospital Association Board Member - March '92 to Present

Personal Born October 10, 1959, Seattle, Washington
Married 12 years to Rev. David J. Dahms, August 15, 1981
Mother of twins, Kiersten & Bryan Dahms, born January 1991.

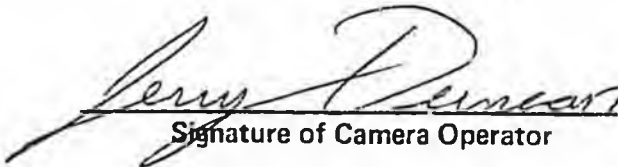


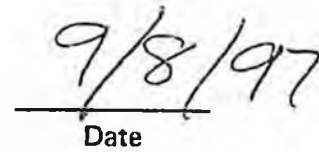
RECORDS



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

HB

2

Alaska State Legislature



House of Representatives
House Judiciary Committee

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

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

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

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

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

Representative Brian Porter
Chairman, House Judiciary Committee



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 | 801 W. 10th St. Juneau | 99801 | | 465-8652 | Y | N | Amend HB 2 |
| Peter Nakamura | Dept. of Health | A.D.B. | | | 9653090 | (Y) | N | HB 114 |
| VINCENT USERA | AGO | | | | 465-2399 | Y | N | if needed HB 79 |
| KARL LUCK | DCED | Director Occupational Licensing | | | 5-2538 | Y | (N) | only if needed HB 114 |
| WELTZIN Kathy, M. Wetzin | self | STUDENT ASSISTANCE CENTER P.O. BOX 20845 JUNEAU ALASKA 99801 10014 W. 10th St. Juneau, Alaska | | | 465-1855 | Y | N | HB 100 |
| Deborah | DFYS | | | | 465-3191 | (Y) | N | HB 97 |
| | | | | | | Y | N | |
| REVA BUKOVICH LEG. MILE TO JUNEAU MILE | | | | | -6872 | Y | N | |
| DEBRA LUCKHAFT LEG. COUNSEL LEG. MARKS | | GLADWIN BLDG JUNEAU, AK 9 | | | -2450 | Y | N | |
| | | | | | | Y | N | |
| | | | | | | Y | N | |

Page 1 of 2



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? |
|-------------|----------------------|-----------------------------------|-------|-----------|-----------|-------------------------|-----|---------------------------|
| SHERRIE GOZ | ALASKA WOMEN'S LOBBY | P.O. Box 22157, Juneau | 99802 | | 465-6744 | (Y) | N | HB 100 |
| Chris EADY | DIVERSIFIED SVCS DIV | P.O. Box 20845, JUNEAU | 99802 | | 586-5865 | Y | (N) | HB 700 |
| GARY BADER | DOF | 801 W. 10th JUNEAU | 99802 | | 465-8650 | (Y) | N | HB 2 |
| | | | | | | Y | N | |
| | | | | | | Y | N | |
| | | | | | | Y | N | |
| | | | | | | Y | N | |
| | | | | | | Y | N | |
| | | | | | | Y | N | |
| | | | | | | Y | N | |

Page 2 of 2

**** ORDER SUMMARY ****

SPONSOR: HNES 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:(906)478-9908

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

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

**** AGENDA ****

- 1 HB 114 DRUG DISPENSING:ADV. NURSE FRACTITIONERS
- 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 JENKENSEN | 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 | | OSBV. HB 114 |
| | 1018 W 73RD | ANCHORAGE | AK 99518 (907)344-5149 |
| 7 | KAY LAHDENPERA | MOA/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 |

| | | | | | |
|----|---|---------|--|----|-------------------------------|
| 27 | | | | | OBSV. HB 114 |
| 30 | 2 | OBSERVE | | AK | (907)000-0000 |
| 31 | 2 | OBSERVE | | AK | OBSV. HB 114 (907)000-0000 |
| 32 | 2 | OBSERVE | | AK | OBSV. HB 114 (907)000-0000 |
| | | | | AK | OBSV. HB 114 (907)000-0000 |

LTN1100-R01
02/11/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 03
15:22:36

TCN: 30193 DATE & TIME: 02/08/93 15:00 TO 17:00 STATUS: 7 STATS. IN

| PARTICIPANTS IN: JUNEAU | | JNU | | | |
|-------------------------|---|---------|--|----|---------------|
| 34 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 35 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 36 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 37 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 38 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 39 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 40 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 41 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 42 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 43 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 44 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 45 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 46 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 47 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 48 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 49 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 50 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 51 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |
| 52 | 2 | OBSERVE | | | OBSV. HB 114 |
| | | | | AK | (907)000-0000 |

PARTICIPANTS IN: MATSU
MS DIXIE
POB 382

LIGHT MAT

IS FOR THE BILL TSYF. HB 114
HOUSTON AK 99694 (907)892-8804

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: March 1, 1993

Place: Capitol Room 120

Subject of Meeting: HB 99 Repeal 65-day Deadline /
 Oil Spill Plans; HB 97 Parental Care for Child in
 State Custody; HB 2 Drug Testing for School Bus

Drivers

| Please Print Name | Representing | Business/Personal Mailing Address | Zip | (H) Phone | (W) Phone | Do you Want to Testify? | Which Subject/ Which Bill? |
|---------------------|-------------------|-----------------------------------|-------|-----------|-----------|--|----------------------------|
| ✓ Elmer A Lindstrom | DHSS | | | | 465-3030 | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 97 |
| * Steven B. Porter | ARCO | | | | 265-6269 | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 99 |
| Frank J. Dillon | AK Trucking Assoc | 3443 Minnesota Dr | 99503 | | 271-1149 | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 2 |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 10, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-1-93

The JUDICIARY 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: HOUSE JUDICIARY letter of Intent

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

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) Education 2/10/93

zero fiscal note _____

zero fiscal note(s) _____

| SIGNING <u>DO</u> PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|------------------------|----|-----------------------|-----|----|----|
| <i>Brian S. Porter</i> | ✓ | | | | |
| <i>Stacy Phillips</i> | ✓ | | | | |
| <i>Frank Douglas</i> | ✓ | | | | |
| <i>Janette James</i> | ✓ | | | | |
| <i>Joseph Jones</i> | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Brian S. Porter

 CHAIRMAN'S SIGNATURE

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3718

House Majority Leader

TO: Representative Brian Porter, Chairman *Brian* 2/9/93
House Judiciary Committee

FROM: Representative Gail Phillips *Gail*

RE: Scheduling of House Bill 2
(Drug and Alcohol Tests for School Bus Drivers)

I would appreciate your scheduling the above bill for a hearing before the House Judiciary Committee at your earliest convenience.

As you may know, I introduced the identical bill last session where it received favorable consideration from the first two committees of referral, but died in the Finance Committee upon the adjournment of the session.

I have attached back-up information for the committee files and my statement will be provided following my testimony.

REQUEST FOR SCHEDULING

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: Garv M. Bader Date: 1/26/93

Commissioner/Deputy: _____

Signature: Mike Peterson for Mike Maher Date: 1/28/93

MEMORANDUM

State of Alaska
Department of Education

To: John Peterson
Aide
Rep. Gail Phillips
Thru: *Ma*
Mike Maher
Deputy Commissioner

Date: February 10, 1993
Phone: 465-2800
File:

From: Romaine Kareen
Pupil Transportation
Coordinator

Subject: Drug\Alcohol
Testing for
School Bus Drivers

| | | | | |
|--|---------------|--|--|------------|
| Post-It™ brand fax transmittal memo 7671 | | | | # of pages |
| To | John Peterson | | | 1 |
| Co. | Kareen | | | |
| Dept. | Education | | | |
| Fax # | 3472 | | | |

Below is the information you requested from the Department of Education regarding drug and alcohol testing for school bus drivers.

What is the present role of the Federal government in drug\alcohol testing of school bus drivers?

The Federal government currently requires drug testing of school bus drivers who are involved in interstate transportation. School bus drivers who do not cross state lines are not required to be tested. Therefore, school bus drivers who transport students to and from school, solely within Alaska, are not subject to the testing requirements.

What is being proposed at the Federal level for drug\alcohol testing of school bus drivers?

The Federal government has issued a Notice of Proposed Rulemaking requiring that all operators of commercial motor vehicles subject to Commercial Driver's License requirements be tested for controlled substances and alcohol. In Alaska, drivers of school buses with more than 15 passenger capacity, including the driver, are required to possess a Commercial Driver's License. These drivers would therefore be subject to the proposed drug\alcohol testing requirement. Comments on the proposed rulemaking are due by April 14, 1993. Depending upon comments received, it may be some time before the rules are finalized and become effective - possible 1994 or even 1995.

In Alaska, drivers of school buses with a capacity of 15 passengers or less, including the driver, are not required to possess a Commercial Driver's License. These drivers would not be subject to the proposed drug\alcohol testing.

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 (5th 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

Representative Gail Phillips

February 8, 1993

Page 2

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,^{1/} 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

^{1/}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.

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.

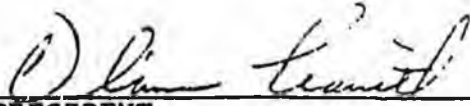
SECTION 3. Effectiveness. This ordinance shall become effective upon adoption.

NORTH SLOPE BOROUGH ORDINANCE

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

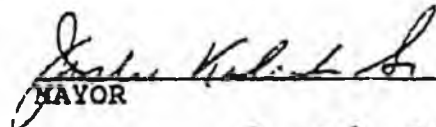

PRESIDENT

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 ^{DOB}
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 16 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)

ST. PAUL, MINN.

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9A Ariz.Rev.Stats.—1  
1991 P.P.

21

§ 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 pars. 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 49, 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 $\frac{2}{3}$  to 119

Chapter 111 $\frac{2}{3}$   
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 Act; 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

I. Contracts

South Suburban Safeway Lines, Inc. Transp. Authority, App. 1 Dist. 1981

704.01. Budget and program

§ 4.01. Budget and Program Authority. It shall be the duty of the Authority to provide for purposes and provide for program year the Authority shall prepare program document describing forthcoming fiscal year the expenditures as the Authority intends to finance them. The amount of the funds estimate funds estimated to be received 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 and 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 a program. Additional as such ordinance may be votes of 9 of its then I

(b) The budget shall sources and anticipate discharge of encumbrances 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

REVISÉD 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-R.S.—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                                                               | was redesignated as R.S. 49:1012; and in subsec.                           |
| This section, enacted as R.S. 49:1122 by Acts 1990, No. 1036, § 1 effective January 1, 1991, | 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                                                                | was redesignated as R.S. 49:1015 on authority of |
| This section, enacted as R.S. 49:1125 by Acts 1990, No. 1036, § 1, effective January 1, 1991, | 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

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

TERRY L. STELER, Secretary.

2125-152

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**AN ACT**

Relating to drug testing of school bus operators.

---

---

*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  
phrases shall mean:

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

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

(3) "Drug," for the purposes of this act only, any controlled  
substance as defined in section 195.010, RSMo, or ethyl alcohol  
in a concentration in a person's blood or breath of eight-  
hundredths of one percent or more by weight of alcohol in the  
blood;

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



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  
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 policy



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

41 metabolites.

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

24 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  
10 calculated to prevent substitution of specimens and interference  
11 with the collection or testing of specimens;

12 (i) Specimen collection shall be documented, and the  
13 documentation procedures shall include:

14 (a) Labeling of specimen containers so as to reasonably  
15 preclude the likelihood of erroneous identification of test results;  
16 and

17 (b) An opportunity for the school bus operator or job  
18 applicant to provide any information that he considers relevant  
19 to the test, including identification of currently or recently used  
20 prescription or non-prescription drugs, or other relevant medical  
21 information. The provision of this information shall not preclude  
22 the administration of the drug test, but shall be taken into  
23 account in interpreting any positive confirmed results,

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

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

29 (6) Each confirmation test conducted under sections 1 to 15  
30 of this act, not including the taking or collecting of a specimen  
31 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

17 confirmed test result report from the testing laboratory, an  
18 employer shall, in writing, inform a school bus operator or job  
19 applicant of such positive confirmed test result and inform the  
20 school bus operator or applicant, in writing, of the consequences  
21 of such a report and the options available to him;

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

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

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

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

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

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

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

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

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

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

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

18 5. Sections 1 to 15 of this act shall not be retroactive and  
19 shall not abrogate any right of an employer under state law to  
20 conduct drug tests prior to the effective implementation date  
21 sections 1 to 15 of this act. A drug test conducted by an employer  
22 before the effective date is not subject to sections 1 to 15 of this  
23 act.

24 6. An employer may temporarily suspend a school bus  
25 operator or may transfer a school bus operator to another  
26 position which does not involve operation of a school bus after  
27 obtaining the results of a positive on-site initial test or positive  
28 confirmed test.

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

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

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

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 10. 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



acting 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 Section Cancellation of a Permit

10 permanent.

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

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

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

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

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

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**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, §16-402,  
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, §16-402(a)(1), Annotated Code of Maryland. Speeds in excess of 9 miles per hour over the limit are also assigned points under Transportation Article, §16-402, 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) 768-7681, 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]
  - 7) [(26) - [(46)] (45) (text unchanged)
  - .d) 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   |
|----------------------------------------------|-------------|-------------|-------------|
|                                              | NONE        |             |             |
| A. On issuing agency:                        |             |             |             |
| B. On other State or local agencies:         |             |             |             |
| Local school systems:                        |             |             |             |
| 1. Driver skills tests                       | (-)         |             | Slight      |
| 2. CPR for school bus drivers and attendants | (-)         |             | \$1,059,336 |
| 3. Drug testing for school bus drivers       | (-)         |             | \$167,125   |



|                                             | Benefit (+)<br>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.)

B.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.

B.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 \$782,336 for driver instruction and \$183,200 for attendant instruction.

Also included in the cost is \$36,000 for purchase of "Resusc-A-Alive" 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.

B.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 636, 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-A-Alive" 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. Graamick, 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.

91 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.

92 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 §§391.81-391.115, 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 60 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 with 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 drivers.

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

# 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: [ ] the same title  
 be replaced with \_\_\_\_\_ [ ] a new title
- [ ] have attached amendments(s)
- [x] 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) \_\_\_\_\_
- [x] 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>Harley Olberg</i> | ✓  | <i>[Signature]</i>    |     | x  |    |
| <i>[Signature]</i>   | x  | <i>[Signature]</i>    |     | x  |    |
| <i>[Signature]</i>   | x  |                       |     |    |    |
|                      |    |                       |     |    |    |
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*[Signature]*  
CHAIRMAN'S SIGNATURE

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 2

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

| Expenditures/Revenues:      | (Thousands of Dollars) |       |       |       |       |       |
|-----------------------------|------------------------|-------|-------|-------|-------|-------|
|                             | FY94                   | FY95  | FY96  | FY97  | FY98  | FY99  |
| <b>OPERATING</b>            |                        |       |       |       |       |       |
| 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>      | 135.6                  | 135.6 | 135.6 | 135.6 | 135.6 | 135.6 |
| <b>CAPITAL</b>              |                        |       |       |       |       |       |
| <b>REVENUE FUND SOURCE:</b> | GF                     | GF    | GF    | GF    | GF    | GF    |

| FUNDING:                  | (Thousands of Dollars) |       |       |       |       |       |
|---------------------------|------------------------|-------|-------|-------|-------|-------|
| 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>              | 135.6                  | 135.6 | 135.6 | 135.6 | 135.6 | 135.6 |

| 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 *Doug M. Bader* 1/25/93 Phone: 465-2875  
 Division: Administrative Services Date: 1/25/93  
 Approved by Commissioner: *Walt Miller* 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 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|

Random Tests:

|                                                                                               |   |            |
|-----------------------------------------------------------------------------------------------|---|------------|
| Estimated number of individuals employed as school bus drivers on any day of the school year: | + | <u>840</u> |
|-----------------------------------------------------------------------------------------------|---|------------|

|                                                                      |       |
|----------------------------------------------------------------------|-------|
| Estimated total number of annual alcohol/drug tests to be conducted: | 1,320 |
|----------------------------------------------------------------------|-------|

|                           |   |             |
|---------------------------|---|-------------|
| X estimated cost for test | X | <u>\$80</u> |
|---------------------------|---|-------------|

|                                 |            |
|---------------------------------|------------|
| Estimated annual cost for tests | \$ 105,600 |
|---------------------------------|------------|

|                                                                 |               |
|-----------------------------------------------------------------|---------------|
| Estimated annual cost to contract for administration of program | <u>30,000</u> |
|-----------------------------------------------------------------|---------------|

|                                      |            |
|--------------------------------------|------------|
| TOTAL ESTIMATED ANNUAL COST TO STATE | \$ 135,600 |
|--------------------------------------|------------|

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.