

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

7332 HOUSE TRANSPORTATION

23

## **PUBLIC AWARENESS**

Some of the media exposure for the drowning prevention project included:

- A video tape, "First Thursday", was produced by the local KYUK TV station in conjunction with the YKHC Injury Prevention Program. The video emphasized the drowning problem and the alcohol involvement.
- Two local TV news interviews, with float coat demonstrations.
- Four radio talk shows concerning water safety and drowning prevention.
- Thirty-eight radio PSAs on boating safety, ice safety, and cold water survival.
- Twelve YKHC newsletter articles to YK Delta villages.
- Drowning prevention videos were shown on the local TV station on ten different occasions.

## **LEGISLATIVE INVOLVEMENT**

The village of Kotlik had two children that were saved by their new YKHC float coats, and as a result the village council passed an ordinance requiring PFDs in all boats. Eek is another village that has brought the ordinance before its Village Council, but has not acted on it yet. Twenty-seven other villages have requested sample regulations requiring PFDs, and asked for a letter of support from the YKHC Injury Prevention program.

The State Senator for the YK Delta area has agreed to pursue funding for a swimming pool in Bethel. Public meetings are being held and lots of interest is developing for this pool, after the media blitz by the Drowning Prevention Project.

The Alaska State Troopers are now able to buy float coats from the YKHC Injury Prevention program because of all the positive publicity.

## **BEHAVIOR MODIFICATION**

The centerpiece of this whole effort was a float coat marketing and sales program. In the past, very few people wore PFDs and none of the 157 drowning victims were wearing a PFD. YKHC funded the initial purchase of float coats, which were sold at wholesale cost and the revenues put back into buying more coats. Over 600 float coats have now been sold and numerous reports of people saved by their float coats (see attached "Success Stories") have been received. One Corporation executive, after returning from a river trip, reported that at least 50% of the people on the river were wearing float coats.

RP



# Yukon-Kuskokwim Health Corporation

1-800-478-2905

"Fostering Native Self Determination in Primary Care, Prevention and Health Promotion"

Nick Kameroff/YKHC Injury Prevention staff was teaching Boating Safety in Holy Cross. A resident, there told Nick he had fallen in through the ice this Spring. He was wearing his floatcoat. He stayed easily above the water in the hole and got out on safe ice. He walked home and the foam coat helped to keep him from getting severe hypothermia on the way in. He was very cold but ok and was treated for hypothermia once he got into the Village.

Early Spring - Hanger Lake. Ice just went out.

Aloysius and a friend took their canoe out on Hanger Lake. Both were wearing floatcoats they had bought through YKHC. The canoe they were in overturned. They were 30 minutes in the water before making it to shore. The 20 year old Aloysius was wearing a floatcoat with a fleece jacket underneath. (He is a strapping big guy of near, or better than 200 pounds). The fleece soaked up water and he floated lower than the other guy with not as much of his shoulders above water. However, he was warmer than his friend. When they got out Aloysius felt heavy with the weight of the coat and water in the fleece. They walked in. Aloysius stayed warmer than his friend who had a core temperature of 88 degrees feirenheit (85 degrees Feirenheit is the temperature at which a person usually loses consciousness) and a heart rythm (atrial fibrillate) but was stabilized at the hospital.

The Aloysius father, Jimmy, was concerned that heavier guys may need more flotation. I asked Earl Polk (215 pounds) to try out his floatcoat. He did, in the river and found that it floated him plenty high. We are ordering an XXXL coat from Gaunder Mountain catalog with thick foam sleeves and will recommend it for anyone weighing more than 215 pounds. Both young men who survived the ordeal felt that the floatcoats had saved their lives.

*Success Stories*

P.O. Box 528 Bethel, Alaska 99559 Phone: (907) 543-3321 Fax: (907) 543-5277

02.18.92 11:09 AM \*AANHS EHEB9072586291 P05



# Yukon-Kuskokwim Health Corporation

1-800-478-2905

"Fostering Native Self-Determination in Primary Care, Prevention and Health Promotion"

In May of 1990 in the YK Delta Village of Eek, a high school boy and girl went boating right after the break-up of the Kuskokwim River.

The young girl was wearing a floatcoat that was purchased from YKHC in the Summer of 1989 when the Injury Prevention Program had made purchases to try out a floatcoat design. The father of the boy also bought one floatcoat from YKHC for his son that Summer.

While they were boating between ice they ran into an ice chunk and both of them were thrown from the boat. They stayed afloat, and were picked up by another boater.

Because of this incident and the fact that the Villagers felt that the young friends would most surely have died if they had not been wearing the floatcoats, the Village council has met to consider making wearing life jackets or floatcoats a Village Safety Regulation.

In Kalskag, a YK Delta Village, John Mute had his children wear lifevests at fish camp. The three year old fell in the river and went underneath the raft. He came up on the other side.

Another time later in the Summer, the son slipped off the raft. His dad ran over and plucked him out of the water and asked, were you scared? The 3 year old said "No - I was just going to close my eyes and hold my breath because I knew I would float when I came up".

7/4/91 - Joey Peyton  
End of old Hospital Road

Joey was swimming with his two daughters. The daughters had life jackets on. One daughter - 5 feet out facing Joey, took one step backward and stepped into a drop-off and was immediately pulled out into the river and away. Joey grabbed his newly purchased YKHC floatcoat and put it on - he swam after Janna and got her back. He said he is not a strong swimmer. Feels they both would have surely drown had PFD's not been involved.

P.O. Box 528 Bethel, Alaska 99559 Phone: (907) 543-3321 Fax: (907) 543-5277

7/5/91 ADN

# Alaska boating deaths decline

The Associated Press

JUNEAU — The number of recreational boating deaths in Alaska dropped in 1990 but remained among the highest in the United States, the Coast Guard reported.

Twenty-one people died in 18 boating accidents in Alaska last year, according to Coast Guard statistics. There were 34 reported accidents, six injuries and \$235,000 in property damage.

The most common cause of boating deaths in the state was failure to wear life jackets, said Gil Montoya at the Coast Guard's boating safety branch in Juneau.

There were 37 boating deaths in Alaska in 1989 and 34 in 1988.

Despite the decline in 1990, boating deaths in Alaska remain among the highest in the nation, said Montoya. The state's death toll is still above the national average.

Part of the problem is the extreme cold of Alaska's waters. It is estimated that a person without a survival suit or other protection can survive only about 15 minutes in 34-degree water. A life jacket, Montoya said, could prolong survival time to about 45 minutes.

The estimated survival time for a person with a survival suit is about 18 hours, more if the water is slightly warmer.

The national fatality count has fallen 36 percent in the last 10 years to record lows in each of the past four years, said Gary Traub, with the Coast Guard in Washington, D.C.

There were 865 fatalities nationally in 1990.

The Coast Guard attributes the decline partly to increased public awareness of the dangers of operating boats while drunk, and also to safety programs and organizations.



The Coast Guard in Alaska has two mobile boating safety detachments which are traveling around Alaska this summer conducting safety boardings of recreational boats to enforce federal laws.

Boats are checked for such things as life jackets, lighting, fire extinguishers and registration.

NMMH

TEL: 312-329-9815

*Walmart*

# NATIONAL MARINE MANUFACTURERS ASSOCIATION

<<<<<<FACSIMILE TRANSMISSION>>>>>>

<b>TO:</b>	Suellen
<b>COMPANY:</b>	Stearns Mfg.
<b>FAX NUMBER:</b>	612 252 4425
<b>DATE:</b>	December 27, 1991
<b>NO. OF PAGES:</b>	7
<b>SUBJECT:</b>	INFORMATION ON 12&UNDER LAWS
<b>FROM:</b>	George Rounds, CAE National Marine Manufacturers Association Chicago, IL Fax: (312) 329 9815

*312/836-4747*

The following pages are the survey that the PFDMA did of the state boating law officials concerning children and the wearing of PFDs.

I have no more current information at this time.

Sorry it took so long to dig this out, but it was last March's data.

Happy New Year.



16

LEGISLATIVE COMMITTEE

## SURVEY RESPONSE FROM BOATING LAW ADMINISTRATORS

Survey sent: 52

Response received: 41

1. 19 states out of responding 41 states currently have legislation regarding the use of PFD by children.
2. Specific law requirement varies by states.
3. The states that do not have legislation on the mandatory use of PFD by children cited:
  - a. discriminatory.....should pertain to all ages.
  - b. low or no statistic on child fatality ( 7 )
  - c. do not support mandatory law
  - d. difficult to enforce
  - e. pending evaluation (2)
  - f. lack of interest / not politically feasible (2)
4. State of Alabama killed legislation in 1998.
5. 13 BLA personally do not see a need for a state law requiring the wearing of PFD by children of age 12 and under, support mandatory law.
6. 28 BLA personally see a need for the above.
7. 36 BLA are interested and requested to see a copy of survey.

Please complete the questions below. Thank you.

Does your state require children of age 12 and under to wear personal flotation devices (life vests)?

1. If YES, under what conditions? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please state law requiring such: \_\_\_\_\_

This law was enacted in 19\_\_\_\_\_.

2. If NO, do you have a bill pending?

YES, pending Bill No. \_\_\_\_\_.

NO, the reason is: \_\_\_\_\_  
\_\_\_\_\_

3. Did your state have a law requiring the wearing of personal flotation devices by children?

\_\_\_\_\_ YES \_\_\_\_\_ NO

\_\_\_\_\_ It was cancelled \_\_\_\_\_ (year)  
because of \_\_\_\_\_

4. Do you personally see a need for a state law requiring the wearing of personal flotation devices by children?

\_\_\_\_\_ YES \_\_\_\_\_ NO

YOUR NAME: \_\_\_\_\_

STATE OF: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and support. If you are interested, we can send you a copy of our completed survey.

\_\_\_\_\_ YES \_\_\_\_\_ NO

Please return this survey in the enclosed self-addressed envelope.

PenPal: NORNA\_DATA.FLR

QUEST NAME	STATE	QUEST 1	IF YES COMMENTS	STATE LAW #	YE ENACTED	QUEST 2
GARNER	AL.	NO	NA	NA	NA	NO
GREGORY	AR.	NO	NA	NA	NA	NO
EVANS	CANADA	NO	NA	NA	NA	NA
POTTER	CONN.	NO	NA	NA	NA	NA
THOMPSON	FL.	NO	NA	NA	NA	NA
BROWN	GA	NO	NA	NA	NA	NA
HORDY	IDaho	NO	NA	NA	NA	NA
WALOLBING	ILL.	NO	NA	NA	NA	NA
PURVIS	INDIANA	NO	NA	NA	NA	NO
BCKROGH	IOWA	NO	NA	NA	NA	NA
BROWNING	KY	NO	NA	NA	NA	NO
ANDERSON	MAINE	NO	NA	NA	NA	NA
CRANDALL	MD	NO	NA	NA	NA	NA
OLSEN	MI	NO	NA	NA	NA	NA
JUNKINS	NC	NO	NA/BAND AID APPR. CHILD SURVIVE BETTER THAN ADULTS	NA	NA	NA
MESSMAN	NV	NO	NA/UNDECIDED	NA	NA	NA
DONHEITNER	OR	NO	NA	NA	NA	NA
OVERTON	S. CAROL	NO	NA	NA	NA	NA
SEATYOCK	SD	NO	NA	NA	NA	NA
JANISON	VA	NO	NA	NA	NA	NO
REGIER	WIS.	NO	NA	NA	NA	NA
POLLARD	WYO.	NO	NA	NA	NA	NA
MADE	AZ.	YES	ESSEL UNDERWAY (PED. DEP.)	TITLE 5-331	NA	NA
SCHER	DC	YES	18 UNDER IF OPERATOR IS 18 UNDER	3-25	75	NA
BURRITT	DELAWARE	YES	WHEN UNDERWAY BUT NOT WHEN IN CABIN	TITLE 23, C	1987	N/A
BAROLD	KS	YES	VESSEL UNDERWAY	KSA 32-1129	89	NA
DUYBIS	LA	YES	12 UNDER VESSEL UNDERWAY CLASS A AND 1	34:051.24P(	73	NA
WATSON	MASS.	YES	ABOARD ANY VESSEL, SEAT AT ALL TIMES, CG APPR. 1, 2, OR 3	RGL CHAP 90	88	NA
DAVIS	MONTANA	YES	12 AND UNDER	MT 23-2-520	59	NA
RAYMOND	MS.	YES	BOAT UNDERWAY	MS CODE SYN	88	NA
PICH	N.D.	YES	10 UNDER OR VESSEL LESS 27FT.	SYN 12	89	NA
McCABE	N.H.	YES	8 AND UNDER	DONT KNOW	?NA	NA
ORVIS	NEBR	YES	12 UNDER ACCPT HUNTING WATERFOWL IN ANCHORED BOAT	003.02B	EARLY 60	NA
POTTER	NY	YES	BOAT UNDERWAY 26 FT & LESS, NOT IN ENCLOSED CABIN 12 UNDER	NAV. LAW SEC	90	NA
GREGORY	OHIO	YES	10 UNDER VESSEL UNDER 10 FT TYPE 1, 2, 3,	ORC 1547.24	76	NA
HENDRICK	OK	YES	VESSEL UNDERWAY	T63 4206A	89	NA
SIMONS	PA	YES	10 UNDER FISH CONN. STATE PARK LAKES, ALL U. 16 FT	58 PA CODE	NA	NA
DANIELS	RI	YES	10 AND UNDER WHILE UNDERWAY IN CLASS A, 1 MOTOR BOAT	RIGL 46.9.2	90	NA
HARRIS	TX	YES	UNDERWAY	SYN 31.066	75	NA
BUCK	VT.	YES	12 UNDER AND VESSEL, UNDERWAY, OPEN DECK	TITLE 24 6T	82	NA
HALL	WV	YES	ON WHITEWATER ONLY	WHITEWATER	NA	NA

Pop 1:WORNA\_DATA.FLR

LAST NAME	STATE	QUEST 2	PENDING BILL #	NO BILL - COMMENT	QUEST 3	TO CANCEL
BORRITT	DELAWARE	N/A	N/A	N/A	No	N/A
WADE	AZ.	NA	NA	NA	No	NA
EVANS	CANADA	NA	NA	CCG SKY STANDARDS,LOW STAT OF CHILD.FATALITIES,CONCERN W/ADULT	No	NA
POTTER	CORN.	NA	NA	NO,PRIORITIES,NO CHILDREN LOST IN BYG ACC. PARENT SUPPORT	No	NA
DRISCHER	DC	NA	NA	NA	No	NA
THOMPSON	FL.	NA	NA	NA	No	NA
BROWN	GA	NA	NA	NA	No	NA
BORDY	IDAHO	NA	NA	NA	No	NA
HALOGBERG	ILL.	NA	NA	NA	No	NA
MCGROGHER	IOWA	NA	NA	LACK OF LEG.INTEREST	No	NA
HARBOLD	KS	NA	NA	NA	Yes	NA
RYAN	LA	NA	NA	NA	Yes	NA
ANDERSON	MAINE	NA	NA	NA	No	NA
WATSON	MASS.	NA	NA	NO	No	NA
CRANDALL	MD	NA	NA	NOT POLITICALLY FEASIBLE,NO STAT.	No	NA
OLSEN	MI	NA	NA	NA	No	NA
DAVIS	MONTANA	NA	NA	NA	Yes	NA
RAYMOND	MS.	NA	NA	NA	Yes	NA
PICH	N.D.	NA	NA	NA	Yes	NA
McCABE	N.B.	NA	NA	NA	Yes	NA
JENKINS	NC	NA	NA	12000000 FATALITIES=4X.SHOULD ADDRESS 96X	No	NA
ORVIS	NEBB	NA	NA	NA	Yes	NA
SMITH	NY	NA	NA	PENDING EVALUATION	No	NA
POTTER	NY	NA	NA	NA	Yes	NA
GRIGORY	OHIO	NA	NA	NA	Yes	NA
HEIDRICH	OK	NA	NA	NA	Yes	NA
DOUGHERTY	OR	NA	NO	DOBY SUPPORT MANDATORY LAW	No	NA
SIMONS	PA	NA	NA	LOW STAT.1 C DROWN IN 19 YRS.W/NO PED	No	NA
DANIELS	RI	NA	NA	NA	No	NA
OTKROFT	S. CAROL	NA	NA	UNKNOWN,ALL FATALITIES INVOLVE ADULT WALKS NOT CHILDREN	No	NA
SHATTOCK	SD	NA	NA	NO STAT OF FATALITIES	No	NA
HARRIS	TX	NA	NA	NA	Yes	NA
BUCK	VT.	NA	NA	NA	Yes	NA
ENGEL	WIS.	NA	NA	NO STAT.NO PROBLEMS	No	NA
HALL	WY	NA	NA	NA	No	NA
POLLARD	WYO.	NA	NA	AGE LIMIT DIFFICULT TO ENFORCE	No	NA
GARRER	AL.	NO	NA	KILLED IN LEGISLATIVE COPY.COMM.1990	No	NA
GREGORY	AR.	NO	NA	DISCRIMINATORY,SUPPORT ONE FOR ALL AGES	No	NA
PURVIS	INDIANA	NO	NA	NO REASON	No	NA
BROWNING	NY	NO	NO	WILL DISCUSS 1992 SESSION	No	NA
JANSEN	VA	NO	NA	ACCIDENT STAT.DO NOT SUPPORT LEGISLATIVE NEED PRESENTLY	No	NA

NMFM

TEL: 312-329-2813

AP1:KORNA\_DATA.FLR

Pa1

LAST NAME	STATE	QUEST 3	YR CANCEL	REASON CANCEL	QUEST 4	DRYVY
GARNER	AL.	No	NA	BILLED 1990	Yes	Yes
GREGORY	AR.	No	NA	NA	No	Yes
WADI	AZ.	No	NA	NA	Yes	Yes
EVANS	CANADA	No	NA	NA	No	Yes
POTTER	CONN.	No	NA	NA	No	Yes
DARSCHER	DC	No	NA	NA	Yes	Yes
BURRITT	DELAWARE	No	N/A	N/A	Yes	Yes
THOMPSON	FL.	No	NA	NA	Yes	Yes
BROWN	GA	No	NA	NA	Yes	Yes
HORDY	IDAHO	No	NA	NA	No	No
MALOLBING	ILL.	No	NA	NA	Yes	Yes
PURVIS	INDIANA	No	NA	NA	No	No
ECGROUCH	IOWA	No	NA	NA	Yes	Yes
BROWNING	KY	No	NA	NA	Yes	Yes
ANDERSON	MAINE	No	NA	NA	Yes	Yes
MAYALONI	MASS.	No	NA	NA	Yes	Yes
CRANDALL	MD	No	NA	NA	Yes	Yes
OLSEN	MI	No	NA	NA	Yes	Yes
JENKINS	NC	Yes	NA	NA	No	No
KESSEHANN	NY	No	NA	NA	No	Yes
BOHEFFER	OR	No	NA	NA	No	Yes
SIMONS	PA	No	NA	NA	No	Yes
DANIELS	RI	No	NA	NA	Yes	Yes
OVRYON	S. CAROL	No	NA	NA	No	No
SHATTUCK	SD	No	NA	NA	Yes	
JANERSON	VA	No	NA	NA	No	Yes
KUYPEN	WIS.	No	NA	NA	No	Yes
HALL	WY	No	NA	NA	Yes	Yes
POLLARD	WYO.	No	NA	NA	No	No
BARROLD	KS	Yes	NA	NA	Yes	Yes
BOYHIS	LA	Yes	NA	NA	Yes	Yes
DAVIS	MONTANA	Yes	NA	NA	Yes	Yes
RAYBOND	MS.	Yes	NA	NA	Yes	Yes
PICK	N.D.	Yes	NA	NA	Yes	Yes
McCANN	N.H.	Yes	NA	NA	Yes	Yes
ORVIS	NJBR	Yes	NA	NA	Yes	Yes
POTTER	NY	Yes	NA	NA	Yes	Yes
GREGORY	OHIO	Yes	NA	NA	Yes	Yes
HENDRICK	OK	Yes	NA	NA	Yes	Yes
HARRIS	TX	Yes	NA	NA	Yes	Yes
BUCK	VY.	Yes	NA	NA	Yes	Yes

01:KORNA\_DATA.FLR

LAST NAME	STATE	QUEST 4	SURVEY
GREGORY	OR.	No	Yes
EVANS	CANADA	No	Yes
POTTER	CONN.	No	Yes
NOBRY	IDARO	No	No
PURVIS	INDIANA	No	No
JENKINS	NC	No	No
HESSMAN	NY	No	Yes
DONOFFINE	OR	No	Yes
SIMMONS	PA	No	Yes
OVERTON	S. CAROL	No	No
JANERSON	VA	No	Yes
ROOPER	WIS.	No	Yes
FOLLARD	WYO.	No	No
GARNER	AL.	Yes	Yes
WADE	AZ.	Yes	Yes
DRESCHER	DC	Yes	Yes
HURRITT	DELAWARE	Yes	Yes
THOMPSON	FL.	Yes	Yes
BROWN	GA	Yes	Yes
HALDBING	ILL.	Yes	Yes
HCGROUGH	IOWA	Yes	Yes
HARROLD	KS	Yes	Yes
WHING	KY	Yes	Yes
BOYBIS	LA	Yes	Yes
ANDERSON	MAINE	Yes	Yes
MATALONI	MASS.	Yes	Yes
CRANDALL	MD	Yes	Yes
OLSEN	MI	Yes	Yes
DAVIS	MONTANA	Yes	Yes
BATHOND	MS.	Yes	Yes
PICH	N.D.	Yes	Yes
MCCABE	N.H.	Yes	Yes
ORTIS	NEBR	Yes	Yes
POTTER	NY	Yes	Yes
GREGORY	OHIO	Yes	Yes
HENDRICK	OK	Yes	Yes
DANIELS	RI	Yes	Yes
SEAYTUCK	SB	Yes	Yes
HARRIS	TX	Yes	Yes
BUCK	VY.	Yes	Yes
HALL	WV	Yes	Yes





1991

## OUTDOORS HOTLINE

a duck stamp to preserve wetlands for them when they fly south."

### Life jackets can save lives

Life jackets could clearly save lives on the water, according to the National Marine Manufacturers Association. Just released Coast Guard figures for 1990 showed that of the 865 people who died in recreational boating accidents that year, 707 drowned. About 90 percent of those people were not wearing personal floatation devices even though a number of their boats were properly equipped. "The most common situation leading to fatalities also remains little changed over the past decade — a capsize or fall overboard from a small boat on calm inland waters, during the day and in good weather — a scenario easily avoided by advance planning, alertness and common sense," according to the association. Overall, the group added, boating has been getting safer. Fatalities have fallen 36 percent in the past 10 years. Deaths in 1990 were down from 1989, although the Alaska death rate continued to be high.

DELIVER TO: L10CJ16

ORIGINAL

SENT 03/03/92 TIME 03:49

FROM: L10CJ16

SUBJECT: 92-02-445, DL (H) TRANS; 1, 3

PRINT DATE: 03/03/92 TIME 03:49

T/C NO. 92-02-001

DATE: 3/2

SPONSOR: (H) TRANSPORTATION

SUBJECT: NS 477

MODERATOR: JUDY

BRIDGE LIST

BRIDGE LIST

1. SIT - Jerry Dzugan, (AMSEA)
2. JNU
3. DAVE WOODRUS/SITRA
4. RAM PERKINS/AMNHORGE
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Call L10CJ16

800-457-7000

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Transportation 3-3-92*



# House Transportation Committee

SUBJECT OF MEETING:  
HB 447 -

DATE: 3/3/92

PLACE: 17

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Robert Clantz	Pub. Sec.	Box N JUN		5. 4322	4322	Y	N	if ??
GIL O. Montoya	Const Sec	Fed Bldg.		463 2198		Y	N	HB447
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

HB

454

# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 7, 1992

FURTHER REFERRALS:

Labor & Commerce

Date of Committee Action: \_\_\_\_\_

The TRANSPORTATION Committee considered:

HB 454

HOUSE BILL NO. 454

BAN CAR SALE IF POLLUTION CONTROL ALTERED

"An Act relating to the transfer of ownership of a motor vehicle."

**RECOMMENDATIONS:**

be replaced with CS HB 454 (Trms)  the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

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

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

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

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

fiscal impact \_\_\_\_\_

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

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

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

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Arwen, Ar Lewin</i>	✓				
<i>Bill Hudes</i>	✓				
<i>Lair Phillips</i>	✓				
<i>Richard J. Jolley</i>	*				

*Richard J. Jolley*  
CHAIRMAN'S SIGNATURE

# FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HB 454

Revision Date: \_\_\_\_\_  
Title: Transfer of ownership of a motor  
vehicle  
Sponsor: Leman  
Requestor: (H) Trans.

Department Affected: Environmental  
Conservation  
BRU: Environmental Quality  
Component: Air Quality Management

COMPONENT SERIAL NO. 1 | 4 | 2 | 8

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Tampering with a vehicle's emission control device is a violation of federal and state law. Such vehicles emit a disproportionate share of air pollutants, adding to air quality problems. This bill will help keep these vehicles out of the chain of commerce.

Prepared by: Janice Adair  
Division: Commissioner's Office

Phone: 465-5050  
Date: 2/19/92

Approved by Commissioner: *David Seider*  
Agency: Environmental Conservation

Date: 2/19/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**FISCAL NOTE**

**STATE OF ALASKA  
1992 LEGISLATIVE SESSION**

**BILL NO. HB 454**

Revision Date: \_\_\_\_\_ Department Affected: Public Safety  
 Title: "An Act relating to the transfer of ownership of a motor vehicle" BRU: Motor Vehicles  
 Component: Field Services  
 Sponsor: Representative Leman  
 Requestor: House Transportation COMPONENT SERIAL NO. 

5	0	2
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**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

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

Estimate of current year impact: \_\_\_\_\_

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

*JH*  
2/26/92

Prepared By: Juanita Hensley Phone: 465-4335  
 Division: Motor Vehicles Date: 2/26/92  
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton  
 Agency: Department of Public Safety Date: 2/26/92



# REPRESENTATIVE LOREN LEMAN West Anchorage

3111 C Street Anchorage, AK 99503 561-7614 During Session: P.O. Box V Juneau, AK 99811 465-2095

## SPONSOR STATEMENT

DATE: February 13, 1992  
BY: Representative Loren Leman  
SUBJECT: HB 454: An Act Relating to the Transfer of  
Ownership of a Motor Vehicle

=====

HB 454 is designed to provide consumer protection and improve air quality for residents of Anchorage and Fairbanks.

This legislation will void the sale of motor vehicles in certain cases if the vehicle's pollution control system has been tampered with or removed. The language closely follows federal regulations regarding pollution control devices, but improves protection of the consumer.

Additionally, HB 454 will assist Anchorage and Fairbanks in meeting the federal Clean Air Act requirements for air quality. When a resident of these cities buys a car from a used car dealer, the dealer will be required to present a certificate of emission compliance or non-compliance.

The presence of emission inspection documents at the time of sale will help consumers living within I/M program areas to make educated decisions regarding the purchase of used vehicles. Used car businesses should be happy to document the proper performance of their autos.

Sale of non-compliance vehicles or "junk" cars for parts or restoration will not be prohibited. No increase in costs are expected for either the Municipality of Anchorage or City of Fairbanks as a result of HB 454.

I urge the passage of this legislation.



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

### CONSTITUENT REQUEST/RESPONSE

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

Initial Contact: KIP  
Assigned to: KIP

PRECINCT: \_\_\_\_\_

NAME: JOHN & JASON HOKER  
ADDRESS: 7800 DEBARA RD  
PHONE: 337-3463

DATE: 2/5/92  
TIME: 10:09

\*\*\*\*\*

REQUEST: Jason Hoker purchased auto from individual who represented that it would easily pass I/M. Auto failed after purchase. Jason discovered that different engine had been installed w/o catalytic converter and other pollution control

\*\*\*\*\*

RESPONSE:

devices. Repairs to meet I/M would cost over \$1000. Jason will have to sell car at substantial loss outside of I/M program area.

\*\*\*\*\*

INSTRUCTIONS: Contact if HB454 is heard.

May 6, 1991

TO WHOM IT MAY CONCERN:

Emissions Conflict on '87 Escort

1. Purchased as used vehicle from Anchorage Chrysler, 2601 East 5th Ave, Anchorage. September 18, 1990 along with extended warrenty contract #05618486 for 2 years.
2. License renewed February 1, 1991 when emissions test was also due. Went to Y. & B Texaco 3304 Spenard Road about 12/19/90 to have headlight replaced and IM test. I.M. test for Municipality of Anchorage did not pass.
3. Made appointment with city referee to have car checked about 12/23/90. While at the referee, they told me that this Escort qualified for a recall and gave me copy of letter dated July 1989 from Dearborn Michigan on Emissions Recall 89E78 which should have gone to the previous owner or original owner. Referee also suggested I check previous emissions record with Department of Motor Vehicles, which I did next.
4. Motor Vehicles said the car passed emissions according to their records which seems strange to me since it was 2/90 after the letter and yet I had such detailed problems and experiences one year later.
5. Since car was purchased from Chrysler and I felt it their responsibility I took it to them 1/4/91. They sent me to a Ford Garage so I chose Worthington Ford, 1950 Gambell Street, Anchorage and thence work was Chrysler's problem, done by Ford.
6. From then on two service managers were involved: P. C. Gray (Asst. Service Manager with Chrysler) and Ray (Service man with Ford). When work was finally finished after day after day more parts needed replacing I was told some things were not covered by Chrysler warrenty and Ford recall amounting to \$110 and since I was a senior citizen I owed \$99.00 which I paid and took the car to the umpire again, where it passed.
7. However, two months later, April 5, 1991, I received a bill for \$299.54 balance on repair order #78371, completely by surprise.
8. I am now told by Dennis Stanley, Asst. Service Manager at Worthington Ford that Ray is no longer employed by them as of about the time this bill was made out, whether related or not I do not know.
9. P. C. Gray at Chrysler told me of his involvement with Ray and I enclose a photostat of the hassel he had getting approval and contact with Ray via phone calls, etc. and suggested I contact Nancy Dahle with Ford which I have not done, because everyone has an excuse of one kind or another.
10. I am transferring this to Better Business Bureau and possibly to Small claims Court to resolve the \$299.54 controVersy. Also I am told that a bill is currently in the legislature to require used car dealers to prove with a live polutions test before sale of any vehicle. AMEN!

*extended warrenty enclosed*

*Recall enclosed*

*3 CHRYSLER #49707 enclosed*

*all Ford #77961 #51343 #78371 with attachments bill enclosed*

*#9a card enclosed*


*#9b card enclosed*

*3 home record enclosed*

*4 copies #77961 enclosed*

ADDED ELEMENT PLEASE NOTE: Worthington work order 1/15/91 #77961 instructions were to do IM work first which was not done. I paid them \$162.00 to take car apart (no further work done yet) and then towed it to Chrysler since Head

Gasket was covered under warranty, but only if done by them. After head-gasket replaced then returned to Ford for IM work which went on and on and ~~on~~ until 2/29 when I picked it up and paid \$99.00.



Emerson C. Sortore  
1021 Potlatch Circle  
Anchorage, AK. 99503  
(907) 274-6056

Retired Anchorage  
Principal  
North Star  
Church

#1a

## 24/24 USED VEHICLE PLAN PROVISIONS WITH HIGH TECH

81-770-7655 (10/89)

005811

320 / U603

ISSUED TO:

8911371

SERVICE CONTRACT #05618486

09260

E. C. SORTORE  
1021 POTLATCH CIR.  
ANCHORAGE AK 99503

VEHICLE IDENTIFICATION NUMBER:  
2FABP2197HB127180  
EFFECTIVE: 09/18/90 OR 60,663 MI  
EXPIRES: 09/18/92 OR 84,663 MI

SELLING DEALER: 72 64793

DEFINITIONS: The following are key words which are included in these Provisions which have particular meaning:

\*you, your - Means "you" the Plan purchaser \*Plan - Means this "24/24 Used Vehicle Plan" which is a Service Contract  
\*we, us, our - Means "Chrysler Motors" \*Dealer - Means "Authorized Chrysler Service Contract Dealer"

**A SERVICE CONTRACT:** This Plan protects you against major repair bills should a component covered by the Plan fail in normal use. This Plan is a service contract between you and the selling Dealer. The Dealers are insured to the extent of their obligation under the provisions this Plan by Chrysler Insurance Company Policy #85-04-01. Chrysler Service Contracts will administer the provisions of the Plan for the Dealer.

In the event of covered component failure, if the Dealer fails to repair or replace the component within 60 days, you are entitled to make a claim in writing directly to Chrysler Insurance Company, 27777 Franklin Road, Southfield, Michigan 48034.

**IMPORTANT!** The maximum reimbursable amount should a covered component fail will be THE TOTAL COST OF THE REPAIRS LESS THE DEDUCTIBLE OR, IF LESS, THE CASH VALUE OF THE VEHICLE!

**ELIGIBLE VEHICLES:** All current model year and six (6) immediately preceding model year vehicles specified by us with no more than 100,000 miles of service, except for the following, are eligible for the Plan.

**IMPORTANT!** The following vehicles are not eligible for a Chrysler Service Contract: vehicles placed in taxi, limousine or livery service (except vehicles placed in van pool service); vehicles used for hire, emergency service, ambulance, towing and police service; vehicles placed in postal or dump truck service or severe off-road use; vehicles converted from two to four-wheel drive; vehicles equipped with a diesel engine (except Chrysler); vehicles with a gross weight (G.V.W.) of over 14,000 pounds.

### WHEN PLAN COVERAGE STARTS AND ENDS:

Plan coverage starts on the date you purchase the Plan and includes parts and labor expense, less deductible.

Plan coverage expires 24 months from the date you purchased the Plan or when you have driven the vehicle 24,000 miles (whichever occurs first).

If you sell the vehicle, unexpired Plan coverage remains with the vehicle, provided the Plan has not been canceled.

**\$50 DEDUCTIBLE:** You pay only the first \$50 of the total cost of covered component repairs performed during each repair visit.

**CAR RENTAL ALLOWANCE (OVERNIGHT REPAIRS):** The Plan will pay up to \$20 per day (5 days maximum) for a rental car anytime a component covered by this Plan fails and repairs take overnight.

The Plan will not pay rental charges for a vehicle that is awaiting service or parts unless the vehicle is inoperable, due to a covered component failure, or continued operation would cause further damage.

The rental car must be obtained from a Dealer or from a licensed rental agency. Rental charges in excess of the amount allowed by the Plan are your responsibility.

**TOWING ALLOWANCE:** The Plan will pay up to \$25 for towing anytime a component covered by the Plan fails, causing the vehicle to be towed. Towing charges in excess of the amount allowed by the Plan are your responsibility.

**PLAN PROVISIONS:** These are your Plan Provisions. You must present these Plan Provisions to the servicing dealer when requesting Plan service. They will describe the Plan you purchased and identify your vehicle as being eligible for Plan service.

The issuance of Plan Provisions by us shall not be deemed as a waiver of our right, or considered a restriction of our right to refuse to pay for service and/or to cancel the Plan should it subsequently be discovered that the vehicle for which the Plan was purchased was not eligible for Plan coverage.

**OBTAINING PLAN SERVICE:** Plan service will be provided by the Dealer who sold you the Plan, at his place of business, using new or authorized remanufactured parts. In the event you cannot return to the selling Dealer for service, you may request Plan service from any Dealer in the United States or Canada.

**IMPORTANT!** Plan Service obtained from other than a Dealer is not reimbursable unless authorized by us before the service is performed.

**YOUR RESPONSIBILITY AND WHAT IS NOT COVERED BY THE PLAN:** Your responsibility is to properly operate, care for and maintain the vehicle as prescribed in the owner literature supplied by the manufacturer. You should retain all maintenance receipts to avoid any misunderstanding as to whether or not the maintenance services were performed as required.

The Plan will not cover:

1. Repairs of covered components required as a result of the failure of a non-covered component;
2. Repair or replacement of any component covered by the manufacturer's new vehicle warranty or recall policies after the new vehicle warranty expires;
3. Repairs required as a result of other than a manufacturing defect (such as a design defect or normal wear);
4. Repair of valves and/or rings to correct low compression and/or oil consumption. Low compression and/or oil consumption are considered normal wear and are not covered;
5. Plan service obtained from other than a Dealer unless authorization is first received from us;
6. Repairs required as a result of use of other than the vehicle manufacturer's parts (or their equivalent) during the term of the Plan;
7. Repairs to any vehicle where the odometer reading (mileage) has been stopped or altered and the vehicle's actual mileage cannot be readily determined;
8. Maintenance services and the parts used in connection with such services such as engine oil, lubricants, filters, spark plugs, ignition cables, distributor cap or rotor, P.C.V. valve, suspension, alignment and wheel balancing;

9. Repairs required as a result of: (a) failure to properly care for or maintain the vehicle; (b) fire, accident, abuse, negligence or Act of God; (c) failure to properly operate the vehicle (including modifications not approved by the manufacturer); (d) using the vehicle for competitive speed events such as races or acceleration trials; (e) pulling a trailer that exceeds the rated capacity of the vehicle or failure to adhere to the requirements for vehicles used to pull a trailer as outlined in the owner literature supplied by the manufacturer;
10. Bodily injury or property damage arising or allegedly arising out of a defect in the design, manufacture, materials or workmanship of a covered component;
11. Repairs to vehicles registered or operated outside the United States, Washington D.C., and Canada;
12. Loss of use of the vehicle, loss of time, inconvenience, commercial loss or consequential damages.

**COVERED COMPONENTS:** The items listed below are covered by the Plan. Items not listed are not covered unless required as a direct result of the failure of a covered component.

**ENGINE:** Cylinder Block and all Internal Parts; Cylinder Head Assemblies; Timing Case, Chain, Gears, Belt and Sprockets; Harmonic Balancer; Oil Pump; Mechanical Fuel Pump; Water Pump; Intake and Exhaust Manifolds; Core Plugs; Valve Covers; Oil Pan; Turbocharger Housing and all Internal Parts, Turbocharger Wastegate Actuator; Seals and Gaskets.

**TRANSMISSION:** Transmission Case and all Internal Parts; Torque Converter; Drive Plate; Flex Plate; Flywheel; Starter Ring Gear; Bell Housing; Oil Pan; Seals and Gaskets. *Clutch Parts are not covered at anytime.*

**FRONT-WHEEL DRIVE:** Transaxle Case and all Internal Parts; Drive Shaft and Axle Shaft Assemblies and their Housings; Constant Velocity Joints and Boots; Oil Pan; Differential Cover; Front Wheel Bearings; Seals and Gaskets. *Clutch Parts are not covered at anytime.*

**REAR-WHEEL DRIVE:** Rear Axle Housing and all Internal Parts; Axle Shafts, Axle Shaft Bearings; Drive Shaft Assemblies, Drive Shaft Center Bearings; Universal Joints and Yokes; Seals and Gaskets.

**FOUR-WHEEL DRIVE (4 X 4):** Transfer Case and all Internal Parts; Front and Rear Axle Assemblies; Axle Shafts; Constant Velocity Joints; Boots; Drive Shaft Assemblies; Drive Shaft Center Bearings; Universal Joints and Yokes; Seals and Gaskets.

**STEERING:** Steering Gear Housing and all Internal Parts; Power Steering Gear; Power Steering Pump; Steering Column Shafts and Coupling; Rack and Pinion Assembly; Seals and Gaskets.

**BRAKES:** Master Cylinder; Assist Booster; Wheel Cylinders; Disc Brake Callipers and Pistons; Hydraulic Lines, Fittings and Seals; Proportioning Valve. *Brake Pads, Shoes, Rotors and Drums are not covered at anytime.*

**AIR CONDITIONING:** (Factory or manufacturer-authorized installations only) Compressor; Condenser; Evaporator Core; Clutch and Coil; Compressor Gaskets and Seals.

**ELECTRICAL:** Starter Motor and Solenoid; Alternator; Voltage Regulator; Windshield Wiper Motor; Rear Wiper Motor; Wiring Harnesses; Manually Operated Electric Switches.

**FRONT SUSPENSION:** MacPherson Struts; Strut Mounting Plates, Bushings and Bearings; Upper and Lower Control Arms; Control Arm Shafts; Control Arm Bushings; Upper and Lower Ball Joints.

**HIGH TECH PACKAGE:** A/C Instrument Panel Control Assembly; A/C Power Module; A/C Receiver-Dryer; A/C Heater Blower Motor; Air Conditioning Expansion Valve; Electronic Instrument Cluster; Trip Computer; Message Center; Voice Alert; Amp/Voltmeter Gauge; Fuel Gauge; Temperature Gauge; Tachometer; Oil Pressure Gauge; Electronic Traveler Assembly; Turbo Gauge; Electric Speedometer; Rear Window Defroster; Power Window Motors; Power Antenna; Power Seat Motor; Power Door Locks; Power Sun Roof Motor; Convertible Top Motor; Electric Mirror Motor & Controls; Cruise Control Servo; Radiator; Cooling Fan Motor; Cooling Fan & Clutch; Distributor; Ignition Coil; Single Module Engine Controller (SMEC); Electric Fuel Pump; Fuel Tank & Lines; Electronic Fuel Injection System (excluding injectors).

**CANCELLATION POLICY:** The Plan is non-cancelable.

WE RESERVE THE RIGHT TO CANCEL THE PLAN AFTER ISSUANCE SHOULD IT BE DISCOVERED THAT THE VEHICLE IS NOT ELIGIBLE FOR PLAN COVERAGE. If we cancel the Plan your refund will be based on the full amount you paid the Dealer for the Plan.

#2a



J P King  
Manager  
Parts and Service Engineering  
Ford Parts and Service Division

Ford Motor Company  
3000 Schaefer Road  
P C Box 1902  
Dearborn, Michigan 48121

July, 1989

Dear Owner:

REASON FOR  
THIS LETTER

Ford Motor Company is voluntarily recalling some 1985, 1986 and 1987-model cars equipped with certain 1.9, 2.3 or 2.5 liter engines, (Emissions Recall 89E78). Our records show that you own one of these cars. Your car's engine may be releasing air pollutants which exceed Federal or California standards.

WHAT YOU  
SHOULD DO

Please telephone your Ford or Lincoln-Mercury dealer to arrange for this recall service.

WHAT THE  
DEALER  
WILL DO

The dealer will inspect and, if necessary, replace the engine fuel injector at no charge to you. In addition, it may be necessary for the dealer to replace other emission control system components. This also will be done at no charge and will depend on the design of the emission control system. This service should have little or no effect on your car except to reduce the air pollutants released by the emission control system. The time required for this service is less than three hours.

WHY SERVICE  
SHOULD BE  
DONE

If you do not have this service done, your emission warranty may be reduced. Also, your car may not pass emissions or smog tests that may be required in your area.

ASK YOUR  
DEALER

When you call your dealer for this service, ask for a computer check on the "CARES" or the "OASIS" systems to see if your car needs other recall work. If it does, the dealer can tell you about the required service.

FORM  
ENCLOSED

Your car's identification number is shown on the enclosed form. Please detach the postcard on the cover sheet of the form. Complete any of the sections that may apply to you and mail the postcard to us. Please give the rest of the form to your dealer at the time of service. If you lose the form, the dealer will still service your car at no charge to you.

ASSISTANCE

If the dealer cannot answer any questions you have regarding this recall service, you may contact the nearest Ford Parts and Service Division District Office whose address is shown in your Owner Guide.

FZ 2-

-2-

We regret any inconvenience this recall may cause you. We are doing this so that you will be satisfied with your car. We urge you to have your car serviced promptly to maintain full coverage under the emission warranties.

Sincerely,



J. P. King  
Manager  
Parts and Service Engineering .

Enclosure  
89E78

# ANCHORAGE CHRYSLER CENTER INC.

2601 E. 5TH AVE. ANCHORAGE, AK. 99501

"MOTOR VEHICLE REPAIR TRADE PRACTICES ARE REGULATED BY ALASKA STATUTES 45.45.130 - 45.45.240 ADMINISTERED BY THE CONSUMER PROTECTION SECTION, ALASKA DEPARTMENT OF LAW."

I hereby authorize the repair work to be done along with the necessary material, and hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto. Dealer not responsible for unavailability of parts or delays in parts shipments beyond dealers control.

TEL.  
907-  
276-  
1331

DATE 1/4/91	CAR NO. 4K-386	
PRELIMINARY ESTIMATE		
PARTS	LABOR	TOTAL
1	1	15.45
PHONE ESTIMATE FOR AUTHORIZED ADDITIONS		
		TALKED TO
		BY
PARTS & LABOR	REPAIRS TO DO	
\$		
\$		

ALL PARTS ARE NEW EXCEPT AS NOTED

OPMT	MECH.	INSTRUCTION	AMOUNT	OPERATION AND AMOUNT	MECH NO.
		44 Vehicle failed T/M check for reasons. See notes and dash. Vehicle needs to go to a Ford repair shop for repair.		✓	
				1	
				2	
				3	
				4	
				5	
				6	
				7	
				8	
				9	
				10	

TOTAL PARTS

P.O. NO. SUBLET REPAIRS

GAS OIL-GREASE  
GALS. GAS @

QTS. OIL @

LBS. GREASE @

AUTO. TRANS. FLUID @

49707

CLAIM No.

CUST. No.

SERVICE ADVISOR

TOTAL GAS, OIL & GREASE

DATE 1/4/91	VEH. CTL. NO.	R.O. NO.
NAME Emerson Sorensen		
ADDRESS 1021 Red Latch Circle		
CITY/STATE Anchorage AK		ZIP CODE 99503
PHONE-BUS	RES. 274-6056	DELIVERY DATE
VEHICLE IDENT. NO. 1F1BP2197HBM27180		ACTUAL MILES 65754
MODEL/DESC.	TIME REC'D.	WARRANTY CLAIM NO.
750001	7:30	3-20-91

INTERNAL SALES				PARTS & ACCESSORIES & SERVICE SALES			
ACCT. NO.	AMOUNT	K		ACCT. NO.	AMOUNT	K	
344B				553A			
344D				554A			
130A				556A			
				558A			
				575A			
				LABOR MECH.	550A		
				SUBLET	556A		
				GAS, OIL & LUBRICANTS	558A		
				PARTS & ACCESSORIES	570A		
				TYOCE	130A		
				SHOP SUPPLIES	344F		
				FREIGHT	355		

WE RECOMMEND THE FOLLOWING SERVICES

A/A  
CASH SALES

77961

**CAL WORTHINGTON FORD**  
 1950 GAMBELL  
 ANCHORAGE, ALASKA 99501-5398  
 278-5300

DATE	MILEAGE	SERV. ADV.
	HR 242	85 RAE
PRELIMINARY ESTIMATE		
PARTS	LABOR	TOTAL
PHONE ESTIMATE FOR AUTHORIZED OPTIONS		
TIME CALLED		
PARTS & LABOR REPAIRS TO DO		
VEHICLE IDENTIFICATION NO.		
WARRANTY CLAIM NO.		

TERMS: STRICTLY CASH UNLESS ARRANGEMENTS MADE  
 IF SHOP LABOR IS CHARGED FOR MISCELLANEOUS SHOP LIES, MAXIMUM CHARGE \$5.00  
 I authorize you to perform the below repairs and furnish the necessary materials should any cost exceed the estimate. I agree to pay reasonable increase in cost due to damage to vehicle or articles left in it. I agree to pay reasonable increase on labor more than 48 hrs after notification that repairs are completed. SUBJECT TO CONDITIONS ON REVERSE SIDE OF THIS CONTRACT. PLEASE READ REVERSE SIDE.  
 A COPY OF THIS ORDER IS HEREBY ACKNOWLEDGED.  
 OR VEHICLE REPAIR TRADE PRACTICES ARE REGULATED BY ALASKA STATUTES 45, 45, 130 - 45, 45, 240 ADMINISTERED BY CONSUMER PROTECTION SECTION, ALASKA DEPARTMENT OF LAW.

NAME: Emerson Sartore  
 ADDRESS: 1021 Potlatch Cir  
 CITY/STATE: ANCH AK ZIP: 99507  
 TIME REC'D: AM PM TIME PROMISED: AM PM VEHICLE IDENTIFICATION NO.: WARRANTY CLAIM NO.:

AUTHORIZED REPRESENTATIVE  
 ALL PARTS ARE NEW EXCEPT AS NOTED.

PART NO. AND DESCRIPTION	AMOUNT	MECH. NO.	INSTRUCTIONS	AMOUNT	FLY. RT. HRS.	OPERATION AND AMOUNT	MECH. NO.																																																																																																																																																																								
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"WE ARE NOT RESPONSIBLE FOR ARTICLES LEFT IN VEHICLES IN CASE OF FIRE OR THEFT."

HELP US IMPROVE OUR SERVICE

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78371

**CAL WORTHINGTON FORD**  
 1950 GAMBELL  
 ANCHORAGE, ALASKA 99501-5398  
 278-5300

**TERMS: STRICTLY CASH UNLESS ARRANGEMENTS MADE**  
 SHOP LABOR IS CHARGED FOR MISCELLANEOUS SHOP LIES, WIPERS, ETC. @ \$15.00  
 I authorize you to perform the below repairs and furnish the necessary materials. I understand any claim against the vehicle is an estimate only. You employees may be held responsible for any damage to the vehicle or articles left in it. I agree to pay reasonable storage on left more than 30 days after notification that repairs are completed. SUBJECT TO CONDITIONS ON REVERSE SIDE OF THIS CONTRACT. PLEASE READ REVERSE SIDE.  
 THIS ORDER IS HEREBY ACKNOWLEDGED.  
 D. J. Simon, Dealer  
 FOR VEHICLE REPAIR TRADE PRACTICES ARE REGULATED BY ALASKA STATUTES 45.45.130 - 45.45.240 ADMINISTERED BY CONSUMER PROTECTION SECTION, ALASKA DEPARTMENT OF LAW.  
 \$6 with attachments  
 AUTHORIZED REPRESENTATIVE  
 ALL PARTS ARE NEW EXCEPT AS NOTED.

NAME: Emerson Sartore  
 ADDRESS: 1021 POTLATCH Cir  
 CITY/STATE: ANCH AK  
 ZIP: \_\_\_\_\_  
 TIME REC'D: \_\_\_\_\_ AM/PM  
 TIME PROMISED: \_\_\_\_\_ AM/PM  
 VEHICLE IDENTIFICATION NO.: 1R3R318011B10211801  
 WARRANTY CLAIM NO.: \_\_\_\_\_

DATE: <u>11-23-87</u>	MILEAGE: <u>63581</u>	SERV. ADM. NO.: <u>85 KAY</u>	
PRELIMINARY ESTIMATE	PARTS	LABOR	TOTAL
DELIVERY MILEAGE: _____	PHONE ESTIMATE FOR AUTHORIZED ADDITIONS: <u>Pat Sartore</u>		
MODEL: <u>ESC</u>	TIME CALLED: <u>11:10</u> BY: _____		
PHONE NO.: <u>274-6056</u>	PARTS & LABOR REPAIRS TO DO: <u>\$110 TOTAL</u>		
LICENSE NO.: <u>AK 386</u>	TOTAL: <u>\$110</u>		

PART NO. AND DESCRIPTION	AMOUNT	MECH. NO.	INSTRUCTIONS	AMOUNT	HOURS	SKILL CODE	FLT. RT. HRS.	OPERATION AND AMOUNT	MECH. NO.
<u>164231</u>	<u>28133</u>	<u>3</u>	<u>Repair For High Oil</u>					<u>\$</u>	
<u>164301</u>	<u>1745</u>	<u>3</u>	<u>RTR (New) in engine</u>	<u>32</u>	<u>40</u>			<u>1</u>	
<u>164952</u>	<u>26124</u>	<u>3</u>	<u>PFF</u>	<u>32</u>	<u>40</u>			<u>2</u>	
<u>105285</u>	<u>28037</u>	<u>3</u>	<u>Wash - hose</u>	<u>81</u>	<u>00</u>			<u>3</u>	
<u>500</u>	<u>500</u>		<u>(TPS)</u>	<u>48</u>	<u>00</u>			<u>4</u>	
<u>500</u>	<u>500</u>		<u>FEC Test</u>	<u>54</u>	<u>00</u>			<u>5</u>	
<u>500</u>	<u>500</u>		<u>Fuel line</u>	<u>59</u>	<u>40</u>			<u>6</u>	
<u>500</u>	<u>500</u>		<u>Wash Plug + New + OK Timing</u>	<u>54</u>	<u>00</u>		<u>W/C 5/11</u>	<u>8</u>	<u>10350/010924</u>
			<u>10%</u>	<u>39</u>	<u>90</u>			<u>9</u>	<u>11</u>
			R.O. NO. <u>78371</u> CUST. NO. <u>11028</u> MILE-AGE _____					<u>10</u>	<u>VEH. PREP. NEW</u>
			INTERNAL SALES					<u>11</u>	<u>VEH. PREP. USED</u>
			COST KEY ACCT. NO. SALE KEY					<u>12</u>	<u>STEERING</u>
			REPAIR LABOR C 5730					<u>13</u>	<u>ELECTRICAL CHK</u>
			BODY SHOP LABOR C 573					<u>14</u>	<u>TIRE ROTATION</u>
			PARTS C 5470					<u>15</u>	<u>SUBLET REPAIRS</u>
			PARTS BODY SHOP C 547					<u>16</u>	<u>TUNE UP</u>
			SUBLET REPAIR C 5750						
			BODY SHOP MTL C 5850						
			GAS, OIL GREASE C 5780						
			SHOP SUPPLIES C 7070						
			PARTS FREIGHT C 7671						
			PRE-DELIVERY 7030						
			FREE SERVICE NEW 7050						
			MAINT. & POLICY USED 7230						
			SERVICE POLICY ADJ. 7750						
			U.C. RECON 4701						
			SOURCE 30 (I) 1100						
			SOURCE 30 (I) 20917						
			CHARGE SALES 1010						
			CASH SALES 99.00						
			TOTAL GAS, OIL & GREASE						

"WE ARE NOT RESPONSIBLE FOR ARTICLES LEFT IN VEHICLES IN CASE OF FIRE OR THEFT."

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#7

STATEMENT

# CAL WORTHINGTON FORD



1950 GAMBELL • PHONE (907) 276-5300  
ANCHORAGE, ALASKA 99501  
SALES • SERVICE • PARTS • ACCESSORIES



STATEMENT DATE APRIL 5, 1991

1028/1120

EMERSON SORTORE  
1021 POTLATCH CIRCLE  
ANCHORAGE, AK 99503

AMOUNT ENCLOSED \_\_\_\_\_

PLEASE RETURN THIS STUB WITH YOUR CHECK

TERMS DUE FIRST OF MONTH NO DISCOUNT FINANCE CHARGE AT 1 1/2% PER MONTH CHARGED ON PAST DUE BALANCES.

Your FINANCE CHARGE is computed by a single periodic rate of 1 1/2% per month (minimum charge of 25 cents) which is an ANNUAL PERCENTAGE RATE of 18%.

NOTICE: See reverse side for important information regarding identification of the charges appearing on this statement and important information regarding your right to dispute billing errors.

DATE	SOURCE	REFERENCE	CHARGES	PAYMENTS AND CREDITS	BALANCE
01/23/91	RO #	78371	\$299.54		
THE BALANCE ON REPAIR ORDER 78371					
FINANCE CHARGE					

ANALYSIS OF ACCOUNT

CURRENT	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS	OVER 120 DAYS

PAY THIS AMOUNT

\$299.54

SEND INQUIRIES TO:

CAL WORTHINGTON FORD  
1950 GAMBELL  
ANCHORAGE, ALASKA 99501

NOTE:

TO AVOID ADDITIONAL FINANCE CHARGES PAY THE NEW BALANCE PRIOR TO THE 25TH DAY OF THE MONTH FOLLOWING STATEMENT DATE. YOUR FINANCE CHARGE WAS CALCULATED ON ALL BALANCES OVER 30 DAYS PAST DUE.

NEW BALANCE

Raymond + Reynolds LITHO IN U.S.A. 1186 L88508  
FORM VIM-338 (1185)

EC#	CONDITION	TECHNICIANS DETAILED EXPLANATION OF CAUSE AND CORRECTION
#4		
		TPS LABOR 4574.00 per hr.
		Auth im. 33.07 1.0
		MAP
		77.60 0.6
	1-24 7:14	Came Ray @ call's on for above items. Asked him to send me separate invoice w/ these items only. He told me vehicle also had a bad processor. I told him I would check w/ SEC if that is covered.
	2:56	Called SEC - per Kitty G. not covered if in engine comp., but not in trans. comp.
	1-25 10:00 A.M.	Called Ray for info on processor. He said he'll call back.
	1-29	Called for Ray, as have not heard back from him. Was told he's not in today. Had rec'd FAX'd invoice from Ray on 1-25 which was not totalled and which included many repairs not covered by SEC, & not authorized by myself. Asked that Ray call me SAT.

TIME STAMPS - BEGIN APPLYING FROM TOP	TIME CLO
2-4-91 1 TIME STAMP	ON
Spill hadn't come from Ray, so called him. Asked him to send me completed invoice, as we discussed. He agreed.	OFF
2-21-91 3 TIME STAMP	ON
Still rec'd nothing. Called Ray him to make me photocopies of him I'd have them picked up.	OFF
4 TIME STAMP	OFF
He did so, & we picked up invoice. Found invoice still not separated, so I did call Ray to confirm that processor is in engine comp., & that it was covered. I told Ray that in addition to the original repairs we were authorized, we would pay for the processor (\$269.24) & labor to install it (\$59.40).	ON
5 TIME STAMP	OFF
6 TIME STAMP	OFF
7 TIME STAMP	ON
8 TIME STAMP	OFF
2-27-91 7:52 9 TIME STAMP	ON
Called Ray & asked again for separate invoice for above charges. He said he would write invoice & FAX to me.	ON
10 TIME STAMP	ON
2-28-91 11 TIME STAMP	ON
Came on Vacation. Spoke w/ Nancy Doble - she sent me corrected invoice.	OFF
12 TIME STAMP	ON
	OFF

#9



*Cal Worthington Ford*

1950 GAMBELL STREET  
ANCHORAGE, ALASKA 99501

WK. 276-5300

DENNIS STANLEY  
ASST. SERVICE MANAGER

Chrysler - Plymouth - Dodge



**P. C. GRAY**

Asst. Service Manager

ANCHORAGE CHRYSLER CENTER, INC.  
2601 East 5th Ave. Bus. Phone 276-1331  
Anchorage, AK 99501 Phone 264-2230

# CALIFORNIA VEHICLE CODE STATUTE

Div 12

- 677 -

§ 24007

through such agent or employee; any glass, lighting equipment, signal devices, brakes, vacuum or pressure-hose, muffler, exhaust, or any kind of equipment whatsoever for use, or with knowledge that any such equipment is intended for eventual use, in any vehicle, that is not in conformity with this code or regulations made thereunder.

Amended Ch. 226, Stats. 1961, Effective September 15, 1961.  
Amended Ch. 734, Stats. 1971, Operative May 3, 1972.

## *Uncertified Synthetic Rope or Webbing Strap Material*

24005.5. It is unlawful for any person to sell or offer for sale for use on loads regulated by the department any type of synthetic fiber rope or webbing strap material unless it meets requirements established by the department.

Added Ch. 466, Stats. 1978, Effective March 7, 1978.  
Amended Ch. 723, Stats. 1979, Effective January 1, 1980.

## *Name or Trademark*

24006. No person shall sell or offer for sale either separately or as a part of the equipment of a new motor vehicle any equipment or device subject to requirements established by the department unless the equipment or device bears thereon the trademark or name and type or model designation under requirements established by the department and is accompanied by any printed instructions which may be required by the department as to the light source to be used with lamps, any particular methods of mounting or adjustment of lamps or other devices, and any other instructions as determined by the department necessary for compliance with this code.

Amended Ch. 440, Stats. 1967, Effective June 30, 1967, by terms of an urgency clause.  
Amended Ch. 723, Stats. 1979, Effective January 1, 1980.

## *Responsibility of Dealer or Other Persons Selling Motor Vehicle*

24007. (a) (1) No dealer or person holding a retail seller's permit shall sell a new or used vehicle which is not in compliance with this code and departmental regulations adopted pursuant to this code, unless the vehicle is sold to another dealer, sold for the purpose of being legally wrecked or dismantled, or sold exclusively for off-highway use.

(2) Paragraph (1) does not apply to any vehicle sold by either (A) a dismantler after being reported for dismantling pursuant to Section 11520 or (B) a salvage pool after obtaining a salvage certificate pursuant to Section 11515.

(b) (1) Except as provided in Section 24007.5, no person shall sell, or offer or deliver for sale, to the ultimate purchaser or to any subsequent purchaser a new or used motor vehicle, as those terms are defined in Chapter 2 (commencing with Section 39010) of Part 1, of Division 26 of the Health and Safety Code, subject to Part 5 (commencing with Section 43000) of that Division 26 which is not in compliance with that Part 5 and the rules and regulations of the State Air Resources Board, unless the vehicle is sold to a dealer or sold for the purpose of being legally wrecked or dismantled.

(2) Prior to or at the time of delivery for sale, the seller shall provide the purchaser a valid certificate of compliance or certificate of noncompliance, as appropriate, issued in accordance with Section 44015 of the Health and Safety Code.

(3) Paragraphs (1) and (2) do not apply to any vehicle sold by either (A) a dismantler after being reported for dismantling pursuant to Section 11520 or (B) a salvage pool after obtaining a salvage certificate pursuant to Section 11515.

(c) (1) With each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, a dealer, the purchaser, or his or her authorized

representative, shall transmit to the Department of Motor Vehicles a valid certificate of compliance or noncompliance, as appropriate, issued in accordance with Section 44012 of the Health and Safety Code, to (2). Notwithstanding paragraph (1) of this subdivision, with respect to new vehicles certified pursuant to Chapter 2 (commencing with Section 43100) of Part 5 of Division 26 of the Health and Safety Code, a dealer may transmit, in lieu of a certificate of compliance, a statement, in a form and containing information deemed necessary and appropriate by the Director of Motor Vehicles and the Executive Officer of the State Air Resources Board, to attest to the vehicle's compliance with that Chapter 2. The statement shall be certified under penalty of perjury, and shall be signed by the dealer or the dealer's authorized representative.

Amended Ch. 2033, Stats. 1966, Effective September 17, 1966. Supersedes Ch. 2031.  
 Amended Ch. 82, Stats. 1968, Effective October 6, 1968.  
 Amended Ch. 394, Stats. 1967, Effective November 8, 1967.  
 Amended Ch. 764, Stats. 1968, Effective November 13, 1968.  
 Amended Ch. 756, Stats. 1970, Effective November 23, 1970.  
 Amended Ch. 1468, Stats. 1971, Operative May 3, 1972. Supersedes Ch. 667.  
 Amended Ch. 268, Stats. 1972, Effective March 7, 1973. Supersedes Ch. 99.  
 Amended Ch. 857, Stats. 1975, Effective January 1, 1976.  
 Amended Ch. 1206, Stats. 1976, Effective January 1, 1977.  
 Amended Ch. 1038, Stats. 1977, Effective September 23, 1977, by terms of an urgency clause.  
 Amended Ch. 248, Stats. 1984, Effective January 1, 1985.  
 Amended Ch. 1091, Stats. 1987, Effective January 1, 1988.  
 Amended Ch. 1344, Stats. 1988, Effective January 1, 1989. Supersedes Ch. 1268.  
 Amended Ch. 1012, Stats. 1990, Effective January 1, 1991.  
 The 1990 amendment added the italicized material and at the point (a) indicated deleted the following:  
 "either"  
 "that"

**NO. Devices: Free Installation for Low-Income Elderly Persons:**

24007.2. If a dealer, or a person holding a retail seller's permit, sells to an elderly low-income person, as defined in Section 30026.3 of the Health and Safety Code, a 1966 through 1970 model year motor vehicle which is not equipped, as required pursuant to Sections 43654 and 43656 of that code, with a certified device to control its exhaust emission of oxides of nitrogen, the dealer or such person, as the case may be, shall install the required certified device on the motor vehicle without cost to the elderly low-income person.

Added Ch. 231, Stats. 1976, Effective January 1, 1977.

**Inspection of Vehicle Prior to Sale by Dealer**

24007.3

Added Ch. 1154, Stats. 1973, Effective January 1, 1974.

Amended Ch. 76, Stats. 1991, Effective January 1, 1992.

Repealed Ch. 1563, Stats. 1990, Effective January 1, 1991.

The repealed section read as follows:

No dealer or person holding a retail seller's permit shall sell a new or used motor vehicle subject to Chapter 20.4 (commencing with Section 9839.50) of Division 3 of the Business and Professions Code which has not been inspected within 60 days immediately prior to sale pursuant to subdivision (b) or (d) of Section 9839.55 of the Business and Professions Code, unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use. The dealer or person holding the retail seller's permit shall, with each application for initial registration or transfer of registration of a motor vehicle subject to Chapter 20.4 (commencing with Section 9839.50) of Division 3 of the Business and Professions Code, transmit to the Department of Motor Vehicles a valid certificate of compliance or waiver issued pursuant to Section 5529.36 of the Business and Professions Code indicating that the vehicle has passed, within 60 days immediately prior to sale, the inspection conducted pursuant to subdivision (b) or (d) of Section 9839.55 of the Business and Professions Code.

**Sale by Auctioneer or Public Agency**

24007.5. (a) Except as otherwise provided in subdivisions (c), (d), and (e), no auctioneer or public agency shall sell, at public auction, any vehicle specified in subdivision (a) of Section 24007, which is not in compliance with this code, unless the vehicle is sold to a dealer or, for



# House Transportation Committee

DATE: 2/27/92

PLACE: Room 17

SUBJECT OF MEETING:

HB 454

HB 379

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Juanita Hensley	DPS/DMV	PO Box <del>034</del> 20020	99802		465-4361	Y	N	Water - <sup>is</sup> questions
Steve Torok	US EPA	410 Willoughby Ave. Juneau	99801		586-7619	(Y)	N	HB 454
Sandra Wicks	DCRA			#	4750	(Y)	N	HB 379 <sup>*</sup> if needed
Janice Adair	DEC				5010	Y	N	Both
Ron King	↓				?	Y	N	↓
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

H B

4 6 2

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act Mandating the Sale of the Alaska Railroad  
Sponsor: Rep. Taylor  
Requestor: \_\_\_\_\_

Agency Affected: Alaska Railroad Corp.  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The potential cost to the Corporation is unknown at this time. However, the U.S. Government spent \$1.5 million in 1984 for just the property appraisal.

Prepared by: J. Blasingame Phone: 265-2680  
Division: Alaska Railroad Corporation Date: 05/04/92

Approved by Commissioner: Robert S. Hatfield Date: 05/04/92  
Agency: President & CEO

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

# Alaska State Legislature

## COMMITTEES:

MEMBER

RULES

INTERNATIONAL TRADES & TOURISM

LABOR & COMMERCE

ETHICS

WESTERN STATES LEGISLATIVE  
FORESTRY TASK FORCE



P.O. BOX 1441  
WRANGELL, ALASKA 99929  
(907) 874-2316

While in Juneau  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4905

## House of Representatives

ROBIN L. TAYLOR  
MINORITY LEADER

### SPONSOR STATEMENT

#### HOUSE BILL 462

#### "AN ACT MANDATING THE SALE OF THE ALASKA RAILROAD"

-----

In 1984, when the Legislature adopted the enabling legislation establishing the Alaska Railroad Corporation, the intent could not have been more clear. Section 1, "Legislative Findings and Purposes", states in part: "It is the purpose of this Act to (1) create a viable economic entity with the powers and duties necessary to operate and manage the Alaska Railroad pending eventual transfer of the railroad to the private sector for its ownership or operation or both...."

The Act required that every five years the corporation, as part of its annual report, include an analysis of arrangements "whereby the corporation may be transferred to private ownership". That provision was later modified to require an annual report. The corporation has not complied with the requirement to analyze a sale in their annual report since it was established.

Chapter 153 SLA 84 also contains a section reading "The Governor shall contract with a private consultant for the preparation of a report on the long-term operations of the Alaska Railroad that are in the best interest of the state. The report shall be submitted to the governor and the legislature by February 1, 1987. It shall contain specific recommendations on operational alternatives and the transfer of all or part of the railroad operation to the private sector".

Ownership of the Alaska Railroad was transferred to the state on January 6, 1985

SPONSOR STATEMENT

HB 462

2/21/92

House Bill 462 was introduced to mandate the sale of the Alaska Railroad to the private sector. The railroad was never intended to remain in state ownership and the time has come to mandate action.

AS 42.40.260(b) provided all of the guidelines available for the corporation to meet the offer-to-sell requirement. A state attorney general, at the time of the transfer, cautioned restraint based on interpretations of the federal Alaska Railroad Transfer Act and its reversion provisions. The attorney general concluded that sale within five years of transfer would return any profit to the federal government. The attorney general went on to say that the reversion provisions made retaining the railroad until after 1990 more beneficial to the state.

It is now 1992! The Division of Legal Services (not the Department of Law) now cautions restraint, expressing concern over the "ambiguity" of the reversion provision of the federal Act. That provision expires on January 7, 1995, the effective date of HB 462.

I have serious doubts as to the need to wait until 1995 to sell the Alaska Railroad. I have no doubt as to the intent of the Legislature when it established the corporation. It is time to get the railroad moving into the private sector, as the Legislature intended in 1984! I ask your support for HB 462.

**HB - 462**

This bill proposes to sell the Alaska Railroad and mandates the Governor to offer the Railroad for sale and enter into an agreement with the most responsive offerer by January 6, 1996. A request for proposals must be issued by July 1, 1995.

First, the bill proposes something that is similar to language in the present statute which established the Alaska Railroad Corporation (ARRC) (AS 42.40.940). That provision provides authority to the Governor to sell or lease the Railroad if it can be demonstrated that (1) it can be assured that the Railroad will continue to operate after the sale or lease; and (2) under the terms of the sale or lease, the State will receive the amount of money it has spent in connection with the Alaska Railroad.

Second, this sort of legislation has significant impact on our ability to enter into long term contracts for future business. With ownership in doubt, major customers will be reluctant to enter into long term arrangements. Long term financing will suffer similar impediments.

Third, because of the time frame specified and lack of specificity as to what is being offered for sale, it essentially places the Railroad on the auction block to be sold to the lowest bidder instead of negotiating the highest and best price for a valuable state asset.

Fourth, the bill is also disruptive to Corporation employees because it impacts their future. A major segment of existing Corporation employees transferred to the state-owned Railroad from the federally-owned Alaska Railroad in 1985. Those employees would be subjected to displacement to another entity that does not provide for any of the protections written into the Federal transfer bill.

In summary, where an existing authority is already in place which provides for the same intent as HB-462 and because of the foregoing issues detailed in this position paper, this legislation is unnecessary and, in fact, harmful to the State's best interests.

B4 Thursday, February 6, 1992, The Anchorage Times

# The Anchorage Times

"Putting Alaska first"

BILL J. ALLEN *Publisher*

GENE ARZBIART *President*

WILLIAM J. TOBIN *Asst. Publisher*

JAMES H. SLACK *General Manager*

J. RANDOLPH MURRAY *Editor*

PAUL JENKINS *Managing Editor*

DENNIS FRADLEY *Editor, Editorial Pages*

Robert B. Atwood, *Publisher Emeritus*

## COMRADES, GO WEST

### Leave railroad be

**W**ITH A NUMBER of legislators already giving themselves travel and personal expense allowances that would make members of the royal family envious, it may sound ludicrous that we would suggest they make yet another trip. Nevertheless, that's what we'd like to see.

We suggest a trip west over the Bering Sea for Reps. Kay Brown, Dave Donley and other cosponsors of legislation to exert greater government control over the Alaska Railroad Corp.

Our legislators need to witness first hand the results of the grand experiment in socialism. They should see for themselves what happens when a political party attempts to manage the production and distribution of goods and services. Talk with the people of Russia and see what they think about business decisions made by politicians who use government-run businesses to further their own careers.

In fact, our legislators might take a ride on the Russian railroad and contrast what they find with the railroad operation here.

**MS. BROWN AND** the rest would undoubtedly learn that government-run operations don't work so well. The people of the former Soviet Union are loudly rejecting socialism. In its place, they are searching for a way to institute the inherent advantages of a free market, competitive system.

That's the way the state's railroad is supposed to be operated — as a private business. It was set up in 1985 as a for-profit corporation, overseen by a board of directors appointed by the governor. The mission of the Alaska Railroad is to operate as a self-sustaining, fully integrated, quality and service-oriented transportation company.

That mission, apparently, is not good enough for the politicians who want to have final say in decisions made by railroad administrators. Certain members of the Anchorage Assembly and the Legislature prefer to reserve for themselves the authority for running the railroad.

**THAT WOULD** be a mistake — a serious one.

As the politicians bicker and second guess the railroad's plans to develop Ship Creek, individual Alaskans are seeing what individual Russians have seen over the past decades. Decisions made not on good business sense, but instead on political cronyism and posturing for power. No good can come of local or state control of businesses that are better run in the private sector.

Rather than increasing government controls over the railroad, we would prefer to see the Legislature move to fully privatize the operation. Sell it, in other words. That was the original plan seven years ago when the state acquired the transportation system from the federal government. Now, as we see lawmakers move to manipulate the railroad for their own devices, it becomes all the more urgent to further remove the railroad from their reach. Selling it is the answer.

# STATE OF ALASKA THE LEGISLATURE

## LEGISLATIVE AFFAIRS AGENCY

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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMFR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Transportation*

*5-5-92*

HB

472

# HOUSE COMMITTEE REPORT

(7)  
Date Referred: February 12, 1992

## FURTHER REFERRALS:

Date of Committee Action: \_\_\_\_\_

The TRANSPORTATION Committee considered:

HR 472

HOUSE BILL NO. 472

NAMING FRANK PERATROVICH AIRPORT

"An Act naming the Frank Peratovich Airport."

### RECOMMENDATIONS:

be replaced with CS HB 472 (Trans)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

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

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

ATTACHES NEW FISCAL NOTE(S): • (Dept)

APPROVES PREVIOUS: (Dept/Date)

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

zero fiscal note House Transp. Comt for DOTPE  zero fiscal note(s) \_\_\_\_\_

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

*[Signature]*  
CHAIRMAN'S SIGNATURE

FISCAL NOTE

Revision Date: 2/25/92 Department Affected: DOT&PF  
 Title: An Act naming the Frank Peratrovich and Munz City airports BRU:  
 Sponsor: Requestor Rep. Mackie Component:  
 House Transportation Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	0	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Wendy Mulder, Committee aide

Phone: 465-4858

Division: House Transportation Committee

Date: 2/25/92

Approved by Commissioner: Richard Foster

Phone: 465-4858

Agency: Chairman, House Transportation Committee Date:

**FISCAL NOTE**

Revision Date: 02/24/92  
Title: Naming Frank Peratrovich Airport, etc.

Department Affected: DOT&PF  
BRU:

Sponsor: Representative Mackie  
Requestor: Representative Mackie

Component:  
Component Serial Number:

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	0	0	0	0	0	0

CAPITAL	1.5	0	0	0	0	0
---------	-----	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUNDS	1.5	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	1.5	0	0	0	0	0

**POSITIONS**

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

Estimate of current year impact: \_\_\_\_\_

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

Prepared by: Katy McHugh, Legislative Liaison

Phone: 465-3900

Division: Office of the Commissioner

Date: February 24, 1992

Approved by Commissioner: 

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: February 24, 1992

REPRESENTATIVE  
JERRY MACKIE

P O BOX 73  
CRAIG, ALASKA 99921  
(907) 826-3008 OFFICE  
(907) 826-2930 HOME

CHAIRMAN,  
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,  
TRANSPORTATION COMMITTEE

## Alaska State Legislature



WHILE IN JUNEAU  
P O BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4925

### House of Representatives

#### S P O N S O R S T A T E M E N T

As the legislator representing Klawock and Prince of Wales Island in Southern Southeast, Alaska I have been requested to respond to the well documented desires of these communities in regard to the Klawock airport. HB 472 is my response to the wishes of my constituency.

HB 472 "An Act naming the Frank Peratrovich Airport" is an attempt to further recognize the lifelong achievements of Mr. Frank Peratrovich. The airport I am seeking to rename is situated in the community of Klawock. Mr. Peratrovich lived out his life in Klawock and is a highly revered leader in the history of Klawock.

The Klawock airport services the airline transportation needs of the entire Prince of Wales Island. Attached, please find resolutions and or letters of support from the Prince of Wales communities of Craig, Klawock, Thorne Bay, Kasaan, Hydaburg and Pt. Baker.

Additionally, I have attached a supporting resolution from the Grand Camp of the Alaska Native Brotherhood and Alaska Native Sisterhood. This resolution was passed in convention and approved by vote by delegates from every local ANB/ANS camp throughout the entire Southeast region.

Please join me in recognizing the contributions of Frank Peratrovich: former territorial legislator, state senator, Vice Chair of the State Constitutional Convention, Mayor of Klawock, President of the Alaska Native Brotherhood and President and founder of the Alaska Purse Seiner's Association.



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

TO: All House Transportation Committee members

FROM: Representative Richard Foster *RF*  
House Transportation Committee Chairman

SUBJECT: HB 472

DATE: February 24, 1992

I have requested permission thru the sponsor, Rep. Mackie, to add language to HB 472 naming the Nome City Field airport the "Munz City Field airport."

As you will note from the attached history, Mr. William Munz died February 19, 1992. I have not yet received resolutions of support from local area residents and organizations. I should be receiving these in the very near future.

Thank you for your support.

WILLIAM SAMUEL MUNZ

William Samuel Munz was born July 12, 1909 in Ellensburg Washington. He died Sunday, February 19, 1992 at the age of 82.

Following high school graduation, "Bill" worked on the Bolder Dam. He was a self taught man, speaking three languages. Bill Munz was a pioneer among Bush Pilots. He flew for over 60 years receiving two civilian air medals and two Presidential citations for life saving. Bill was made an honorary member of the Air Force.

Around the Nome area, one only has to mention the name "Bill Munz" and somebody will tell you a story about Bill. He was a very skilled pilot and a true pioneer of the Alaskan transportation system. For 60 years, Bill provided a vital transportation link to many villagers who had no other alternative. He was willing to put his life on the line to help rescue or transport anybody in a life threatening situation.

Bill Munz represented the Territory of Alaska before Alaska became a state. He served as a Legislator from 1947 thru 1949. He was a published writer, writing mostly about his adventures in Alaska.

Bill Munz..... He will be missed but never forgotten!



P.O. Box 23, Craig, Alaska 99921

(907) 826-3275

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RESOLUTION 89-17

A RESOLUTION RECOMMENDING A NAME FOR THE PRINCE OF WALES ISLAND AIRPORT

WHEREAS, the City of Craig has been requested to support a renaming of the local airport to recognize and honor former Senator Frank Peratrovich; and

WHEREAS, the City of Craig desires to recognize the contributions of Frank Peratrovich while maintaining a geographic reference to the local area;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRAIG THAT:

The regional airport situated on Prince of Wales Island be named the Peratrovich Prince of Wales Island Airport.

PASSED AND ADOPTED THIS 6TH DAY OF APRIL, 1989

  
\_\_\_\_\_  
JAMES SPRAGUE, MAYOR

  
\_\_\_\_\_  
ATTEST: HELEN GRAY, CLERK

CITY OF KLAWOCK, ALASKA  
RESOLUTION 91-31

RENAMING OF THE KLAWOCK AIRPORT TO THE FRANK PERATROVICH AIRPORT.

WHEREAS, the Klawock Airport funding was secured by legislation introduced by the late Senator Frank Peratrovich in the early 1970's, and

WHEREAS, the airport was specifically designed and built adjacent to the City of Klawock for several reasons, i.e., land availability, access, cross-wind characteristics, etc., and

WHEREAS, Senator Frank Peratrovich was from Klawock when he was a legislator and was always from Klawock, up to the time of his death in 1973, and

WHEREAS, the people of Klawock honor Senator Peratrovich for all he has done, both as a member of the House of Representatives and as the President of the Senate, for the people of Alaska, and

WHEREAS, Senator Frank Peratrovich was member of Klawock ANR Camp #9, a member of the Eagle Clan, and by naming the airport created through his legislation after him, the people of Klawock and the members of the Alaska Native Brotherhood and Sisterhood would be honoring the efforts Senator Peratrovich contributed to the State of Alaska, and

WHEREAS, the Klawock City Council passed a similar resolution in 1989, and

WHEREAS, the Alaska Department of Transportation would like regional support to name the Airport, now

THEREFORE BE IT RESOLVED that the City Council of Klawock, Alaska agree that the airport should be named by the State of Alaska, "The Frank Peratrovich Airport" of Klawock, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Representative Jerry Mackie and Senator Richard Eliason with a cover letter strongly recommending that such a bill be introduced in this 1992 Alaska State Legislative session, and

BE IT FURTHER RESOLVED that this resolution be sent to the Prince of Wales Advisory Council for approval and ratification of its member communities.

PASSED and APPROVED by the KLAWOCK CITY COUNCIL on this 10th day of December, 1991.

..... Absent  
City Council Member

..... Absent  
City Council Member

*Helen M. Jackson*  
City Council Member

ATTEST:

*Karen Moore*  
City Clerk

*Robert Armour*  
City Council Member

*Jack D. Williams*  
City Council Member

*Jonathan O. Ruan, Jr.*  
City Council Member

*Robert L. Thomas, Jr.*  
Mayor

RESOLUTION 92-02-06-03

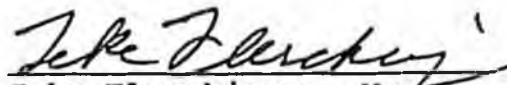
A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, ENDORSING CITY OF KLAOCK, ALASKA RESOLUTION 91-31, REQUESTING THAT THE KLAOCK AIRPORT BE RENAMED AS THE FRANK PERATROVICH AIRPORT OF KLAOCK.

WHEREAS, the City Council is the governing body for the City of Thorne Bay, Alaska; and

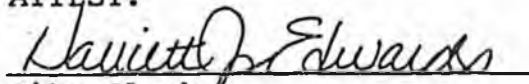
WHEREAS, the City Council has reviewed City of Klawock, Alaska Resolution 91-31 and concurs with its substance;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Thorne Bay hereby endorses City of Klawock, Alaska Resolution 91-31, requesting that the Klawock Airport be renamed as "The Frank Peratrovich Airport of Klawock."

PASSED AND APPROVED on February 6, 1992.

  
Zeke Flerchinger, Mayor

ATTEST:

  
City Clerk

(Sponsor: Tom Edwards)

CITY OF KASAAN, ALASKA  
RESOLUTION NO. KA-92-02-156

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF KASAAN, ALASKA, ENDORSING CITY OF KLAOCK, ALASKA RESOLUTION NO. 91-31, REQUESTING THAT THE KLAOCK AIRPORT BE NAMED AS THE FRANK PERATROVICH AIRPORT OF KLAOCK.

WHEREAS, the City Council is the governing body for the City of Kasaan, Alaska; and

WHEREAS, the City Council has reviewed City of Klawock, Alaska Resolution No. 91-31 and concurs with its substance;

NOW, THEREFORE, BE IT RESOLVED THAT: the City Council for the City of Kasaan hereby endorses City of Klawock, Alaska Resolution No. 91-31, requesting that the Klawock Airport be named as "The Frank Peratrovich Airport of Klawock."

PASSED, APPROVED AND ADOPTED by a duly constituted quorum of the Kasaan City Council on this 14 day of FEBRUARY 1992.

ROLL CALL VOTE:

Yea 6

Nay 0

Abstain 0

Absent 1

Kathleen Wasserman  
Mayor

ATTEST:

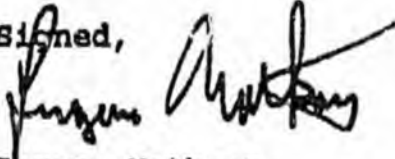
Paula K. Peterson  
City Clerk



CITY OF HYDABURG  
 P. O. Box 49  
 Hydaburg Alaska 99922  
 (907) 285-3761 or 285-3793  
 February 11, 1992

Representative Jerry Mackie  
 Rm. 110, Capitol  
 P.O. Box V  
 Juneau, Alaska 99811

This is a letter of support for our State Representative Jerry Mackie's effort to rename the Klawock Airport to "Frank Peratrovich Airport". The resolutions will be endorsed by the city council at their next regular meeting on February 18th, 1992.

Signed,  
  
 Eugene Natkong  
 Mayor for the City of Hydaburg

Post-It™ brand fax transmittal memo 7871		# of pages » 1
To Jerry Mackie	From City of Hydaburg	
cc	cc	
Dept.		

FAX COVER PAGE

TO: REP JERRY MACKIE  
FAX NO.: 465-2299

PAGE 1 OF 1, COVER PAGE INCLUDED

2-11-92

The Point Baker Community Association  
HAS NO OBJECTION TO A CHANGE IN NAME  
of the KAWOOCK AIRPORT.

Signed Joseph Sebastian  
CHAIRPERSON



*Grand Camp*  
*Alaska Native Brotherhood*

ALASKA NATIVE SISTERHOOD AND BROTHERHOOD  
76TH ANNUAL CONVENTION  
JUNEAU, ALASKA  
NOVEMBER 14-19, 1988

RESOLUTION NO. 53

TITLE: KLAWOCK AIRPORT - NAME

WHEREAS, the Klawock Airport funding was secured by legislation introduced by the late Senator Frank Peratrovich in the early 1970s, and

WHEREAS, the airport was specifically designed and build adjacent to the city of Klawock for several reasons, i.e., land availability, access, cross-wind characteristics etc., and

WHEREAS, without any consultation, hearings, or anything of that nature, the airport is being referred to as the Craig/Klawock airport, and

WHEREAS, Senator Frank Peratrovich was from Klawock when he was a legislator and was always from Klawock, up to the time of his death in 1983, and,

WHEREAS, the people of Klawock honor Senator Peratrovich for all he has done, both as a member of the House of Representatives and as the President of the Senate, for the people of Alaska, and

WHEREAS, Senator Frank Peratrovich was a member of Klawock ANB camp #9, a member of the Eagle Clan, and by naming the airport created through his legislation after him, the people of Klawock and the members of the Alaska Native Brotherhood and Sisterhood would be honoring the efforts Senator Peratrovich contributed to the State of Alaska, now

THEREFORE BE IT RESOLVED that the Grand Camp of the Alaska Native Brotherhood and Sisterhood assembled in Juneau, Alaska during the week of November 14-19, 1988 agree that what is now mistakenly referred to as the Craig/Klawock airport, should be named, by the State of Alaska, "The Frank Peratrovich Airport" of Klawock, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Representative Peter Goll and Senator Richard Eliason with a cover letter strongly recommending that such a bill be introduced in this 1989 Alaska State Legislative session.

HB

474

**HOUSE COMMITTEE REPORT**

(7)

Date Referred: February 13, 1992

FURTHER REFERRALS:

HES  
Finance

Date of Committee Action: 2/10/92

The TRANSPORTATION Committee considered:

HB 474

HOUSE BILL NO. 474

DRUG TESTING FOR SCHOOL BUS DRIVERS

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

RECOMMENDATIONS:

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

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

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

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

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

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

fiscal impact COE

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

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

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

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gail Phillips</i>	<input checked="" type="checkbox"/>	<i>Eugene A. Kukura</i>		<input checked="" type="checkbox"/>	
<i>Loren A. Lemay</i>	<input checked="" type="checkbox"/>				
<i>Richard [Signature]</i>	<input checked="" type="checkbox"/>				
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>				

*[Signature]*  
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HB 474

Revision Date: 3/6/92 Department Affected: Education  
 Title: Drug/Alcohol Tests for School BRU: K-12 Support  
Bus Drivers Component: Pupil Transportation  
 Sponsor: Rep. Gail Phillips  
 Requestor: (H) Transportation COMPONENT SERIAL NO. 

1	4	4
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	135,600	135,600	135,600	135,600	135,600	135,600
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	135,600	135,600	135,600	135,600	135,600	135,600
CAPITAL						
REVENUE	GF	GF	GF	GF	GF	GF
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	135,600	135,600	135,600	135,600	135,600	135,600
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	135,600	135,600	135,600	135,600	135,600	135,600

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Romayne Kareen Phone: 465-2865  
 Division: Education Finance & Support Services Date: 3/6/92  
 Approved by Commissioner: Jerry Covey  
 Agency: Education Date: 3/6/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Leg. Ofc., & Impacted Agencies.

STATE OF ALASKA  
DEPARTMENT OF EDUCATION

HB 474  
Revised Fiscal Note - 3/6/92

**\$135,600 Annual Cost**

ASSUMPTIONS:

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

CALCULATION OF \$135,600 ANNUAL COST:

Pre-Hire Tests:

Estimated Number of Pre-Hires Based on  
Number of Original School Bus Driver Permits  
Issued Annually by Department of Public  
Safety, Division of Motor Vehicles: 480

Random Tests:

Estimated Number of Individuals Employed  
as School Bus Drivers on any Day of the  
School Year: + 840

Estimated Total Number of Annual Alcohol/  
Drug Tests to be Conducted: 1,320

X Estimated Cost for Test x \$80

Estimated Annual Cost for Tests \$ 105,600

Estimated Annual Cost to Contract for  
Administration of Program 30,000

TOTAL ESTIMATED ANNUAL COST TO STATE \$ 135,600

QUESTION:

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



# Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE GAIL PHILLIPS

STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

Official Business  
PHONE: (907) 465-2689  
FAX: (907) 465-3472

HOUSE BILL 474

PRESENTED TO THE HOUSE TRANSPORTATION COMMITTEE

MARCH 10, 1992

House Bill 474 is titled "An Act requiring drug and alcohol tests for school bus drivers." At the request of several constituents of mine, and as a result of some incidents we had on the Kenai Peninsula, I introduced this bill to help assure the safe transportation of our children to school.

HB 474 is a brief, straight-forward, bill that would require a school district or regional educational attendance area providing for the transportation of pupils to set up a drug and alcohol testing program which would include random testing. Under current law testing for "probable cause" and in the event of an accident is already allowed.

In addition, this bill directs the Department of Education to adopt regulations to implement this program and to include provisions for a hearing before discipline is imposed.

If passed into law, HB 474 will go into effect 90 days after it is signed by the Governor.

In the packet before you, you will find a memo from Theresa Cramer, the legislative counsel who drafted this bill. In it she mentions that "A school bus driver could challenge the requirement as a government-required search without a requirement that there be probable cause for the search." Her concern addresses the random testing aspect of this bill. However, as she also mentions, there is precedence for a court ruling that a random test is acceptable where the employee's expectation of privacy is lessened because of the type of employment and where the public interest is sufficiently great.

However, I do not see that there could be a greater public interest than the safety of our children? In addition, if the law already provides for commercial transporters, pilots, train engineers, etc. to be tested -- why wouldn't we require testing for school bus drivers?

Several other states (Arizona, Illinois, and Louisiana) already require drug testing of school bus drivers and other states have proposed legislation. Also in your packets are copies of other states' statutes and the results of some research done by our Legislative Research Agency. You may find this information a good resource for questions you may have.

The Department of Education has provided a fiscal note to accompany this bill which includes a random testing program in which school districts are randomly selected and 100% of the drivers in the district are tested. In addition the proposed DOE fiscal note includes 100% pre-hire testing, testing in the event of accidents and for "probable cause", as well as administrative costs.

Thank you for the opportunity to present this bill before your committee today.

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

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

*J-2*  
*pls review*  
*and will discuss*  
240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

**MEMORANDUM**

January 6, 1992

**SUBJECT:** Draft bill on drug and alcohol testing for school bus drivers  
(7-LS1545\A)

**TO:** Representative Gail Phillips

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

*1/27 hold*  
*for mac*  
*info*

Enclosed is the draft bill you requested, requiring school districts to require school bus drivers to submit to testing for improper use of drugs and alcohol. Please be advised that the implementation of this program could be subject to legal challenge as a government-required search without having to establish probable cause or as an invasion of privacy.

A school bus driver could challenge the requirement as a government-required search without a requirement that there be probable cause for the search. Many courts have required individualized suspicion before a urinalysis is conducted. However, some courts have been willing to allow random drug searches without probable cause where the employee's expectation of privacy is lessened because of the type of employment and where the public interest was sufficiently great. In Teamsters v. Department of Transportation, CA9, No. 89-70165, April 26, 1991, the court examined a drug testing program that required commercial motor vehicle operators to submit to a pre-employment, post-accident, and biennial drug testing program for drivers operating certain interstate motor vehicles. The court considered the seriousness of harm if those vehicles were operated while the driver was impaired by drugs, the extent of government regulation already present in the industry, the extent of government monitoring of the drivers health and qualifications, which includes a required urinalysis already, the court concluded that the additional intrusion of the drug testing procedure was constitutionally tolerable.

Implementation of the drug testing program could also be challenged as an invasion of privacy. In Luedtke v. Nabors Alaska Drilling, Inc., the state supreme court considered a private company's implementation of a drug testing program and found that the invasion of the employee's privacy was outweighed by the safety considerations inherent in the work performed. The court did not rely on the constitutional

Representative Gail Phillips

January 6, 1992

Page 2

right to privacy,<sup>1/</sup> holding that the requirement applies to government action and not private action. However, the court did analyze the constitutional right when considering the public policy against invasion of privacy. The court found that urine testing was a minimal invasion of privacy, that the employer already required urine testing as part of the annual physical examination requirement, and that the seriousness of harm that could result from an accident on an oil drill rig was sufficient to outweigh the employee's privacy interest. Under this analysis, in determining whether the testing program could survive a constitutional challenge, a court would weigh how extensively school bus drivers are regulated now, the history of accidents involving school bus drivers, and the seriousness of harm that could come if a school bus were involved in a motor vehicle accident. Whether the law would survive the challenge depends on the factual information presented.

If I may be of further assistance, please advise.

TBC:pl  
92-004.plm

Enclosure

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<sup>1/</sup>Art. 1, sec. 22, Constitution of the State of Alaska, states  
The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

## POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance and Support Services Bill Number HB 474

Bill Title Drug and alcohol tests for school bus drivers.

Sponsor Representative Gail Phillips

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

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

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

APPROVED:

Director Duane Guilev Division Educational Finance and Support Services

Signature  Date 3-9-92

Commissioner/Deputy Jerry Covev/Karen R. Crane

Signature  Date 3-9-92

# NORTH SLOPE BOROUGH BOROUGH CLERK'S OFFICE

P.O. Box 68  
Barrow, Alaska 99723

Phone: (907) 852-2811

Evelyn J. Donovan  
Borough Clerk



SHARP FO-5200 TELECOPIER TRANSMITTAL SHEET FORM: (907) 852-0229

TO: Gail Phillips

ADDRESS: Juneau

FAX NUMBER: 465-2294

FROM: Evelyn Donovan, NSB Clerk's Dept.

ADDRESS: Box 69 Barrow, Ak. 99723

DATE: 3/5/92 TIME: 1:40 p.m.

# OF PAGES: (Including this page) 5

COMMENTS: Please let me know if  
all of these went through

*I - put in  
bill packet, along  
w/ letters of rec from  
the Tribehead*

OPERATOR: Kuatung

PLEASE CALL (907) 852-0360 OR 852-0361 OR 852-0362 IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION. THANK YOU.

NORTH SLOPE BOROUGH  
ORDINANCE SERIAL NO. 91-07

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

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

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

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

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

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

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

NOW THEREFORE, BE IT ENACTED:

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


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

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

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

INTRODUCED: August 13, 1991

ADOPTED: Sept. 10, 1991

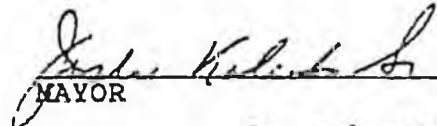
  
PRESIDENT

Date: 9-26-91

ATTEST:

  
BOROUGH CLERK

Date: 9-26-91

  
MAYOR

Date: 9-26-91

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

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

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

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

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

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

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

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

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

2. Documented procedures for chain of custody.

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

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

5. Competitive price for services.

d. Establish procedures for taking specimens.

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

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

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

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

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

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

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

ord\91-07.clk

# Alaska State Legislature

Legislative Research Agency



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

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

February 10, 1992

## MEMORANDUM

TO: Representative Gail Phillips

FROM: Dale O. Brandt <sup>DB</sup>  
Legislative Analyst

RE: States Requiring Drug Testing of School Bus Drivers  
Research Request 92.133

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

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

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

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

Representative Phillips  
February 10, 1992  
Page 2

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

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

Attachments

SECOND REGULAR SESSION  
**SENATE BILL NO. 572**  
86TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR TRITTLER.

Pre-Filed December 2, 1931, and 1,000 copies ordered printed.

TERRY L. SEITLER, Secretary.

2176-16R

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**AN ACT**

Relating to drug testing of school bus operators.

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

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

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

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

10 (3) "Drug," for the purposes of this act only, any controlled  
11 substance as defined in section 195.019, RSMo, or ethyl alcohol  
12 in a concentration in a person's blood or breath of eight-  
13 hundredths of one percent or more by weight of alcohol in the  
14 blood;

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

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

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

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

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

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

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

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

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

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

51 (a) Observable phenomena, such as direct observation of  
52 drug use or the physical symptoms or manifestations of being  
53 under the influence of a drug;

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

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

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

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

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

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

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

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

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

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