

ALAN ILMING, 2007-2007, 7/00

11700 HOUSE STATE AFFAIRS

AREAS OF ALASKA AMONG REGISTERED VOTERS
BY
POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

COLUMN PERCENTS

FEBRUARY 5TH THROUGH 23RD, 2005
SAMPLE SIZE = 586; MARGIN OF ERROR = + CR - 4.05%

	AREAS OF ALASKA:						TOTAL COL %
	South- east + or - 13.2%	Kenai Penin- sula + or - 9.8%	Anchor- age + or - 7.5%	MatSu + or - 9.7%	Fair- banks Area + or - 9.4%	Rural Alaska + or - 13.7%	
WEAR SEAT BELTS -- HOW OFTEN:							
All of the time.....	85.0%	76.1%	87.0%	84.7%	82.0%	78.5%	84.0%
Some of the time.....	11.8%	17.6%	10.1%	15.3%	15.3%	4.0%	11.3%
Not often.....	3.2%	1.3%	2.9%		2.7%	12.7%	3.7%
Never.....		5.0%				4.9%	.9%
WHY DON'T YOU WEAR A SEAT BELT ALL OF THE TIME:							
Wear seat belts all of the time.....	85.0%	76.1%	87.0%	84.7%	82.0%	78.5%	84.0%
Forgetful.....	1.7%	2.1%	4.1%	5.1%	.8%	2.2%	3.0%
Just don't want to, freedom of choice.....		3.9%	4.0%	2.0%	3.0%	1.8%	2.8%
Short trips.....	3.4%	5.7%	1.7%	.8%	3.7%	4.6%	2.8%
Live in rural area.....	6.6%	1.6%			1.6%	9.1%	2.5%
Get in a hurry.....	1.7%			.8%	2.7%		.7%
A bad habit.....			.5%	2.5%	.8%		.6%
Uncomfortable.....		2.5%		2.1%	1.9%		.6%
Superstitious, it can be dangerous.....			.8%	1.3%			.5%
My dogs and children are always hopping around....			.8%	.7%			.4%
Not required in Barrow.....						2.2%	.3%
The village speed limit is 10 mph.....						1.6%	.2%
Know person who died because they had seat belt on Faulty seat belt.....	1.5%		.5%				.2%
Don't like the gov'n't forcing my hand.....		.8%			.8%		.2%
Hurts my back, doctor says not to wear it.....					.8%		.1%
Social protest.....		1.1%					.1%
Truck driver, jinxing himself.....		1.3%					.1%
It is none of their business.....		1.3%					.1%
Been in an accident involving a seatbelt.....		.8%					.1%
Don't know.....		2.9%	.7%		1.9%		.7%
LAWS REQUIRING SEAT BELT USE:							
Favor.....	88.1%	73.0%	75.0%	75.2%	83.3%	88.4%	79.6%
Oppose.....	11.9%	22.3%	23.7%	21.5%	14.8%	11.6%	18.9%
Don't know.....		4.7%	1.4%	3.3%	1.9%		1.5%
RECEIVED TICKET FOR NOT WEARING SEAT BELT?							
Yes.....	5.4%	10.7%	4.1%	7.0%	7.0%	4.1%	5.4%
No.....	94.6%	89.3%	95.9%	93.0%	93.0%	95.9%	94.6%
SEEN CLICK IT OR TICKET?							
Yes.....	74.1%	83.5%	86.7%	83.3%	70.5%	78.9%	81.1%
No.....	25.9%	16.5%	13.3%	16.7%	29.5%	21.1%	18.9%
CLICK IT OR TICKET HELPED OR HURT:							
Have not seen ads.....	25.9%	16.5%	13.3%	16.7%	29.5%	21.1%	18.9%
Helped.....	58.9%	61.1%	67.7%	61.0%	51.1%	64.9%	62.7%
Hurt.....		6.3%	5.2%	.8%	6.6%	4.3%	4.4%
Don't know.....	15.2%	16.1%	13.8%	21.6%	10.8%	9.7%	14.0%
FAMILY/CLOSE FRIEND HURT IN MOTOR VEHICLE ACCIDENT							
Yes.....	57.0%	55.9%	67.1%	60.6%	54.9%	52.5%	60.8%
No.....	43.0%	44.1%	32.9%	39.4%	45.1%	47.5%	39.2%
TOTAL ROW PERCENT.....	15.3%	6.9%	43.0%	9.1%	13.6%	12.1%	100.0%

AREAS OF ALASKA AMONG REGISTERED VOTERS

BY

POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

COLUMN PERCENTS

VERY LIBERAL=1; VERY CONSERVATIVE=5

FEBRUARY 5TH THROUGH 23RD, 2005

SAMPLE SIZE = 586; MARGIN OF ERROR = + OR - 4.05%

	AREAS OF ALASKA:						TOTAL COL %
	South- east + or - 13.2%	Kenai Penin- sula + or - 9.8%	Anchor- age + or - 7.5%	MatSu + or - 9.7%	Fair- banks Area + or - 9.4%	Rural Alaska + or - 13.7%	
PARTY AFFILIATION:							
Republican Party.....	39.3%	32.7%	34.7%	41.2%	32.4%	24.5%	34.3%
Democratic Party.....	20.9%	9.4%	15.3%	7.3%	16.3%	28.6%	16.8%
Green Party.....		1.6%		3.7%	2.7%		.8%
Alaska Independent Party.....		1.3%			1.6%		.3%
Libertarian Party.....		1.3%	.7%		2.2%		.7%
No Party Affiliation/Independent.....	39.8%	53.8%	49.4%	47.7%	44.9%	46.9%	47.1%
IDEOLOGY OF RESPONDENT:							
Liberal.....	38.9%	29.3%	31.6%	20.9%	36.1%	26.1%	31.5%
Moderate.....	13.7%	11.9%	18.2%	25.9%	14.9%	15.6%	17.0%
Conservative.....	47.5%	58.9%	50.2%	53.2%	49.0%	58.3%	51.5%
Ideology of respondent mean							
Very liberal.....	1.7%	8.2%	5.5%	4.5%	11.1%	5.6%	5.8%
Somewhat liberal.....	37.2%	21.0%	26.1%	16.4%	25.0%	20.5%	25.7%
Moderate.....	13.7%	11.9%	18.2%	25.9%	14.9%	15.6%	17.0%
Somewhat conservative.....	41.5%	39.7%	41.2%	38.7%	37.1%	43.1%	40.6%
Very conservative.....	6.0%	19.2%	9.0%	14.5%	11.9%	15.2%	10.9%
Ideology of respondent mean.....	3.13	3.41	3.22	3.42	3.14	3.42	3.25
STATE GOVERNMENT HOUSEHOLD:							
Yes.....	19.2%	13.2%	10.3%	7.3%	14.0%	20.7%	13.4%
No.....	80.8%	86.8%	89.7%	92.7%	86.0%	79.3%	86.6%
FEDERAL GOVERNMENT HOUSEHOLD:							
Yes.....	16.9%	5.8%	12.7%	10.5%	13.8%	15.3%	13.1%
No.....	83.1%	94.2%	87.3%	89.5%	86.2%	84.7%	86.9%
CITY GOVERNMENT HOUSEHOLD:							
Yes.....	13.5%	7.2%	7.2%	5.6%	9.7%	17.6%	9.6%
No.....	86.5%	92.8%	92.8%	94.4%	90.3%	82.4%	90.4%
VETERAN HOUSEHOLD:							
Yes.....	3.2%	34.1%	34.2%	40.6%	40.7%	13.6%	30.7%
No.....	81.8%	65.9%	65.8%	59.4%	59.3%	86.4%	69.3%
LABOR UNION HOUSEHOLD:							
Yes.....	23.8%	23.9%	29.4%	22.2%	31.3%	31.5%	28.0%
No.....	76.2%	76.1%	70.6%	77.8%	68.7%	68.5%	72.0%
TOTAL ROW PERCENT.....	15.3%	6.9%	43.0%	9.1%	13.6%	12.1%	100.0%

AREAS OF ALASKA AMONG REGISTERED VOTERS

BY

POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

COLUMN PERCENTS

FEBRUARY 5TH THROUGH 23RD, 2005

SAMPLE SIZE = 586; MARGIN OF ERROR = + OR - 4.05%

	AREAS OF ALASKA:						TOTAL COL %
	South- east + or - 13.2%	Kenai Penin- sula + or - 9.8%	Anchor- age + or - 7.5%	MatSu + or - 9.7%	Fair- banks Area + or - 9.4%	Rural Alaska + or - 13.7%	
CHILDREN IN HOUSEHOLD:							
None.....	59.8%	52.4%	56.0%	44.8%	49.2%	54.7%	54.2%
One.....	10.5%	19.0%	19.8%	21.2%	25.4%	18.0%	19.0%
Two.....	14.3%	19.5%	15.5%	25.0%	17.8%	17.9%	17.1%
Three or more.....	15.4%	9.1%	8.7%	9.0%	7.6%	9.4%	9.7%
Number of children in households with children mean.....	2.27	1.98	1.82	1.83	1.82	2.03	1.91
Children under 18 mean.....	.89	.95	.80	1.01	.92	.92	.87
AGE OF RESPONDENT:							
18 to 30.....	7.9%	11.8%	8.0%	13.6%	10.3%	14.4%	9.9%
31 to 40.....	12.6%	9.1%	18.7%	16.8%	18.1%	17.4%	16.7%
41 to 50.....	28.8%	29.3%	28.3%	22.1%	26.2%	30.3%	27.8%
51 to 60.....	22.5%	27.4%	22.7%	29.1%	22.1%	21.3%	24.7%
61 or older.....	28.2%	22.4%	22.3%	18.5%	13.3%	16.5%	20.9%
Age of respondent mean.....	51.07	50.04	49.46	48.30	48.87	46.40	49.19
MARITAL STATUS:							
Married.....	58.2%	75.2%	66.3%	68.6%	66.7%	60.8%	65.3%
Single.....	41.8%	24.8%	33.7%	31.4%	33.3%	39.2%	34.7%
GENDER:							
Male.....	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
Female.....	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
MARITAL STATUS BY GENDER (COMPUTED):							
Married Males.....	29.1%	37.6%	33.1%	34.3%	33.3%	30.4%	32.6%
Married Females.....	29.1%	37.6%	33.1%	34.3%	33.3%	30.4%	32.6%
Single Males.....	20.2%	12.4%	16.9%	15.7%	16.7%	19.6%	17.4%
Single Females.....	20.9%	12.4%	16.9%	15.7%	16.7%	19.6%	17.4%
FAMILY STATUS (COMPUTED):							
Young Single (18-44).....	8.3%	4.3%	5.4%	2.0%	7.6%	6.5%	5.9%
Adult Single (45 +).....	20.6%	12.9%	18.3%	17.3%	12.7%	14.7%	17.0%
Single Parent.....	12.9%	7.6%	10.0%	12.0%	13.0%	12.0%	11.8%
Young Couple (18-44).....	9.0%	3.7%	4.5%	5.0%	5.1%	8.3%	5.7%
Mature Couple (45 +).....	21.9%	31.5%	27.7%	20.5%	23.8%	25.2%	25.6%
Young Family (18-44).....	11.0%	19.8%	20.0%	26.2%	17.8%	11.9%	17.9%
Mature Family (45 +).....	16.3%	20.3%	14.1%	17.0%	20.0%	15.5%	16.1%
TOTAL ROW PERCENT.....	15.3%	6.9%	43.0%	9.1%	13.6%	12.1%	100.0%

AREAS OF ALASKA AMONG REGISTERED VOTERS

BY

POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

VERY LIBERAL=1; VERY CONSERVATIVE=5

FEBRUARY 5TH THROUGH 23RD, 2005

ANALYSES OF VARIANCES BETWEEN ARITHMETIC MEANS; SAMPLE = 586

	AREAS OF ALASKA:						TOTAL MEAN
	South- east + or - 13.2%	Kenai Penin- sula + or - 9.8%	Anchor- age + or - 7.5%	MatSu + or - 9.7%	Fair- banks Area + or - 9.4%	Rural Alaska + or - 13.7%	
Ideology of respondent mean.....	3.13	3.41	3.22	3.42	3.14	3.42	3.25
Children under 18 mean.....	.89	.95	.80	1.01	.92	.92	.87
Number of children in households with children mean.....	2.22	1.98	1.82	1.93	1.82	2.03	1.91
Age of respondent mean.....	51.07	50.04	49.46	48.30	48.87	46.40	49.19



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Con Bunde
Current Version: SB 87
Contact: Lauren Wickersham, 465-3881

Fact Sheet for: Senate Bill 87

Short Title: SEAT BELT VIOLATION AS PRIMARY OFFENSE

Summary:

- Allows peace officers to pull over and cite individuals for not wearing a seat belt.
- Changes the current seat belt law from a secondary to a primary offense.
- Does not change current law that requires seat belt use in a motor vehicle.

Benefits:

- Saves the state hundreds of thousands of dollars in emergency, rehabilitative and insurance costs annually.
- Primary seat belt laws are proven to save lives and reduce injuries related to motor vehicle crashes.

Background:

- Twenty-one other states and the District of Columbia have enacted primary seat belt laws. Supporters include many local and national safety groups, Department of Public Safety Commissioner William Tandeske, the chiefs of police in Fairbanks and Anchorage, and the U.S. Department of Transportation.

Sec. 28.05.095. Use of seat belts and child safety devices required.

(a) Except as provided in (c) of this section a person

(1) 16 years of age or older may not occupy a motor vehicle while being driven unless restrained by a safety belt; and

(2) may not operate a motor vehicle unless restrained by a safety belt.

(b) Except as provided in (c) of this section, a driver may not transport a child under the age of 16 in a motor vehicle unless the driver has provided the required safety device and properly secured each child as described in this subsection. If the child is less than four years of age, the child shall be properly secured in a child safety device meeting the standards of the United States Department of Transportation for a child safety device for infants. If the child is four but not yet 16 years of age, the child shall be properly secured in a child safety device approved for a child of that age and size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child.

(c) Subsections (a) and (b) do not apply to

(1) passengers in a school bus, unless the school bus is required to be equipped with seat belts by the United States Department of Transportation, or an emergency vehicle;

(2) a vehicle operator acting in the course of employment delivering mail or newspapers from inside the vehicle to roadside mail or newspaper boxes;

(3) a person or class of persons exempted by regulation under AS 28.05.096; or

(4) a person required to be restrained by safety belts under (a) or (b) of this section if the motor vehicle is not equipped with safety belts.

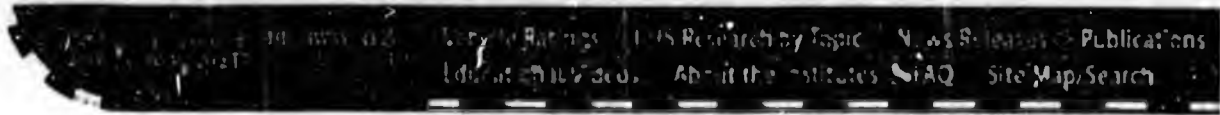
(d) A person may not remove a safety belt from a vehicle solely to be exempted under (c)(4) of this section.

(e) Notwithstanding any other provision of law, a peace officer may not stop or detain a motor vehicle to determine compliance with (a) of this section, or issue a citation for a violation of (a) of this section, unless the peace officer has probable cause to stop or detain the motor vehicle other than for a violation of (a) of this section.

Sec. 28.05.096. Exemptions and alternative safety devices.

(a) The commissioner of public safety may adopt regulations to exempt a person or a class of persons from the requirements of AS 28.05.095 if the commissioner determines that the use of a safety belt or child safety device is impractical because of physical or medical conditions of the person or class of persons.

(b) The commissioner of public safety shall specify alternative means of protection for children exempted under this section.



**INSURANCE INSTITUTE
FOR HIGHWAY SAFETY**

NEWS RELEASE

January 13, 2005

**PRIMARY SAFETY BELT LAWS WOULD SAVE 700 LIVES PER YEAR
28 STATES STILL ALLOW TICKET ONLY IF DRIVER IS STOPPED FOR ANOTHER REASON**

ARLINGTON, VA — Safety belt use laws in only 21 states and the District of Columbia are primary, meaning police may stop vehicles solely for belt law violations. But in most states belt use law enforcement is secondary, so police cannot stop vehicles for this infraction alone (New Hampshire is the only state without a belt use law.) In a new study the Insurance Institute for Highway Safety found that when states strengthen their laws from secondary enforcement to primary, driver death rates decline by an estimated 7 percent.

"In states with primary laws, safety belt use rates are higher. The result is that crash deaths are reduced," says Institute senior vice president Susan Ferguson. "Where primary laws are in effect, drivers are more likely to buckle up because the perception is that they're going to be pulled over if they don't."

The most recent national observational survey conducted in 2004 by the National Highway Traffic Safety Administration shows that belt use rates averaged 84 percent in primary states compared with 73 percent in secondary states. A number of observational studies have shown that shifting from secondary to primary laws boosts safety belt use, but the Institute's is the first study to evaluate the effect of this shift on traffic deaths.

The Institute examined driver fatality data during 1989-2003 in 10 jurisdictions — California, the District of Columbia, Georgia, Indiana, Louisiana, Maryland, Michigan, New Jersey, Oklahoma, and Washington — where secondary laws were amended to primary. Researchers compared these data with data in states where the laws remained secondary.

One indication that the primary laws led to higher belt use comes from rates among fatally injured drivers. In 1989 before any of the laws were changed, belt use rates among fatally injured drivers were similar — about 20 percent — in both groups of states. By 2003 the rates had risen to 47 percent in states that switched to primary laws, compared with 36 percent in the secondary states.

The annual rate of passenger vehicle driver deaths per mile of travel declined in both groups of states, but it declined more in the states that changed to primary enforcement. Taking into account the timing of the change in each state and other factors that could have affected crash rates, primary laws were associated with a 7 percent reduction in death rates.

Ferguson points out that during the study period "many states participated in special 'Click It or Ticket' safety belt enforcement campaigns. The enhanced enforcement began earlier in the primary states so it's important to note that changes in belt use laws along with the increased enforcement led to the decrease in fatalities."

Based on the reduction in driver death rates, it's estimated that 2,990 lives have been saved in the study states because of the tougher safety belt laws.

"If the 28 states that still have secondary laws were to switch to primary enforcement, about 700 lives would be saved each year. And if legislators in these states had enacted primary laws to begin with, more than 5,000 lives could have been saved since 1996," Ferguson says.

**Effects of strengthening safety belt laws:
Lives that could have been saved in secondary
states if belt laws had been primary**

Passenger Lives that

over →

State	vehicle driver deaths 1996-2003	could have been saved since 1996
Alaska	326	23
Arizona	3,347	234
Arkansas	2,914	204
Colorado	2,647	185
Florida	10,889	761
Idaho	1,158	81
Kansas	2,373	166
Kentucky	4,027	282
Maine	838	59
Massachusetts	1,776	124
Minnesota	2,771	194
Mississippi	4,314	302
Missouri	5,459	382
Montana	1,070	75
Nebraska	1,345	94
Nevada	1,226	89
North Dakota	465	33
Ohio	6,309	441
Pennsylvania	6,644	465
Rhode Island	336	23
South Carolina	4,436	310
South Dakota	699	49
Utah	1,216	85
Vermont	372	26
Virginia	4,200	294
West Virginia	1,759	123
Wisconsin	3,454	242
Wyoming	675	47
Total	77,084	5,390

Note: States listed are all those with secondary safety belt use laws.

© 1996-2005, Insurance Institute for Highway Safety, Highway Loss Data Institute | Copyright and Use of Images Notice
 Last modified: 11-Jan-2005



Municipality of Anchorage

4001 Pringle Street • Anchorage, Alaska 99503 • Telephone (907) 743-6511 • <http://www.muni.net>



Mayor Mark Hegich

Anchorage Police Department

February 15, 2005

Senator Con Bunde
State Capitol, Room 506
Juneau, AK 99801-1182

Senator,

The focus of SB 87, the Primary Seat Belt Law, is to enhance driver and passenger safety. Too often, we respond to accidents where occupants were not wearing seat belts and they sustained major injury or death because they were ejected from the car. In some these same accidents, other passengers who were wearing seat belts sustained only minor injuries.

There may be citizens who would resist the idea of government being so intrusive as to mandate their safety. What is often lost in this argument is the understanding that, should someone not wearing a seat belt die in an accident, that death can place a heavy emotional burden on the *other* driver—who was wearing one.

Finally, last year it seemed there were concerns among some legislators that a Primary Seat Belt Law would facilitate an excuse to make traffic stops in an abusive manner. Toward that concern, I will point out that there are already several hundred laws in the traffic code—from burnt out lights, cracked windshields, to even snow-obscured license plates, any of which could facilitate a legal traffic stop. This is only about safety. I support this bill because it supports my mission, to protect and serve; and the passage of this bill will help me to better ensure the safety of all Alaskans.

Sincerely,

Walt Monegan
Chief of Police

Community, Security, Prosperity



State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

February 4, 2005

The Honorable Con Bunde
Alaska State Senate
State Capitol, Room 506
Juneau, Alaska 99801

Dear Senator Bunde,

I'm writing to express my continued support for a primary seat belt law in Alaska.

My support is based on twenty-six years of service as an Alaska State Trooper, where I personally investigated a large number of motor vehicle crashes resulting in death or serious injury. In the accidents where no seatbelt was being utilized, one can only speculate that the sustained injuries may have been less severe and the loss of life would have been reduced had a seat belt been worn by all of the occupants.

The mission of the Department of Public Safety is in part, to protect life and property. As the commissioner of this department, I am committed to doing everything in my power to ensure the safety of all Alaskans. Plain and simple, study after study reports that seat belts save lives. Any legislation that will enhance the ability of law enforcement to advance safety in this state should be endorsed wholeheartedly.

I believe that primary seat belt legislation, coupled with the ongoing education efforts that are being promoted, will produce results that should reduce the alarming number of serious injuries and deaths on our roadways. If this department can be of assistance to you with any proposed seat belt legislation, please don't hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Tandeske".

William Tandeske
Commissioner

**Alaska Injury
Prevention Center**



Alaska Injury Prevention Center

PO Box 210736
Anchorage, AK 99521-0736
Tel. 907-929-3941
FAX 907-929-3940
Email: asc1@alaska.net

February 10, 2005

Senator Con Bunde
State Capitol, Room 506
Juneau, AK 99801-1182

Dear Senator Bunde,

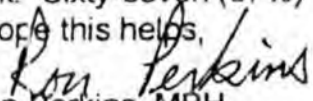
I would like to take this opportunity to offer my expertise and experience if necessary to advance your efforts on a primary seat belt law for Alaska. I'm the author and primary researcher for a study funded by a non-profit group called the Automotive Coalition for Traffic Safety. This research project, *Alaska Seat Belt Cost Analysis*, compiled and analyzed the hospital costs associated with seat belt use in Alaska. The research has gotten a good deal of statewide recognition as an argument to be used for primary enforcement of seat belt laws. The study shows that from 1996 through 1999, medical costs for unbelted occupants totaled more than \$13 million dollars of which, 50% were paid with public funds. I've attached the Executive Summary, but if you would like a complete copy, please contact me.

Fairbanks was the first city in Alaska to pass an ordinance giving police the authority to stop someone for not wearing a seat belt – primary enforcement. There was considerable public backlash over the new ordinance and it was eventually repealed, but the fine for the existing law was significantly increased. Anchorage also considered a similar municipal ordinance that would allow primary enforcement of seat belt use within the city limits and asked for a copy of the research findings.

Alaska has been chosen by the National Highway Traffic Safety Administration as one of 13 states to receive special initiatives to reduce our DUI deaths, and to increase our seat belt usage. At 77%, Alaska's seat belt usage rate has improved tremendously over previous years, but there are still a significant number of non-users in the state. If we are able to get a primary enforcement law passed, we would expect to see the seat belt usage rate climb to around 90%.

As the evaluator for the recent Click It or Ticket enforcement campaigns, we conducted random telephone surveys on 1,600 Anchorage residents. One of the questions asked was if they were in favor or opposed to police stopping someone for not wearing a seat belt. Sixty-seven (67%) percent said they were in favor of such a law.

I hope this helps,


Ron Perkins, MPH
Executive Director, AIPC



Municipality of Anchorage

Box 196650 • Anchorage, Alaska 99519-6650 • 825 "L" Street • <http://www.muni.org>

Mayor Mark Begich

Department of Health and Human Services



February 9, 2005

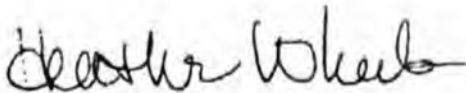
Senator Con Bunde
State Capitol, Room 506
Juneau, Alaska 99801-1182

The Municipality of Anchorage, Department of Health and Human Services strongly supports your effort to pass a primary seatbelt law this session. The passage of a Primary seatbelt Law is one of DHHS' 2005 legislative priorities. Primary seatbelt enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. It has been 13 years since a (secondary) seatbelt law was introduced allowing an officer to cite for non-seatbelt use only if the vehicle was stopped for another infraction. According to the National Highway Traffic Safety Administration, primary seatbelt laws increase seatbelt use by 9 to 14 percentage points. We presently have a 72% usage rate.

It is estimated that \$12 million, 71 major injuries, and 6 lives would be saved in Alaska each year if a primary seatbelt law was passed (BELTUSE software program, NHSTA). Motor vehicle crashes are the leading cause of injury death to people between the ages of 10-34 years of age (Alaska Bureau of Vital Statistics, 2002).

A primary seatbelt law would save not only lives, but would save significant amount of public money. Over 50% of the medical costs for people unrestrained at the time of the crash are paid by public funds ("Alaska Seatbelt Analysis", Sept. 2003, Alaska Injury Prevention Center). Studies show that patients who were not buckled up at the time of a motor vehicle crash were twice as likely to sustain a serious head injury and over one and one half times more likely to be discharged with a permanent disability (Alaska Trauma Registry, 1991-2000 10 year data report). Considering that a crash costs 55 percent more when a crash victim is unbelted, it is in the state's interest to reduce the cost of health care to enact a primary seat belt law. Twenty-one states and Washington D.C. (July 2004) have passed primary seatbelt laws.

Action requested: Support passage of SB 87, a Primary Seatbelt Law.


for Beverly K. Wooley, Director

Community, Security, Prosperity

LESSMEIER & WINTERS

LAWYERS - LLC

VINTAGE BUSINESS PARK
3000 VINTAGE BOULEVARD
SUITE 100
JUNEAU, ALASKA 99801

MICHAEL L. LESSMEIER
GREGORY W. LESSMEIER
SHELDON E. WINTERS

TELEPHONE: (907) 796-4999
FACSIMILE: (907) 796-4008
E-MAIL: HW@GLMI

By Telefax and Mail

February 14, 2005

Senator Con Bunde
State Capitol, Room 506
Juneau, Alaska 99801

Re: Senate Bill 87

Dear Senator Bunde:

On behalf of State Farm Insurance Companies, I would like to express support for SB 87. State Farm has long supported mandatory seatbelt laws and primary enforcement. This legislation will undoubtedly save lives. If there is any information we can provide to you, or anything else we can do in support of this bill, please let me know.

Sincerely,



Sheldon E. Winters

SEW/caf

Sen Bunde01.0217.wpd



ALPHA

ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

February 17, 2005
(S) STA SB 87

IN SUPPORT OF SB 87 "PRIMARY SEAT BELT LAW"

On behalf of the Alaska Public Health Association, representing two hundred and twenty public health professionals who are deeply committed to developing sound public health policy to improve the health of all Alaskans, we encourage you to vote **YES** on SB 87.

The Alaska Public Health Association and our national organization, the American Public Health Association, have long established resolutions in support of the use of seat belts to save lives, including the attached resolution our members adopted at our 2004 Annual Meeting.

APHA's first resolution in support of seat belt legislation is from 1955 - before statehood! Then, as now, public health professionals have been strong advocates of the effectiveness of seat belts in minimizing the degree of injury and death resulting from traffic accidents.

Seat belts are the single most effective safety device in preventing injuries and fatalities. Enacting a primary seat belt law, SB 87, will save lives and money.

Based on research by the National Highway Traffic Safety Administration, enacting a primary seat belt law contributes to a 10-15% increase in seat belt use. Similar results of close to a 15% increase in seat belt use have been observed in Fairbanks this past year following the recent increase in fines by the borough for seat belt violations.

To quote Senator Bunde in his sponsor letter, "Enacting a primary seat belt law may save more lives than any other single piece of legislation before you this session."

As important public health legislation, we encourage you to support SB 87 and pass it out of the (S)State Affairs Committee.

Thank you.

Marie J. Lavigne, Executive Director
Alaska Public Health Association

Attachment 2004-2 ALPHA Resolution

*Thank you
Senator Bunde
for introducing SB87.*

ALPHA Resolution 2004-2**Recommending the Alaska Legislature Approve A Primary Seatbelt Law**

Whereas a primary enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger,

Recalling that it has been 13 years since a (secondary) seatbelt law has been introduced where enforcement can only be written after the officer stops the vehicle or cites the offender for another infraction;

Whereas 21 states and DC (July, 2004) have passed a primary seatbelt law; (National Highway Safety Association, 2004);

Recognizing that motor vehicle crashes are a leading cause of injury death to people between the ages of 10-34 years of age (Alaska Bureau of Vital Statistics, 2002);

Whereas 84% of people who wear seatbelts are more likely to walk away uninjured compared with only 60% of the unbelted occupants (DOT Alaska Accident Report, 2001);

Whereas \$12 million, 71 major injuries prevented, and 6 lives saved in Alaska per year if a primary seatbelt was passed (BELTUSE software program, NHSTA);

Whereas studies show that patients who were not buckled up at the time of a motor vehicle crash were almost twice as likely to sustain a serious head injury and over one and half times more likely to be discharged with a permanent disability (Alaska Trauma Registry, 1991-2000 10 year data report);

Whereas 50% of the medical costs for people unrestrained at the time of the crash was paid by public funds ("Alaska Seatbelt Analysis", Sept. 2003, Alaska Injury Prevention Center);

Whereas a primary seatbelt law would increase seatbelt use by 11 points, from 71%-92%; (NHSTA, spring, 2004);

Whereas a recent study reported that a primary law does not lead to an increase of police harassment; (Accident Analysis & Prevention, 36 (2004) 819-828;

THEREFORE BE IT RESOLVED that the Alaska Public Health Association urge the Alaska Legislature and Governor Murkowski to introduce and pass legislation that amends the secondary seatbelt enforcement to a primary enforcement law.

Statement of Desired Outcomes: Adoption of primary seat belt law by the legislature.

Fiscal Impact: Activities ALPHA could undertake at no additional cost:

1. Invite members to testify and write letters of support to the legislature.
2. Testify at public hearings on the public health benefits of seat belt use.
3. Distribute on its website and to its members information in support of a primary seat belt law, using public health injury surveillance data.

LESSMEIER & WINTERS

LAWYERS - LLC

VINTAGE BUSINESS PARK
3000 VINTAGE BOULEVARD
SUITE 100
JUNEAU, ALASKA 99801

MICHAEL L. LESSMEIER
GREGORY W. LESSMEIER
SHELDON E. WINTERS

TELEPHONE: (907) 796-4999
FACSIMILE: (907) 796-4998
E-MAIL: l-w@gcl.net

By Telefax and Mail

February 14, 2005

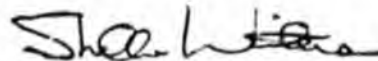
Senator Con Bunde
State Capitol, Room 506
Juneau, Alaska 99801

Re: Senate Bill 87

Dear Senator Bunde:

On behalf of State Farm Insurance Companies, I would like to express support for SB 87. State Farm has long supported mandatory seatbelt laws and primary enforcement. This legislation will undoubtedly save lives. If there is any information we can provide to you, or anything else we can do in support of this bill, please let me know.

Sincerely,



Sheldon E. Winters

SEW/caf

SenBunde:ISEW.wpd

Juneau Safe Kids Coalition

Box 110616, Juneau, Alaska 99811-0616

February 14, 2005

To Whom it May Concern:

The Juneau Safe Kids Coalition which consists of volunteers and organizations concerned with reducing unintentional injuries for children 14 and under (the number one killer of children 14 and under) supports passage of SB 87.

While it has been proven over and over again that seat belts do save lives many do not take the time or effort to do so especially if there is no enforcement from those who are responsible for our safety on roads and highways.

Adults who do not buckle up themselves tend to not buckle their children after age 4 but with passage of SB 87 (supporting primary enforcement) it has been shown throughout the United States that seat belt usage increases to 82% in states that have primary enforcement for seat belt use.

In April 2004 the first Alaska Transportation Safety Stewardship Conference, which had members from all levels of government, non-profits, industry advocates and the private sector, recommended the passage of primary seat belt laws. SB 87 will do just that.

Thank you for your time and consideration on this life-saving piece of legislation.

Sincerely,



Karen Lawfer
Coordinator



Are no accident!

**Sixth Report to Congress
Fourth Report to the President**

**The National Initiative for Increasing
Safety Belt Use**

June 2004

Prepared By

The National Highway Traffic Safety Administration — U.S. Department of Transportation

Letter from Secretary Mineta

As in past years, the *Buckle Up America* (BUA) campaign has continued to make strides in increasing safety belt and child safety seat use. Throughout the country, safety belt use rates rose to 75 percent in 2002, 2 percentage points higher than in 2001. In States that had primary enforcement laws, the average safety belt use rate rose for the first time to 80 percent.

This increase in the national belt use rate translates into an estimated additional 6 million safety belt users. Especially noteworthy is the increase in safety belt use among African Americans. From 2000 to 2002, their safety belt use increased 8 percentage points from 69 to 77 percent. Our BUA campaign partners in the African American community deserve special acknowledgement for their hard work and commitment to helping achieve this increase.

Restraint use among young children reached record levels in 2002. A 99-percent use rate for infants and a 94-percent use rate for toddlers were noted in our National Occupant Protection Use Survey. To maintain these high rates, we continue to support regional and State efforts to increase the availability of permanent child passenger safety seat inspection stations and the number of certified child passenger safety technicians to conduct inspections. With the publishing of *A National Strategy: Increasing Booster Seat Use for 4- to 5-year-old Children* in October 2002, we look forward to increased occupant protection usage rates for all child passengers.

Also during 2002, the National Highway Traffic Safety Administration (NHTSA) was able to measure the effectiveness of the BUA campaign's full *Click It or Ticket* mobilization model that included paid media. Our research showed an average safety belt use increase of 8.6 percentage points among States that implemented the full mobilization model. This again reinforces one of the campaign's fundamental tenets that highly publicized enforcement, in combination with paid media, can achieve a substantial increase in a State's overall safety belt use rate.

With a commitment from the Bush Administration to achieve a 78-percent usage rate in 2003, I encourage our many public- and private-sector partners to continue their support of the BUA campaign and I applaud them for their past efforts. Together we can continue to save lives on America's highways and share in the knowledge that we are contributing to the strength and well-being of our country.

Norman Y. Mineta
Secretary of Transportation

Overview of the *Buckle Up America* Campaign

National Goals

- To increase the national safety belt use rate to 78 percent by the end of 2003.
- To reduce the number of child occupant (from birth to age 4) fatalities by 25 percent by the end of 2005 (using the 653 fatalities in 1996 as a baseline).

Four-point Plan

- Enact strong legislation.
- Maintain active, high-visibility law enforcement.
- Build public-private partnerships.
- Conduct well-coordinated, effective public education.

This Report

The following report is submitted in response to Executive Order 13043 and the House and Senate Appropriations Committees' directive to the Secretary of Transportation and the Administrator of the National Highway Traffic Safety Administration (NHTSA) to keep the President and the Committees apprised of the activities of the national *Buckle Up America* campaign. This report highlights the activities of the campaign from January 1, 2002, through December 31, 2002.

Table Of Contents

The Status of Occupant Protection in America	1
Motor Vehicle Crashes—The Scope of the Problem	1
Potential Benefits of Safety Belt Use	1
The Effectiveness of Safety Belts	1
The Effectiveness of Child Safety Seats	1
State and Regional Trends in Safety Belt Use	1
National Trends and Initiatives in Child Passenger Safety	2
Strong Legislation—The Key to Saving Lives	5
The Importance of Primary Occupant Protection Laws	5
The National Status of Safety Belt Laws	5
Tribal Legislation	6
The National Status of Child Passenger Safety Laws	6
Booster Seat Laws	7
Public Support and Awareness of Occupant Protection Laws	8
Support for Safety Belt Laws and Enforcement	8
Support for Child Passenger Safety Laws	8
Support for Primary Laws Among Organizations Representing Diverse Populations	9
High-visibility Enforcement	10
Operation ABC Mobilizations (Click It or Ticket)	10
Evaluation of the Click It or Ticket Model	14
Educating the Public Through Partnerships	18
Federal Initiatives	18
Activities of Private Organizations	20
Activities of Health-related Organizations	21
Activities of Faith-based Organizations	22
Outreach to Diverse Populations	23
Funds Supporting the Buckle Up America Campaign	25
Future Plans and Activities	30

The Status Of Occupant Protection In America

Vehicle occupants account for 87 percent of all traffic deaths. When used properly, safety belts help prevent deaths and reduce injuries. In 2002, safety belts prevented an estimated 14,164 fatalities, saving more than \$50 billion in medical care, lost productivity, and other injury-related costs. If ALL passenger vehicle occupants over age 4 were restrained in safety belts, an additional 7,153 lives could have been saved in 2002.

Motor Vehicle Crashes— The Scope of the Problem

In 2001, deaths and injuries resulting from motor vehicle crashes were the leading cause of death for persons of every age from 4 through 33-years-old. On average, every 13 minutes, someone in America dies in a motor-vehicle-related crash, and every 10 seconds, someone is injured. In 2002, traffic crashes claimed 42,815 lives and resulted in nearly 3 million injuries. Each year, crashes lead to about 4 million emergency department visits and 500,000 hospitalizations. Approximately 2 million Americans are disabled by crashes each year.

Potential Benefits of Safety Belt Use

Increasing the national safety belt use rate from 75 percent (the rate observed in 2002) to 90 percent would:

- Prevent an estimated 4,100 fatalities annually.
- Prevent an estimated 60,000 serious injuries annually.
- Prevent an estimated 50,000 minor injuries annually.
- Save our economy approximately \$11.6 billion annually.

The economic cost-savings cited above are derived from reduced productivity losses, property damage, medical costs, rehabilitation costs, legal and court costs, emergency services costs, insurance administration costs, traffic delay, and reduced costs to employers.

The Effectiveness of Safety Belts

From 1975 through 2002, safety belts are estimated to have saved 164,753 lives. Research has shown that lap/shoulder belts, when used properly, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate to critical injury by 50 percent. For light-truck occupants, safety belts reduce the risk of fatal injury by 60 percent and moderate-to-critical injury by 65 percent.

Safety belts are 80-percent effective in reducing fatalities in light trucks (including sport utility vehicles [SUVs]) during rollover crashes. They also help prevent individuals from being totally ejected during a crash, thus reducing the risk of a fatal injury. Despite the effectiveness of safety belts in preventing injuries and fatalities, 59 percent of passenger vehicle occupants killed in 2002 were unrestrained.

The Effectiveness of Child Safety Seats

Child safety seats, when used correctly, are extremely effective in preventing injuries and deaths during crashes. From 1975 through 2002, an estimated 6,567 young lives were saved by child restraint systems. An estimated 376 lives of children under age 5 were saved in 2002 alone. If 100 percent of children younger than 5 years of age were properly placed in child safety seats, an estimated 485 lives (that is, an additional 109 lives) could have been saved in 2002.

Research on the effectiveness of child safety seats has found them to reduce fatal injury in passenger cars by 71 percent for infants and 54 percent for toddlers. For infants and toddlers in light trucks, the corresponding reductions are 58 percent and 59 percent, respectively. In 2002, 459 children younger than 4 years of age were killed in passenger vehicle crashes. Of these fatalities, 185 children (or 40 percent) were totally unrestrained.

In spite of these high use rates, the challenge of educating parents and other caregivers on the correct use of child restraints still remains. According to data from the National SAFE KIDS Campaign, the vast majority of child restraints are used incorrectly. The campaign analyzed errors identified while checking nearly 38,000 child safety seats and safety belts from February 2001 to May 2002.

Overall, 81.6 percent of the child restraints were used incorrectly, with an average of three errors per restraint. The SAFE KIDS data found the highest proportion of errors in rear-facing infant seats and forward-facing toddler seats with harnesses, as follows:

- The safety belt did not lock the seat tightly for 62 percent of children in rear-facing seats and 67 percent of children in forward-facing seats.
- Harness straps were loose for 65 percent of children in rear-facing seats and 67 percent of children in forward-facing seats.

For safety belts, the most common errors were:

- The shoulder belt was not over the center of shoulder (78.9 percent).
- The child's legs did not bend over the vehicle seat without slouching (75.1 percent).
- Lap belt was not over upper thighs (70.6 percent).

Additional information on these findings is available at www.safekids.org.

State and Regional Trends in Safety Belt Use

According to NHTSA's National Occupant Protection Use Survey (NOPUS), safety belt use continued an upward trend in 2002, reaching 75 percent—its highest level since national surveys began in 1994. Up 2 percentage points from 2001, this increase in belt use translates into an additional 6 million users and the saving of approximately 500 lives. States with primary safety belt laws averaged an 80-percent belt use rate, while States with secondary laws averaged a 69-percent use rate. Primary safety belt laws allow a police officer to stop

a vehicle in which passengers are not in compliance with the State safety belt law.

Three States and Puerto Rico had safety belt use rates that were 90 percent or higher in 2002: California (91 percent), Hawaii (90 percent), Washington (93 percent), and Puerto Rico (91 percent). The District of Columbia and 12 States had rates that were 80 percent or higher: District of Columbia (85 percent), Iowa (82 percent), New Jersey (81 percent), New Mexico (88 percent), New York (83 percent), North Carolina (84 percent), Oregon (88 percent), Maryland (86 percent), Michigan (83 percent), Texas (81 percent), Utah (80 percent), and Vermont (85 percent). The majority of States that have usage rates above 80 percent also have enacted primary enforcement safety belt use laws.

Of special note, Washington was the only State that passed a primary law in 2002 and the State's safety belt use rate rose 10 percentage points, from 83 percent in 2001 to 93 percent in 2002.

The Northeast, historically the lowest region for safety belt use, showed the largest gain in safety belt use, up 8 percentage points from 2001 to 69 percent in 2002. However, drivers and passengers in the West still buckle up at the highest rate nationwide at 79 percent—up 2 percentage points from 2001. The South maintained the 76-percent usage rate it achieved in 2001, up 7 percentage points from 2000, while the Midwest showed an increase from 72 percent in 2001 to 74 percent in 2002.

National Trends and Initiatives in Child Passenger Safety

Restraint use by young children reached record levels in 2002. NHTSA's observational studies (NOPUS) showed that 99 percent of infants and 94 percent of toddlers were restrained. Occupant fatalities for children under age 5 declined by 9 percent in 2002. For the first time, the number of fatalities among this age group dropped below 500, to 459. This continued decrease in the number of child occupant deaths is in large part due to the significant increase in child restraint use since the *Buckle Up America* campaign began. In 1996, just before the campaign began, restraint use among

infants (1- to 22 months of age) was 85 percent and only about 60 percent of toddlers (1- to 4-years-old) were restrained while riding in vehicles.

In spite of the strides that have been made, the need for ongoing outreach and education remains. NHTSA's 2002 NOPUS surveys also showed that too many young children—15 percent of infants, 10 percent of 1-3-year-olds, and 29 percent of 4- to 7-year-olds continue to be placed in the front seat, which is the most dangerous seating position.

Restraint Use Among Older Children

The odds of injury for children riding in booster seats were 59 percent lower than the risks children face when using safety belts alone, according to a study published in the June 4, 2003, edition of the *Journal of the American Medical Association*. The study, conducted by Partners for Child Passenger Safety (PCPS), a research project at The Children's Hospital of Philadelphia, and supported by State Farm Mutual Automobile Insurance Company, examined insurance claim data from December 1998 through May 2002 concerning 3,616 crashes in 15 States involving 4,243 children. The study also found that none of the 4- to 7-year-olds who were in belt-positioning booster seats had any injuries to the abdomen, neck, spine, and back. Such injuries did occur, however, in children who used safety belts alone.

The PCPS study also found that only 16 percent of 4-year-olds, 13 percent of 5-year-olds, and 4 percent of 6- and 7-year-olds were using booster seats. NHTSA recommends that children who have outgrown child safety seats be properly restrained in booster seats from about age 4 and 40 pounds to at least age 8, unless they are 4 feet 9 inches tall.

National Strategy to Increase Booster Seat Use

In 2002, NHTSA published *National Strategy to Promote Booster Seat Use*, modeled after the four elements of the BUA campaign. That document called for the expansion of current occupant restraint initiatives to: 1) promote the use of booster seats for 4- to 8-year-old children and 2) increase the use of occupant restraints for all children. A major focus of

the strategy is the need to inform the public that the safest occupant restraint for 4- to 8-year-old children is an age/size-appropriate, belt-positioning booster seat.

To obtain national input for developing the strategy, on June 6, 2001, NHTSA announced a public meeting and request for comments in the *Federal Register*. Many of the tools and tactics that shaped the development of the document came from docket comments, along with recommendations obtained during the public meeting.

New Rule for the Annual Rating of Child Safety Seats

During 2002, NHTSA announced issuance of a final rule to begin a program for the annual rating of child safety seats based on their ease of use by consumers. (In early 2003, NHTSA began posting ease-of-use ratings for child safety seats on the agency's Web site.) NHTSA also will publish a brochure listing all of its ease-of-use ratings. Under the new rating system, child safety seats, including booster seats, will each be given an overall "A," "B," or "C" ease-of-use rating. Such letter grades will also be used to rate seats in each of five categories:

- Whether the seat is pre-assembled or requires assembly after purchase.
- Clarity of labeling attached to the seat.
- Clarity of written instructions on the seat's proper use.
- Ease of installation of the seat in a vehicle.
- Ease of securing a child correctly in the seat.

Full Implementation of LATCH

Lower Anchors and Tethers for Children (LATCH) is a restraint system designed to work independently of the vehicle safety belt system and to make it easier to install a child safety seat correctly. Once it has been fully phased in, NHTSA estimates that the LATCH system will eliminate as much as half of the misuse associated with the incorrect installation of child safety seats.

Since September 1, 2000, all vehicle manufacturers have been required to install a top tether anchor to secure forward-facing child safety seats. Most child safety seats come equipped with a top strap or tether that attaches to the tether anchor.

As of September 1, 2002, nearly all newly manufactured passenger vehicles were also required to have lower anchors installed in at least two rear seating positions. In addition, also as of September 1, 2002, all new child safety seats were required to come equipped with a pair of lower attachments that fasten to the vehicle anchors.

On August 28, 2002, NHTSA Administrator Dr. Jeffrey W. Runge joined with officials from DaimlerChrysler, Graco Children's Products, and Toys R Us/Babies R Us to call the public's attention to the new LATCH requirements, to explain their benefits and demonstrate their use. The event received extensive media coverage and boosted public awareness about this important new technology.

Reductions in Child Deaths from Air Bags

From 1996-2001, the rate of child air bag deaths declined a remarkable 96 percent, despite a five-fold increase in the number of passenger air bag-

equipped vehicles on the road, according to the Air Bag & Safety Belt Safety campaign (a *Buckle Up America* partner organization). Based on the number of rear-seated fatalities and a conservative 30 percent estimated effectiveness of moving children to the rear seat, research has found that more than 1,700 child deaths have been prevented since 1996 (an average of about 340 per year).

Air bags contributed to 1 child fatality for every 8.9 million-passenger air bags in 2000, compared with 1 child fatality for every 870,000 passenger air bags in 1996. In 1996,

26 children were killed by air bags; in 2000, 9 were killed. Nearly all the children killed were either completely unrestrained or improperly buckled in the front seat.

This reduction in deaths is another positive outcome of many of the activities undertaken as part of the *Buckle Up America* campaign. These activities include the passage of stronger State safety belt and child restraint laws, stepped-up law enforcement, and intense public education about air bag safety.

On September 1, 2003, 20 percent of all new motor vehicles sold in the United States must be equipped with advanced air bag technologies and by September 1, 2006, the requirement will apply to *all* new light trucks and cars.

Strong Legislation—the Key To Saving Lives

Having a strong, well-written safety belt law is crucial to increasing safety belt use. Current recommendations for safety belt laws include the following:

- Provisions for primary enforcement.
- Coverage of all occupants in all seating positions while the vehicle is in motion (unless there is documentation from a physician for physical disability).
- Coverage of all passenger vehicle types, including taxicabs, pickup trucks, vans, SUVs, and cars.
- Penalties of not less than \$50.
- Assignment of points on the driver's license in those States with point systems. (In those States without point systems, not wearing safety belts should be considered a minor moving offense for the purpose of driver's license records).

The Importance of Primary Occupant Protection Laws

Primary enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. Secondary enforcement means a citation can be written only after the officer stops the vehicle or cites the offender for another infraction.

Virtually all traffic safety laws—and other laws, for that matter—are primary, except secondary enforcement safety belt use laws. In States with secondary laws, a law enforcement officer can stop a motorist for a burnt-out taillight or an expired license tag, for example, but he cannot stop a motorist for violating the State's safety belt law, unless the officer observes another infraction.

Under the *Buckle Up America* campaign, NHTSA provides technical assistance and, upon request, expert testimony to States and national organizations on the benefits of primary occupant restraint laws. These benefits are well documented, as evidenced below.

In June 2002, for the first time, the average safety belt use rate in States with primary safety belt laws was 80 percent, compared with 69 percent in States without primary enforcement laws. Forty-nine States, Puerto Rico, and the District of Columbia have had safety belt use laws since December 31, 2001, but only a third provided for primary enforcement. Increases in safety belt use have been made without a primary safety belt use law, but the greatest gains are possible when a primary law works in conjunction with enforcement, education, and partnership efforts.

An upgrade in a State's safety belt law to primary enforcement will significantly raise safety belt and child safety seat use because increasing adult safety belt use has a significant impact on whether children are appropriately restrained. Observational surveys show that when drivers wear safety belts, children are restrained significantly more often than when drivers are unbuckled.

In 2002, NOPUS found that fully 92 percent of the time when a driver is belted his or her child passengers are restrained. In contrast, when the driver is not wearing a safety belt, children are restrained only 72 percent of the time.

The National Status of Safety Belt Laws

All States except New Hampshire have an adult safety belt law. (Only children younger than 18 are required to wear a safety belt in New Hampshire.) In 2002, Washington was the only State to pass a primary enforcement law. Primary enforcement legislation was considered by legislatures in Idaho, Illinois, Minnesota, Ohio, Wisconsin, Rhode Island, Vermont, and Maine.

With the passage of its primary law, Washington became the 18th State to enact a primary safety belt law by December 31, 2002. The other States with primary laws in effect include Alabama, California, Connecticut, Georgia, Hawaii, Indiana, Iowa, Louisiana, Maryland, Michigan, New Jersey, New Mexico, New York, North Carolina, Oklahoma,

Oregon, and Texas. Puerto Rico and the District of Columbia also have primary safety belt laws in effect.

Tribal Legislation

Motor vehicle crashes continue to be the leading cause of death among Native Americans/ Alaska Natives (NA/ AN) from 5- to 34 years of age. They are also the third leading cause of death among NA/ AN of all ages. As part of the *Buckle Up America* campaign, NHTSA continues to work with tribes to provide education on safety belt and child safety seat use through its partnerships with the Indian Health Service and the Bureau of Indian Affairs.

In 2002, after the passage of a primary restraint law in Washington, the Portland Area, and two Area reservations reported an increase in restraint use. Observational surveys on the Warm Springs Reservation indicated that restraint use increased from 16 percent to 46 percent among drivers and from 12 percent to 36 percent among passengers. The Yakima Nation passed a primary law in 2001. Observational surveys in 2002 indicated that restraint use continued to increase since the law went into effect. Restraint use was reported at 62 percent.

Two Tribes in the Bemidji Area passed primary restraint laws in 2002 and in April 2002 the Hannahville Tribal Council (Wilson, Michigan) passed a resolution adopting restraint use for all ages.

In July 2002, the Menominee Tribe (Keshena, Wisconsin) passed a primary restraint use law in a State with a secondary law. Enforcement of the new law is strong. One month after the law was passed, Tribal Police had issued 70 verbal warnings as a precursor to the issuance of citations.

As of March 1, 2002, all components of the Reno/ Sparks Indian Colony (in the Phoenix Area) 2001 Traffic Safety Law became effective. The new law included primary child restraint device use provisions for children 5 years of age or younger or less than 60 pounds, and required children 6 years of age or older or 60 pounds to be properly secured in a child passenger restraint device. It also included a

primary safety belt provision requiring any person driving a vehicle and any person 5 years of age or older or over 60 pounds to wear a safety belt.

The National Status of Child Passenger Safety Laws

All 50 States, Puerto Rico, and the District of Columbia have enacted child restraint laws, and all of these laws are primary, although the provisions vary from State to State. For example, some laws cover only infants, and others fail to cover all children in all seating positions. Among other deficiencies, some States do not require out-of-State vehicles to comply with their laws and others fail to address the problem of child passengers riding in pickup truck cargo areas.

To achieve reductions in injuries and fatalities among America's children, child restraint laws should be strengthened to close these and other gaps. All such laws should include provisions that:

1. Require children 12-years-old and younger to be secured by an age-appropriate child restraint system in the rear seat of the vehicle, and eliminate exemptions related to "exceeding the number of available belts or restraints in the vehicle."
2. Require all children up to age 16 (or the State's driving age) to be properly restrained in all seating positions.
3. Require all children who have outgrown child safety seats to be restrained in booster seats until they are at least 8-years-old, unless they are 4 feet 9 inches tall.
4. Make the driver responsible for ensuring that children are placed in age- and size-appropriate restraints.
5. Ban passengers from the cargo area of pickups and other light trucks.
6. Include out-of-State vehicles, drivers, and children.
7. Assess a reasonable fine for noncompliance and earmark a portion of the revenues to help support State child passenger safety programs.

8. Eliminate exemptions and medical waivers because today's child restraint systems can accommodate children with almost any type of physical impairment.

States That Amended Their Child Restraint Laws in 2002

Illinois: Illinois's amended child restraint law now requires that a person transporting a child under age 4 secure the child in a federally approved child restraint system.

Rhode Island: Penalties were increased for all primary and secondary violations from \$50 to \$75. All references to the back seat were changed to "rear seating position." The exemptions from the rear-seating-position requirement were clarified.

Maine: Requires children 4-8 and under 80 pounds to be in a federally approved booster seat (see page 13).

Booster Seat Laws

Colorado, Maine, and Maryland passed booster seat laws in 2002. Colorado's law, which was passed

in June 2002, requires that children who are 4- or 5-years old and less than 55 inches tall be properly restrained in a booster seat or with a child safety-belt-positioning device. Under the new law, children ages 6 through 15 must be properly restrained in a safety belt. The law took effect on August 1, 2003. This effective date was preceded by a year of education before enforcement began. When enforcement began, officers gave warnings, not tickets, to drivers for one year.

Maine made considerable upgrades to its child passenger safety law, including a new booster seat requirement. The new law was passed in April 2002 and took effect January 1, 2003. The law requires that a child who weighs less than 40 pounds be secured in a child safety seat. The new law also requires that a child who weighs 40 pounds to 80 pounds and is under 8-years-old be placed in a booster seat.

Maryland adopted a law requiring that children under age 6 be properly restrained in child safety seats while riding in a vehicle, an upgrade of the State's previous law that includes booster seats. Prior to passage, Maryland law only required children under 4 to use child safety seats. The law passed the Maryland Legislature in April 2002 and was signed into law by the governor in May 2002. The law took effect in October 2003.

Public Support and Awareness of Occupant Protection Laws

In 2000, NHTSA conducted its Motor Vehicle Occupant Safety Survey (MVOSS) among a national sample of approximately 6,000 people age 16 and older to determine attitudes, knowledge, and reported behaviors regarding occupant protection. The results were enormously positive (see below). The next such survey was conducted in 2003, the results of which will be reported in the *Buckle Up America Seventh Report to Congress and Fifth Report to the President*, which will cover campaign activities from January 1, 2003, through December 31, 2003.

Support for Safety Belt Laws and Enforcement

- The vast majority of the public (87 percent) favored laws that require drivers and front-seat passengers to wear safety belts.
- Among persons who supported front safety belt laws, 78 percent also supported applying safety belt laws to back-seat adult passengers.
- About three-fifths (62 percent) supported fines for drivers who did not wear safety belts. Support for fines was greater among Hispanics (68 percent) compared with African Americans (62 percent) and whites (62 percent). Among those who supported fines, 45 percent favored fines of \$100 or more for a repeat safety belt law violation.
- Respondents were asked how they would likely react to getting a ticket for a safety belt violation. The interviewers gave respondents two choices and asked which was more likely: that they would believe they deserved the ticket because they broke the law, or that they would believe the ticket was undeserved because wearing a safety belt should be a personal choice. According to the survey data, 70 percent would be more likely to believe that they deserved the ticket. Hispanics (76 percent) and African Americans (73 percent)

were more likely than whites (69 percent) to answer that they likely would feel they deserved the ticket.

- Overall, 61 percent of the population surveyed believed that law enforcement officers should be allowed to stop a vehicle if they observe only a safety belt use violation (primary enforcement).
- Perhaps not surprisingly, support for primary enforcement was higher in primary enforcement States (70 percent). However, even in States with secondary enforcement, the majority (53 percent) favored primary enforcement.
- Overall support for primary enforcement was greatest among Hispanics (72 percent), followed by African Americans (68 percent), and whites (69 percent).

Support for Child Passenger Safety Laws

- Nearly three in five (58 percent) believed that the police should give a ticket at every opportunity for violations of child safety seat laws. Almost as many (56 percent) believed that the fine should be \$50 or more.
- 94 percent agreed that children should be required by law to wear safety belts once they have outgrown child safety seats; only 3 percent disagreed.

These data are supported by a survey of 800 adult drivers conducted by the Air Bag & Seat Belt Safety Campaign in 2000. The survey found that 70 percent of the respondents become angry when they see unbuckled children in a car, and 78 percent agreed with the following statement: "People who fail to buckle up their child passengers should be considered guilty of child endangerment."

Support for Primary Laws Among Organizations Representing Diverse Populations

The Congressional Black Caucus has stated that increasing safety belt use among African Americans is an "urgent national health priority," and the National Urban League has expressed its support for primary safety belt laws. The National Black Caucus of State Legislators and the National Conference of Black Mayors have also expressed support for strong laws that increase safety belt use and include safeguards for uniform enforcement.

Recognizing the contribution that primary laws make to safety belt use among all groups, many minority group legislators have supported primary

law upgrades in their States. Some of these legislators have testified publicly that following their upgrades to primary safety belt laws, they have seen neither backlash in their communities nor evidence of differential enforcement of the new laws.

ASPIRA, a national organization dedicated to the education and leadership development of Hispanic youth, expressed its support for primary safety belt legislation. ASPIRA passed a resolution supporting primary enforcement of State safety belt and child safety seat use laws and efforts to promote compliance with such laws.

High-visibility Enforcement

The year 2002 provided clear evidence that *very* intense safety belt enforcement, backed up by heavy, well-targeted publicity, continues to drive belt use up. It also demonstrated that *Click It or Ticket* works nationwide.

Operation ABC Mobilizations – New and Improved

As in the previous four years, NHTSA joined with the Air Bag & Seat Belt Safety Campaign, the Highway Safety Offices of the States, the District of Columbia, and Puerto Rico and over 12,000 law enforcement agencies in two Operation ABC Mobilizations. The first centered on the Memorial Day holiday; the second around Thanksgiving. As before, law enforcement partners were committed to stopping and ticketing as many safety belt and child passenger safety violators as they could find. Print, broadcast, and other media partners across the country communicated this message to the public.

However, in 2002, the mobilizations took on a significant new look. First, they were longer. In past years, law enforcement mobilized for one week during each holiday period. This year, NHTSA asked for a two-week effort, and 35 States, the District of Columbia, and Puerto Rico responded to this request. Second, they made extensive use of paid advertising. In 2001, the eight States of NHTSA's Region IV experimented with paid advertising to augment earned news coverage and public service announcements. This year, 37 States, the District of Columbia, and Puerto Rico spent over \$9.8 million on paid ads in May, and another \$3.5 million in November, to get their message across. In most cases, that message was *Click It or Ticket*. And most of the ads were aired on TV and radio programs known to reach 18-34-year-old males, the lowest safety-belt-using demographic group.

Operation ABC continued to receive support from Mothers Against Drunk Driving (MADD), the National Transportation Safety Board (NTSB), and all major law enforcement associations, including the International Association of Chiefs of Police

(IACP), the National Sheriffs Association (NSA), the National Organization of Black Law Enforcement Executives (NOBLE), and the Hispanic American Police Command Officers Association (HAPCOA). More than 1,000 business and community organizations in all States gave vocal and material support to the mobilizations, as did the Emergency Nurses Association (ENA) and the National Safety Council (NSC).

The intensity and visibility of the 2002 mobilizations differed between the Memorial Day and Thanksgiving events. Although the numbers of law enforcement agencies participating were approximately the same for the two waves, only about two-thirds as many safety belt checkpoints were conducted in the fall as compared to the spring (12,000 versus 17,700, based on reports from 37 States and Puerto Rico). Safety belt citations in the reporting States totaled nearly 420,000 in the May mobilization, but fell to fewer than 250,000 in November. In addition, the States collectively spent nearly \$10 million on their paid advertising campaigns in May, but only about \$3.5 million in November.

Click It or Ticket was the rallying cry of 29 States and the District of Columbia in May, and of 31 States and the District of Columbia in November. Most other States employed alternative enforcement-focused messages such as "Buckled or Busted," "No Exceptions, No Excuses," or "Buckle Up or Pay Up." Comparing their use rates for 2002 and 2001, the *Click It or Ticket* States enjoyed an average increase of 3.1 percentage points. States that used alternative messages had an average gain of less than 1 percentage point.

120 Million More Americans Heard the Message... and Responded!

In May 2002, nearly 120 million Americans living in 22 States and the District of Columbia saw and heard the *Click It or Ticket* message for the first time on their TVs and radios, and in their newspapers. That is in addition to the residents of six of the Region IV

States and Michigan, who had seen and heard the message during the 2001 mobilizations. Safety belt use among those newly exposed citizens increased by 3.9 percentage points – more than 4.5 million Americans who buckled up in 2002! In contrast, safety belt use in the other 28 States and Puerto Rico rose by less than 1 percentage point.

Ten *Click It or Ticket* States achieved belt use gains in 2002 that were at least 5 percentage points above their 2001 rates. Leading the group were West Virginia (up 19.3 points), Vermont (17.5 points) and Washington (10.0 points). Among States that did not deliver the *Click It or Ticket* message, only Puerto Rico (up 7.4 points) and Minnesota (6.2 points) exceeded gains of 5 percentage points. The three States with the largest losses in belt use from 2001 to 2002 were all non-*Click It or Ticket* messages in the May mobilization. They included Massachusetts

(down 5.0 points), with the message “Please Buckle, It’s the Law”; South Carolina (down 3.3 points), with the message “Fasten for Life”; and Wisconsin (down 2.6 points), with the message “Click It, Why Risk It.”

In 2002, the data were very clear: when fully implemented, *Click It or Ticket* works! Other messages don’t work nearly as well.

Contrasting the Gains and Losses

As Table 1 shows, heavy enforcement, a clear message, and significant publicity proved to be a winning combination in 2002.

In Table 2, it is clear that an unfocused message, little or no paid media and/or low levels of enforcement may result in safety belt use decreases.

Table 1

State	Gain '01-'02	Message	Citations*	Paid Media*
West Virginia	19.3 percent	Click It or Ticket	1.7	\$135.80
Vermont	17.5 percent	Click It or Ticket	2.1	\$324.15
Washington**	10.0 percent	Click It or Ticket	0.7	\$85.35
Arkansas	9.2 percent	Click It or Ticket	1.2	\$128.70
Hawaii	7.9 percent	Click It or Ticket	3.6	\$95.47
Rhode Island	7.6 percent	Click It or Ticket	0.9	\$27.56
Puerto Rico***	7.4 percent	Si Lo No Usas, No Hay Escusas	10.9	\$9.19

Table 2

State	Loss '01-'02	Message	Citations*	Paid Media*
Massachusetts	-5.0 percent	Please Buckle It's the Law	0.7	\$0
South Carolina	-3.3 percent	Fasten For Life	0.9	\$75.57
Wisconsin	-2.6 percent	Click It Why Risk It	Not reported	\$93.88
Georgia****	-2.0 percent	Click It or Ticket	3.4	\$67.30
Virginia	-1.9 percent	Buckle Up Now Virginia	0.4	\$14.29
Tennessee****	-1.6 percent	Click It or Ticket	1.1	\$35.35
Alabama****	-0.7 percent	Click It or Ticket	3.1	\$59.54

* Citations are given in Tables 1 and 2 as *safety belt tickets per 100,000 residents*. Similarly, Paid Media is expressed as *advertising purchases per 100,000 residents*.

** Washington achieved a 10 percentage point increase with relatively low levels of citations and paid media; however, much of the increase was recorded after the State's new primary law went into effect subsequent to the May mobilization.

*** Puerto Rico's paid media expenditures were noticeably lower than those of other States that recorded substantial belt use increases, although this is explained in part by the fact that media purchases are substantially less expensive in the Commonwealth than on the mainland; in addition, the extremely high level of ticketing appears to have helped boost public awareness of the mobilization.

**** Although Georgia, Tennessee, and Alabama combined the *Click It or Ticket* message with reasonably high levels of enforcement, their lower-than-average media purchases may have kept the message from penetrating as effectively as was desired.

An Additional Benefit of Safety Belt Enforcement

According to the *San Antonio Express-News*, Texas State Trooper Joe Hogue thought he had just another routine *Click It or Ticket* stop underway when he spotted the unbuckled driver of a 2002 Nissan Altima on Interstate 35. Instead, he ended up seizing more than a million dollars. The 59-year-old driver consented to a search of her vehicle, which resulted in Trooper Hogue's discovery of three duffel bags containing \$1,440,000.

Indiana's Enforcement Zones—A New Way to Ticket Unbuckled Drivers

Indiana has successfully used enforcement zones to convince unbuckled drivers that they *will* get a ticket. They are a practical alternative for high visibility enforcement in jurisdictions that don't allow safety belt checkpoints. The concept is as follows:

- Pick a stretch of roadway that has a history of crashes involving unbuckled operators.
- Locate a controlled intersection that has a stop sign or traffic light.
- Station officers, deputies, and troopers at the intersection, and place roadside signage upstream, proclaiming "Enforcement Zone Ahead, *Click It or Ticket*."
- Watch carefully as cars pull up to the intersection, and ticket the unbuckled.

Marion County, Indiana, began pilot-testing Enforcement Zones in 2000. In 2002, they went statewide, with 250 participating law enforcement agencies. Indiana's belt use increased 5 percent over the 2001 level. Enforcement Zones will work anywhere, but Indiana officials strongly recommend that strict guidelines be followed to ensure continuing, maximum effectiveness. These guidelines include:

- Conducting the zones at high-crash and/or low-belt-usage locations.
- Implementing a strong public information and education program.

- Inviting the media to visit the zones to fully inform them why, when, and where the zones are being conducted.
- Stopping only those vehicles in which an officer observes a violation.

Buckle Up New York (BUNY)

Another successful BUNY enforcement wave took place during the *Click It Or Ticket* mobilization in May. All of New York's 572 enforcement agencies committed to participate in the campaign; of the 367 reporting agencies, 275 received funding from the Governor's Traffic Safety Committee and 92 agencies participated and reported even though they received no special funding.

Informal surveys conducted by the New York State Police showed an increase in belt use from a pre-mobilization rate of 85.9 percent to 91.4 percent—the highest use rate ever recorded by the State Police. The State's statewide observation survey (fully compliant with NHTSA's Uniform National Criteria and the Section 157 program) showed belt use increasing from 80 percent to 84.6 percent. In all, 763 checkpoints were conducted statewide, with 3,049 officers working 3,963 hours to support this effort, and 56,554 occupant restraint summonses were issued.

The BUNY campaign used a variety of public information program activities to raise the level of awareness among New Yorkers and increase the perception among motorists that unbelted drivers will be ticketed. These included the influential New York State Broadcasters Association's non-commercial sustaining advertisement (NCSA) program and a limited paid media buy directed at Hispanic cable stations. Another important part of the State's public information outreach was an aggressive earned media campaign that included a press release from the Governor and a tri-State kickoff event at the Empire State Building.

As in the past, in 2002, BUNY promoted safety belt messages to all communities. The campaign was featured at the *African American Family Day* celebration in the capital region, the Hispanic legislators' *Somos El Futuro* conference, and at the many bilingual child safety seat clinics in the State.

Click It or Ticket a Huge Success in West Virginia

Surveys measuring safety belt use before and after the May 2002 *Click It or Ticket* campaign showed an incredible increase in compliance in West Virginia. Before the effort, 52.3 percent of West Virginians wore safety belts. Immediately after the enforcement blitz period, which combined enforcement with public education and paid advertising, 71.6 percent of vehicle occupants were buckling up.

An important key to the success of West Virginia's campaign was the efforts of highway safety office staff to gain support and commitment from the law enforcement community. To this end, staff traveled around the State and held seven regional meetings. Their efforts paid off. Statewide during the two-week enforcement period, officers wrote more safety belt and child passenger safety citations than the combined total for the previous *two years*.

While the role of law enforcement was critical to the success of the campaign, the media component was also vital. People did not necessarily have to receive a ticket to be convinced to buckle up. They saw and heard the *Click It or Ticket* message so often that they perceived they would be ticketed. West Virginia aired the television spot during prime time hours on network and cable channels over 8,000 times during the two-week period. For radio, four different enforcement spots were played over 25,000 times during the blitz.

Three Consecutive Years of Click It or Ticket in Florida

Florida developed and implemented a comprehensive action plan for boosting safety belt use since 2000. This plan focuses on the "full implementation model" of *Click It or Ticket*, incorporating the components of leadership, political permission, highly visible enforcement, paid and earned media, diversity outreach, and evaluation. Florida also recruited a Statewide Law Enforcement Coordinator and seven Law Enforcement Liaisons to enroll law enforcement agencies in waves of enforcement across the State.

The Coordinator and the Liaisons also provide leadership to State and local agencies, the media, and private sector groups. A network of 45 Community Traffic Safety Teams, covering over 85 percent of the State's population, was recruited to assist in advancing the *Click It or Ticket* campaign.

As a secondary law State, Florida could not conduct checkpoints. Nevertheless, troopers, deputies and officers remarkably wrote more than 37,000 safety belt citations during the 2002 Memorial Day *Click It or Ticket* campaign and safety belt use increased to an all-time high of 75 percent.

Evaluation of the Click It or Ticket Model

Based on the success of the *Click It or Ticket* campaign in Region IV during May 2001, a number of States, as highlighted above, went beyond the typical ABC mobilization and implemented a full *Click It or Ticket* mobilization model that included an intense paid media campaign. NHTSA evaluated the effectiveness of this model making comparisons between "Full Implementation" States, "Other Implementation" States and "Comparison" States [see Table 3]. These groups were defined as follows.

Full Implementation States – Ten States: Alabama, Florida, Illinois, Indiana, Mississippi, Nevada, Texas¹, Vermont, Washington, and West Virginia conducted full implementation campaigns. Each conducted a statewide program employing all elements of the *Click It or Ticket* model including:

- Defined periods of earned media, paid media, and intensive enforcement;
- Paid advertisement placement using *Click It or Ticket* or similar direct enforcement messages;
- Program evaluations involving before-, during-, and after-observation surveys of belt use and surveys of public perceptions of the program.

Among the full implementation States, the amount spent on paid advertising ranged from a low of \$200,000 in Vermont to a high of \$2,112,921 in Florida.

Table 3 — Observed Changes in the Safety Belt Use Rate by State

Number of Observed Users	Baseline Usage Rate	Post-Activity Rate	Estimated Change in Usage Rate
Full Implementation	(N=312,172)	(N=324,895)	
AL (116,064)	70.3	78.7	+8.4
FL (60,705)	66.5	75.1	+8.6
IL (69,025)	70.6	74.3	+3.7
IN (39,491)	69.2	72.2	+3.0
MS (218,347)	53.8	61.5	+7.7
NV (40,000)	70.6	76.4	+5.8
TX (30,016)	80.5	86.4	+5.9
VT (19,779)	66.2	74.9	+18.7
WA (12,089)	80.8	89.5	+8.7
WV (31,551)	56.5	71.6	+15.1
Average	68.5	77.1	+8.6
Other Implementation	(N=185,173)	(N=188,857)	
CO (291,450)	72.1	73.2	+1.1
MI (30,248)	82.3	80.0	-2.3
OH (44,240)	64.2	70.3	+6.1
RI (8,092)	62.6	68.6	+6.0
Average	70.3	73.0	+2.7
Comparison	(N=118,761)	(N=122,247)	
IA (23,898)	81.4	83.0	+1.6
NY (175,328)	78.3	82.8	+4.5
OR (36,115)	88.5	87.8	-0.7
West MA (5,667)	60.6	57.2	-3.4

Among the 18 study States, approximately 250,000 safety belt citations were reported during the enforcement period. As Table 4 indicates, the rate of ticketing per resident ranged widely in all three study groups: 9 to 40 per 10,000 residents in Full-implementation States; 5 to 19 in Other-implementation States; and 10 to 36 in Comparison States. Generally, the States with primary safety belt

use laws (AL, IA IN, MI, NY, OR, TX) issued tickets at a greater per-resident rate. Highest ticketing rates included Alabama (31), Indiana (40), and Texas (40) among the Full-implementation States; in Comparison States, New York (36) had the highest ticketing rate.

Table 4 — sTEP Wave Enforcement Summary

	Safety Belt Citations	Tickets per 10,000 Residents
Full Implementation		
AL	13,664	31
FL	37,063	23
IL	22,073	18
IN	24,697	40
MS	2,486	9
NV	3,570	17
TX (Ten Largest Cities)	27,260	40
VT	1,304	21
WA	5,505	9
WV	3,104	17
Other Implementation		
CO	3,026	7
MI	5,463	5
OH	21,790	19
RI	1,301	12
Comparison		
IA	3,033	10
NY	9,034	36
OR	5,745	17
West MA	818	24

Educating The Public Through Partnerships

The success of the *Buckle Up America* campaign has depended on the hard work and dedication of hundreds of partners in both the government and the private sector. The following are just some of the highlights of the outreach activities conducted by our many partners. This section is by no means a complete listing of all the organizations that have played an important role in the far-reaching impact of this campaign.

Federal Initiatives

NHTSA works with agencies outside the U.S. Department of Transportation, along with those within the Department, to promote the *Buckle Up America* campaign. These agencies use internal and external communications channels—newsletters, Web postings, e-mail, posters, and signs—to deliver messages to their employees and customers about safety belt and child safety seat use. Highlights of some of the activities that agencies within the U.S. Department of Transportation have undertaken are presented below. These highlights are followed by samples of support undertaken by other Federal agencies.

The U.S. Department of Transportation's Intermodal Support for the *Buckle Up America* Campaign

A department-wide Intermodal Safety Belt Team facilitates communication about the *Buckle Up America* campaign to promote the use of safety belts among all Department employees and their customers. Throughout the year, the team promoted *Buckle Up America* Week and the *Click It or Ticket* campaigns, the BUA planner, and the BUA Web site. The following highlights provide examples of the types of activities undertaken.

In preparation for BUA Week/CIOT and the July 4th Impaired Driving mobilization, messages were included on earnings and leave statements,

10 different messages were displayed on closed-circuit TV in the Headquarters building, articles were printed in *NHTSA Now*, and BUA graphics for the headquarters electronic message boards were displayed.

The Office of the Inspector General (OIG) sent an e-mail message about BUA Week to all OIG employees. The message, which emphasized the *Click It or Ticket* campaign, was also posted on the OIG intranet site.

NHTSA staff participated in the implementation of a DOT Worklife Wellness Health Fair held at the Headquarters' plaza. They conducted demonstrations on the correct use of child safety seats and hosted a traffic safety information exhibit. DOT employees asked questions about car seat safety; parents and grandparents took home games on traffic safety for children; and cyclists and motorcyclists picked up safety information. NHTSA Region III facilitated participation by the Washington, DC, Metro Police Department which helped answer questions about safety belt use and child passenger safety.

Representatives from NHTSA, NTSB, and Health and Human Services jointly chair a Low-income Child Passenger Safety Working Group. The group includes representatives from the Indian Health Service, Agency for Families and Children, Center for Medicaid and Medicare Services, CDC, and others.

The group developed an action plan on child passenger safety for the President's Task Force on Protecting Children from Environmental and Health Safety Risks. NHTSA staff participated at the Senior Staff Planning Committee of the Task Force to present the plan.

Additional Federal Agencies Supporting the *Buckle Up America* Campaign

NHTSA continues to work with Federal agencies in addition to the Department of Transportation to promote the *Buckle Up America* campaign. The following agencies continued to support the campaign during 2002:

Department of Defense (DOD)—DOD continues to work with NHTSA on all aspects of motor vehicle safety. DOD safety office distributed information about BUA Week and *Click It or Ticket* to the safety offices of each branch of the military.

Department of Labor (DOL)—DOL set up a BUA Week display in its Headquarters lobby.

Department of Housing and Urban Development (HUD)—At the request of HUD Secretary Martinez, NHTSA staff conducted a child passenger safety presentation and exhibited materials at HUD's 2002 National Conference on Resident Involvement in Crime Prevention in San Francisco, California. (This request stemmed from the need to educate residents in public housing about child passenger safety.)

Occupational Safety and Health Administration (OSHA)—OSHA began working with NHTSA on the development of a model safety belt program for businesses. NHTSA provided OSHA staff with an overview of CIOT, a safety belt fact sheet, sample safety belt policy, employer checklist for traffic safety, sample employer materials, and information about NETS. As part of the program, OSHA plans to establish a link to the NHTSA web site, co-publish employer traffic safety materials, and post these materials and other information about key traffic safety initiatives on the OSHA web site.

Also participating:

- Centers for Disease Control and Prevention
- Central Intelligence Agency
- Department of Health and Human Services
- Department of the Air Force
- Department of the Army
- Department of Labor
- Department of the Navy
- Department of State
- Department of Veterans Affairs
- Export-Import Bank
- Indian Health Service
- National Aeronautics and Space Administration
- Nuclear Regulatory Commission
- Office of Personnel Management
- Smithsonian Institution
- Social Security Administration
- Tennessee Valley Authority
- The Undersecretary of Defense
- United States Marine Corps
- United States Soldiers' and Airmen's Home
- United States Agency for International Development

Activities Of Private Organizations

SEATCHECK Child Safety Seat Inspection Locator Service Launched

DaimlerChrysler Corporation launched the first nationwide toll-free hotline (1-866- SEAT-CHECK) dedicated exclusively to directing parents to local car seat inspection resources. The hotline is part of a new campaign to aggressively promote the need for safety seat inspections. The company also created a new Web site (www.seatcheck.org) to complement the hotline and to provide child passenger safety seat educational materials that can be downloaded easily.

Motor Carrier Support for Click It Or Ticket

Landstar, a national motor carrier company, posted *Click It Or Ticket* campaign advertisements on 2,000 newly manufactured 53-foot tractor-trailers. These tractor-trailers will carry the *Click It Or Ticket* message throughout all 50 States, Canada, and Mexico. Landstar also conducted in-house training programs on the importance of safety belt use.

Keeping BUA on the Road

The American Trucking Association worked with NHTSA to distribute information about the BUA campaign to its State trucking associations.

Research on Safety Belt Use Behavior

State Farm Insurance Company awarded a \$10 million grant to Meharry Medical College. The resources will enable Meharry to examine the factors that may contribute to low safety belt use rates among African American populations and develop ways to increase African American safety belt use.

Buckling Up in Hispanic Communities

The Nationwide Insurance Company, along with NHTSA, funded development of a Spanish-language campaign, *Corazón de mi vida* to make buckling up a habit for Latino parents and their children.

The National Latino Children's Institute (NLCI) developed the campaign, which means, "You are the center of my life." During 2002, the NLCI promoted the campaign in selected cities in New York and North Carolina.

WHALE Program Expanded

The American Society for Directors of Volunteer Services (ASDVS), working with the Greater Federation of Women's Clubs (GFWC), finalized the child safety seat identification component of its WHALE (We Have A Little Emergency) program. The program will be distributed through certified child passenger safety technicians, law enforcement agencies, emergency medical services professionals, and the members of both ASDVS and GFWC.

Youth Outreach Continues

Members of the National Organizations for Youth Safety (NOYS) and NHTSA jointly conducted a workshop at the Annual School Health Conference of the American School Health Association. Titled "Youth Saving Youth: America's Youth! Leading the Way in Preventing Teen Deaths," the workshop focused on strategies for reducing the toll of motor-vehicle-related injuries and deaths. The NOYS youth presenters discussed the need to involve young people in problem identification and the development of solutions.

Buckle Up and Smile for Life

In 2002, the National Dental Association (NDA) launched its first community education program, titled "Buckle Up and Smile for Life." All 20 NDA societies were encouraged to undertake community outreach activities during the months of February and April—February being Dental Health and Black History Month, and April being National Minority Health Month. As part of the campaign, NDA distributed its brochure, "Leading the Way, Lighting the Future— Buckle Up and Smile For Life," at its 89th annual convention in Dallas, TX.

Activities Of Health-Related Organizations

Ongoing Child Passenger Safety Inspections

Members of the Air Surface Transport Nurses Association (ASTNA) in Charlottesville, VA - partnering with local police, firefighters, EMS workers and the University of Virginia Health System - established an on-going program to conduct monthly child passenger safety inspections. Funds from a NHTSA mini-grant, along with private funding, allowed the nurses to purchase a trailer to store the supplies and materials necessary for conducting the checkpoints. At their first checkpoint event on February 16, 2002, during National Child Passenger Safety Week, they installed 164 seats, noted an 85 percent misuse rate of child safety seats, and gave away 22 new seats.

Healthy Mothers and Babies Buckle Up

In 2002, the National Healthy Mothers Healthy Babies Coalition adopted child passenger safety as one of its core focus areas for the next five years.

Permanent Inspection Stations at Hospitals

The American Hospital Association's Society for Hospital Strategy and Market Development received over 50 applications for 10-15 mini-grants to establish CPS fitting stations at hospitals. Awardees were announced during CPS week. Grant recipients include the following organizations: Adirondack Medical Center, Saranac Lake, NY; Baystate Medical Center, Springfield, MA; Grinnell Regional Medical Center, Grinnell, IA; Hennepin County Medical Center, Minneapolis, MN; Jefferson Regional Medical Center, Pine Bluff, AR; Lutheran Children's Hospital, Fort Wayne, IN; Mercy San Juan Medical Center/Catholic Health Care West, Carmichael, CA; Mount Clemens General Hospital, Mt. Clemens, MI; Northeast Alabama Regional

Medical Center, Anniston, AL; Peninsula Regional Medical Center, Salisbury, MD; Pleasant Valley Hospital, Point Pleasant, WV; St. Vincent Hospital, Center for Childhood Safety, Green Bay, WI; Vanderbilt Children's Hospital, Nashville, TN; Wake Forest University Baptist Medical Center, Winston-Salem, NC; and Watertown Area Health Services, Watertown, WI. The total amount to be awarded is \$37,795. Individual grants range from \$500 to \$3,500.

Emergency Nurse Association (ENA) and Emergency Nurses CARE, Inc. (ENCARE) Support ABC Mobilizations

ENA/ENCARE nurses helped conduct car seat checkpoints and educated parents about the use of child safety restraints during both ABC mobilizations. They also presented information in schools and partnered with law enforcement to educate communities on the dangers of drinking and driving.

Spanish-Speaking Spokespersons for Child Passenger Safety Week

During CPS Week, the National Hispanic Medical Association (NHMA) provided media-markets for Spanish-speaking audiences.

Outreach to African American Communities

The National Medical Association developed and distributed community outreach kits on safety belts and child passenger safety to its members. The Association also continued its work with the International Center for Injury Prevention, Heart to Heart, and the National Football League by providing speakers at events directed at African American youth.

Activities Of Faith-based Organizations

Safety on Sundays

The Congress of National Black Churches (CNBC) conducted a demonstration project, "Safety On Sunday," to develop a model program for church leaders to promote occupant protection. The project engaged church leadership in the planning and implementation of church-based child safety seat clinics, safety belt checkpoints, and traffic safety forums for teens.

CNBC Florida

CNBC provided the *Buckle Up America* Faith Leader's Guide and other traffic safety resources to attendees at the Annual Women in Ministry Conference of its Florida affiliate. The Director of CNBC's National Health Program also presented findings from the Safety on Sunday demonstration project, which resulted in more than a 50-percent increase in occupant protection usage rates.

CNBC Kentucky

CNBC's Kentucky affiliate in partnership with the Kentucky Organ Donor Association hosted the third annual Health and Wholeness Conference at the Pleasant Green Missionary Baptist Church. Approximately 100 clergy and lay leaders participated. CNBC provided the *Buckle Up America* Faith Leader's Guide and other traffic safety resources to attendees.

A New Faith-based Partner

The National Alliance of Baptist Churches joined NHTSA's Faith Outreach Initiative. The Alliance serves more than 140 Baptist congregations in 24 States across the country. NHTSA set up an exhibit at the Alliance's national faith leadership conference in Winston Salem, NC, and distributed *Buckle Up America* and Child Passenger Safety information.

Outreach To Diverse Populations

Give Kids a Head Start

Meharry Medical College pilot-tested its occupant protection project with the Head Start Program in Nashville, TN. The purpose of the project is to measure the effectiveness of an occupant protection educational intervention designed for parents of Head Start children. The educational intervention includes workshops on the proper use of child passenger and adult occupant restraints. Based on the success of the pilot program, Meharry plans to expand the project nationally with the National Head Start Association.

Continued Council Support for BUA

At its national convention, the National Council of Negro Women (NCNW) passed a resolution supporting the *Buckle Up America* and Impaired Driving Prevention campaigns. The resolution asked all NCNW sections and chapters of its national affiliates to become involved in safety belt and child safety seat activities in their local communities. After attending the Buckle Up workshop during the convention, representatives from California, New Jersey, Mississippi, and other affiliates expressed interest in working with NHTSA to improve safety belt and child safety seat use within the African American community.

BUA at the Local Level

The Alpha Kappa Alpha Sorority (AKA) received a \$50,000 grant to continue the promotion of safety belt use in the African American community. The sorority will use most of the grant monies to provide \$200 mini-grants to its 200 chapters. The purpose of the mini-grants is to generate enthusiasm and creativity in customizing BUA campaign materials and activities for local community outreach programs.

Strap It On!

Black Entertainment Television (BET) and Jack & Jill of America (JJA), with support from NHTSA, conducted a series of high school and college traffic safety forums across the country. The forums were aired live on BET's *Teen Summit* program before an estimated 6 million teen viewers. BET's celebrity talk show hosts, along with youth leaders, facilitated the forums, which included special panels of experts from the fields of law enforcement and emergency medicine. The forums were taped and an educational video, titled *Strap It On*, was developed.

Community Coalitions for BUA

The National Conference of Black Mayors (NCBM), with support from NHTSA, launched a new initiative—the Community Involvement Project to Increase Safety Belt Use in High-Risk Populations. The purpose of the initiative is to develop community coalitions that will reach high-risk populations with effective measures to increase safety belt use. The initiative was implemented through the provision of mini-grants to local organizations in selected cities.

More Support for CPS

The National Black Child Development Institute (NBCDI) became a new BUA partner in 2002. To support its emphasis on young children, it implemented a community-based Child Passenger Safety Training Initiative. The initiative provided training and awareness activities on occupant protection to daycare providers, elementary school educators, physicians, and parents in 23 States, as part of November's *Buckle Up America* mobilization.

A Habit for Life

Jack & Jill of America (JJA) unveiled its new national safety belt campaign, *A Habit For Life*, to help increase child seat and safety belt use rates among African American families. To promote the campaign, JJA provided mini-grants to 237 chapters in 37 States. Chapter members promoted BUA messages at daycare centers, beauty salons, car washes, and other non-traditional venues frequented by African American families with small children and teens. These activities took place during the November ABC mobilization.

Outreach to Rural Populations

The National Rural Health Association continued its support for BUA through its "Partners for Rural Traffic Safety" initiative. The association also published an article and photo from one of its occupant protection project activities in the May issue of the Minnesota Rural Health Association's newsletter.

Funds Supporting The *Buckle Up America* Campaign

The Transportation Equity Act for the 21st Century (TEA-21) (Public Law 105-178) was signed into law on June 9, 1998. In addition to providing funding for improving America's roadways, bridges, and transit systems, this comprehensive legislation provides funding for increasing safety belt and child safety seat use.

SECTION 402: Section 402 of TEA-21 provides funds to States and communities to reduce traffic crashes and resulting deaths, injuries, and property damage. A State may use these grant funds only for highway safety purposes; at least 40 percent of these funds must be used to address local traffic safety problems, including restraint use.

A State is eligible for Section 402 grants by submitting a Performance Plan, which establishes goals and performance measures to improve highway safety in the State, and a Highway Safety Plan, which describes activities to achieve those goals. Section 402 grants are calculated by using the following formula:

1. Seventy-five percent of the grant amount is based on the ratio of the State's population in the latest Federal census to the total population in all States.
2. Twenty-five percent of the grant amount is based on the ratio of the public road miles in the State to the total public road miles in all States.

SECTION 403: Section 403 under 23 U.S.C. funds demonstration grants (in addition to other programs) to develop new approaches and strategies to reduce motor-vehicle-related deaths and injuries (see Table 5).

Under Section 403 during FY 2002, NHTSA provided continued funding for a variety of ongoing, previously-awarded grant programs to reach high-risk groups who continue to ride unbuckled, including young drivers, rural residents, sport utility vehicle (SUV) drivers, pickup truck drivers, and ethnically diverse populations. Section 403 funds were also used to target occupant protection

messages and activities to teens, rural populations, diverse populations, children, parents, and caregivers.

SECTION 405: Section 405 of TEA-21 created a new incentive grant program to increase the use of safety belts and child safety seats by encouraging States to adopt more effective laws, stronger penalties, and highly visible enforcement and education programs. To qualify for a Section 405 occupant protection incentive grant, a State must demonstrate that it has implemented at least four of the following six criteria:

1. A safety belt law that applies to:
 - a. All front-seat passengers in all passenger motor vehicles (including cars, pickups, vans, minivans, and SUVs) in FYs 1999 and 2000.
 - b. All passengers in all passenger motor vehicles beginning in FY 2001.
2. A standard safety belt law, which allows police to stop vehicles and issue citations based solely on noncompliance with the State's safety belt use law.
3. A minimum fine of \$25 or one or more penalty points on the driver's license of an individual for a violation of the State's safety belt use and child passenger protection laws.
4. A Selective Traffic Enforcement Program (STEP) that covers at least 70 percent of the State's population and combines intensified enforcement, public education, and publicity efforts to increase safety belt and child safety seat use.
5. A comprehensive statewide child passenger protection education program that includes:
 - a. Public information efforts about seating children correctly in airbag-equipped vehicles, the importance of restraint use, and instruction on how to reduce the improper use of child restraint systems. These efforts must reach at least 70 percent of the State's population.

- b. Child passenger safety training and retraining for key personnel.
 - c. Child safety seat clinics covering at least 70 percent of the State's target population.
6. A child restraint law that covers all children younger than 16 years of age in all seating positions in all passenger motor vehicles.

SECTION 157: Section 157 of TEA-21 created a program to encourage States to increase their safety belt use rates in recognition that increased safety belt use decreases crash injuries and the financial burden these preventable injuries place on Federal programs. Funds are allocated to eligible States based on estimated savings in medical costs to the Federal Government due to improved safety belt use. A State is eligible for allocated funds in a fiscal year if either of the following conditions is met:

1. Its safety belt use rate for the past two calendar years exceeds the national average safety belt use rate (national average).
2. Its safety belt use rate in the previous calendar year exceeds the highest safety belt use rate the State has achieved for any earlier calendar year beginning in 1996 (its base rate).

A State may not receive allocations under both conditions in a single year. A State may receive an allocation under the base condition only if it fails to meet the national average condition. States must submit safety belt survey information for each calendar year covered by the program to NHTSA for evaluation. The survey information must measure safety belt use rates according to uniform criteria established by NHTSA to ensure accurate and representative measurements. (The national average safety belt use rate will be calculated by NHTSA each year.)

The Act also provides that Section 157 funds not allocated in incentive grants in a fiscal year be allocated to the States to carry out innovative projects to promote increased safety belt use rates.

NHTSA established criteria for the selection of State plans to receive allocations, ensuring, to the maximum extent practicable, demographic and geographic diversity and a diversity of safety belt use rates among the States selected for allocations. Subject to the availability of funds, TEA-21 provides that the minimum grant amount for each State plan is \$100,000.

SECTION 2003(b): Section 2003(b) of TEA-21 authorizes funds to implement a new child passenger protection program that is designed to prevent deaths and injuries to children, educate the public concerning the proper installation of child restraints, and train child passenger safety personnel concerning child restraint use. A State may use these grant funds only to carry out child passenger protection education and training programs.

TEA-21 funding provided to States and Territories during FY 2002 is presented in Table 5.

Congress Directs Funding of Community Grants to Increase Safety Belt Use

In FY 2002, Congress directed NHTSA to allocate funds for a second year for the implementation of innovative community demonstration programs to reach high-risk groups, such as youth, ages 15 to 24, males, pickup truck drivers, rural populations, minorities, and drivers who speed and/or drink while driving.

To be considered for a grant award, a community had to demonstrate that it had a significant high-risk population and stipulate that it was willing to conduct high-visibility enforcement programs to increase safety belt use. NHTSA awarded grants of up to \$50,000 to municipal, county, and other local government entities in September 2002 for programs to be developed and implemented during the 12 months following the award. Communities receiving grants and grant amounts are shown in Table 6.

Table 5 — TEA-21 Highway Safety Funding, FY 2002

State	Section 402 Formula	Section 157 Seat Belt Use Incentive	Section 157 Seat Belt Use Innovative	Section 2003b Child OP Education	Section 405 Occupant Protection	TOTAL FY 2002
Alabama	2,585,517	1,346,400	752,147	129,120	363,821	5,177,005
Alaska	760,000	6,000	365,250	37,954	104,725	1,273,929
Arizona	2,490,055	402,300	534,178	124,353	0	3,550,886
Arkansas	1,930,364	0	488,522	96,402	0	2,515,288
California	14,634,213	14,855,900	3,918,588	730,829	2,017,390	36,156,920
Colorado	2,447,411	0	566,137	122,223	0	3,135,771
Connecticut	1,507,648	616,200	410,906	75,292	224,982	2,835,028
Delaware	760,000	42,500	365,250	37,954	0	1,205,704
D.C.	760,000	182,000	365,250	37,954	104,723	1,449,927
Florida	7,248,495	1,255,600	2,832,544	361,988	928,064	12,626,691
Georgia	4,218,235	344,200	986,175	210,658	534,203	6,293,471
Hawaii	760,000	257,800	365,250	37,954	104,723	1,525,727
Idaho	927,137	24,200	365,250	46,301	0	1,362,888
Illinois	6,071,318	2,023,700	1,713,403	303,200	867,072	10,978,693
Indiana	3,210,260	58,300	1,550,509	160,320	454,036	5,433,425
Iowa	2,173,149	571,600	570,703	108,527	312,266	3,736,245
Kansas	2,276,174	0	588,966	113,672	0	2,978,812
Kentucky	2,290,596	174,500	584,400	114,392	316,317	3,480,205
Louisiana	2,286,059	238,400	611,794	114,165	332,124	3,582,542
Maine	760,000	0	0	37,954	104,723	902,677
Maryland	2,327,082	2,754,400	602,662	116,214	327,080	6,127,438
Massachusetts	2,778,109	0	748,762	138,738	403,116	4,068,725
Michigan	4,961,927	5,205,900	1,514,900	247,798	712,627	12,643,152
Minnesota	3,116,900	113,600	794,419	155,657	0	4,180,576
Mississippi	1,774,969	0	456,562	88,642	0	2,320,173
Missouri	3,293,322	1,320,700	858,337	164,468	0	5,636,827
Montana	988,214	89,400	365,250	49,351	137,405	1,629,620
Nebraska	1,514,189	205,800	392,644	75,618	214,263	2,402,514
Nevada	1,120,667	440,800	630,250	55,966	0	2,247,683
New Hampshire	760,000	0	365,250	37,954	0	1,163,204
New Jersey	3,582,701	4,237,200	940,519	178,919	512,985	9,452,324
New Mexico	1,253,867	977,900	365,250	62,618	170,119	2,829,754
New York	8,369,932	2,929,800	2,259,984	417,993	1,231,333	15,209,042
North Carolina	4,027,888	3,198,600	967,912	201,152	524,760	8,920,312
North Dakota	1,044,422	0	365,250	52,158	0	1,461,830
Ohio	5,462,510	256,100	1,629,262	272,797	0	7,620,669

Table 5 — TEA-21 Highway Safety Funding, FY 2002 (continued)

State	Section 402 Formula	Section 157 Seat Belt Use Incentive	Section 157 Seat Belt Use Innovative	Section 2003b Child Of Education	Section 405 Occupant Protection	TOTAL FY 2002
Oklahoma	2,368,944	792,300	611,794	118,305	0	3,891,343
Oregon	1,937,206	1,042,500	474,825	96,744	279,386	3,830,661
Pennsylvania	5,845,703	371,400	1,597,969	291,933	0	8,107,005
Rhode Island	760,000	0	365,250	37,954	104,723	1,267,927
South Carolina	2,147,215	1,028,500	538,744	107,231	0	3,821,690
South Dakota	1,059,101	0	365,250	0	0	1,424,351
Tennessee	3,002,179	0	744,197	149,928	0	3,896,304
Texas	10,825,339	4,112,100	3,870,709	540,615	1,406,378	20,755,141
Utah	1,247,749	590,300	365,250	62,312	156,740	2,422,351
Vermont	760,000	0	565,250	37,954	104,723	1,467,927
Virginia	3,382,498	0	853,772	168,921	462,636	4,867,827
Washington	3,015,077	2,208,900	980,500	150,572	396,346	6,751,395
West Virginia	1,041,505	0	615,250	52,013	0	1,708,768
Wisconsin	3,105,680	60,400	803,550	155,097	0	4,124,727
Wyoming	760,000	133,900	0	0	0	893,900
Puerto Rico	1,608,474	605,800	424,603	80,327	231,487	2,950,691
BIA	1,140,000	0	0	56,931	0	1,196,931
Am. Samoa	380,000	0	0	18,977	0	398,977
Guam	380,000	0	0	18,977	0	398,977
N. Marianas	380,000	0	0	18,977	52,362	451,339
Virgin Islands	380,000	0	0	18,977	52,362	451,339
TOTAL	152,000,000	55,075,900	44,369,348	7,500,000	14,250,000	273,195,248

Category	Expenditure
Program Development and Demonstration Grants	\$6,315,165
Public Information and Education	\$4,094,530
Child Passenger Safety	\$2,543,305
Total	\$12,953,000*

*Amount for FY 2002 includes \$1 million in funds directed by Congress for implementation of community demonstration programs to reach high-risk groups (such as minorities, younger drivers and the occasional safety belt user), and \$1 million to increase local efforts to boost safety belt usage rates in their jurisdictions.

Table 7 — FY 2000 Section 403 Occupant Protection Budget

Site Location by NHTSA Region	Award Amounts	Site Location by NHTSA Region	Award Amounts
Region 1 Rutland, VT	\$50,000	Region 6 Lake Charles, LA	\$50,000
Region 2 Atlantic, NJ	\$50,000	Region 7 Overland Park, KS	\$50,000
Region 3 Allentown, PA	\$50,000	Region 8 Pueblo, CO Greeley, CO Minot, ND Aberdeen, SD	\$49,666 \$25,000 (continuation) \$49,932 \$50,000
Region 4 Albany, GA	\$50,000	Region 9 Wailuku, HI Hilo, HI	\$50,000 \$50,000
Region 5 Chicago Heights, IL Bellwood, IL Moorhead, MN	\$50,000 \$50,000 \$50,000	Region 10 Twin Falls, ID	\$50,000

Future Plans And Activities

Under NHTSA's leadership, a majority of the 50 States conducted Statewide observational surveys of safety belt use in June 2002 to capture the impact of their contributions to the May 2002 *Operation ABC* and *Click It or Ticket* Mobilizations. Results from the Mobilizations indicate that the targeted States made impressive gains in safety belt use and that there is positive momentum across the country due to these campaigns. Impact data from these campaigns will be more thoroughly reviewed in the *Buckle Up America Seventh Report to Congress and Fifth Report to the President*, which will cover campaign activities from January 1, 2003, through December 31, 2003.

Program Coordination

Where feasible, NHTSA will plan and conduct nationwide observances, educational efforts and high-visibility law enforcement activities that support the objectives of both the occupant protection program and NHTSA's impaired driving prevention efforts. By pairing complementary efforts, NHTSA and its partners in both program areas will maximize limited resources, boost overall program coordination and avoid unnecessary overlap and duplication of effort. In addition, this team approach should prove beneficial to the impaired driving effort, which saw an increase of less than one percentage point in alcohol-related fatalities in 2002.

Legislation

Because of restrictions that were established under TEA-21, NHTSA is not permitted to urge State or local legislators to favor or oppose specific pending State or local legislation, including safety belt use legislation. However, NHTSA will continue to provide technical support as needed, such as by developing and making available legislative fact sheets and tracking ongoing legislative activities in States regarding occupant protection laws. NHTSA also will continue to provide expert testimony on the benefits of primary occupant protection legislation when it receives a proper request to do so.

NHTSA will also continue to track States' efforts to strengthen their child restraint laws, through the elimination of gaps in those laws and by increasing coverage for older child passengers. In keeping with the agency's updated best practice recommendation for booster seat use (issued in June 2002), NHTSA will closely monitor State legislative developments requiring the use of booster seats by children less than 8-years-old or 4 feet 9 inches tall.

Law Enforcement Activities

NHTSA will continue to strongly support the bi-annual *Operation ABC* Mobilizations. As in 2002, NHTSA will again dedicate much of the FY 2003 Section 157 innovative grant funding to the nationwide implementation of the successful *Click It or Ticket* model during the May 2003 and November 2003 mobilizations. These funds will be used by the States to purchase advertising in key media markets to support high-visibility enforcement activities. In addition, for the first time, Congress authorized NHTSA to purchase advertising promoting the *Click It Or Ticket* messaging on prominent national networks to be broadcast nationwide in conjunction with the May 2003 Mobilization.

The agency will dedicate other available funding to further evaluate the effectiveness of the mobilizations. The States will also conduct evaluations of their efforts to gauge the impact of the mobilizations on local safety belt usage rates. NHTSA also will provide technical assistance to the States and will encourage them to purchase broadcast time and print space (using funds from other sources) to enhance their media campaigns during the mobilizations.

Outreach and Partnerships

In 2003, NHTSA funded innovative community demonstration programs to increase safety belt and child restraint use among diverse populations and those with historically lower than average safety belt use rates and higher fatality rates – such as African Americans, Hispanics, Native Americans

residents of rural communities, youth and residents of States with secondary enforcement safety belt laws. The agency also continued to work with a number of prominent not-for-profit organizations to organize and conduct community-based public information and education programs that support law enforcement initiatives.

NHTSA began its implementation of the five-year strategic booster seat education plan during FY 2003, a key component of which was the awarding of a three-year community demonstration program to determine effective ways to increase booster seat use at the local level. Innovative public education and public awareness efforts, including the agency's longstanding occupant protection contract with the Advertising Council, was also developed.

NHTSA plans to work during 2003 with the Governors Highway Safety Association to create an organized Occupant Protection for Children Assessment Program. The program, which will be designed for implementation by the States, will be an invaluable tool to strategically plan and manage the human and material resources necessary to ensure an effective statewide child passenger safety program addressing the needs of all children.

NHTSA will continue to refine the NHTSA Standardized Child Passenger Safety Training Program, managed jointly by NHTSA and the American Automobile Association. This 32-hour program, through which more than 30,000 people have been trained since its creation in the late 1990s, ensures that currently-certified, trained instructors and technicians are available in communities nationwide to help parents and caregivers with correct child safety seat installation. These individuals also disseminate accurate and consistent information about child passenger safety to the general public.

NHTSA will also oversee the development and distribution of targeted, shorter-term, non-certification child passenger safety curricula. These alternative programs are designed to stimulate increased participation of key constituency groups in the child passenger safety arena, including child care providers, nursing professionals and the law enforcement community. The curricula will be developed in conjunction with key organizations

serving these groups, including, respectively, the American Academy of Pediatrics, the Emergency Nurses Association (ENA), and the International Association of Chiefs of Police.

In 2003, NHTSA expanded its five-year occupant protection partnership with the National Automobile Dealers Association (NADA), formally established in June 2002, to other key traffic safety areas. The initial focus of the partnership is on increasing the use of booster seats among older child passengers. NADA is making resources available to its member dealerships to sponsor and support local child passenger safety activities at the dealership level.

Public Information and Education

In 2003 NHTSA continued to develop public information and education materials and to provide outreach and technical assistance to the States and agency partners. The agency currently plans to:

- Acknowledge the sustained and effective leadership provided by leading African American organizations and institutions that has led to steady and demonstrable increases in safety belt use in the African American community.
- Develop innovative media and educational strategies and partnerships to increase safety belt use by teens, rural residents, and part-time safety belt users.
- Support efforts to train and certify more Child Passenger Safety Technicians in diverse and at-risk communities.
- Stimulate the establishment of additional child safety seat fitting and inspection stations around the country.
- Organize news events promoting child safety seat and safety belt use (including culturally appropriate events and materials for diverse populations) during Child Passenger Safety Week in February 2003, the *Operation ABC* Mobilizations in May and November, and at other peak travel times.
- Ensure public awareness and understanding of the agency's rating system for child safety seats, as mandated in the TREAD Act.

- More widely promote NHTSA's *4 Steps For Kids* approach, which seeks to educate consumers about the milestones for when it is safe to transition child passengers to each of the four stages of occupant restraint (rear-facing infant seat, forward-facing toddler seat, booster seat, and adult safety belts).



NSC News Center

NSC Home > NSC News Center > News Release

For Immediate Release, November 17, 2003
 Contact: John Chambers at 202.338.8700 or 202.285.0448 (cell)

AS NATIONWIDE SEAT BELT CRACKDOWN BEGINS, NEW DATA UNDERSCORES DEADLY IMPACT OF FAILURE TO ADOPT PRIMARY SEAT BELT LAWS

More than 12,000 Deaths Since 1995 Because States Have Failed To Enact Primary Enforcement Seat Belt Laws Proven To Increase Belt Use

Washington, D.C. - As more than 12,000 law enforcement agencies begin a nationwide crackdown to enforce seat belt and child passenger safety laws this Thanksgiving holiday, a new study shows that more than 12,000 people have needlessly died due to the failure of states to follow a 1995 National Transportation Safety Board recommendation to enact primary enforcement seat belt use laws. Today, the NTSB reissued that call to states.

"A primary seat belt law is likely to save more lives than possibly any single piece of legislation a state will consider," said NTSB Chairman Ellen G. Engleman. "It is why the Safety Board recommended states adopt these laws in 1995, and why we continue to urge enactment of these laws as a safety priority. It is tragic that 30 states have failed to act to implement this safety countermeasure that costs nothing, but could save so many."

Also see:

- Lost Lives by States' (pdf, 182kb)
- Participating Law Enforcement Agencies (MS Word, 135kb)

Primary seat belt laws enable law enforcement officers to ticket motorists based solely on an observed seat belt violation, just as they do any other motor vehicle law. Primary laws cover 60 percent of the U.S. population. Currently, 29 states have secondary laws (New Hampshire does not have an adult seat belt law), which means officers can only enforce the seat belt law if the motorist is first stopped for some other violation such as speeding.

According to the study released today by the National Safety Council, states that have enacted primary laws since 1995 on average experienced a 15-percentage point increase in belt use. Seat belts are proven to reduce the risk of serious injury or death in a crash by 45 percent, and the study shows 12,177 lives have been lost since 1995 because 30 states have failed to enact the stronger laws.

"We have a vaccine for the leading cause of death for Americans from ages two through 33 - safety belts. Primary safety belt laws are our most effective public policy tool," said Jeffrey W. Runge, M.D., Administrator for the National Highway Traffic Safety Administration. "If all states moved right now to enact them, 1,400 more lives could be saved next year alone in preventable traffic injury."

On November 13, 2003, Chairman Engleman on behalf of the NTSB sent a letter to the governors and legislative leadership of the 29 states with secondary laws and New Hampshire, reminding them of the Safety Board's recommendation and encouraging them to step-up their efforts to enact a primary law in their state.

The national Click It or Ticket Mobilization, which runs from November 17 - 30, is based on a public health model proven to increase belt use, and places specific emphasis on teens and young adults who are least likely to buckle up and most likely to die in a traffic crash.

According to NHTSA, nearly 4,530 teens and young adults, ages 16-19, died in traffic crashes last year and thousands more were injured. Of the 32,519 people killed in crashes in 2002, nearly 60 percent were not wearing a safety belt.

If the situation remains the same as in 2002, the study, conducted by Neil K. Chaudhary and David F. Preusser of PRG Research Group, Inc., estimated an additional 1,400 motorists will be killed next year alone. (State-by-state results are available online, at www.nsc.org)

"Law enforcement officers all over this country are doing a great job saving lives through seat belt enforcement, but in 30 states they are doing it with one hand tied behind their back," said Chuck Hurley, Executive Director of the National Safety Council's Air Bag & Seat Belt Safety Campaign. "We would be saving far more lives if state legislators in the states with secondary laws would respond to the overwhelming majority of voters who support primary laws."

A national survey of 800 Americans conducted by Public Opinion Strategies for the Air Bag & Seat Belt Safety Campaign in May, 2003, showed people in states with secondary laws support enactment of primary laws in their states by a 2-to-1 margin.

"It's especially tragic that teens and young adults are suffering the most as a result of this government inaction," added Hurley. This year, Illinois and Delaware became the 19th and 20th states to pass a primary law respectively.

"At the Naval Safety Center, our job is to look out for all our Sailors, Marines, and civilians," said RADM Brooks. "It's our priority to ensure as safe a working environment as possible, to identify the hazards we all face in both our professional and personal lives, to educate everyone in the vital importance of risk management in everything we do, and to improve readiness. Across our force it's up to the leaders of every Navy and Marine Corps command to promote awareness and set the example, for traffic safety truly is a matter of life and death."

During the Mobilization, law enforcement officers will intensify enforcement of seat belt and child passenger safety laws by setting up checkpoints or saturation patrols across the country. Seat belt violators and drivers failing to restrain their child passengers will be ticketed.

Thanksgiving is one of the most dangerous holidays for motorists. The National Safety Council predicts that 544 people will die and 28,300 people will suffer disabling injuries resulting from traffic crashes during the Thanksgiving holiday period.

"Thanksgiving is a joyous holiday for many Americans, but it is also traditionally one of the deadliest on the roadways," said Lynne Goughler, Vice President of Public Policy at Mothers Against Drunk Driving. "Impaired driving and lack of safety belt usage are the leading killers in automobile crashes, especially during the holiday season."

Mobilizations are conducted twice yearly by the Air Bag & Seat Belt Safety Campaign of the National Safety Council in conjunction with law enforcement agencies, state highway safety offices, NHTSA, the National Transportation Safety Board and MADD. Following the Mobilization in May, 2003, national belt use reached a record high of 79 percent, according to NHTSA.

The Air Bag & Seat Belt Safety Campaign, a program of the National Safety Council, is a public/private partnership of automotive manufacturers, insurance companies, child safety seat manufacturers, government agencies, health professionals and child health and safety organizations. The goal of the Campaign is to increase the proper use of safety belts and child safety seats and to inform the public about how to maximize the lifesaving capabilities of air bags while minimizing the risks.

For additional information about the National Safety Council, visit www.nsc.org.

The National Safety Council is a nonprofit, nongovernmental, international public service organization dedicated to protecting life and promoting health. Members of NSC include more than 45,000 businesses, labor organizations, schools, public agencies, private groups and individuals. Founded in 1913, and chartered by the U.S. Congress in 1953, the primary focus of the NSC is preventing injuries in workplaces.

in transportation and in homes and communities.

[News Center](#) | [NSC Home](#) | [Comments](#)

National Safety Council

A Membership Organization Dedicated to Protecting Life and Promoting Health

1121 Spring Lake Drive, Itasca, IL 60143-3201

Tel: (630) 285-1111, Fax: (630) 285-1315

November 25, 2003

SB

90

ALASKA STATE LEGISLATURE

Senate District 11
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us



State Capitol, Room 417
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878
www.akrepublicans.org/huggins/

Charlie Huggins
Senator

24-LS0459\1

SPONSOR STATEMENT

SENATE BILL 90

Alaska Territorial Guard Day

Senate Bill 90 would declare October 18 as Alaska Territorial Guard Day.

December 7, 1941, Japanese forces bombed Pearl Harbor in a surprise attack on the United States Navy. Around six months later, the Japanese seized the islands of Attu and Kiska and bombed Dutch Harbor killing forty-three Americans. Soon after, Governor Ernest Gruening was assigned two military aides to assist him in forming the Alaska Territorial Guard in order to protect and defend the US Territory that was Alaska. The first, Captain Carl Schneibner, was responsible for organizing the Guard in the Interior. The second, Major Marvin "Muktuk" Marston, was responsible for organizing the Guard on the Bering and Arctic Coasts. These two men went to their recruiting areas with a message from the President of the United States and the Governor of Alaska, asking for help in defending the Alaska Territory. Their combined efforts resulted in a total number of about 6,500 predominately Alaskan Native men signing up to defend their Territory, Country and the general good of all mankind. Dressed in WWI uniforms and shouldering Enfield rifles, the Alaska Territorial Guard succeeded in defending Alaska until its disbandment in the month of March 1947. After the disbandment, Gov. Gruening included members into the regular Alaska National Guard as scout battalions.

Until the year of 2004, these valiant volunteers had not been recognized as veterans. On October 18, the first members of the Alaska Territorial Guard were recognized by the United States Army as Veterans. This bill is dedicated to the memory of those who served so bravely for our great state.

Contact Information:
Ryan Moore - Legislative Staff
907-465-3878

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 90(STA)
 (S) Publish Date: 2/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: All
 Title An Act Relating to Alaska Territorial RDU _____
 Component _____
 Sponsor Huggins, et al Component No. _____
 Requester _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 No fiscal impact.

Prepared by: Brad Pierce Phone _____
 Division OMB Date/Time 2/17/05 12:42 PM
 Approved by: _____ Date 2/17/2005
 Agency _____

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS COMMITTEE

Senator Gene Therriault, Chair
Senator Tom Wagoner, Vice Chair
Senator Charlie Huggins
Senator Bettye Davis
Senator Kim Elton



State Capitol, Room 119
Juneau, AK 99811-1182
907.465.4522
907.465.3884 fax

Adopted by the Senate

Date: February 23, 2005

Letter of Intent

CS SENATE BILL 90 (STA)
February 18, 2005

It is the intent of the Alaska State Legislature in passing this bill to establish October 18 of each year to acknowledge and commemorate the service of members of the Alaska Territorial Guard in defense of Alaska and the United States during World War II.

On December 7, 1941, Japanese forces bombed Pearl Harbor in a surprise attack on the United States Navy. Six months later the Alaska islands of Attu and Kiska were seized and Dutch Harbor was bombed by the Japanese. The attack on Alaska resulted in the deaths of 43 Americans.

With the arrival of war, Alaska's National Guard was pressed into federal service leaving most of the Interior and Western coastal regions of the territory with inadequate protection. Alaska Governor Ernest Gruening sought and received permission from Congress to organize a volunteer civilian militia, thus the Alaska Territorial Guard was formed.

Captain Carl Schneibner and Major Marvin "Muktuk" Marston were responsible for organizing the guard in the Interior Region and the Bering and Arctic Regions, respectively. The two men went to their regions with a recruitment message from the President of the United States and the Governor of Alaska. The people of Alaska responded.

The guard was made up of some 6,500 Alaskans who were predominantly Alaska Natives and served in defense of Alaska from 1942, through World War II, until 1947. On October 18, 2004, the first members of the Alaska Territorial Guard were recognized as veterans by the United States Army. It is appropriate that the State of Alaska commemorate the service of the Alaska Territorial Guard.

This bill is dedicated to the memory of those who served so bravely for our great state.

COMMITTEE COPY

- (8) the 18th of October, known as Alaska Day;
- (9) the 11th of November, known as Veterans' Day;
- (10) the fourth Thursday in November, known as Thanksgiving Day;
- (11) the 25th of December, known as Christmas Day;
- (12) every Sunday;
- (13) every day designated by public proclamation by the President of the United States or the governor of the state as a legal holiday.

(b) For employment purposes, Martin Luther King, Jr.'s Birthday is a legal holiday for state employees who

- (1) are not covered by a collective bargaining agreement; or
- (2) are covered by a collective bargaining agreement whose terms
 - (A) include by name Martin Luther King, Jr.'s Birthday; or
 - (B) have been amended to substitute a holiday on the third Monday of January for Martin Luther King, Jr.'s Birthday in place of another paid holiday. (§ 1-1-6 ACLA 1959; am § 1 ch 183 SLA 1959; am § 1 ch 37 SLA 1969; am § 1 ch 5 SLA 1973; am § 1 ch 109 SLA 1973; am §§ 1, 2 ch 109 SLA 1989)

NOTES TO DECISIONS

Applied in *In re Dalton*, 8 Alaska 338 (D. Alaska 1932).

Cited in *Jefferson v. Moore*, 354 P.2d 373 (Alaska 1960).

Collateral references. — 73 Am. Jur. 2d, Sundays and Holidays, § 1 et seq.
 40 C.J.S., Holidays, § 1 et seq.
 Validity of statute or ordinance prohibiting or regulating sports and games on Sunday. 24 ALR2d 813.
 Validity, under establishment of religion clause of federal or state constitution, of provision making day of religious observance a legal holiday. 90 ALR3d 752.

Validity and construction of Sunday closing or blue laws. 10 ALR4th 246.
 Validity, under federal and state establishment of religion provisions, of prohibition of sale of intoxicating liquors on specific religious holidays. 27 ALR4th 1155.
 Scheduling election on religious holiday as violation of federal constitutional rights. 44 ALR Fed. 886.

Sec. 44.12.020. Holiday falling on Sunday. If a holiday listed in AS 44.12.010 except AS 44.12.010(a)(12), falls on a Sunday, Sunday and the following Monday are both legal holidays. (§ 1-1-6 ACLA 1949; am § 1 ch 183 SLA 1959; am § 2 ch 37 SLA 1969)

Sec. 44.12.025. Holiday falling on Saturday. If a holiday listed in AS 44.12.010 falls on a Saturday, the Saturday and the preceding Friday are both legal holidays for officers and employees of the state. (§ 1 ch 40 SLA 1966)

Article 2. Designated Days of Honor.

Section

- 30. Wickersham Day
- 40. Anthony J. Dimond Day
- 50. Ernest Gruening Day
- 55. Bob Bartlett Day
- 60. William A. Egan Day
- 65. Elizabeth Peratrovich Day
- 70. Alaska Flag Day
- 72. Alaska Day of Prayer
- 75. Family day and family preservation month

Section

- 76. Prisoners of War and Missing in Action Recognition Days
- 78. Women Veterans Day
- 80. Pearl Harbor Remembrance Day
- 85. Dutch Harbor Remembrance Day
- 90. Juneteenth Day
- 95. Drunk Driving Victims Remembrance Day
- 98. Avalanche Awareness Month

Sec. 44.12.030. Wickersham Day. August 24 is designated Wickersham Day in honor of James Wickersham, and is the occasion for school assemblies with appropriate programs, and other suitable observances and exercises by civic groups and the public in general. (§ 2 ch 63 SLA 1949)

Sec. 44.12.040. Anthony Dimond Day in honor of "Ti" Dimond assemblies and programs, and the public at large. (§ 2)

Sec. 44.12.045. Martin Luther King, Jr. Birthday

Cross references. — For current law, see AS 44.12.010.

Sec. 44.12.050. Ernest Gruening Day February 6 of each year to honor Ernest Gruening for his lifetime of service to the state. This day may be observed by suitable observances and exercises by the public. (§ 1 ch 13 SLA 1984)

Sec. 44.12.055. Bob Bartlett Day year to honor E.L. "Bob" Bartlett for his public service to Alaska and his achievements and observances and exercises by the public.

Sec. 44.12.060. William A. Egan Day 8 of each year to honor William A. Egan for his lifetime of service to the state. This day may be observed by suitable observances and exercises by the public. (SLA 1985)

Sec. 44.12.065. Elizabeth Peratrovich Day lished on February 16 of each year to honor Elizabeth Peratrovich for her discrimination and bring about equality for all. This day may be observed by suitable observances and exercises by the public. (SLA 1988)

Cross references. — For legal authority, see sec. 1, ch. 65, SLA 1988 in the Temporary Act.

Sec. 44.12.070. Alaska Day year to honor the creation of the state and its importance as a symbol of our state's observances and exercises by the public.

Sec. 44.12.072. Alaska Day of Prayer the first Thursday in May each year for united prayer to give thanks for our state and our nation. (§ 2)

Cross references. — For legal authority, see the enactment of this section in the 1997 Temporary Act.

Sec. 44.12.075. Family Day established on May 1 of each year. This day may be observed by suitable observances and exercises by the public. (SLA 1997)

Sec. 44.12.040. Anthony J. Dimond Day. November 30 is designated Anthony J. Dimond Day in honor of "Tony" Dimond, and shall be observed by appropriate school assemblies and programs, and other suitable observances and exercises by civic groups and the public at large. (§ 2 ch 3 SLA 1955)

Sec. 44.12.045. Martin Luther King Day. [Repealed, § 3 ch 109 SLA 1989.]

Cross references. — For current law, see AS 44.12.010.

Sec. 44.12.050. Ernest Gruening Day. Ernest Gruening Day is established on February 6 of each year to honor Ernest Gruening, doctor, editor, and statesman, for a lifetime of service to the territory and state of Alaska and the nation. Ernest Gruening Day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 13 SLA 1984)

Sec. 44.12.055. Bob Bartlett Day. Bob Bartlett Day is established on April 20 of each year to honor E.L. "Bob" Bartlett, the "architect of Alaska statehood," for a lifetime of public service to Alaska and the nation. Bob Bartlett Day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 12 SLA 1984)

Sec. 44.12.060. William A. Egan Day. William A. Egan Day is established on October 8 of each year to honor William "Bill" Egan, the first governor of the state of Alaska, for a lifetime of service to the territory and state of Alaska. William A. Egan Day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 18 SLA 1985)

Sec. 44.12.065. Elizabeth Peratrovich Day. Elizabeth Peratrovich Day is established on February 16 of each year to honor Elizabeth Peratrovich, past Grand President of the Alaska Native Sisterhood, for her courageous, unceasing efforts to eliminate discrimination and bring about equal rights in Alaska. Elizabeth Peratrovich Day may be observed by suitable observances and exercises by civic groups and the public. (§ 2 ch 65 SLA 1988)

Cross references. — For legislative findings, see sec. 1, ch. 65, SLA 1988 in the Temporary and Special Acts.

Sec. 44.12.070. Alaska Flag Day. Alaska Flag Day is established on July 9 of each year to honor the creation of the design of the official flag of the state by Benny Benson and its importance as a symbol of the state. Alaska Flag Day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 120 SLA 1992)

Sec. 44.12.072. Alaska Day of Prayer. The Alaska Day of Prayer is established on the first Thursday in May each year as an opportunity for residents of all faiths to join in united prayer to give thanks for blessings received, to request healing for wounds endured, to ask divine guidance for our leaders, and to bring wholeness to the citizens of our state and our nation. (§ 2 ch 11 SLA 1997)

Cross references. — For legislative findings concerning the enactment of this section, see § 1, ch. 11, SLA 1997 in the 1997 Temporary and Special Acts.

Sec. 44.12.075. Family day and family preservation month. Family Day is established on May 1 of each year to celebrate the institution of the family. The month of May each year is established as Preservation of the Family Month to encourage the

preservation of the institution of the family. Family Day and Preservation of the Month may be observed by suitable observances by families, such as a family exercise of the role of families, the rights and responsibilities of children and parents. Appropriate methods for the resolution of violent feelings in family conflicts may be exercised by civic groups and the public. In observance of Family Preservation Month, the Department of Health and Social Services shall encourage the prevention of child abuse and neglect in Alaska families. (§ 2 ch 4 SLA 1994)

Cross references. — For legislative findings in connection with the enactment of this section, see § 1, ch. 4, SLA 1994 in the Temporary and Special Acts.

Sec. 44.12.076. Prisoners of War and Missing in Action Recognition.

(a) Former Prisoners of War Recognition Day is established on April 9 of each year to recognize and honor all former prisoners of war (POWs) from our nation's wars who were returned home. These POWs repeatedly demonstrated their devotion to duty, honor, and country, despite enduring captivity and sometimes brutal treatment by their captors. The governor shall issue a proclamation to commemorate the day, and the POW/MIA flag shall be flown that day at sites identified by the governor. Former POW Recognition Day may be observed by suitable observances and exercises by civic groups and the public.

(b) Prisoners of War and Missing in Action Recognition Day is established on the first Friday of September each year to honor all prisoners of war (POWs) and those missing in action (MIAs), unaccounted for from all our nation's wars or who died in captivity. These POWs and MIAs repeatedly demonstrated their devotion to duty, honor, and country, despite enduring captivity and sometimes brutal treatment by their captors. The fact that those unaccounted for and missing in action from our nation's wars causes considerable uncertainty for their families, friends, fellow soldiers, and veterans. This day is also an occasion for Alaskans to remember our country's enormous responsibility to do everything possible to account for those still missing in action. The governor shall issue a proclamation to commemorate the day, and the POW/MIA flag shall be flown that day at sites identified by the governor. POW and MIA Recognition Day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 10 SLA 2000)

Legislative history reports. — For Governor's transmittal letter concerning the enactment of this section by sec. 1, ch. 10, SLA 2000 (SB 236), see 2000 Senate Journal 2157.

Sec. 44.12.078. Women Veterans Day. Women Veterans Day is established on November 9 of each year to acknowledge and commemorate the sacrifices endured and valor displayed by American women veterans and to recognize their increasing role in the military. The governor shall issue a proclamation to commemorate Women Veterans Day. The day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 10 SLA 2000)

Legislative history reports. — For Governor's transmittal letter concerning the enactment of this section by sec. 1, ch. 10, SLA 2000 (SB 236), see 2000 Senate Journal 2157.

Sec. 44.12.080. Pearl Harbor Remembrance Day. Pearl Harbor Remembrance Day is established on December 7 of each year to commemorate the attack on Pearl Harbor on December 7, 1941, and to honor the individuals who died as a result of the attack. The governor shall issue a proclamation to commemorate the day and shall direct that the Alaska flag be flown at half-mast on that day. Pearl Harbor Remembrance Day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 28 SLA 1995)

Sec. 44.12.085. Dutch Harbor Remembrance Day. Dutch Harbor Remembrance Day is established on June 3 of each year to commemorate the attack on Dutch Harbor

June 3, 1942, and to honor the inhabitants of Attu and Kiska who were in Japan until the end of the war. The governor shall also honor the servicemen who died in the attack. The governor shall also honor for their diligence. The governor shall issue a proclamation to commemorate the day. The governor shall direct that the Alaska flag be flown at half-mast on that day. The day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 28 SLA 1995)

Revisor's notes. — Enacted as a Special Act and numbered in 1995.

Sec. 44.12.090. Juneteenth Day. Juneteenth Day is established on June 19 of each year to commemorate the day that the state of Texas and its territories in 1865 ended slavery. The day shall be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 66 SLA 2001)

Sec. 44.12.095. Drunk Driving Remembrance Day. Drunk Driving Remembrance Day is established on November 10 of each year to commemorate the lives lost to drunk driving. The day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 66 SLA 2001)

Revisor's notes. — Enacted as a Special Act and numbered in 2001.

Sec. 44.12.098. Avalanche Awareness Day. Avalanche Awareness Day is established on November 10 of each year to raise awareness of avalanche dangers, how to respond to an avalanche, and how to avoid avalanche areas. The day may be observed by suitable observances and exercises by civic groups and the public. (§ 2 ch 10 SLA 2004)

Cross references. — For a statute relating to the provisions of § 1, ch. 10, SLA 2004, in the 2004 Special Acts.

Article

Section 44.12.200. State agency office hours.

Sec. 44.12.200. State agency office hours. The extent practicable, state agency office hours shall be scheduled to the public shall schedule office hours at the times most convenient to the employees working 40 hours or more per week and shall review the state agency the most suitable. The governor shall periodically review it.

(b) In this section, "state agency" means a state division, authority, public

... e 3, 1942, and to honor the individuals who died as a result of the attack and those inhabitants of Attu and Kiska who fell into enemy hands three days later and were held captive in Japan until the end of World War II. On Dutch Harbor Remembrance Day the day servicemen who died in 1943 while recapturing Attu and Kiska from the Japanese also honored for their diligent service to the United States and to the state. The governor shall issue a proclamation to commemorate Dutch Harbor Remembrance Day and shall direct that the Alaska flag be flown at half-mast on that day. The day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 38 SLA 1995)

Revisor's notes. — Enacted as AS 44.12.080. Re-numbered in 1995.

Sec. 44.12.090. Juneteenth Day. Juneteenth Day is established on the third Saturday in June each year to commemorate the abolition of slavery throughout the United States and its territories in 1865. The governor shall issue a proclamation to commemorate the day. On Juneteenth Day, citizens of the state are urged to reflect on the suffering endured by early African-Americans and to appreciate the unique freedom and equality enjoyed by all state citizens today. (§ 1 ch 9 SLA 2001)

Sec. 44.12.095. Drunk Driving Victims Remembrance Day. Drunk Driving Victims Remembrance Day is established on July 3 of each year to commemorate the victims of drunk driving. The governor shall issue a proclamation to commemorate the day. The day may be observed by suitable observances and exercises by civic groups and the public. (§ 1 ch 66 SLA 2001)

Revisor's notes. — Enacted as AS 44.12.090. Re-numbered in 2001.

Sec. 44.12.098. Avalanche Awareness Month. The month of November each year is established as Avalanche Awareness Month. Avalanche Awareness Month may be observed by schools, community groups, and other public and private agencies and individuals with appropriate activities that increase the public's awareness of avalanche dangers, how to respond to avalanches, and the use of appropriate equipment in avalanche areas. (§ 2 ch 10 SLA 2004)

Cross references. — For a statement of legislative intent relating to the provisions of this section, see § 1, ch. 10, SLA 2004, in the 2004 Temporary and Special Acts.

Effective dates. — Section 2, ch 10, SLA, which enacted this section, became effective June 20, 2004.

Article 3. State Agency Office Hours.

Section
200. State agency office hours

Sec. 44.12.200. State agency office hours. (a) It is the policy of the state that, to the extent practicable, state agency offices that are intended to provide services directly to the public shall schedule the hours of work of their employees so that the offices are open at the times most convenient to the individuals being served and staffed by employees working 40 hours per week. Each office shall review the preferences and needs of its clientele and shall recommend to the commissioner or other executive head of the state agency the most suitable hours of operation for that specific location. Each office shall periodically review its hours of operation.

(b) In this section, "state agency" means a department, institution, board, commission, division, authority, public corporation, committee, or other administrative unit of the

SB

104

ALASKA STATE SENATE

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax



Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

Senate Bill 104 Sponsor Statement

"An Act relating to the crimes of unsworn falsification in the first and second degrees and false information or report; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue."

Senate Bill 104 seeks to strengthen the Department of Revenue's ability to investigate fraud associated with making a false application for a permanent fund dividend. Furthermore, submission of a fraudulent permanent fund dividend application would be elevated from a class A misdemeanor to a class C felony.

In 2004 the Department of Revenue (DOR) examined over 1,600 fraud tips and audited over 1,700 permanent fund dividend (PFD) applications suspected of being fraudulent. This resulted in \$1.4 million in denied or assessed dividends (1,500+ applications). Furthermore, there were three federal indictments and one conviction for crimes involving PFD fraud.

The most common PFD fraud offense involves persons who forge the signature of another on the application (or related documents) with the intent of receiving a dividend to which they are not entitled. It's important to note that the bill is not intended to capture, for example, cases where husbands or wives sign for each other. However, the provisions of this legislation would apply in cases where the individual is attempting to steal from another person or from the state.

Within the crime of unsworn falsification, Senate Bill 104 creates *two* offending categories: *second degree*, punishable as a class A misdemeanor, and *first degree*, punishable as a class C felony. Much of the bill is dedicated to sprinkling into the statutes the qualifying phrase "in the second degree". This is necessary to describe the appropriate level of offense now associated with most crimes of unsworn falsification.

The real meat of the bill is found in Sections 7 and 20. Section 7 speaks to unsworn falsification as it relates to a person making an application for a permanent fund dividend. An offense of this nature would be a violation in the first degree punishable as a class C felony.

Section 20 adds language establishing a fraud investigation unit within the Department of Revenue. This unit will assist the Department of Law in its efforts to investigate and prosecute instances of PFD fraud.

In summary, the DOR's proposal to elevate PFD fraud from a simple misdemeanor to a class C felony is expected to provide a more effective deterrent for this type of theft. Furthermore, the establishment of a fraud investigation unit within the DOR will greatly aid in the detection and prosecution of this criminal act.

Sec. 11.56.210. Unsworn falsification. (a) A person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement which the person does not believe to be true

- (1) in an application for a benefit; or
- (2) on a form bearing notice, authorized by law, that false statements made in it are punishable.

(b) Unsworn falsification is a class A misdemeanor. (§ 6 ch 166 SLA 1978)

Cross references. — For the crime of false information or report, see AS 11.56.800.

NOTES TO DECISIONS

Double jeopardy. — Criminal prosecution for unsworn falsification was not barred on double jeopardy grounds in the case of a person who had lied in her unemployment insurance benefits application and subsequently agreed to repay the unlawfully obtained benefits plus the fifty-percent penalty specified in AS 23.20.390(f). *Mitchell v. State*, 818 P.2d 1163 (Alaska Ct. App. 1991).

Sec. 11.56.220. Proof of guilt. In a prosecution for perjury or unsworn falsification it is not necessary that proof be made by a particular number of witnesses or by documentary or other type of evidence (§ 6 ch 166 SLA 1973)

NOTES TO DECISIONS

Annotator's notes. — The case cited in the notes below was decided under former AS 11.30.010.

Required proof. — To be guilty of perjury, it was necessary under former law to prove that a person under oath willfully and falsely swore. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

One could not be convicted of perjury on the uncorroborated testimony of one witness under former law. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

Testimony of perjury had to be corroborated by other evidence, either direct or circumstantial.

Nelson v. State, 546 P.2d 592 (Alaska 1976).

The purpose of such a rule was to prevent ill-founded retaliatory attacks by perjury prosecution upon a witness based on no more than the contrary oath of another. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

What was corroborative evidence. — In order to be corroborative, evidence had to induce a rational belief that what the witness said was true. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

Sufficiency of evidence. — See *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

Sec. 11.56.230. Perjury by inconsistent statements. (a) A person commits the crime of perjury by inconsistent statements if

- (1) in the course of one or more official proceedings the person makes two or more sworn statements which are irreconcilably inconsistent to the degree that one of them is necessarily false;
- (2) the person does not believe one of the statements to be true at the time the statement is made; and
- (3) each statement is made within the jurisdiction of this state and within the period of the statute of limitations for the crime charged.

(b) In a prosecution under this section, it is not necessary for the state to prove which statement was false but only that one or the other was false and not believed by the defendant to be true at the time the defendant made the statement. Proof of the irreconcilable inconsistency of the statements is prima facie evidence that one or the other of the statements was false.

(c) Perjury by inconsistent statements is a class C felony. (§ 6 ch 166 SLA 1978)

Sec. 11.56.235. Retraction as a defense. (a) In a prosecution under AS 11.56.200 or 11.56.230, if the false statement was made in an official proceeding, it is an affirmative defense that the defendant expressly retracted the false statement

- (1) during the course of the same official proceeding;
- (2) before discovery of the falsification became known to the defendant;

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 104(STA)
 (S) Publish Date: 2/28/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Permanent Fund Dividend Fraud RDU Revenue Programs & Support
 Component Permanent Fund Dividend
 Sponsor Seekins
 Requester _____ Component No. 981

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)
 SB 104 defines misrepresentation of permanent fund dividend eligibility and authorizes a class C felony penalty for misrepresenting permanent fund eligibility. Current Title 11 provisions for forgery only cover the forging of financial instruments and therefore do not cover PFD application documents.

 The bill also authorizes an investigation unit in the Department of Revenue to detect and investigate fraud in the permanent fund dividend program and to assist the Department of Law in the prosecution of such individuals. Although the department has administratively established an investigation unit, statutory designation is required for access to certain federal data bases (NCIC and NLETS). These data bases would facilitate more efficient and effective investigation of PFD crimes, especially those perpetrated by individuals living out of state.

Prepared by: Sharon Barton Phone 465-4785
 Division: Permanent Fund Dividend Date/Time 2/22/05 1:17 PM
 Approved by: Tom Boutin Date 2/22/2005
 Agency: Department of Revenue

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 104(STA)
 (S) Publish Date: 2/28/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to the crime of misrepresenting RDU CIVIL
permanent fund eligibility..." Component Commercial & Fair Business
 Sponsor Senator Seekins
 Requester Senate State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would create a new statute in the criminal code making the crimes commonly associated with fraudulently applying for a permanent fund dividend a class C felony. Additionally, this bill would statutorily require the Department of Revenue to create a fraud investigation unit designed to detect and investigate permanent fund dividend crimes to aid in the prosecution of these offenses and the imposition of civil penalties. Currently Revenue has created a fraud investigation unit, but creating the unit in statute is necessary to facilitate access to information held by other law enforcement agencies. Passage of this legislation will not have a foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division Administrative Services Division Date/Time 2/22/05 11:21 AM
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 2/22/2005
 Agency Department of Law

SB

130



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

SPONSOR STATEMENT

Senate Bill 310

“An Act relating to the employment of prisoners; and providing for an effective date.”

The legislation that created the Alaska Correctional Industries program and commission was repealed on July 1, 2005. The primary purpose of SB 310 is to provide the necessary statutory authority so the Department of Corrections can continue providing inmate work and training programs without interruption.

SB 310 is needed to provide for employment of prison inmates under AS 33.30. This employment program will be funded from Receipt Support Service funds. The bill provides the necessary statutory authority to participate in critical federal Prison Industry Enhancement (PIE) programs. It also grants the authority to actively participate and partner with private enterprise. These partnerships will provide realistic work experience and vocational training for prisoners under conditions similar to those that prevail in the private sector. SB 310 will allow the department to make a deduction from the offenders' wages to apply to the cost of confinement. These receipts will support the prison employment program.

In addition, the prison employment program will allow inmates to work toward financial responsibility by taking deductions from wages to pay for child support, victim restitution, criminal fines, civil judgments, fees for utilities, as well as other obligations.

SB 310 is a vital piece of legislation if we are to continue inmate work and vocational training programs in our correctional facilities.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

Sectional Analysis

Senate Bill 310

“An Act relating to the employment of prisoners; and providing for an effective date.”

Section 1. Deletes the “Correctional Industries Program” from AS 23.15.580(g) and focuses on employment of prison inmates while incarcerated. The Correctional Industries Program sunset on July 1, 2005.

Section 2. Replaces “agency” with “private organization” and specifies that a contract for prison labor must include at least minimum wage required by AS 23.10.065 and paid in a timely manner according to contract. Removes reference to Correctional Industries Commission.

Section 3. Removes reference to Correctional Industries Commission oversight.

Section 4. Removes the reference to AS 33.32 Correctional Industries and renumbers provisions.

Section 6. Allows the Commissioner to establish inmate compensation based on minimum wage for partnerships with private vendors and based on prevailing wage to participate in federal Prison Industry Enhancement (PIE) programs (partnerships with private vendors that sell products across state lines). Past legislation did not have provisions to pay prevailing wage as required by federal PIE programs.

Section 8. Removes the reference to Correctional Industries.

Section 9. Is amended by adding a new paragraph that allows the cost of confinement to be deducted from prisoner wages.

Section 10. Removes the reference to purchases of livestock. Removes the reference to the Correctional Industries Fund and Commission.

Section 11. Adds a new section to provide for transition from the former Correctional Industries Fund to program receipts and provides an effective date matching the sunset date of July 1, 2005.

Section 12. Adds a new section to provide for transition from previous legislation for the non-coverage of AS 23.30 (Alaska Workers' Compensation Act) for the period July 1, 2005 through the day before the effective date of this act.

Section 13. Adds a new section to provide for a retroactive date matching the sunset date of July 1, 2005, for the non-coverage of AS 23.30 (Alaska Workers' Compensation Act).

Section 14. Provides for an immediate effective date.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 310
(S) Publish Date: 3/27/06

Revision Date/Time (Note if correction): _____ Department: Labor and Workforce Development
Title: Employment of Prisoners RDU: Business Partnerships
Component: Workforce Investment Board
Sponsor: Senate Finance
Requester: Senate Finance Component Number: 2659

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: None

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated financial impact to the department as a result of this legislation.

Prepared by: John Pratt, Executive Director Phone: (907)269-7487
Division: Alaska Workforce Investment Board Date/Time: 3/24/06 1:24 PM
Approved by: Greg O'Claray, Commissioner Date: 3/24/2006
Agency: Department of Labor and Workforce Development

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 310
(S) Publish Date: 3/27/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title: An Act relating to the employment of prisoners: RDU Institutional Facilities
and providing for an effective date. Component Correctional Industries Product
Sponsor: Senate Finance Committee Costs
Requester: Finance Component No. 702

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

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
1156 Receipt Supported Services	3,181.8	3,181.8	3,181.8	3,181.8	3,181.8	3,181.8
Other (Alaska Correctional Industries Fund)	(3,181.8)	(3,181.8)	(3,181.8)	(3,181.8)	(3,181.8)	(3,181.8)
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation provides the statutory authority to the Department of Corrections to continue providing inmate work and training programs without interruption. Legislation that created the Alaska Correctional Industries program and commission sunset on July 1, 2005. This bill provides retroactive clauses for the non-coverage of AS 23.30 (Alaska Workers' Compensation Act) and for transition of the Alaska Correctional Industries Fund to program receipts under AS 37.05.146(c)(81). It also provides the program the statutory authority to participate in federal Prison Industry Enhancement (PIE) programs and to actively participate and partner with private enterprise. This legislation will allow the department to make a deduction from the offenders' wages to apply to the cost of confinement. These receipts will support the prison employment program.

Prepared by: Sharleen Griffin, Director Phone (907) 465-3339
Division: Administrative Services Date/Time 3/24/06 8:00 AM
Approved by: Portia Parker, Deputy Commissioner Date 3/24/2006
Agency: Department of Corrections



Enterprise
Conferences
Publications
ASSOCIATION



About NCIA (Home)

Working on the inside - succeeding on the outside

Enterprise Conferences

PIE Certification Program

PIE Certification Program

Membership

PIE Final Guideline

Policy & Standards

[Federal Register: April 7, 1999 (Volume 64, Number 66)] [Notices] [Page 17000-17014] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr07ap99-112]

NCIA Awards

NCIA Communication Tools & Publications

[[Page 17000]]

NCIA Links

Upcoming Events

Exclusive Merchandise

DEPARTMENT OF JUSTICE

Office of Justice Programs [OJP(BJA)-1213] RIN 1121-AA36

Prison Industry Enhancement Certification Program Guideline

AGENCY: Office of Justice Programs, Bureau of Justice Assistance (BJA), Justice.

ACTION: Issuance of final guideline.

SUMMARY:

The Office of Justice Programs, Bureau of Justice Assistance (BJA), is issuing this final revision to its Prison Industry Enhancement Certification Program (PIECP) Guideline proposed for public comment on July 7, 1998, 63 FR 36710-36719. Under Title 18 U.S.C. 1761(c), BJA PIECP certification exempts participating agencies from certain Federal restraints placed on the marketability of prison-made goods by permitting the transport of such goods in interstate commerce and the sale of such goods to the Federal government. This Guideline addresses statutory amendments and reflects administrative experience gained by BJA since the last final PIECP Guideline published on March 29, 1985 (50 FR 12661-64). The publication of this Final Guideline is considered to be a Federal action that will not significantly affect the quality of the human environment. Therefore, preparation of an environmental impact statement is not necessary.

U.S.C. 35). Since its inception in 1979, the PIECP program has certified 38 work pilot projects throughout the country. Prison administrators find PIECP participation an effective way to address idleness among ever-increasing prison populations and as a cost-efficient method for providing inmates with marketable job skills. Taxpayers benefit because PIECP wage deductions result in reductions in incarceration costs. Inmate wages benefit society, generally, in that deducted amounts are authorized to address victim compensation, inmate family support needs and taxes. Lastly, PIECP industries obtain broad market access for their products because they are excepted from the Ashurst-Sumners Act prohibition against the interstate transport of prisoner-made goods and from the Walsh-Healey Act prohibition against certain contract sales of prisoner-made goods to the Federal government. BJA first issued a Final Guideline to implement this program on March 29, 1985, 50 FR 12661-64. After providing an opportunity for public comment on the revised Guideline on July 7, 1998 (63 FR 36710-19), the agency now publishes this Final Guideline to offer updated program clarification. In so doing, the legislative underpinnings of relevant laws are examined and the scope of their applicability is defined. Compliance expectations are explained as program guidance. Refined administrative practices reflect experience gained by BJA over the past 14 years. The background history, guidance definitions and administrative requirements described in this Guideline are specific only to the PIECP and have no bearing on or relationship to the development, goals or administrative practices of any other prison industry program.

II. Background of the Prison Industry Enhancement Certification Program (PIECP)

a. Legislative History

1. Unregulated Prison Labor The 19th Century evolution of industrial capitalism and private sector use of prisoner labor spawned a number of conditions that adversely affected several major segments of society. By the turn of the 20th Century, these segments joined in an organized appeal to Congress and state legislatures nationwide. They collectively asserted that the production and distribution of unregulated prisoner-made goods in interstate commerce needed to be

[[Page 17001]]

eliminated or, at a minimum, controlled. Human rights activists turned the public's attention to poor prison work conditions and inmate exploitation. Organized labor argued that the demand for prisoner-made products, anywhere, necessarily displaced a possible demand for the product of free labor. Free enterprise manufacturers at the time were disturbed because manufacturers of prisoner-made goods did not bear the burden of overhead costs borne by private industry competitors. Prisoner-made goods were sold at below market prices. The viability of private industry competition was thereby undercut. In December 1924, Secretary of Commerce



About NCIA (Home)

Working on the inside - succeeding on the outside

Enterprise Conferences

PIE Certification Program

PIE Certification Program

Membership

PIE Final Guideline

Policy & Standards

[Federal Register: April 7, 1999 (Volume 64, Number 66)] [Notices] [Page 17000-17014] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr07ap99-112]

NCIA Awards

NCIA Communication Tools & Publications

[[Page 17000]]

NCIA Links

Upcoming Events

Exclusive Merchandise

DEPARTMENT OF JUSTICE

Office of Justice Programs [OJP(BJA)-1213] RIN 1121-AA36

Prison Industry Enhancement Certification Program Guideline

AGENCY: Office of Justice Programs, Bureau of Justice Assistance (BJA), Justice.

ACTION: Issuance of final guideline.

SUMMARY:

The Office of Justice Programs, Bureau of Justice Assistance (BJA), is issuing this final revision to its Prison Industry Enhancement Certification Program (PIECP) Guideline proposed for public comment on July 7, 1998, 63 FR 36710-36719. Under Title 18 U.S.C. 1761(c), BJA PIECP certification exempts participating agencies from certain Federal restraints placed on the marketability of prison-made goods by permitting the transport of such goods in interstate commerce and the sale of such goods to the Federal government. This Guideline addresses statutory amendments and reflects administrative experience gained by BJA since the last final PIECP Guideline published on March 29, 1985 (50 FR 12661-64). The publication of this Final Guideline is considered to be a Federal action that will not significantly affect the quality of the human environment. Therefore, preparation of an environmental impact statement is not necessary.

EFFECTIVE DATE: This Guideline is effective April 7, 1999; existing participants will have until April 7, 2000 to achieve compliance with all of the new requirements set forth in this Guideline except for those relating to the National Environmental Policy Act (NEPA). The new requirements implementing NEPA are effective immediately.

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Hall, Law Enforcement Program Manager, Bureau of Justice Assistance, 810 Seventh Street, NW, Washington, DC 20531. Telephone: (202) 616-3255.

SUPPLEMENTARY INFORMATION:

Scope of Program Announcement

I. Introduction: Program Purposes and Objectives II. Background of the Prison Industry Enhancement Certification Program (PIECP) a. The Legislative History 1. Unregulated Prison Labor 2. Prisoner Idleness and Prisoners' Need for Job Skills Training b. The PIECP Program 1. Current State of the Program 2. Future Challenges c. Discussion of Comments c. 1-11 (see Nus. pp 821-847) III. Program Guidance a. PIECP Purposes b. Definitions c. BJA's Initial Considerations for Determining Propriety of Work Pilot Project Certification 1. BJA's Exercise of Discretionary Authority To Define and Certify 50 Work Pilot Projects 2. Threshold Inquiry for Determining Applicability of PIECP Exception Status d. Mandatory Program Criteria for PIECP Participation 1. Eligibility 2. Inmate Wages 3. Non-Inmate Worker Displacement 4. Benefits 5. Deductions 6. Voluntary PIECP Inmate Worker Participation 7. Consultation With Organized Labor 8. Consultation With Local Private Industry 9. Compliance With the National Environmental Policy Act (NEPA) IV. PIECP Administration a. Certificate Holders 1. Project Structure 2. Application Content 3. BJA Review 4. Standard or Provisional Certification 5. Certificate Holder Designation Authority 6. Certificate Holder Monitoring Responsibilities b. Cost Accounting Centers' PIECP Exception Status c. Compliance Reviews 1. Performance Reports 2. On-Site Monitoring Reviews d. BJA's PIECP Administration e. Exception Status Suspension/Termination 1. Notice of Possible Compliance Violation 2. Voluntary Compliance Agreements 3. Failure To Achieve Compliance and Effect of Non-Compliance 4. PIECP Exception Status Suspension and Termination

I. Introduction: Program Purposes and Objectives

The Prison Industry Enhancement Certification Program (PIECP), codified at 18 U.S.C. 1761(c), was first authorized by the Justice System Improvement Act of 1979, Pub. L. No. 96-157, 93 Stat. 1215. The PIECP was expanded from 7 to 20 pilot projects under the Justice Assistance Act of 1984, Pub. L. 98-473 Sec. 609k(a)(1), 98 Stat. 2077, 2102. In 1990, The Crime Control Act of 1990, Public Law 101-647 Sec. 2906, 104 Stat. 4789,4914, raised to 50 the number of PIECP projects that may be excepted by the Bureau of Justice Assistance (BJA) from certain Federal restrictions on the marketability of prisoner-made goods, including the Ashurst-Sumners Act (18 U.S.C. 1761(a)) and the Walsh-Healey Act (41