

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672  
11070 HOUSE STATE AFFAIRS

# ALASKA STATE LEGISLATURE



*Interim:*  
600 East Railroad Avenue  
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*Session:*  
State Capitol  
Juneau, Alaska 99801-1182  
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**SENATOR LYDA GREEN**  
SENATE DISTRICT G

## **SPONSOR STATEMENT FOR SB270**

### **A Resolution relating to Avalanche Awareness Month**

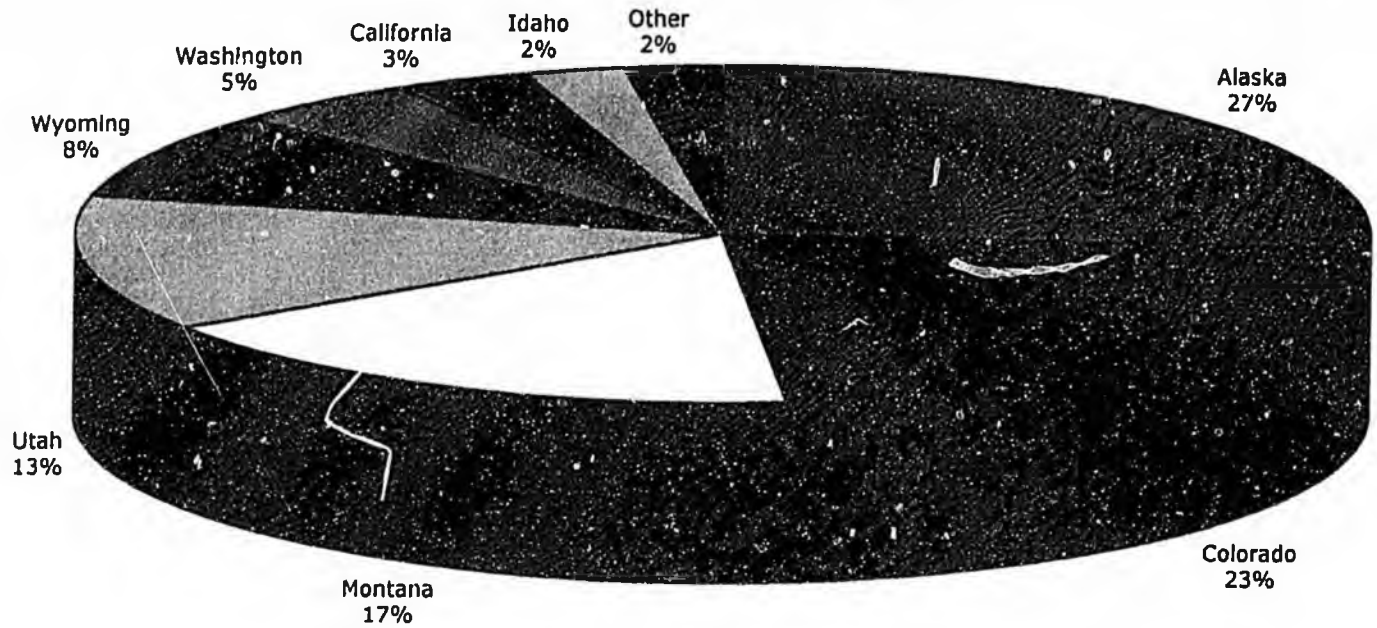
Alaska is avalanche country. Each year Alaska loses more people to avalanches than any other state, regardless of population. During the last four winters alone, 28 Alaskans have died in avalanches. Last winter, avalanche dust clouds hit school buses on Thane road in Juneau two times. It is chilling to think of the possible outcomes. While often little can be done to prevent the occurrence of an avalanche, **much can be done to prevent the loss of life from avalanches.**

Senate Bill 270 would establish November as Avalanche Awareness Month. This designation would serve to raise public awareness of the hazards associated with avalanches, and of the opportunities to participate in avalanche safety training at the beginning of the winter recreational season. It is hoped that public participation in avalanche safety programs will be increased. This increased participation will equip Alaskans with the skills necessary to survive potentially fatal encounters with avalanches and result in saved lives.

### US Avalanche Fatalities by State, 1998-2002

N=121

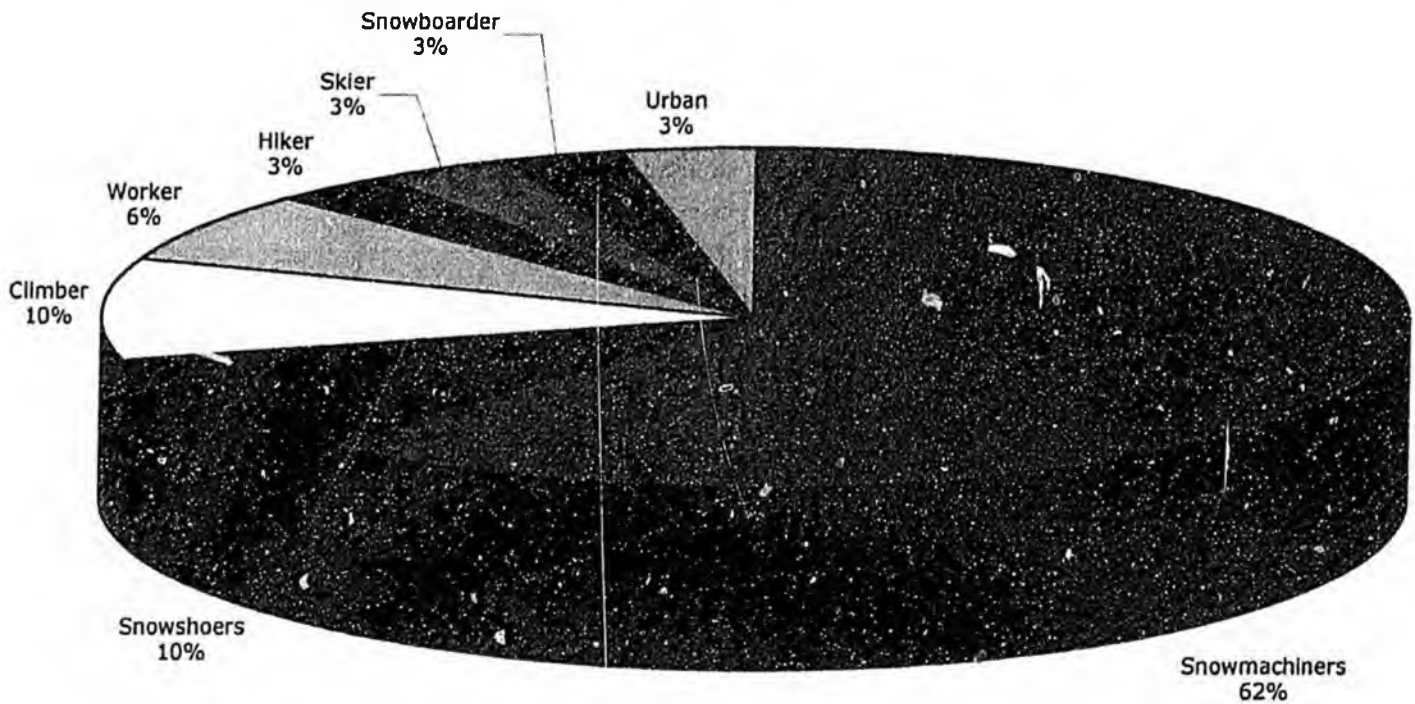
Compiled by Southeast Alaska Avalanche Center, 06-24-02



### Alaska Avalanche Fatalities by Activity 98-02

N=31

Compiled by Southeast Alaska Avalanche Center, 06-24-02



SB

297



# ALASKA STATE SENATE

Session:  
State Capitol  
Juneau, Alaska 99801-1182  
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Interim:  
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Senator Ralph Seekins  
District D

## Senate Bill 297 Sponsor Statement

**“An Act relating to bear predation management and the donation and sale of bear hides and skulls.”**

There is no shortage of black or grizzly/brown bears in Alaska. Here, they are neither threatened nor endangered. In some Game Management Units the bear populations are many multiples of the established population objectives. The Alaska Department of Fish and Game estimates statewide black bear populations as high as 200,000 and the grizzly/brown bear population as high as 35,000.

In certain Game Management Units, estimates range from 70–90% of all the moose calves are dead before they reach two months of age due, in large part, to bear predation. As a result, fall recruitment is virtually zero and the reproductive base populations are crashing. The well publicized 2003 McGrath bear relocation experiment clearly demonstrated that a reduction in bear populations has a direct positive effect on increasing calf survivability and thus the long-term health of the resource. But relocation efforts do not solve the underlying problem.

Senate Bill 297 addresses Alaska’s bear over-population problem in those places — called Intensive Management Areas — where the Board of Game has: (1) first determined that consumptive use of the big game population is a preferred use; (2) depletion of the big game population has occurred and may result in a significant reduction in the allowable human harvest of the population; and (3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

*It is important to understand that the provisions in SB 297 only come into play if the Board of Game, advised by the Department of Fish and Game biologists, finds that bears are a cause of the depletion or reduction of big game productivity.*

Once the above findings have been made, SB 297 allows for remediation efforts through the issuance of bear predation management permits. These special-purpose permits relax certain restrictions relative to the taking of bears in those areas where bear predation is identified as a problem. The Bill also provides guidance with respect to bear sealing as well as disposition of hides and skulls taken under this Act.

A strong point of emphasis is that this program in all reality is, and should be viewed as, a predator control program. The provisions of this Act *do not apply* to Game Management Units in which intensive management is not necessary. Furthermore, proactive measures end as soon as the bear populations are once again within the population objectives that have been set by the Board of Game.

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSSB 297(RES)  
(S) Publish Date: 4/19/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
Title Taking Black, Brown, and Grizzly Bear RDU Wildlife Conservation  
Component Wildlife Conservation  
Sponsor Senator Seekins  
Requester Senate Resources Component No. 473

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson, Legislative Liaison  
Division: Alaska Department of Fish & Game  
Approved by: Commissioner Kevin Duffy  
Agency: Alaska Department of Fish & Game

Phone 465-6137  
Date/Time 3/12/04 11:37 AM  
Date 3/12/2004

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSSB 297(RES)  
 (S) Publish Date: 4/27/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Act relating to bear predation management RDU Alaska State Troopers  
 Component Bureau of Wildlife Enforcement  
 Sponsor Sen. Seekins  
 Requester (S) Rules Component No. 2746

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This act will establish policies related to the Department of Fish and Game (ADF&G) being able to issue permits to allow hunters, both resident and non-resident, to harvest black, brown, and grizzly bears within "intensive management" areas. ADF&G will issue bear predation management permits to those hunters who qualify. Nonresident or nonresident aliens will be accompanied by a registered guide or master guide, or by a hunter who is over 21 years of age and who meets other qualifications outlined in the legislation. The taking of bear under authority of a bear predation management permit is subject to all other provisions applicable to the taking of bear such as the regulations governing the method, manner, means, bag limit, or other matters adopted by the board that do not conflict with this legislation.

This legislation is not expected to have a fiscal impact on the Alaska State Troopers.

Prepared by: Lt. Al Storey Phone 907-269-4532  
 Division Alaska State Troopers Date/Time 4/22/04 10:19 AM  
 Approved by: Commissioner William Tandeske Date 4/22/2004  
 Agency Department of Public Safety

# Alaska

## Professional Hunters Association, Inc.

P.O. Box 91932 • Anchorage, Alaska 99509  
(907) 522-3221

May 3, 2004

Honorable Bruce Weyrauch, Chairman  
State Affairs Committee  
Alaska House of Representatives  
State Capitol  
Juneau, AK 99801

RE: SB 297

Dear Chairman Weyrauch:

We have reviewed the revised version of SB 297 relating to bear predation management and conclude that it continues to represent a threat to the guide requirement in State law for non-resident hunting of bears and other big game species. This conclusion arises from analysis of the bill and review of applicable case law.

Alaska's guide requirement is predicated on considerations of hunter welfare and safety, resource management, and enforcement of hunting regulations. AS 16.05.407-408. Federal and state courts have upheld as legitimate and rational similar restrictions concerning nonresident hunters. *See O'Brien v. State*, 711 P.2d 1144, 1151 (Wyoming 1986) (upholding guide requirement for hunting big or trophy game as rational means of ensuring "proper game management, protection of hunter welfare and safety, or better enforcement of the game [and] fish laws"); *Clajon Production Corp. v. Petera*, 854 F.Supp 843 (D. Wyoming 1994) (upholding a resident license preference regulation that reserved a certain percentage of big game hunting licenses for state residents); *DeMasters v. State*, 656 F.Supp. 21 (D. Montana 1986) (upholding Montana statute limiting the number of yearly nonresident elk hunting licenses as an effective management tool for the purpose of wildlife conservation).

Any action that says, in essence, that these considerations are legitimate and compelling with respect to one area (where the guide requirement is in effect) but are not compelling (and are waived) in another, weakens the rational basis of the requirement. As a result, differential treatment of non-residents in different areas within the state is likely to expose Alaska's guide requirement to federal constitutional equal protection challenge.

B. Weyrauch

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5/3/04

SB 297 would establish such differential treatment. The measure would amend AS 16.05.781 to eliminate the guide requirement for non-residents hunting bears in designated bear predation management area. The revised version of the bill attempts to address the differential treatment issue by requiring non-residents to be accompanied by residents that satisfy certain criteria and receive special training. Although the purposes and objectives behind criteria are not specified, the emphasis on "experience" seems to be an effort to facilitate safety and in that sense, mirror or replicate one of the purposes underlying the guide requirement. Put another way, the bill seeks to establish these special residents as de facto guides operating in a non-commercial or quasi-commercial manner. <sup>1</sup> We presume that the thinking is that the differences between commercial and non-commercial "guides" would be considered minimal and not arbitrary or irrational.

This raises two issues. First, certifying a specific set of residents as stand-ins for guides raises questions about the basis for retaining guide requirements in other areas or for different big game species. If the State determines that the objectives of public safety resource management, and enforcement related to bear hunting can be secured via non-commercial means (i.e., using specially qualified non-compensated individuals as de facto guides), it indicates that commercial or economic purposes are the remaining rationale for guide requirements in other venues. Once guide requirements are rendered fundamentally commercial, these requirements become subject to attack under a commerce clause analysis. *See Conservation Force v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002). Application of the commerce clause/commercial analysis case law standards usually results in striking down guide requirements. *Id.*; *O'Brien* at 1152.

Second, requiring non-residents to hunt with specially qualified residents (i.e., de facto guides) appears to thwart the purpose of the bill—to facilitate killing bears. If the existing guide requirement is considered an obstacle to bear management, the special resident requirement constitutes a comparable obstacle. It raises this question: how many additional bears are likely to be taken by switching to a de facto guide requirement as compared to a certified professional guide requirement? It is likely that the benefits (in terms of facilitating the take of problem bears) of the de facto guide arrangement will be extremely minimal. Only a handful of residents are likely to qualify and go through the testing process to be able to "guide" non-resident hunters. On balance, such minimal benefits do not appear to outweigh the risks the revised scheme poses to the existing guide requirement.

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<sup>1</sup> The bill allows these resident "guides" to recover costs and expenses.

B. Weyrauch

-3-

5/3/04

To preserve the constitutionality of Alaska's guide requirement for non-resident hunters, we would strongly counsel against authorizing any exception to the guide requirement or a scheme in which special residents act as de facto guides in a non-commercial or quasi-commercial manner.

Sincerely,



Joe Klutsch, President  
Alaska Professional Hunter's Association



## Senate Bill 297 Bear Control

810 N St, Ste 203, Anchorage Alaska 99501 / Ph. 907.258.6171 / Fax 907.258.6177  
PO Box 22151, Juneau Alaska 99802 / Ph. 907.463.3366 / Fax 907.463.3312 / [www.acvoters.org](http://www.acvoters.org)

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**To: House Members**  
**From: Matthew Davison**

**Subject: SB 297 Bear Control**  
**Date: May 03, 2004**

This March the Alaska Board of Game, approved an array of means to increase the taking of bears in identified "intensive game management areas." SB 297 unnecessarily and recklessly makes additions to the Board of Game's Bear Predation Management Plan recommendations. SB 297 harms professional guide businesses, encourages poaching, puts bear populations at risk, and engages the state in the business of selling bear hides and skulls. The Legislature should allow the Board's plan time to work before moving forward on SB 297.

**Hurts Professional Guide Businesses and Puts Hunter at Risk-** SB 297 removes the requirement for non-resident hunters to hire a professional guide while hunting brown bears. This provision hurts professional guiding businesses and puts non-resident hunters and the public at risk.

**Puts the State in the Business of Selling Bear Hides and Skulls-** Under SB 297 the Department of Fish & Game or a non-profit organization is authorized to sell or auction bear hides and skulls. The proceeds would be split between the non-profit organization or hunter and the Department. Neither the state or the public should profit from the sale of bear parts.

**Encourages Poaching-** SB 297 encourages poaching by allowing hunters to profit from the sale of bear hides and skulls from across the state not just those in obtained bear control areas. It will be extremely difficult to determine if a bear was taken in an authorized "intensive game management area.

**Increases Bear Population Vulnerability-** Difficulty in determining bear populations in addition to their low reproductive rates make bears highly susceptible to over-harvest. A National Academy of Sciences study of predator management in Alaska strongly recommended against the attempted manipulation of Alaska's bear population.

**Rock Bottom Sealing Fees-** SB 297 allows out of state hunters to avoid paying the current \$500 brown bear tag fee. Permit holders would instead pay a sealing fee of \$250 if a bear hunt is successful. This reduction of revenue will harm the Department's wildlife conservation efforts and limits return to the general fund.

**Fails to Recognize Predator-Prey Relationships-** SB 297 ignores the fact that bears, moose, and caribou have successfully coexisted for tens of thousands of years. Human predation and habitat changes are the primary causes for the perceived lack of harvestable moose and caribou. SB 297 unwisely targets bears, while ignoring other factors in wildlife population levels.

*Alaskans building a better future.*

SB

302



# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 302  
 (S) Publish Date: 2/6/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title An Act relating to oaths, affirmations RDU \_\_\_\_\_  
 and acknowledgments \_\_\_\_\_ Component Office of the Lt. Governor  
 Sponsor Governor \_\_\_\_\_  
 Requester Rules \_\_\_\_\_ Component No. 11

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The proposed fee changes for certificates from \$2 to \$5, as set out in Section 5 of the bill, will generate anticipated \$8.7 in additional unrestricted revenues.

Prepared by: Linda J. Perez, Director Phone 465-3876  
 Division: Administrative Services Date/Time 1/29/04 2:40 PM  
 Approved by: Lt. Governor Loren Leman Date 1/29/2004  
 Agency: Office of the Lt. Governor

## Frequently Asked Questions – CS SB 302 (FIN)

**Q: Why is this bill necessary?**

A: There has not been a comprehensive update to the notary statutes since 1961.

**Q: What changes are being proposed?**

A: The bill:

- Lowers the minimum age requirement from 19 to 18 years of age.
- Prohibits felons from applying as notaries public until 10 years post incarceration.
- Establishes disciplinary procedures for commission suspensions and revocations.
- Separates publicly available notary information from private notary information.
- Updates and expands the current State Employee notary commission system to include Municipal and Federal government employees.

**Q: I'm a notary now, how does this bill affect me?**

A: This bill will not impact current notaries unless they are felons.

**Q: What is not changing?**

A:

- The notary information that is currently publicly available remains publicly available
- Notary testing remains voluntary.
- The notary bond amount remains unchanged.
- The application fee remains unchanged.

**Q: What about fees?**

A: The \$40.00 application fee for notary commissions will remain unchanged. The fee for Lieutenant Governor Certificates is being raised from \$2.00 to \$5.00.

## Notary Statute Comparison – CS SB 302 (FIN)

	<b>Current</b>	<b>Proposed</b>
<b>Qualifications</b>		
	<p>Applicants must be a resident of the state at least 19 years of age.</p> <p>Resident defined to mean a person who maintains a permanent place of abode in the state, and is in fact living in the state.</p>	<p>Minimum age lowered to 18 years.</p> <p>Residency requirements made consistent with general residency statute AS 01.10.055, rather than separate definition.</p> <p>Applicant must reside legally in the United States.</p> <p>Applicants may not be convicted/incarcerated felons within 10 years of application.</p>
<b>Term</b>	<b>Current</b>	<b>Proposed</b>
	<p>Four years.</p> <p>Automatic revocation of commissions of State employee notaries who terminate employment prior to the commission expiration date.</p>	<p>Notaries Public will continue to serve a term of four years.</p> <p>Limited Governmental Notaries Public commissions will be open-ended with automatic revocation upon termination of government employment.</p>
<b>Fees</b>	<b>Current</b>	<b>Proposed</b>
	<p>\$40 application fee for non-state employee notaries.</p> <p>\$2 per Lieutenant Governor certificate.</p>	<p>\$40 application fee for non-state employee notaries (No change).</p> <p>\$5 per Lieutenant Governor certificate (\$3 increase).</p>
<b>Bond</b>	<b>Current</b>	<b>Proposed</b>
	<p>\$1,000 Notary Bond is required of all applicants.</p>	<p>\$1,000 Notary Bond required of all applicants except Limited Governmental Notaries.</p>

<b>Commission Types</b>	<b>Current</b>	<b>Proposed</b>
	<p>Notaries Public who serve four year commissions.</p> <p>Limited Governmental Notaries Public commissions available for State employees only.</p>	<p>Notaries Public who serve four year commissions.</p> <p>Limited Governmental Notaries Public commissions – Expanded to include Municipal and Federal employees in addition to State employees.</p>
<b>Commission Revocation</b>	<b>Current</b>	<b>Proposed</b>
	<p>Via Administrative Procedure Act. Act must be invoked to review all complaints against notaries, no matter how trivial.</p>	<p>By Lieutenant Governor for good cause via a formal disciplinary procedure. Appeals via the Administrative Procedure Act.</p>
<b>Notary Data</b>	<b>Current</b>	<b>Proposed</b>
	<p>Each notary's name, mailing address, surety information and commission dates are available to the public.</p>	<p>The notary information currently available remains unchanged. The notary's name, mailing address, surety information and commission dates continue to be publicly available.</p> <p>To facilitate training and communication the Lieutenant Governor may collect additional information from applicants and notaries that will not be available to the public.</p>
<b>Non-Commissioned Notaries</b>	<b>Current</b>	<b>Proposed</b>
	<p>Justices, Judges, Magistrates, Clerks or Deputy Clerks of Court, United States Postmasters, and Commissioned Military Officers are authorized to take oaths, affirmations or acknowledgments.</p>	<p>No change.</p>

SB

309



# ALASKA STATE LEGISLATURE



Official Business

## SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Resources Committee
- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January – May

State Capitol, #127

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907--283-3075

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## Sectional Analysis – SB 309

**Section 1.** Amends AS 18.15 by adding five new sections:

Section 18.15.400 – Authorizes bloodborne pathogen testing of prisoners when requested by a correctional officer who has received significant exposure from a prisoner.

Section 18.15.410 – Consent for testing; from the prisoner or the prisoner's representative.

Section 18.15.420 – Provides provisions for testing without consent. There must be probable cause that a significant exposure has occurred, a licensed physician has to determine that test results are necessary, or a compelling need for testing exists. The court shall consider the need for the test against privacy or other interests of the prisoner.

Section 18.15.440 – Confidentiality provisions apply and results can be disclosed only as needed for treatment.

Section 18.15.450 – Definitions.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 309  
 (S) Publish Date: 3/5/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "Blood Pathogens Testing of Prisoners..." RDU: Administration & Operations  
 Component: Inmate Health Care  
 Sponsor: Senator Wagoner, Senator Elton  
 Requester: State Affairs, Judiciary Component No.: 705

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

At this time the department does not anticipate a fiscal impact with the passage of this legislation.

Provisions of this legislation currently are addressed under the federal Bloodborne Pathogens standards promulgated by OSHA (29 CFR 1910-1030 dated December 1991) and adopted by Alaska OSHA (under 8 AAC 61-1010). The activities outlined and more relating to protection from, documentation of, and response to occupational exposure are essentially in effect under the existing OSHA standards. These tasks currently are addressed by the department and any additional tasks will be accomplished by the existing staff within the Department of Corrections.

Prepared by: Jerry D. Burnett, Director Phone: (907) 465-3339  
 Division: Administrative Services Date/Time: 3/3/04 10:47 AM  
 Approved by: Portia C. K. Parker, Deputy Commissioner Date: 3/3/2004  
 Agency: Department of Corrections

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSSB 309(JUD) am  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating testing the blood of prisoners BRU Risk Management  
and those in custody for bloodborne pathogens Component Risk Management  
 Sponsor Senators Wagoner, Elton, Dyson, & Lincoln  
 Requester House State Affairs Component No. 71

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1007 I/A Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Risk Management administers the self insurance program providing workers' compensation protection for all state employees, including injury and illness claims that may be filed by Correctional Officers affected by this legislation.

The self insured worker's compensation claims will realize future savings if this proposed legislation is enacted. As the number reported exposures varies by year, no actual saving can be explicitly presented.

Future Risk Management's workers' compensation assessments to Corrections will reflect any savings realized as premiums charged each agency are developed from actual claims expenses incurred.

Prepared by: J. Brad Thompson, Director Phone \_\_\_\_\_  
 Division: Risk Management Date/Time 4/7/04 2 16 PM  
 Approved by: Kevin Jardell, Assistant Commissioner Date 4/7/2004  
 Agency: Administration

# ALASKA STATE LEGISLATURE



Official Business

## SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Resources Committee
- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January - May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779  
3075

Interim: May - December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907--283-

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## Sponsor Statement

### SB 309 - An Act related to the testing of prisoners for bloodborne pathogens.

During 2003, approximately 40 Alaska correctional officers were potentially exposed to bloodborne pathogens when they came into contact with blood or other bodily fluids from prisoners. In most cases, the contamination was an intentional act.

If blood, bodily fluids or waste from a prisoner or person in custody contaminates a correctional officer, that person cannot be required to submit a blood sample for testing. Most states offer this type of protection to their correctional officers. The 18<sup>th</sup> Legislature moved in this direction by requiring blood tests for persons charged with sex offenses.

Currently, correctional officers who have been exposed may undergo a two-week treatment with a broad range of preventative medication for hepatitis, HIV, and other potential contagions. Reactions to the medication can lead to lost time on the job and a disruption of home life.

I respectfully request the support of my colleagues in providing our correctional officers with a tool to control their potential exposure to life-threatening contamination in their workplace.



# Alaska State Legislature

**Senate Majority** Web: <http://www.akrepublicans.org>

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**Sponsor:** Senator Tom Wagoner  
**Current Version:** CSSB 309(JUD)  
**Contact:** Kurt Olson 465-2828  
**Date:** March 19, 2004

## Fact Sheet for: Senate Bill 309

**Short Title:** Blood Borne Pathogen Testing of Prisoners

### Summary:

- Allows for the testing of prisoners for blood borne pathogens in the event a correctional officer is exposed to blood or other bodily fluids. Testing is subject to confidentiality provisions with penalties for unauthorized disclosure.

### Benefits:

- The ability to test prisoners should reduce the frequency of intentional contamination.

### Background:

During 2003 prisoners exposed more than 40 Alaska correctional officers to blood borne pathogens. In most cases, the exposure was intentional. Although testing of Alaska prisoners for blood borne pathogens is available at the request of rape victims, it is not currently available for Alaskan correctional officers. Currently, a correctional officer who has been bitten or exposed to blood borne pathogens by other means may undergo a two-week treatment with a broad range of preventative medication for hepatitis, HIV and other potential contagions. If the prisoner could be tested and proven negative, officers could choose to forego the preventative treatment.

# LEGISLATIVE RESEARCH REPORT

MARCH 4, 2004



REPORT NUMBER 04.145

## INVOLUNTARY TESTING OF INMATES FOR BLOODBORNE PATHOGENS

PREPARED FOR SENATOR TOM WAGONER

BY PATRICIA YOUNG, MANAGER

You wished to know the number of states that allow involuntary testing of inmates for bloodborne pathogens and other serious transmissible diseases. You were particularly interested in states that permit testing without consent when an inmate has intentionally or unintentionally exposed a correctional officer to the inmate's blood or other bodily fluids.

Although a number of organizations compile information on state laws requiring testing of inmates for human immunodeficiency virus (HIV) in general, we found no agency having compiled a list of state laws providing for this particular subset of mandatory testing.<sup>1</sup> We searched the statutes of several states that, based on comments in various publications on corrections and testing for transmissible diseases, we thought likely to contain such provisions. By this process, we identified provisions in 15 states.<sup>2</sup> The attached table provides citations and brief descriptions of pertinent parts of those states' laws.

As you will note, in most of these states, if the prisoner refuses to submit to testing, the officer or the officer's employer or representative is authorized to seek a court order compelling the prisoner to submit. In only one of the states we examined (Michigan), is involuntary testing authorized without a court order:

In order to protect the health, safety, and welfare of department employees, the department may test a prisoner . . . whether or not the prisoner consents to the test. The department is not required to give the prisoner an opportunity for a

<sup>1</sup> We contacted the Association of State Correction Administrators; the American Correctional Association (which publishes *Corrections Compendium*), the American Federation of State, County, and Municipal Employees (an organization that testified in support of the federal Correction Officers Health and Safety Act of 1998, P.L. 105-370); the Law Enforcement Alliance of America; and the National Conference of State Legislatures.

<sup>2</sup> It is very possible that substantially similar provisions exist in other states.

hearing or to obtain an order from a court of competent jurisdiction before administering the test.<sup>3</sup>

Among the states we examined, we note that in Colorado, Ohio, and Wisconsin, intentionally exposing a corrections officer to bodily fluids is, in and of itself, a criminal act.

Not surprisingly, many corrections officials and organizations support provisions that allow for expeditious testing of prisoners who have exposed corrections officials and employees to their bodily substances. To that end, the Law Enforcement Alliance of America offers a model law, the Infectious Disease Testing Act.<sup>4</sup> During the course of our research, we also found that the Council of State Governments included Colorado's "Act to Impose Penalties on Inmates Who Assault Employees of Detention Facilities Through Contact With Substances That May Cause Injury or Disease," in its 1999 volume of *Suggested State Legislation*.<sup>5</sup>

On the federal level, the Correction Officers Health and Safety Act of 1998 (Public Law 105-370), provides for such testing among federal prisoners—both those already sentenced and those detained before trial. Under the provisions of the act, upon "well-founded reason" to believe that a federal prisoner may have intentionally or unintentionally transmitted HIV to any officer or facility employee, the Attorney General "shall cause" that prisoner to be "tested promptly."<sup>6</sup> The law further calls for the Attorney General, in consultation with the Secretary of the Department of Health and Human Services, to provide to states proposed guidelines for the prevention, detection, and treatment of prisoners and personnel who have or may be exposed to infectious diseases in correctional institutions. Although the act specified that the federal administration would provide these proposed guidelines within one year, officials with the Alaska Departments of Corrections and Law are not aware of any such guidelines.<sup>7</sup>

State and federal Occupational Safety and Health Administration (OSHA) regulations nevertheless pertain to all incidents of exposure in correctional settings. According to representatives of the Department of Corrections and representatives of the Section of Epidemiology in the Division of Public Health, on-the-job exposures are routinely evaluated for the likelihood of transmission of diseases, which generally takes a "fairly significant intrusion." As such, public health officials note that not every exposure is significant enough to warrant prophylactic treatment—which itself is intrusive and unpleasant, and which generally must be started as soon as possible after exposure.<sup>8</sup> In cases deemed to present a likelihood of disease transmission, prophylactic treatments are begun long before test results would be available. In that regard, the issue is whether or not to continue the treatment after the test results are known.

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<sup>3</sup> Michigan Compiled Laws § 791.267b.

<sup>4</sup> We include a copy of the Law Enforcement Alliance of America's Infectious Disease Testing Act as Attachment A.

<sup>5</sup> We include the Colorado Act as presented in the Council of State Government's Suggested State Legislation, 1999, as Attachment B.

<sup>6</sup> We include a copy of the Correction Officers Health and Safety Act of 1998, P.L. 105-370, as Attachment C.

<sup>7</sup> We spoke with Portia Parker, deputy commissioner, Alaska Department of Corrections, and John Bodick, assistant attorney general (dealing with Corrections), Alaska Department of Law.

<sup>8</sup> Wendy Craytor, HIV-STD program coordinator, Epidemiology Section, Division of Public Health, Department of Health and Social Services, (907) 269-8058. The state adoption of the federal regulations on bloodborne pathogens is 8 AAC 61-1010. The federal regulation adopted is 29 CFR 1910-1030.

As with the majority of the state laws we examined, the OSHA regulations allow for application to a court for an order compelling testing when a source refuses to submit to a blood sample.

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I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

Testing Prisoners After Exposing Corrections Officers to Bodily Substances, Selected States		
State	Citation	Brief Description
Colorado	18-3-203	Exposing a correctional officer or employee to bodily fluids or toxic, caustic, or hazardous materials with malicious intention is a crime of second degree assault. The court shall order a prisoner bound over for trial for, indicted for, or convicted of such an offense to supply blood or other bodily substances for testing.
Florida	384.287	If the person will not voluntarily submit to screening for sexually transmissible diseases that can be transmitted through a significant exposure, the employe may seek a court order directing the source to be tested.
Iowa	356.48	An inmate who exposes another person to bodily fluids "shall submit" to testing. If the offender refuses, the sheriff or person in charge of the jail may apply to the court for order compelling the source to submit to the testing.
Kansas	65-6009	If while performing official duties, an employee is exposed to another's bodily fluids and the source refuses to submit to testing for infectious diseases, the head of the agency may apply to the court for an order compelling the source to submit to such testing.
Maryland	18-338	An inmate "shall furnish" a blood sample for HIV testing when the inmate has been found guilty of violating institutional regulations, in connection with which violation, that inmate has exposed a correctional officer to bodily fluids, the exposure is confirmed by a health care provider, and the exposed employee has given written notice of the exposure to the managing official of the facility.
Michigan	791.267b	If the Department of Corrections determines that reasonable cause exists to believe that a prisoner's exposure of an employee to the prisoner's bodily fluids is of sufficient severity, the department "shall test" the prisoner for HIV or HBV, or both. "In order to protect the health, safety, and welfare of department employees, the department may test a prisoner...whether or not the prisoner consents to the test. The department is not required to give the prisoner an opportunity for a hearing or to obtain an order from a court of competent jurisdiction before administering the test."
Minnesota	241.331-338, et seq.	If a licensed physician has determination that a "significant exposure" has occurred, and no blood previously collected is available for testing, and the prisoner refuses to provide a blood sample, the facility or employee may petition the court for an order requiring the prisoner to provide the sample.

## Testing Prisoners After Exposing Corrections Officers to Bodily Substances, Selected States

State	Citation	Brief Description
Nevada	441A.195	A law enforcement officer, correctional officer, emergency medical attendant, fireman, or any other criminal justice agency employee who may have been exposed to a contagious disease while performing official duties, or the employer of such a person, may petition the court for an order requiring the testing of the source person for HIV and HBV. The court "shall promptly hear" such a petition.
Ohio	2921.38	The intentional exposure of a law enforcement officer to bodily fluids is harassment—a fifth or third degree felony (third if the person knows he or she is a carrier of HIV, HBV, or TB). "The court, on request of the prosecutor, or the law enforcement authority responsible for the investigation of the violation, shall cause a person who allegedly has committed a violation of this section to submit to one or more appropriate tests..."
Oregon	433.085	Any law enforcement officer, parole and probation officer, corrections officer, emergency medical technician, firefighter or paramedic who in the performance of official duties comes into contact with the bodily fluids of another person may seek a court order compelling the source to submit to testing for HIV and HBV or HCV. The court "shall hold an ex parte in person or by telephone on the day of receipt of the petition, if possible, or within a reasonable period not to exceed three judicial days." Upon a showing that the petitioner has been exposed and the circumstances create probable cause to conclude that a significant possibility exists that the petitioner has been exposed to HIV, HBV, or HCV, the court shall order the testing of the source person.
South Dakota	23A-35B-1	A victim of "sliming" may request that the source person be tested. A health professional licensed or certified to do so shall take the blood sample.
Texas	81.05	A law enforcement or corrections officer, fire fighter, or emergency medical service employee or paramedic may request a department or health authority to order testing of a person who has exposed that person to bodily fluids if the professional believes the exposure places him or her at risk of a reportable disease including HIV. If the source refuses, the prosecuting attorney representing the state shall petition the court for an order requiring the test. The source person has a right to be represented by an attorney at the hearing.

Testing Prisoners After Exposing Corrections Officers to Bodily Substances, Selected States		
State	Citation	Brief Description
Washington	70.24.340	A law enforcement officer, fire fighter, health care provider, health care facility staff person, department of corrections staff person, jail staff person, or other category of employment at risk of substantial exposure to another's bodily fluids, may request a state or local public health officer to order HIV testing. If the public health official refuses to order testing, the person may petition the court for a hearing, which must be held within 72 hours (exclusive of Saturdays, Sundays, and holidays). The standard of review is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of HIV.
Wisconsin	946.43 968.38	Any prisoner who throws or expels blood or other bodily substances at or toward an officer, employee, or visitor of the facility is guilty of a Class I Felony. If probably cause to believe that the exposure carried a potential for transmitting a communicable disease, the district attorney shall apply to the circuit court for an order requiring the source to submit to testing.

Sources: Various state statutes.

**Attachment A**

Law Enforcement Alliance of America,  
Infectious Disease Testing Act



# Law Enforcement Alliance of America

*Law Enforcement, Crime Victims and Concerned Citizens... United for Justice!*



## INFECTIOUS DISEASE TESTING ACT

Section 1. This act may be cited as the "Infectious Disease Testing Act."

### A. Definitions. For the purposes of this section:

(1) "transmissible disease" shall include the human immunodeficiency virus (HIV) or any of its derivatives; hepatitis and any of its derivatives; tuberculosis; and any other serious illness which an exposed person could have a reasonable expectation of contracting from a subject.

(2) "exposed person" means a police officer, corrections officer, doctor, nurse, emergency medical technician, paramedic, or other health care provider, or a victim of crime, any part of whose body came into contact with the bodily fluids of an incarcerated person.

(3) "subject" means any person who is incarcerated.

### B. Notification.

(1) If an exposed person notifies the official in charge of an incarceration facility where a subject is incarcerated, in writing, under penalty of perjury, on a form to be developed by the State Health Department, that any part of the exposed person's body came into contact with the bodily fluids of the subject, such official shall, pursuant to subsection (C), cause the subject's blood to be tested for the presence of a transmissible disease.

### C. Duty of Health Official

(1) Notwithstanding any provision of law or regulation, a state, county, or local public health officer designated by the State Health Department shall, upon written request of an official in charge of an incarceration facility, cause a blood test to be administered forthwith to a subject and shall immediately provide to such official a written report specifying the date on which such test was completed and the results thereof.

(2) At the time of communicating the test results to the official in charge of an incarceration facility, such public health officer shall, if the results reveal that the subject has a transmissible disease, also communicate the results to the subject and the exposed person and shall provide the subject and the exposed person with referrals for counseling and appropriate health care and support services. The counseling and services required by this paragraph may be provided by a public health officer associated with the facility where the subject is incarcerated.

Section 2. Requirement for testing arrested person's blood for transmissible diseases.

### A. Definitions. For the purposes of this section:

- (1) "transmissible disease" shall have the same meaning as in section I.
- (2) "exposed person" shall have the same meaning as in section I.
- (3) "subject" means any person who has been arrested.

B. Arrest of Released Subject.

If an exposed person notifies a judicial officer, by sworn testimony, after a subject has been released that any part of the exposed person's body came into contact with the bodily fluids of the subject, the judicial officer shall promptly issue an arrest warrant for the subject. Once arrested, the subject shall not be released by a judicial officer until such subject's blood has been tested, pursuant to section I, for the presence of a transmissible disease.

C. Compliance.

Any failure to comply with the provisions of this section shall not impair or affect the validity of any of the proceedings conducted by a court with respect to any offense with which the subject is charged or affect the admissibility of the results of the blood test.

## **Attachment B**

"Inmate Assaults with Body Fluids or Other Hazardous Substances"  
Council of State Government's *Suggested State Legislation, 1999*



# SUGGESTED STATE LEGISLATION

1999 Volume 58

Developed by the  
Committee on Suggested State Legislation

The Council of State Governments  
Lexington, Kentucky

Headquarters: (606) 244-8000

Fax: (606) 244-8001

E-mail: [info@csg.org](mailto:info@csg.org)

Internet: [www.csg.org](http://www.csg.org)

## Inmate Assaults with Body Fluids or Other Hazardous Substances

This Act directs that inmates commit a crime of assault in the second degree if they throw or expel infected body fluids or other hazardous material at prison employees or others who provide prison services. The law directs that inmates who commit such crimes can be tested for communicable diseases and that the test results can be disclosed to their crime victims.

Submitted as:  
Colorado  
CH 270 (Laws of 1997)  
Enacted into law, 1997.

### Suggested Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as "An Act to Impose Penalties on Inmates Who Assault Employees of Detention Facilities Through  
2 Contact With Substances That May Cause Injury or Disease."  
3

1 Section 2. [*Assault in the Second Degree.*]

2 (1) A person commits the crime of assault in the second degree if:  
3 (a) While lawfully confined in a detention facility within this state,  
4 a person with intent to infect, injure, harm, harass, annoy, threaten, or alarm  
5 a person in a detention facility whom the actor knows or reasonably should  
6 know to be an employee of a detention facility, causes such employee to  
7 come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit,  
8 or any toxic, caustic, or hazardous material by any means, including but not  
9 limited to throwing, tossing, or expelling such fluid or material.

10 (2) (a) Any adult or juvenile who is bound over for trial for the offense  
11 described in subparagraph (1)(a) of this section, subsequent to a preliminary  
12 hearing or after having waived the right to a preliminary hearing, any  
13 person who is indicted for or is convicted of any such offense, or any person  
14 who is determined to have provided blood, seminal fluid, urine, feces, saliva,  
15 mucus, or vomit to a person bound over for trial for, indicted for, or  
16 convicted of such an offense shall be ordered by the court to submit to a  
17 medical test for communicable diseases and to supply blood, feces, urine,  
18 saliva, or other bodily fluid required for the test. The results of such test  
19 shall be reported to the court or the court's designee, who shall then dis-

Inmate Assaults with Body Fluids or Other Hazardous Substances

20 close the results to any victim of the offense who requests such disclosure.  
21 Review and disclosure of medical test results by the court shall be closed  
22 and confidential, and any transaction records relating thereto shall also  
23 be closed and confidential. If a person subject to a medical test for  
24 communicable diseases pursuant this subparagraph voluntarily submits  
25 to a medical test for communicable diseases, the fact of such person's  
26 voluntary submission shall be admissible in mitigation of sentence if  
27 the person is convicted of the charged offense.

28 (b) In addition to any other penalty provided by law, the court may  
29 order any person who is convicted of the offense described in subparagraph  
30 (1)(a) of this section to meet all or any portion of the financial obligations of  
31 medical tests performed on and treatment prescribed for the victim or vic-  
32 tims of the offense.

33 (c) At the time of sentencing, the court may order that an offender  
34 described in subparagraph (2)(b) of this section be put on a period of proba-  
35 tion for the purpose of paying the testing and treatment costs of the victim  
36 or victims; except that the period of probation, when added to any time  
37 served, shall not exceed the maximum sentence that can be imposed for the  
38 offense.

39 (3) (a) As used in this Act, "detention facility" means any building, struc-  
40 ture, enclosure, vehicle, institution, or place, whether permanent or tempo-  
41 rary, fixed or mobile, where persons are or may be lawfully held in custody  
42 or confinement under the authority of this state or any political subdivision  
43 of this state.

44 (b) As used in this Act, "employee of a detention facility" includes  
45 employees of the [Department of Corrections,] employees of any agency or  
46 person operating a detention facility, law enforcement personnel, and any  
47 other persons who are present in or in the vicinity of a detention facility  
48 and are performing services for a detention facility. "employee of a deten-  
49 tion facility" does not include a person lawfully confined in a detention fa-  
50 cility.

1 Section 3. [*Severability.*] [Insert severability clause.]

1 Section 4. [*Repealer.*] [Insert repealer clause.]

1 Section 5. [*Effective Date.*] [Insert effective date.]

## **Attachment C**

Correction Officers Health and Safety Act of 1998, P.L. 105-370

Public Law 105-370  
105th Congress

An Act

Nov. 12, 1998  
[H.R. 2070]

To amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Correction  
Officers Health  
and Safety Act of  
1998.  
18 USC 4001  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Correction Officers Health and Safety Act of 1998".

**SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.**

(a) **IN GENERAL.**—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

**"§ 4014. Testing for human immunodeficiency virus**

"(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus, as appropriate, after the commencement of that incarceration, if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management.

"(b) If the Attorney General has a well-founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall—

"(1) cause the person who may have transmitted the virus to be tested promptly for the presence of such virus and communicate the test results to the person tested; and

"(2) consistent with the guidelines issued by the Bureau of Prisons relating to infectious disease management, inform any person (in, as appropriate, confidential consultation with the person's physician) who may have been exposed to such virus, of the potential risk involved and, if warranted by the circumstances, that prophylactic or other treatment should be considered.

"(c) If the results of a test under subsection (a) or (b) indicate the presence of the human immunodeficiency virus, the Attorney General shall provide appropriate access for counselling, health

care, and support services to the affected officer, employee, or other person, and to the person tested.

"(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

"(e) Not later than 1 year after the date of the enactment of this section, the Attorney General shall issue rules to implement this section. Such rules shall require that the results of any test are communicated only to the person tested, and, if the results of the test indicate the presence of the virus, to correctional facility personnel consistent with guidelines issued by the Bureau of Prisons. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested."

Deadline.  
Regulations.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

"4014. Testing for human immunodeficiency virus."

(c) GUIDELINES FOR STATES.—Not later than 1 year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

Deadline.  
18 USC 4042  
note.

Approved November 12, 1998.

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**LEGISLATIVE HISTORY—H.R. 2070:**

HOUSE REPORTS: No. 105-665 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Aug. 3, considered and passed House.

Oct. 20, considered and passed Senate, amended.

Oct. 21, House concurred in Senate amendment.





STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Health & Social Services	DIVISION PH	BILL NUMBER SB 309	SPONSOR WAGONER
SHORT TITLE OF BILL TESTING BLOOD OF PRISONERS FOR BLOODBORNE PATHOGENS			
DEPARTMENT POSITION Support			
PREPARED BY Doug Bruce, Director	DATE 02/19/2004	COMMISSIONER'S SIGNATURE Joel S. Gilbertson	DATE 02/25/2004

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Corrections Department of Law	CONSTITUENT GROUP(S) AFFECTED BY BILL Correctional officers
ORGANIZATIONAL SUPPORT FOR BILL Correctional Officer Unit, Public Safety Employees Association	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Senate Bill 309 adds new sections to AS 18.15 allowing a correctional officer who may have received a "significant exposure" from a prisoner to request, through the officer's physician, testing of the prisoner for bloodborne pathogens. This includes potential exposure to HIV and the hepatitis viruses. The bill details information the correctional facility must share with the prisoner and describes procedures for obtaining test results with and without the prisoner's consent. In addition, the bill describes confidentiality requirements for test results and authorizes a prisoner to bring civil action if test results are improperly released.

ANALYSIS OF BILL/PROGRAM EFFECTS

This bill relates primarily to the Department of Corrections, which would best address the issues noted below.

Within the Department of Health and Social Services, this bill is most applicable to the Division of Public Health, Section of Laboratories, which would perform tests required by the bill. Impact would be very minimal. The Division of Juvenile Justice already has measures in place for the testing of bloodborne pathogens.

Several issues are noted in this version of the bill:

Page 4, Line 13 requires a court order to draw blood if a sample isn't present and the (Continued on Page 2)

AMENDMENTS PROPOSED

BILL ANALYSIS

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. SB 309

Additional Comments

(Continued from Page 1)

prisoner does not consent to the test; however, (a) of the same section (Page 3, Line 22) does not mention the need for a court order if a blood sample is present but the prisoner objects to the test. This appears inconsistent because, whether or not a blood sample is present, in either case the prisoner is objecting to the test.

Page 2, Line 12 indicates that test results "may not be used as evidence in any criminal proceedings or civil proceedings." In some cases, it could be appropriate to charge a prisoner in an institution who has intentionally attempted to infect a staff member. Test results would be necessary evidence.

Page 2, Line 25 indicates that the facility "must first attempt to get existing test results under this subsection before taking any steps to obtain a blood sample or to test." This seems unnecessary, as previous test results are most likely irrelevant - current test results are what's needed. And, even current test results could be irrelevant, given that a person could still be infected with HIV, for example, and the test would not show it right away. At minimum, there should be a timeframe associated with the prior test results.

On Page 5, Line 14, providing test results to the officer's physician without specific identifying information is really not a true safeguard. Obviously, the physician will communicate the results to the officer who will then know the results of the test and who the test is associated with.

Finally, it should be noted the State of Alaska in 8 AAC 61.1010 already has adopted federal Occupational Safety and Health Administration (OSHA) standards to protect workers from bloodborne pathogens. The federal reference is 29 CFR 1910.1030.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Health & Social Services	DIVISION PH	BILL NUMBER SB 309	SPONSOR WAGONER
SHORT TITLE OF BILL TESTING BLOOD OF PRISONERS FOR BLOODBORNE PATHOGENS			
DEPARTMENT POSITION Support			
PREPARED BY Doug Bruce, Director	DATE 02/19/2004	COMMISSIONER'S SIGNATURE Joel S. Gilbertson	DATE 02/25/2004

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Corrections Department of Law	CONSTITUENT GROUP(S) AFFECTED BY BILL Correctional officers
ORGANIZATIONAL SUPPORT FOR BILL Correctional Officer Unit, Public Safety Employees Association	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND LEGISLATIVE INTENT

Senate Bill 309 adds new sections to AS 18.15 allowing a correctional officer who may have received a "significant exposure" from a prisoner to request, through the officer's physician, testing of the prisoner for bloodborne pathogens. This includes potential exposure to HIV and the hepatitis viruses. The bill details information the correctional facility must share with the prisoner and describes procedures for obtaining test results with and without the prisoner's consent. In addition, the bill describes confidentiality requirements for test results and authorizes a prisoner to bring civil action if test results are improperly released.

ANALYSIS OF BILL PROGRAM EFFECTS

This bill relates primarily to the Department of Corrections, which would best address the issues noted below.

Within the Department of Health and Social Services, this bill is most applicable to the Division of Public Health, Section of Laboratories, which would perform tests required by the bill. Impact would be very minimal. The Division of Juvenile Justice already has measures in place for the testing of bloodborne pathogens.

Several issues are noted in this version of the bill:

Page 4, Line 13 requires a court order to draw blood if a sample isn't present and the (Continued on Page 2)

AMENDMENTS PROPOSED

BILL ANALYSIS

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. SB 309

Additional Comments

(Continued from Page 1)

prisoner does not consent to the test; however, (a) of the same section (Page 3, Line 22) does not mention the need for a court order if a blood sample is present but the prisoner objects to the test. This appears inconsistent because, whether or not a blood sample is present, in either case the prisoner is objecting to the test.

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Finally, it should be noted the State of Alaska in 8 AAC 61.1010 already has adopted federal Occupational Safety and Health Administration (OSHA) standards to protect workers from bloodborne pathogens. The federal reference is 29 CFR 1910.1030.

SB

327



Session:  
State Capitol – Room 125  
Juneau, Alaska 99801  
(907) 465-2327  
(800) 336-7383 Toll Free  
(907) 463-5241 Fax



Interim:  
119 N. Cushman Street – Suite 201  
Fairbanks, Alaska 99701  
(907) 456-8161  
Fax (907) 456-8163

**Alaska State Senate**  
**Senator Ralph Seekins**  
District D

**SPONSOR STATEMENT FOR SENATE BILL 327**

**“An Act relating to pedestrians using rollerblades, roller skates, and similar devices.”**

For many years roller-skiers’ legal use of public roadways was, more or less, taken for granted. This assumption was successfully challenged in the Fairbanks area last fall. Senate Bill 327 seeks to remedy this situation by specifically allowing the use of particular wheeled devices on those public roadways also available to bicyclists. It also recommends a set of safety standards for the use of these devices.

Alaska is home to some of the best international, national, collegiate, and junior cross-country skiers on the planet. In fact, seven of the ten Alaskans competing in the 2002 Winter Olympics in Salt Lake City were cross-country skiers. Imagine that. *Seven* Olympic cross-country skiers from such a small state as ours! This speaks volumes not only about our skiers’ work ethic but also their training opportunities.

The natural preference of many of these world-class athletes would, no doubt, have Alaska covered in snow year-round. Since this is not a reasonable near-term possibility, the use of wheeled skis to imitate snow skiing has grown to become an effective training tool for use during non-winter months. What’s more, Alaska is becoming well known nationally and internationally as a favored summer-time training site.

For these reasons, it is the intent of the proposed legislation to accommodate this seasonal use of some of our roadways. In fact, other northern locales — such as Norway, Sweden and Canada — have, for many years, supported the efforts of their cross-country athletes with similar provisions. Furthermore, the proposed legislation borrows heavily from Cross Country Canada’s policy respecting the use of roller-skis on public roads.

Senate Bill 327 seeks to accommodate this important training activity by utilizing safe and reasonable methods for sharing roadway surfaces with motorized vehicles. It has garnered a groundswell of support throughout the cross-country community ranging from Alaska’s Interior region to Southcentral to the Kenai Peninsula.

The 2006 Winter Olympic games are just around the corner. Would it be too much to expect seven (or more) of our cross-country skiers to make the trip to Torino, Italy? Of course not! In fact, a little courtesy and common sense combined with a small statutory revision can help make it happen.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 327(STA)  
 (S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Act Relating to Rollerblades RDU Alaska State Troopers  
 Component AST Detachments  
 Sponsor Sen. Seekins  
 Requester (S) State Affairs Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

SB 327 will amended AS 28.05.011(a) to require that the Commissioner of Public Safety develop regulations allowing pedestrians using wheeled adjuncts, such as rollerblades, roller skates, and rollerskis, to use roadways and vehicular ways or areas available for use by bicycles. These regulations must include requirements that these pedestrians obey traffic laws, limit activities to daylight hours, wear an appropriate helmet and bright clothing, proceed in single file except when passing, complete all passing maneuvers expeditiously, not use any electronic devices that can inhibit hearing, and stay to the far right and restrict movement when passing by a motor vehicle.

The department does not anticipate the need for additional resources if this bill passes. The required regulation project can be handled using existing resources.

Prepared by: Lt. Al Storey Phone 269-4532  
 Division: Alaska State Troopers Date/Time 2/25/04 10:50 AM  
 Approved by: Commissioner William Tandeske Date 2/25/2004  
 Agency: Department of Public Safety

# Fairbanks Daily News-Miner

## Rollerskiers ticketed

By TIM MOWRY  
Staff Writer

Saturday, October 04, 2003 - Life for Fairbanks rollerskiers took a sharp U-turn last weekend when Alaska State Troopers issued a ticket to a rollerskier for obstructing traffic one day and then ordered the University of Alaska Fairbanks cross-country ski team to halt its workout on the road the next.

While troopers say the two incidents are not related, they have opened a can of ice worms in Fairbanks, a big-time Nordic ski town where rollerskiers on roads are as common as bicycles in September and October before the snow flies.

"People are rollerskiing on roads all over the country and I've never heard of anything like this," said UAF ski coach Bill McDonnell, who came to Fairbanks from Vermont five years ago. "It's kind of disconcerting, especially when Fairbanks is such a skiing community."

It marked the first time anyone can remember a rollerskier getting a ticket.

"In the 19 years I've been rollerskiing in Fairbanks I've been passed numerous times by troopers or Fairbanks police and not once have I been stopped," said Ken Leary, a 45-year-old elementary school teacher who troopers ticketed on Saturday.

Troopers allege that Leary, who was rollerskiing along Chena Ridge Road with Mike Kramer, swung his ski pole at a passing car. That car just happened to be driven by Capt. Greg Tanner, detachment commander for Alaska State Troopers in Fairbanks, who was off duty at the time.

Leary claims Tanner came close to hitting him and the two exchanged heated words when Tanner pulled over after passing the two skiers.

While Tanner claims he identified himself as a trooper and asked the two skiers to stop when they went by, Leary and Kramer say they did not hear Tanner do so and figured he was just an angry motorist yelling at them.

After the confrontation, Tanner followed the two skiers for more than 20 minutes until an on-duty trooper, whom Tanner had called, showed up on Cripple Creek Road to issue Leary a ticket.

On Sunday, three troopers ordered 11 members of the Nanooks ski team to remove their rollerskis during a workout on Cripple Creek Road. Troopers said they had received complaints from local residents.

Seven of the skiers were given rides back to a school van and four others were told to walk back to the vehicle.

Cripple Creek Road is about 5 miles south of Fairbanks and has become a hot spot for rollerskiers because it is freshly paved. Troopers said Sunday's incident was prompted by calls from concerned residents in the area, not any kind of confrontation from the previous day.

"When somebody calls and says somebody is going to get killed, we respond to that," said trooper Gary Tellep, one of the three troopers who showed up Sunday. "The idea is to prevent people from getting hurt."

In essence, troopers are enforcing a law they said has been on the books for years but has been ignored. According to troopers, rollerskiing is illegal on a public road.

"The statute pretty clearly says you can't rollerski on the highway," said Tanner.

The law Tanner is referring to is Alaska Administrative Code AAC 02.395 (e), which says, "No person may operate a unicycle, coaster, roller skates or a similar device on the roadway."

A rollerski falls into the "similar device" category, Tanner said.

That's news to skiing folks like John Estle, the former UAF and U.S. Ski Team coach who has lived and coached in Fairbanks for three decades.

"This is a brand new interpretation (of the law)," Estle said. "People have been rollerskiing in Fairbanks for more than 20 years without a problem. I don't understand why it's become such a problem all of a sudden."

The problem, as Tanner saw it on Saturday, was a safety issue.

"I wouldn't have stopped at all on Saturday if I didn't think they were creating a hazard," the trooper said. "My action was based on the fact that I saw two men side-by-side in the travel portion of the roadway in a no-passing zone and there was a curve."

Had Leary and Kramer stopped and talked to Tanner, the trooper said the situation probably would have been resolved without a ticket.

While troopers won't necessarily be on the lookout for rollerskiers, they will respond if they receive complaints or see rollerskiers in the road, Tanner said.

"We don't have a specific agenda to hunt out rollerskiers on the highway ... but if troopers come across that or if citizens call, we will follow up and take appropriate action," Tanner said. "Any time we see anyone operating on a road in an unsafe manner, we're going to take enforcement action."

Rollerskiers have been left alone for the last 20 years, Tanner said, "because, generally people have done it in a manner that hasn't drawn attention."

Tanner had some advice for rollerskiers.

"I would suggest they use bike paths or get the statute changed."

As far as McDonnell is concerned, the whole thing is "kind of silly." UAF skiers have been training on Cripple Creek Road for the last two years and while McDonnell admitted there are a few motorists who are not rollerskier-friendly, most of the residents are supportive and courteous of the team's efforts.

While he appreciated troopers' safety concern, McDonnell said he didn't appreciate the way they handled the situation. McDonnell described troopers as "downright nasty" when they confronted his skiers.

"When he stopped the skiers, he didn't say anything about why they were being stopped," McDonnell said of Tellep. "He was just yelling and ordering them off their skis."

"They couldn't believe it was happening," he said of the team. "For some of them it was pretty traumatic, being ordered into the back of a police car."

According to McDonnell, Tellep allegedly forced one skier, Bart Dengel, off the road by standing in the middle of the road and ordering him to stop. Dengel ended up crashing and bruising his face when he went off the road.

"He was told to stop and he couldn't stop and he went off the roadway," said Tellep, offering his version of the incident.

Tellep referred to rollerskiers as "guided missiles" and wondered why an "institution of higher learning" such as UAF would encourage such an activity.

"I think it's a little ridiculous; we've got skiers flying down hills on rollerskates when they can't stop and they're not wearing elbow or knee pads," Tellep said. "It's like telling somebody to go out and play football without a helmet. What happens if one of these kids gets hit by car, who's going to get sued?"

While McDonnell acknowledges that rollerskiing is dangerous, the risk is one assumed solely by the skier, he said.

"If someone rollerskis into the side of a car, it's not going to be the car that's going to have a problem," he said. "If you treat a rollerskier like another vehicle and wait for an opportunity to pass, where's the danger?"

Rollerskiing is no different than bicycling, according to those who do it.

"Sometimes you might take up a little extra room but there's nothing dangerous or unlawful about doing that," Kramer said. "Cars have to respect that other people are using the road."

With troopers taking a new, harder stance on rollerskiing, McDonnell said he doesn't know what to do at this point.

"We want to be able to rollerski and we would like to rollerski on Cripple Creek Road because it's the best spot," he said. "We don't want to cause any problems."

For now, the UAF ski team is traveling to North Pole to use the bike paths at Chena Lakes Recreation Area to train.

"To force us onto bike paths that are strewn with gravel so bad that you can barely go forward on them, it's an easy out for them, but it leaves us nowhere," said McDonnell.

Meanwhile, Kramer, a local attorney, said he is considering filing a lawsuit against troopers on Dengel's behalf, in part to get troopers to explain the sudden crackdown on rollerskiing.

"One benefit of that would be to have troopers explain their actions out there," he said.

As for Leary, he said he plans to fight his ticket and Kramer will represent him in court.

"I think the police force could be directed to more law enforcement than harassing rollerskiers," said Leary.

Staff writer Tim Mowry can be reached at 459-7587 or [tmowry@newsminer.com](mailto:tmowry@newsminer.com).



### 13 AAC 02.395. Riding on bicycles and certain nonmotorized conveyances

(a) Repealed 6/28/79.

(b) No person operating a bicycle upon a highway may carry a person other than the operator, unless the bicycle is equipped with a seat for the passenger, except that an adult rider may carry a child securely attached to his person in a backpack or sling.

(c) No person operating a bicycle or other nonmotorized conveyance may attach, hold on by hand or otherwise secure the bicycle or conveyance or himself to another vehicle so as to be towed or pulled.

(d) A person operating a bicycle upon a highway shall maintain control of the bicycle and shall at all times keep at least one hand upon the handlebars of the bicycle.

(e) No person may operate a unicycle, coaster, roller skates, or a similar device on a roadway.

(f) This section does not apply upon a roadway closed to motorized vehicle traffic.

**History:** In effect before 7/28/59; am 12/15/61, Register 3; am 8/10/66, Register 22; am 12/31/69, Register 31; am 6/28/79, Register 70

**Authority:** AS 28.05.011

### 13 AAC 02.400. Riding bicycles on roadways and bicycle paths

(a) A person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, and shall give way to the right as far as practicable to a motor vehicle proceeding in the same direction when the driver of the motor vehicle gives audible signal.

(b) Persons riding bicycles on a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding bicycles two abreast may not impede traffic and, in a laned roadway, shall ride within the farthest right lane.

(c) When a shoulder of the highway is maintained in good condition, an operator of a bicycle shall use the shoulder of the roadway.

(d) A person operating a bicycle on a trail, path, sidewalk, or sidewalk area shall

(1) exercise care to avoid colliding with other persons or vehicles;

(2) give an audible signal before overtaking and passing a pedestrian; and

(3) yield the right-of-way to any pedestrian.

(e) Repealed 6/28/79.

(f) A person riding a bicycle intending to turn left shall, unless he dismounts and crosses as a pedestrian,



# Nordic Ski Club of Fairbanks

Box 80111, Fairbanks, Alaska 99708

Sent via fax: 907-465-5241

February 23, 2004

The Honorable Ralph Seekins  
Alaska State Senate  
State Capitol, Room 125  
Juneau, AK 99810-1182

SB 327 (rollerskiing)

Dear Senator Seekins:

The purpose of this letter is to thank you on behalf of the Nordic Ski Club of Fairbanks for introducing and supporting SB 327. Rollerskiing is important element of ski training for the national and international caliber cross-country skiers that reside in Alaska. The UAF and UAA skiers compete at the highest levels nationally, and need this important tool that is available in other states and just across the border in Canada. Roller skiing is a must for Olympian and Fairbanks resident Aelin Peterson if she wants to stay competitive and make the US Ski Team at the next Olympic Games. Over a dozen Fairbanks area high school and first year college age skiers will compete in early March at Arctic Winter Games in Alberta, Canada and at Junior Olympics (U.S. junior national championships) in Lake Placid, New York. Most if not all of these skiers use roller skis as a needed part of their training, and some have their own Olympic dreams. Moreover, as you know, there is a large cross-country skiing community in our state and many Alaskans get healthy, ski specific exercise in summer on roller skis.

SB 327 is good legislation not just because it makes clear that roller skiers and other individuals using similar devices can use the same roadways as bicyclists. SB 327 also provides clear safety requirements for roller skiers which also will benefit motorists. The Nordic Ski Club of Fairbanks pledges to work with the college and high school ski teams, ski training groups and the ski community at large to make them fully aware of the requirements of this legislation, and any other relevant information on appropriate roller skiing safety and etiquette.

Thanks again for your support.

Sincerely Yours,

James Mery  
President

FW: in support of roller-skiing

**Subject: FW: in support of roller-skiing**

**Date:** Thu, 12 Feb 2004 16:58:22 -0900

**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>

**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

I will be making a binder full of the hard copies of all the letters I receive.

Bill

-----Original Message-----

**From:** quinley [mailto:quinley@alaska.net]

**Sent:** Thursday, February 12, 2004 4:39 PM

**To:** bill.mcdonnell@uaf.edu

**Subject:** in support of roller-skiing

February 12, 2004

To Whom It May Concern:

I am pleased Senator Seekins is proposing to amend the existing statutes to make roller-skiing legal in the state of Alaska.

As the mother of two lifelong cross-country skiers (ages 13 and 16), I know the importance of year-round training. I also know nothing comes closer to emulating cross-country skiing than roller-skiing.

Just as I have taught my children to be courteous and accommodating when using sidewalks, hiking trails, biking trails, and other public corridors, I have taught them to be respectful when roller-skiing on public roads. In addition, their coaches have taught them to roller-ski single file and to obey the same laws that apply to bicyclists using public roads. In fact, when one of their coaches noticed two athletes roller-skiing side-by-side, he stopped them, told them to take off their roller-skis, had them walk back to the van and made them wait out the practice. This is how seriously the cross-country ski community regards this form of training, and the lengths to which they will go to preserve it.

I believe the majority of roller-skiers are at least as courteous and law-abiding as the motorized users with whom they share the public roads. I am hopeful Mr. Seekins' commonsense proposal meets with approval.

Sincerely,

Constance K Quinley

1812 Bowdoin Circle

Anchorage, AK 99508

(907) 563-8569

**Subject: FW: in support of rollerskiing**

**Date:** Fri, 13 Feb 2004 13:07:00 -0900

**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>

**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

-----Original Message-----

From: Sally Johnson [mailto:salgalpall1@hotmail.com]

Sent: Friday, February 13, 2004 12:57 PM

To: bill.mcdonnell@uaf.edu

Subject: in support of rollerskiing

I have cross county skied in Alaska for most of my life. I began with junior nordic and went on to high school racing, racing at junior nationals, and now college ski racing. Alaska is a wonderful place to ski; we have great ski trails, a supportive ski community, and fairly reliable snow.

These factors and others have allowed Alaskans to excel at nordic skiing, our Junior team has won Nationals countless times and we have produced some of the nation's best skiers. We generally have good snow through the winter months, allowing Alaskan skiers quality training, but this is not so in the summer. The majority of my summer trianing is rollerskiing. If Alaskan nordic skiers were unable to rollerski, they would be at a great disadvantage to many of their competitors living elsewhere. Please amend the current statutes and allow rollerskiing to be legal in Alaska.

Thanks,

Sally Johnson

1334 Bannister Dr.  
Anchorage, AK 99508

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**Subject: FW: In Support of Roller-skiing**

**Date:** Fri, 13 Feb 2004 08:15:46 -0900

**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>

**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

-----Original Message-----

**From:** Nathan Wolfe [mailto:nate\_the\_great\_skiier@hotmail.com]

**Sent:** Thursday, February 12, 2004 5:37 PM

**To:** bill.mcdonnell@uaf.edu

**Subject:** In Support of Roller-skiing

Hello,

I am Nathan Wolfe, a junior at East High School. I have skied pretty much all my life and love the sport. I train avidly, as do many of my friends. This training includes running, biking, strength, and most importantly, roller-skiing. It is the closest way to mimic and perfect skiing technique and muscles without actually skiing on snow. Without roller-skiing the hard core trainers who would like to make skiing their life, or at least for their college career, and represent Alaska as we accomplish these dreams, lose a very important factor in getting there. Please consider what you are doing when you make roller-skiing illegal on public roads, and question if it really is needed. The majority of skiers are considerate when roller skiing and stay on the far side of the road, farthest from the cars. Please don't jeopardize the dreams of so many highschool skiers. Thank you for your time.

Nathan wolfe, 3336 Upland Dr., Anchorage Ak, 99504

---

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**Subject: FW: roller-skiing in Alaska**

**Date: Fri, 13 Feb 2004 08:16:28 -0900**

**From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>**

**To: "Brian Hove" <Brian\_Hove@legis.state.ak.us>**

-----Original Message-----

From: Jay Laxson [mailto:jlaxson1@corecom.net]

Sent: Thursday, February 12, 2004 7:32 PM

To: bill.mcdonnell@uaf.edu

Subject: roller-skiing in Alaska

Dear Senator Ralph Seekins

Thank you for introducing a bill to the legislature that will amend the existing statutes to make roller-skiing legal in the state of Alaska. I

didn't appreciate that this was not legal currently. I have been skiing with the Alaska Pacific University ski team for the past 2 years and, as you can appreciate, this is a valuable addition to the road and mountain

biking, running, hill-bounding and general strength work-outs that we do. Roller-skiing is critical to developing techniques, balance, and strength specific to cross country ski racing.

Road courtesy and safety are of paramount importance in fostering community support for roller-skiing on the paved public roads. Since there was a "major problem" with regards to roller-skiing in Fairbanks, the Anchorage nordic skiing community has become aware of the need to be

responsible when sharing the roads with automobile traffic. Hopefully the lessons learned will make everyone more aware of their skiing etiquette.

Sincerely,

Jay Laxson  
11901 Woodbourne Cir  
Anchorage, AK 99516  
907 345-3639  
jlaxson1@corecom.net

**Subject:** SB327

**Date:** Fri, 13 Feb 2004 19:28:13 -0900

**From:** Dave & Leila Dengel <dengel@alaska.net>

**To:** Senator\_Ralph\_Seekins@legis.state.ak.us

Senator Seekins:

Thanks for introducing SB327. Our son Bart was one of the UAF skiers stopped last fall for roller skiing near Fairbanks. Bart has roller skied on Thompson Pass for several years with no problems.  
Dave and Leila Dengel

**Subject: Roller Skiing Bill**

**Date:** Fri, 13 Feb 2004 15:12:23 -0900

**From:** "Sorensen, Steve P." <SorensenSP@alyeska-pipeline.com>

**To:** "Senator\_Ralph\_Seekins@legis.state.ak.us" <Senator\_Ralph\_Seekins@legis.state.ak.us>

Ralph,

Thanks for introducing the roller skiing bill. In my recreational life I have coached, raced, and instructed skiing for the last 30 years. Cross country skiing has kept a number of our kids "clean" while traversing the sometimes treacherous slopes of Junior High and High School peer pressure. My own kids, now mostly grown, have benefited from the discipline that cross country skiing has provided them and still provides them as high performing adults.

Thanks again!

Best Regards,  
Steve Sorensen  
Senior Structural Engineer  
Alyeska Pipeline Service Co.

**Subject: Roller Ski legislation**

**Date: Fri, 13 Feb 2004 19:09:03 EST**

**From: Jrjcsingleton@aol.com**

**To: Senator\_Ralph\_Seekins@legis.state.ak.us**

Senator Seekins

I am the President of Board of the Eagle River Nordic Ski Club and I would like to thank you for your support of bill 327. My son has earned the title of " skimeister" for being the top high school skier for the last two years. Because of this I am very much aware of the dedication and training requirements of the elite skiers of this state. In order for our skiers to be successful in national competition it is essential for them to train in the off season. A large component of this dry land training is on rollerskis. Bill 327 is important legislation for all the skiers of Alaska. Without it our skiers will have a distince training disadvantage over the skiers in the lower 48. Thanks to your bill our Alaskan skiers can contiune to excell in national and international competition.

Sincerely,

James C. Singleton D.D.S.

**Subject: rollerski legislation SB327**

**Date: Fri, 13 Feb 2004 13:54:53 -0900**

**From: "Kumin, Jon" <jkumin@kumin.alaska.com>**

**To: <Senator\_Ralph\_Seekins@legis.state.ak.us>**

Dear Sen Seekins:

In a word - THANK YOU! This is commonsense legislation we should all support.

Sincerely,

Jon Kumin  
7921 Charlotte Place  
Anchorage, AK 99502

**Subject: Roller Skiing**

**Date:** Sun, 15 Feb 2004 14:10:09 -0900

**From:** "Gooderham's" <brewers1@awcable.com>

**To:** <Senator\_Ralph\_Seekins@legis.state.ak.us>

Thank you for introducing the bill to allow roller skiing to be legal.

I have been skiing since age 12 and cannot understand why

we have to legislate common sense. Roller skiing is the best

way to stay in shape before the snow flies again.

Thanks again

Chad Gooderham  
Fairbanks Alaska  
[brewers1@awcable.com](mailto:brewers1@awcable.com)

**Subject:** SB327

**Date:** Mon, 16 Feb 2004 10:44:12 -0900

**From:** "quinley" <quinley@alaska.net>

**To:** <Senator\_Ralph\_Seekins@legis.state.ak.us>

Dear Senator Seekins,

Thank you for introducing SB327. We are a family of cross country skiers in Anchorage, and our teenage daughter has represented Alaska in national competition for three years. Rollerskiing is an important part of her year-round training, and an enjoyable, safe exercise for the rest of us. Your bill describes how it can be done safely, and we urge the Legislature to pass the bill this year. Thank you again for looking out for the interests of Alaska's athletes. Feel free to pass along this message of support to other legislators.

John Quinley

563-856

**Subject: Senate Bill 327**

**Date: Tue, 17 Feb 2004 10:34:45 -0900**

**From: "Bert Boyer" <ffbbb@uaf.edu>**

**To: <Senator\_Ralph\_Seekins@legis.state.ak.us>**

Dear Senator Seekins,

I want to personally thank you for introducing Senate Bill 327.

I have been roller skiing in Fairbanks for the last 6-8 years and have found it to be an extremely healthful and enjoyable way to stay fit in the summer. I have had one bad experience with an angry motorist in the summer of 2002, and interestingly, when I called the troopers, they supported my right to roller ski on the road. Thus, I was surprised to see the article in the News Miner last fall that indicated it was illegal.

It is clearly time to introduce a bill to make roller skiing legal in Alaska and I applaud your efforts.

Many thanks!

Bert

Bert Boyer, Ph.D.  
Associate Professor of Molecular Biology  
Institute of Arctic Biology  
Center for Alaska Native Health Research  
311 Irving I Bldg.  
Fairbanks, Alaska 99775  
Phone - 907-474-7733  
Fax - 907-474-6967 or -5700  
bert.boyer@uaf.edu  
[http://www.iab.uaf.edu/~bert\\_boyer](http://www.iab.uaf.edu/~bert_boyer)  
<http://www.alaska.edu/canhr/>

**Subject: FW: Senate Bill 327**

**Date: Tue, 17 Feb 2004 11:00:46 -0900**

**From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>**

**To: "Brian Hove" <Brian\_Hove@legis.state.ak.us>**

-----Original Message-----

From: Bert Boyer [mailto:ffbbb@uaf.edu]

Sent: Tuesday, February 17, 2004 10:35 AM

To: Senator\_Ralph\_Seekins@legis.state.ak.us

Subject: Senate Bill 327

Dear Senator Seekins,

I want to personally thank you for introducing Senate Bill 327.

I have been roller skiing in Fairbanks for the last 6-8 years and have found it to be an extremely healthful and enjoyable way to stay fit in the summer. I have had one bad experience with an angry motorist in the summer of 2002, and interestingly, when I called the troopers, they supported my right to roller ski on the road. Thus, I was surprised to see the article in the News Miner last fall that indicated it was illegal.

It is clearly time to introduce a bill to make roller skiing legal in Alaska and I applaud your efforts.

Many thanks!

Bert

Bert Boyer, Ph.D.  
Associate Professor of Molecular Biology  
Institute of Arctic Biology  
Center for Alaska Native Health Research  
311 Irving I Bldg.  
Fairbanks, Alaska 99775  
Phone - 907-474-7733  
Fax - 907-474-6967 or -5700  
bert.boyer@uaf.edu  
[http://www.iab.uaf.edu/~bert\\_boyer](http://www.iab.uaf.edu/~bert_boyer)  
<http://www.alaska.edu/canhr/>

FW: In support of rollerskiing

**Subject:** FW: In support of rollerskiing  
**Date:** Tue, 17 Feb 2004 08:37:51 -0900  
**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>  
**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

-----Original Message-----

**From:** Susan Sugai [mailto:fnsfs@uaf.edu]  
**Sent:** Monday, February 16, 2004 7:54 PM  
**To:** bill.mcdonnell@uaf.edu  
**Subject:** In support of rollerskiing

373 Droz Drive  
Fairbanks, Alaska 99701  
16 February 2004

Dear Honorable Senators,

This letter is written in support of SB 327 allowing roller skiers to legally use public roadways as bicycles currently do. Like many Nordic skiers both recreational and competitive, I was attracted to Fairbanks because of the well-groomed crosscountry ski trails and long on-snow season for pursuing our passion. I've been rollerskiing on Fairbanks roadways since 1987 and in those many years, State troopers have never stopped me as I've rollerskied on the Parks Highway, Sheep Creek, Murphy Dome, Rosie Creek, or Goldstream Roads. Although recently most of my rollerskiing has either been done alone or with one or two others, I have previously participated in roller ski clinics and training groups. Like most rollerskiers, I am considerate of vehicular traffic and move as far right as feasible and doublepole rather than skate when being passed by vehicles, bicycles, or other rollerskiers.

Currently, I'm in my tenth season coaching a Masters (over 40 year old) Men's ski training group. We meet weekly from November through April and the skiers are Fairbanks area residents ranging from University faculty and administrators to a local bar tender. Usually 12 to 15 of these skiers complete the annual Sonot Kkaazoot 50 km ski race in late March with several others doing the shorter 20 km version. While many of this group, myself included, used to be runners in the "dryland" season, rollerskiing allows us to participate in non-impact activity that has similar physical demands to Nordic skiing. Like the younger and more elite skiers who are striving to make University and Olympic teams, rollerskiing is an important activity for Masters skiers during our 6 months without snow. Masters skiers contribute not only to our local economy but also volunteer countless hours to the infrastructure that makes Fairbanks attractive to national and international Nordic skiers for training in the fall, and to national race organizing committees as a fantastic venue for events like the 2003 Junior Olympics held at the Birch Hill Recreation Area. The future of Nordic skiing in Fairbanks and the state of Alaska would definitely be brighter if local athletes of all ages could pursue their sport legally on roadways available to bicycles.

Thank you for your support in helping the greater Alaskan ski community.

Warm regards,

FW: In support of rollerskiing

Susan Sugai, Ph.D.

Associate Director, Alaska Sea Grant College Program

University of Alaska Fairbanks

Fairbanks, AK 99775-5040

(907) 474-6840; fax (907) 474-6285

<http://www.uaf.edu/seagrant/staff/sugai.html>

<http://www.arctic.gov/ssugai.htm>

**Subject: FW: In Support of Roller-Skiing**

**Date:** Tue, 17 Feb 2004 08:39:01 -0900

**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>

**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

-----Original Message-----

**From:** Frode Lillefjell [<mailto:skitur@alaskapacific.edu>]

**Sent:** Monday, February 16, 2004 10:53 AM

**To:** bill.mcdonnell@uaf.edu

**Subject:** In Support of Roller-Skiing

Anchorage and Alaska has a very large cross- country skiing community that rely on roller-skiing on public roads as one of the main forms of specific training during the summer and fall. If roller-skiing were to be banned from public roads, many high level skiers training would be compromised and Alaskans would be at a clear disadvantage compared to skiers from a lot of other states.

For us skiers this is a serious problem, that need to be addressed. One option that we skier would like to have, in addition to public road, is trails made especially for roller- skiing, however these trails cost a lot of money to build and as of today we have none. If we had one good roller-ski trail in Anchorage and Fairbanks respectively it would take a lot of the pressure of the public roads and only the highest level skiers would still need to use the roads some. Until then we hope we can continue to use public roads for our training in a safe and cooperative manner with other people on the roads.

Sincerely,

Frode Lillefjell

Assistant Coach Alaska Pacific University Nordic Ski Center

4101 University Drive Anchorage, AK 99508

E-mail: Skitur@alaskapacific.edu

**Subject: FW: In Support of Roller-Skiing**

**Date:** Tue, 17 Feb 2004 08:40:53 -0900

**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>

**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

-----Original Message-----

**From:** Martins [mailto:tadida@xyz.net]

**Sent:** Saturday, February 14, 2004 12:01 PM

**To:** bill.mcdonnell@uaf.edu

**Subject:** In Support of Roller-Skiing

Dear Committee Members:

We are a cross-country ski family in Homer and roller skiing is a big part of our summer fun. Larry Martin, my husband, is a former US Olympic team member. He grew up in Homer. Our daughter Ida Martin is a collegiate cross-country skier in Colorado. Our son is a member of the Homer High School ski team. A favorite summer workout for Larry and Ida is to roller ski up Fritz Creek Hill east of Homer. They also enjoy roller skiing up East Hill and up West Hill and across Skyline Drive. The Homer High School Ski Team also uses roller skis in these areas as a great pre-season training method.

My job in these workouts is to meet the roller skiers at the tops of the hills and give them a ride home. These are joyous, vigorous workouts. We're all four very much in favor of the use of roller skis. Legislation against such an activity is a vote in favor of atrophy and laziness and the use of automobiles instead of the human body!!!

Sincerely,

Linda Martin, for Larry, Ida and Tad

364 Rangeview

Homer, AK 99603

(907) 235-6758

**Subject: FW: In Support of Roller Skiing Legislation**

**Date:** Tue, 17 Feb 2004 08:42:11 -0900

**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>

**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

-----Original Message-----

**From:** Ron Klein [mailto:xcsg@gci.net]

**Sent:** Tuesday, February 17, 2004 6:46 AM

**To:** bill.mcdonnell@uaf.edu

**Subject:** In Support of Roller Skiing Legislation

Bill,

Thank you for working with Senator Seekins to support amending state statutes to make roller skiing legal. I was shocked to learn last summer that roller skiing was illegal. Skiing is a way of life in Anchorage. Roller skiing is an essential activity for maintaining ski conditioning and training for winter races. I have skied with APUN Nordic in the past and roller skiing has been an essential component of the training plan. Alaska has been a significant contributor to the US National Ski and Biathlon Teams and the ability for Alaskan team members to roller ski during the off season is essential to maintaining the competitive edge.

Ron Klein

3316 Knik Ave

Anchorage, AK 99517

**Subject: FW: In Support of Roller Skiing**

**Date: Tue, 17 Feb 2004 08:42:30 -0900**

**From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>**

**To: "Brian Hove" <Brian\_Hove@legis.state.ak.us>**

-----Original Message-----

From: Tim Stallard [mailto:[fntws@uaf.edu](mailto:fntws@uaf.edu)]

Sent: Monday, February 16, 2004 10:01 AM

To: Bill McDonnell (E-mail)

Subject: In Support of Roller Skiing

To Whom it may concern,

I am writing to express my support for legislation that legalizes roller skiing on Alaska's roads. Nordic skiing is a sport in which our Alaskan athletes are competitive at an international level. While we are blessed with one of the longest ski seasons anywhere, our nordic athletes need to train year round to stay competitive.

Our public roads offer the only easily accessible place where Alaska's nordic athletes can train in the summer - so I urge you to make this possible.

Thank you,

Tim Stallard  
1001 Mia St.  
Fairbanks, AK 99712  
(907) 452-8980

---

Tim Stallard < <a href="mailto:tim.stallard">tim.stallard</a> > Outdoor Adventures coordinator University of Alaska Fairbanks Explore Alaska: <a href="http://www.uaf.edu/outdoor">www.uaf.edu/outdoor</a>
---

FW: in support of roller-skiing

**Subject: FW: in support of roller-skiing**

**Date:** Tue, 17 Feb 2004 08:44:10 -0900

**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>

**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

-----Original Message-----

**From:** Elizabeth Quinley [mailto:queen\_elizabeth05@hotmail.com]

**Sent:** Friday, February 13, 2004 5:26 PM

**To:** bill.mcdonnell@uaf.edu

**Subject:** in support of roller-skiing

February 12, 2004

To Whom It May Concern:

As an avid skier for both APUNSC and East Anchorage High School, I am happy that Senator Seekins is proposing to make roller-skiing legal. Rollerskiing is very important to the nordic skiing community, and ensuring its legality is a good idea. To excel in nordic skiing, roller-skiing is crucial. It provides year-round training and a motion very similar to skiing on snow.

When roller-skiing, my team and I are careful and accomodating to oncoming traffic as well as pedestrians. Our coaches are adamant about skiing single file and getting to the side of the road when cars need to get by. We wear helmets, stay on the correct side of the road, and try hard not to obstruct traffic. We follow the rules just as bike-riders and pedestrians do, and would greatly appreciate it if rollerskiing was recognized as legal.

Sincerely,

Elizabeth O. Quinley

1812 Bowdoin Circle

Anchorage, AK 99508

(907) 563-8569

[queen\\_elizabeth05@hotmail.com](mailto:queen_elizabeth05@hotmail.com)

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**Subject:** FW: Roller-skiing on Public Right of Ways  
**Date:** Tue, 17 Feb 2004 08:47:02 -0900  
**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>  
**To:** "Brian Hove" <Brian\_Hove@alaska.gov>

-----Original Message-----

**From:** Karen Mannix [mailto:karen\_mannix@yahoo.com]  
**Sent:** Sunday, February 15, 2004 7:20 PM  
**To:** bill.mcdonnell@uaf.edu  
**Subject:** Roller-skiing on Public Right of Ways

My name is Karen Mannix. I am a 24-year resident of Talkeetna, Alaska, co-founder of Denali Junior Nordic ski Club and the Su Valley High School Cross Country Ski Coach for the past 6 seasons. I am writing in support of the legislative effort to allow roller-skiing on public roads. Although I would agree that there is a degree of risk involved in roller-skiing on roads in Alaska, I see no great difference between roller-skiing and bicycling, and I highly doubt there could be legal merit for determining one use more unsafe than the other.

However, my primary concerns for legislating AGAINST roller-skiing are these: 1) Our state has produced some of the best Nordic skiers in the country, in part because these athletes can summer train on roller-skis. 2) There are inadequate bike path systems to allow for roller-skiing. A perfect example is in the Talkeetna area, where a person can't travel from point A to point B anywhere in the area unless he/she is on a public road, the railroad, or in the woods! Several years ago, a side-road off the Talkeetna Spur (the Comsat) was freshly paved and allowed the only roller-skiable surface within a 60-mile radius. The Spur itself was pitted, pot-holed, and cracked. Last summer a bike path was constructed and may finally be used, but the Comsat is still able to provide variety and can be accessed by some residents without having to drive there. True, it might be safer to roller-ski solely on the bike path, BUT there is no legislation which denies anyone the right to ride a bike on the Comsat, and having done both, I personally see no difference between the two. 3) Bicycling and roller-skiing are very similar activities; many people commute, train, recreate using either/or or both forms of transportation...if one legislates against one, the other should follow. However, our State doesn't feel compelled to disallow bicycles on the busy city streets of Anchorage; how does roller-skiing on less busy public right-of-ways differ? 4) Compelling roller-skiers to use bike paths will seriously disable the use of good, paved training areas for serious nordic skiers. This would likewise be true for the serious bicyclist, and I would oppose any legislation which would hamper either activity.

We currently have a helmet law which mandates helmet use on motorcycles and snow machines. I maintain that any road user (motor vehicle or other) needs to be adequately prepared for safety; when I summer coach nordic athletes, they are required to wear helmets, but they are also allowed to ski on the sides of paved roads...otherwise, our Nordic ship would have been sunk years ago!

When our legislators begin to tackle public use "restrictions" on public right-of-ways, it is very important to be consistent. I don't see how it is possible for one to tell a resident of a neighborhood that they can bike to their friend's house but they can't roller-ski (or in-line skate, for that matter). I also feel that if the State of Alaska were really paying attention to types of recreation on public right-of-ways, it would more wisely use its time citing the many young snow-machiners, kids under 16 years old, without any type of dirving permit, who spend hours snow-machining at high speeds on (non-motorized) bike paths all over Alaska in winter. How many fatalities have we seen related to snow machine use vs roller-skiing?

As a skier, roller-skier, and coach, I feel it is necessary to allow roller-skiing activity on roads unless the State is willing to build a "non-motorized paved path" adjacent to each road. Whether training or commuting, roller-skiing should be allowed. I would suggest we tackle the snow machine issue (on non-motorized bike paths in winter) before attempting to legislate against something much more "healthy" and much less potentially injurious to others or self (roller-skiing on roads in summer).

Karen Mannix

PO Box 284

Talkeetna, Ak. 99676

907-733-2615

---

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**Subject: FW: Re: SB 327-Rollerskiing**

**Date: Tue, 17 Feb 2004 08:50:14 -0900**

**From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>**

**To: "Brian Hove" <Brian\_Hove@legis.state.ak.us>**

-----Original Message-----

From: Brennan Walsh [mailto:bwalsh01@hotmail.com]

Sent: Monday, February 16, 2004 3:54 PM

To: Bill.McDonnell@uaf.edu

Subject: FW: Re: SB 327-Rollerskiing

>From: Senator French <senator\_hollis\_french@legis.state.ak.us>

>To: Brennan Walsh <bwalsh01@hotmail.com>

>Subject: Re: SB 327-Rollerskiing

>Date: Mon, 16 Feb 2004 13:58:56 -0900

>

>Dear Brennan,

>Thank you for your letter regarding SB 327. I will look this bill over  
>carefully. It certainly seems like a good idea. I am an avid  
recreational

>skier, and I am certainly supportive of any legislation that makes it  
>easier for

>Alaskans to get out and exercise!

>Best of luck in your endeavors,

>Hollis French

>

>

>Brennan Walsh wrote:

>

> > Dear Sen. Hollis,

> >

> > My name is Brennan Walsh and I am an active cross country skier in  
>Anchorage

> > and on the NCAA college circuit. I competed for West High, Team  
Alaska,

>the

> > US Junior Biathlon Team, and now I race for the University of  
Nevada,

>Reno.

> > I am writing to ask for your support to pass SB 237. The bill allows  
the

>use

> > of Rollerskiing on roadways. As any serious skier will tell you, the  
> > importance of rollerskiing in the summer outweighs any other type  
of

> > training activity an athlete can do. I can say first hand that I  
would

>not

> > have been able to go as far as I have, without the use of summer

> > rollerskiing. Please vote in favor of this bill for myself, the  
skiing

> > community of our district, and for all the similar athletes around  
the

> > state. Thank you for your time.

> >

> > Brennan Walsh

> >

> > (school address)

> > 905 Washington St.  
> > Reno, NV, 89503  
> >  
> > (Alaska address)  
> > 1901 Belair  
> > Anchorage, AK 99517  
> >  
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> > overload! <http://click.atdmt.com/AVE/go/onm00200362ave/direct/01/>  
>  
>--  
>Sen. Hollis French  
>State Capitol, Room 504  
>Juneau, AK 99801  
>toll free (866) 465-3892  
>  
>visit my website at <http://www.akdemocrats.org>  
>  
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Accelerator. <http://click.atdmt.com/AVE/go/onm00200361ave/direct/01/>

FW: In Support of Roller Skiing

**Subject: FW: In Support of Roller Skiing**

**Date: Tue, 17 Feb 2004 08:51:06 -0900**

**From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>**

**To: "Brian Hove" <Brian\_Hove@legis.state.ak.us>**

-----Original Message-----

From: spirit1@ptialaska.net [mailto:spirit1@ptialaska.net]

Sent: Saturday, February 14, 2004 9:59 AM

To: bill.mcdonnell@uaf.edu

Subject: In Support of Roller Skiing

Dear Bill,

I am the parent of several former high school cross country skiers and I am

a skier myself. I am very much in favor of our skiers at all levels having

the option of training on roller skis when there is no snow. Rather than

being annoyed by the skiers using the road, I am always impressed at their

dedication to their sport. While I would be happy to have wider shoulders

on our roads for the use of all sports including bicycles and running strollers, I am more than willing to slow down for others using the roads.

I am in support of roller skiing on the roads; I am in fact in support of

use of our roads for non-motorized travel as well. Thank you.

Gail Davidson  
1547 Chena Ridge Road  
Fairbanks, Alaska 99709  
(907) 479-7127

-----  
mail2web - Check your email from the web at  
<http://mail2web.com/> .

FW: I support Roller Skiing!

**Subject: FW: I support Roller Skiing!**

**Date:** Tue, 17 Feb 2004 08:52:11 -0900

**From:** "bill mcdonnell" <bill.mcdonnell@uaf.edu>

**To:** "Brian Hove" <Brian\_Hove@legis.state.ak.us>

-----Original Message-----

**From:** The Harrisons [mailto:hhhomer@alaska.net]

**Sent:** Saturday, February 14, 2004 3:54 PM

**To:** bill.mcdonnell@uaf.edu

**Subject:** I support Roller Skiing!

My name is Brian Harrison and I am in favor of keeping roller skiing legal. As a Homer resident we are often the victims of unseasonably warm winter weather. The ability to roller ski makes training less of an issue due to poor snow conditions. It also makes training possible year round. My daughters both have been on the school cross country ski teams. Having this avenue open to them to improve their skills is invaluable. When the national spot light is on obesity in our population why would anyone take away another method of all important exercise. I can be reached at 1065 Larkspur Ct., Homer Ak. 99603, or 907-235-8922 should you have questions. Thank you for taking the time to consider this very important issue.

Brian Harrison

**Subject: FW: Groseclose support for rollerskiing bill w/address**

**Date: Tue, 17 Feb 2004 08:53:08 -0900**

**From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>**

**To: "Brian Hove" <Brian\_Hove@legis.state.ak.us>**

-----Original Message-----

From: Bob [mailto:bob@alaskalaw.com]

Sent: Monday, February 16, 2004 10:17 AM

To: bill.mcdonnell@uaf.edu

Subject: RE: Groseclose support for rollerskiing bill w/address

Bill, I overlooked my address, below.

-----Original Message-----

From: Bob [mailto:bob@alaskalaw.com]

Sent: Monday, February 16, 2004 9:56 AM

To: 'bill.mcdonnell@uaf.edu'

Subject: Groseclose support for rollerskiing bill

Bill,

Add my name to those supporting legislation which would modify the existing

statute/regulation so as to tolerate and accommodate roller skiing.

Cross-country skiing is to Alaska as surfing is to California. The law should reasonably accommodate this Alaskan pastime. Roller skiing is an off-season, ski-training activity. Certain roadways can accommodate the sharing of roller-skiing with other users. A total ban effectively eliminates off-season cross-country ski training. The law should be relaxed

to allow roller-skiing when traffic safety is not unreasonably comprised.

There are many roadways in the state where roller-skiers have for many years

peacefully coexisted safely and in harmony with other users. The law should

accommodate such usage. The total ban should be modified.

Bob Groseclose

520 Marshall Drive

Fairbanks, Alaska 99712

907/457-5498

'W: rollski

**Subject: FW: rollski**

**Date: Tue, 17 Feb 2004 10:02:06 -0900**

**From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>**

**To: "Brian Hove" <Brian\_Hove@legis.state.ak.us>**

-----Original Message-----

From: tigerdemers@att.net [mailto:tigerdemers@att.net]

Sent: Tuesday, February 17, 2004 9:59 AM

To: bill.mcdonnell@uaf.edu

Subject: rollski

fyi

Judy & Tiger E. Demers  
P.O. Box 991  
26975 Williwa St.  
Kasilof AK 99610 0991  
tigerdemers@att.net  
907-283-5133

February 17, 2004

Bill McDonnell  
University of Alaska Fairbanks  
P.O. Box 757440  
Fairbanks Alaska 99775

Dear Mr. McDonnell,

The purpose of this letter is to express our support for the proposed roller-ski legislation.

We are residents of Kasilof , a small rural community with no public recreational facilities. No sidewalks, no bike paths, and hardly any paved roads other than the Sterling Highway and Kalifornski Beach Road. The one thing that we like to do is either bicycle and or roller ski on Coho Loop Road which has a low volume of local traffic. In the past, the state police have observed us roller skiing and for what ever reason have never talked to us about any infractions.

I am 64 years old and an ex Olympic athlete, the 1964 Nordic Winter Olympic Team at Innsbruck Austria. One other to consider is our current Olympian and World Cup Biathlon competitor , Jay Hakkinen of Kasilof. And, there are others who will be positively affected by this legislation.

Thank you for your kind attention. If any additional information is desired, we will make every effort to meet your request.

Au Revoir Mon Ami,  
Tiger Demers

--  
Au Revoir Mon Ami  
Tiger & Judy Demers  
P.O.Box 991  
26975 Williwa St.  
Kasilof AK 99610  
907-283-5133

2/17/2004 11:00 AM

FW: support of roller skiing

**Subject: FW: support of roller skiing**

**Date: Tue, 17 Feb 2004 10:15:54 -0900**

**From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>**

**To: "Brian Hove" <Brian\_Hove@legis.state.ak.us>**

-----Original Message-----

From: Kiki Abrahamson [mailto:kabrahamson@kpbsd.k12.ak.us]

Sent: Tuesday, February 17, 2004 10:07 AM

To: bill.mcdonnell@uaf.edu

Subject: support of roller skiing

I support making roller skiing legal.

My 15 year old daughter won gold and silver medals in international biathlon competition in Sweden, but training in Alaska has been problematic. She trained in Lake Placid and with the Minnesota team and with them learned how to roller ski and develop a year round training plan. Although this worked for several years, it became too expensive for our family. Now she could rollerski to maintain her training here, but not if it is illegal.

That roller skiing is illegal seems completely ludicrous to me. We are constantly faced with challenges to help young people make wise activity choices and encourage everyone to keep up exercising for health as a life long pursuit. Then why would there be an ordinance against an activity that promotes a healthy activity? What is the message lawmakers are sending out... Sorry, you can't roller ski so why don't you go hang out at the beach with your friends and smoke some pot... Or, why don't you just sit down in front of the TV, drink a few beers and catch a game or two. If you're lucky you may even get a peek at Janet Jackson's breast.

Kiki Abrahamson

2/17/2004 11:00 AM