

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8813 HOUSE TRANSPORTATION

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2103

MEMORANDUM

December 28, 1994

SUBJECT: Fisherman's fund (AS 23.35)(Work Order No. 9-LS0362)

TO: Representative Ben Grussendorf
Attn: Katherine

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have asked if the fisherman's fund (AS 23.30.060) could be used to fund a program to teach safety to commercial fishermen. As explained in this memo, I believe that using the fund to teach safety could only be done if this purpose was added as a statutory purpose of the fund.

The existing benefits provided by the fund, those under AS 23.35.070 - 23.35.140, are all intended to treat fishermen who become disabled. There are no funds provided for prevention of injuries, or safety training. It could certainly be argued that prevention of accidents is directly related to the general purpose of the fund, but without statutory authority this type of expenditure would be beyond the scope of the benefits provided under existing law.

I should also point out that if the legislature alters the fund this would raise dedicated fund issues. As a fund in existence at statehood, the fisherman's fund is exempt from the prohibition against dedicated funds contained in Article IX, section 7, of the Alaska Constitution. However, the Attorney General has taken the position that no change to a grandfathered fund is permitted without destroying the legal dedication and making the fund subject to the dedicated fund clause. In short, you could modify the purpose of the fisherman's fund to permit funding for a safety program but by doing so you run the risk of destroying the dedicated fund exemption presently enjoyed by the fund.

If you have further questions on this matter please contact me.

MFF lmb
95-063 lmb

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Finance



P.O. Box 113200
Juneau, AK 99811-3200
(907) 465-3795
FAX (907) 463-4885

MEMORANDUM

DATE: January 16, 1996

TO: Representative Alan Austerman

ATTN: Amy Daugherty

FROM: Jetta Whittaker *JWH*
Fiscal Analyst

SUBJECT: Fishermen's Fund Statistics

You asked for some general information on the Fishermen's Fund to accompany House Bill 366. I was able to determine the following from the Governor's budget detail book and conversations with the Departments of Labor and Revenue:

The Disabled Fisherman's Fund provides for assistance with the costs of occupational injuries and illness for Alaska's licensed commercial fishermen who are injured or become ill due to commercial fishing activities on shore or in Alaska waters. The fund consists of crewmember license and permit fees collected by the Department of Fish and Game and the Commercial Fisheries Entry Commission. Sixty percent of these license and permit fees are dedicated to the Disabled Fishermen's Fund. From crewmember licenses, which are \$30 and \$90 for residents and non-residents, respectively, the Fund collected \$994,800 in FY95. From permits issued, at \$30 and \$90 again, the Fund collected another \$396,100, for a total of \$1,390,000 in FY95.

At the close of FY95, the Fund contained \$7,367,700. The total number of claims submitted for review in FY95 was 1,237. FY95 Actuals reflect that the total amount of claims paid was \$339,400, while FY95 Authorized amount for claims was \$1,063,300.

In FY97, the Governor requests \$1,039,400 for the grants line as payment of benefits to individuals, and estimates that 2,300 claims will be submitted. The increase in expected claims is due to an effort to increase awareness of the Fund via a broader distribution of Fishermen's Fund booklets and general information in FY97.

The Department of Labor has calculated that 64% of claims submitted resulted in payment in FY93, and estimated that the claim payment rate has increased a bit since then, due to improved database tracking. The remaining claims are rejected or pended for receipt of further information.

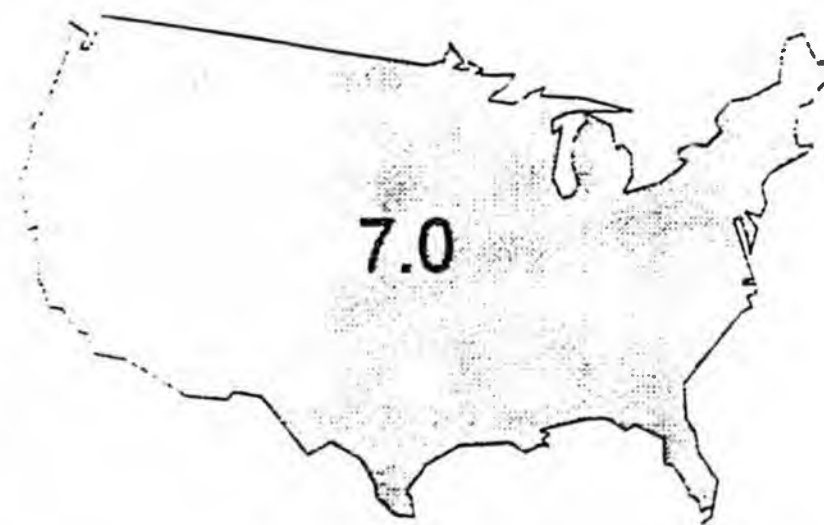
As you know, the interest earned by the Disabled Fishermen's Fund does not return to the Fund itself, but instead is deposited in the General Fund. The Treasury Management Division in the Department of Revenue does not separately track interest earned on funds that deposit earnings into the general fund, but has prepared a fiscal note to estimate the effects of HB366. The Division estimates that \$200,000 would be available for appropriation if half of the Fund's earnings are to be redirected from the General Fund.

I hope this information proves useful to you. Please call if you have any questions.

Occupational Fatality Rates per 100,000 Workers



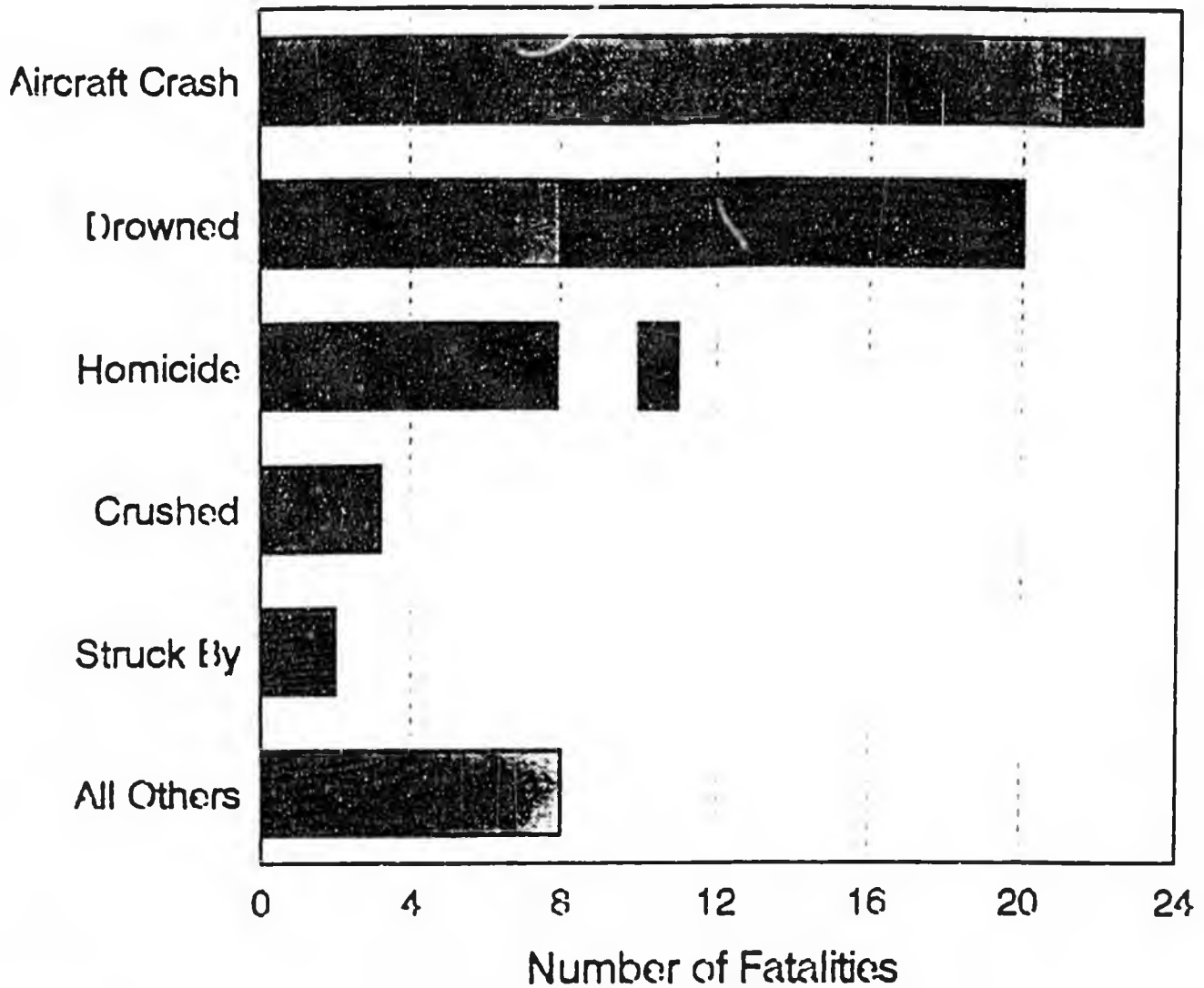
(Alaska only)





(includes all 50 states)

SOURCE: NIOSH, National Traumatic Occupational Fatalities
Database, 1980--1989

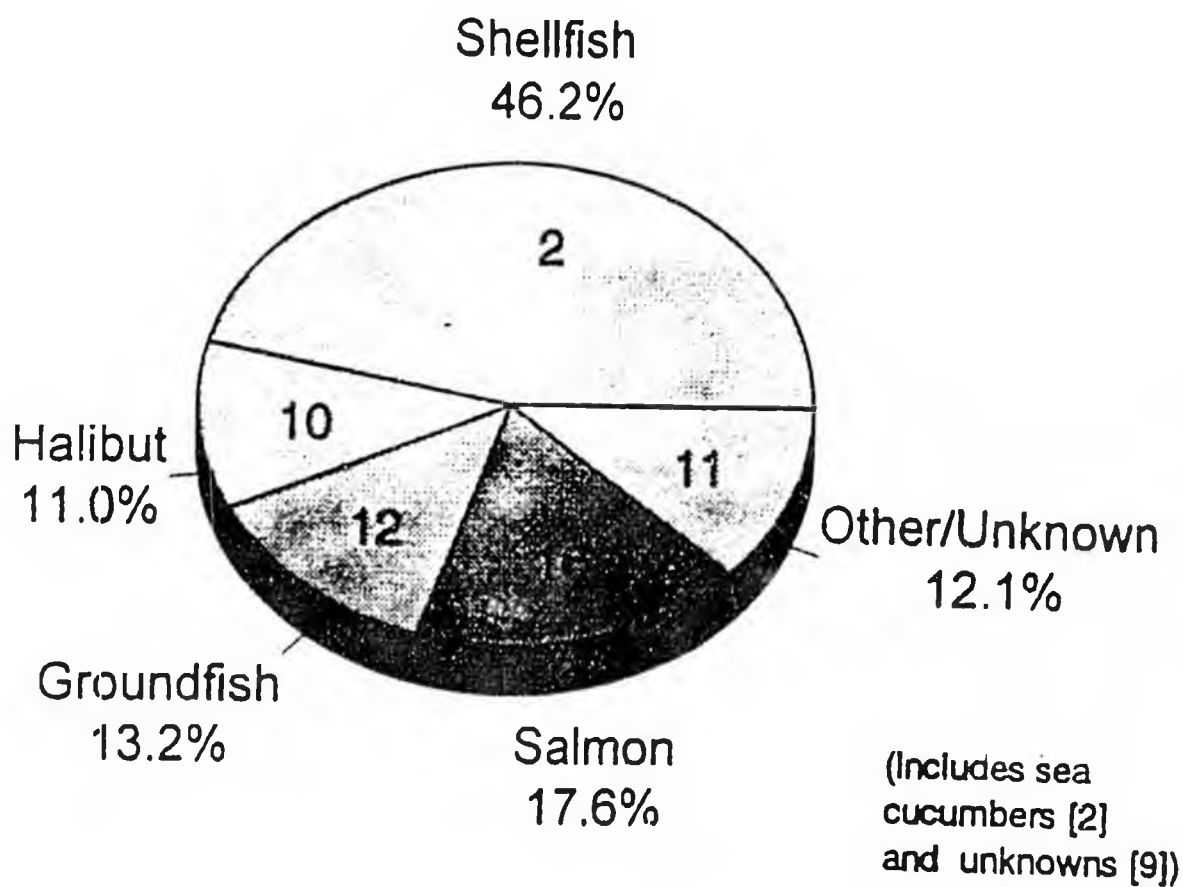
Occupational Fatalities by Circumstance of Death, Alaska, 1993, N=67



 Confirmed death: body recovered
 Presumed death: body not recovered

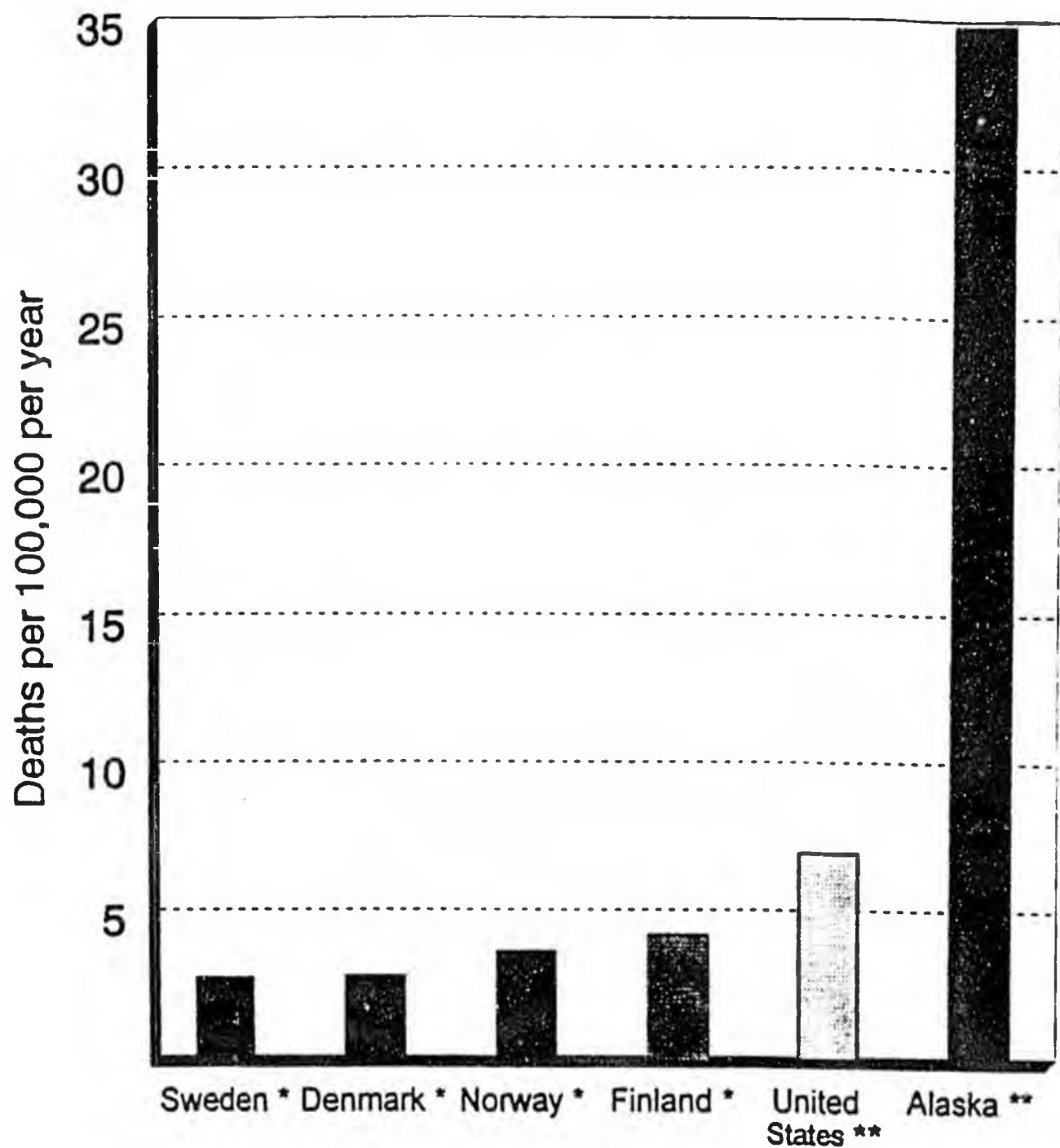
 Gun
  Knife
  Bomb

Commercial Fisherman Fatalities by Fishery, Alaska, 1991--1993, N=91



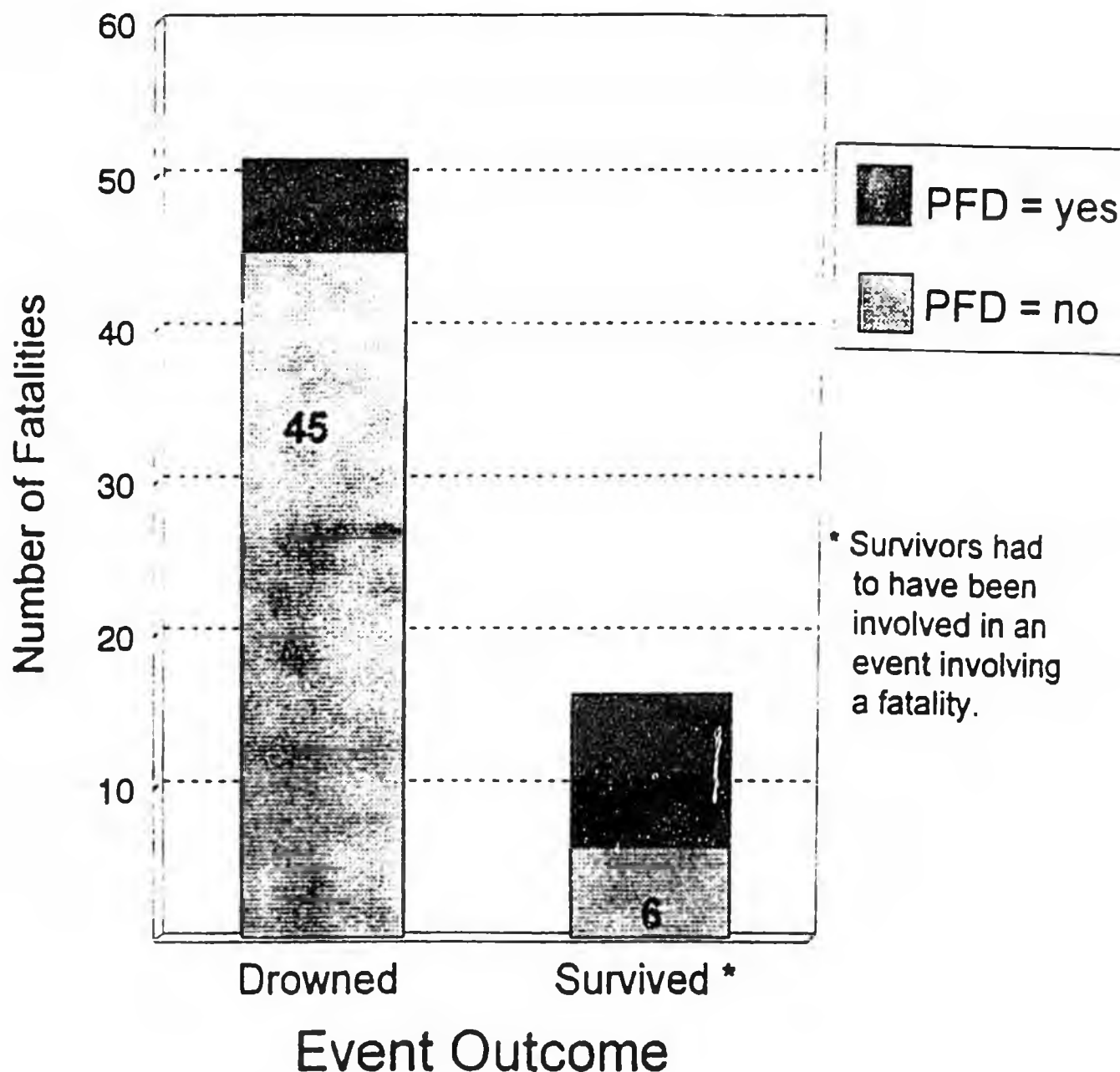
The shellfish fishery accounts for the most deaths of all Alaskan fisheries.

Occupational Fatality Rate Comparison



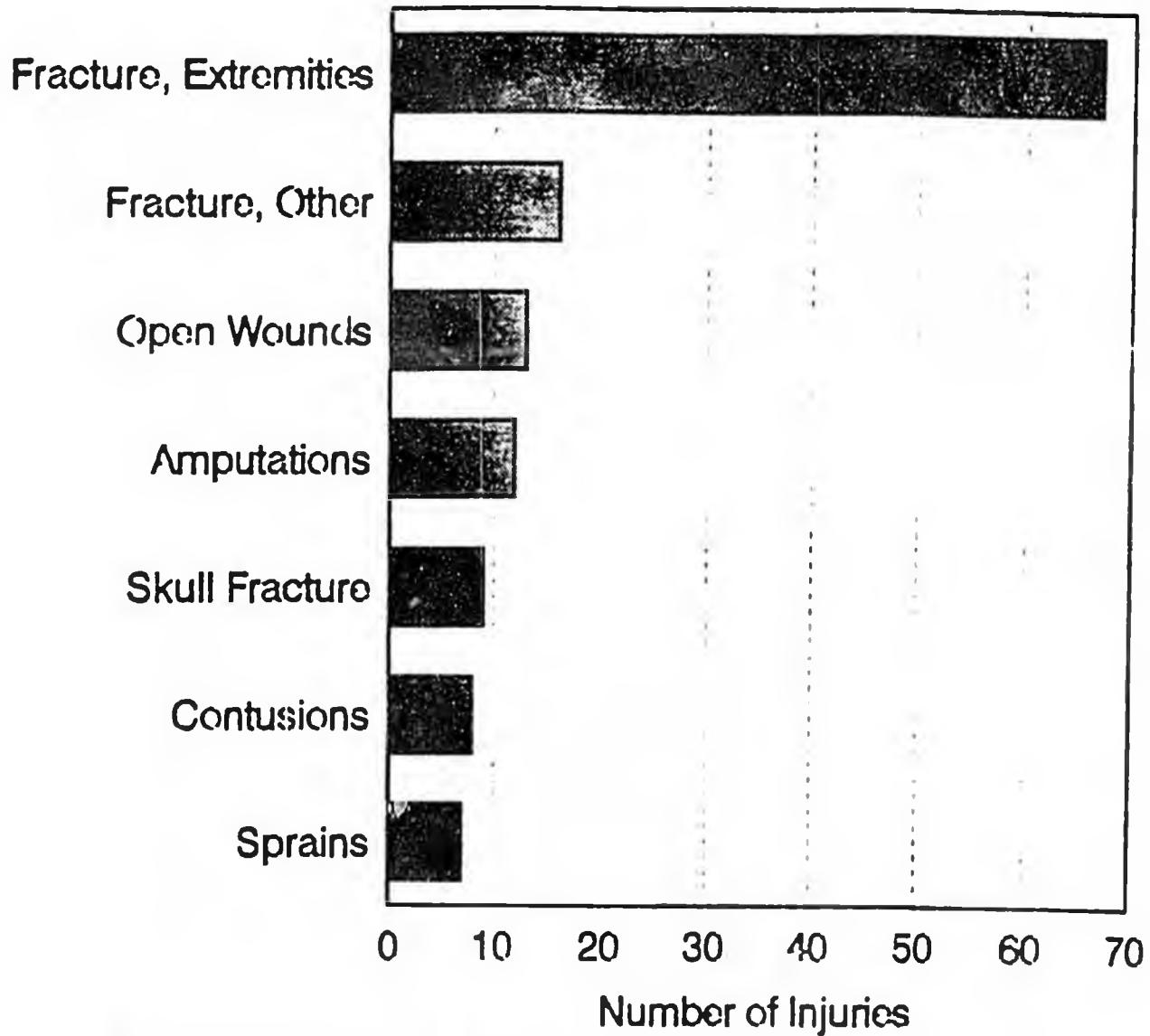
* SOURCE: Arbejdstilsynet, The Danish Working Environment Service, 1980-1989, Copenhagen, 1993
** SOURCE: National Traumatic Occupational Fatality Surveillance System, NIOSH, CDC, 1980-1989

Personal Flotation Device (PFD) Usage in Fatal Incidents in the Commercial Fishing Industry, Alaska, 1991--1993



Having worn a PFD protected against drowning in incidents resulting in at least one fatality.

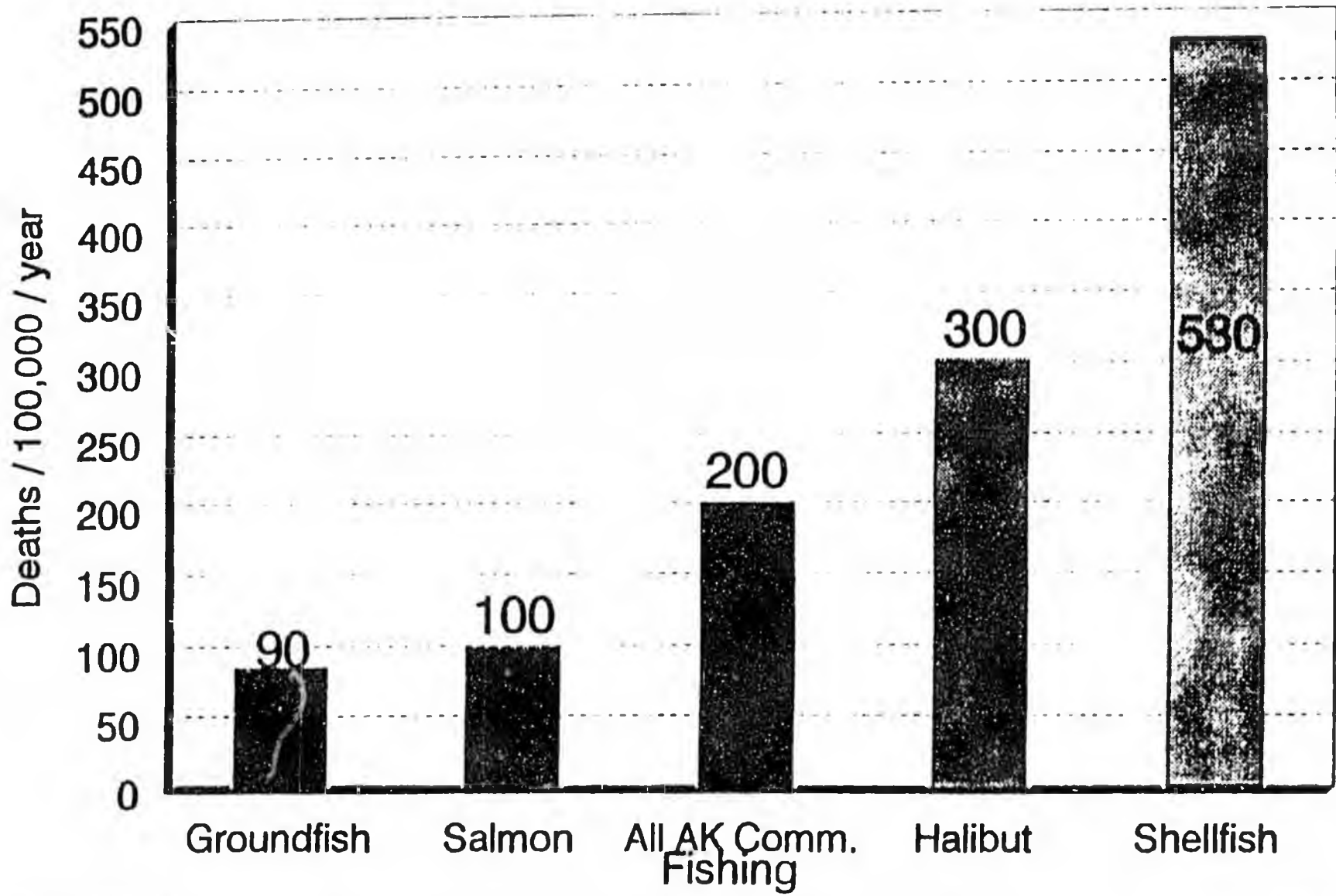
Commercial Fishing Injury Description, Alaska, 1991-1993



*Includes 31 workers with other injury descriptions.

Fractures of the extremities were the most common injuries.

Occupational Fatality Rates by Fishery, Alaska, 1991 and 1992 (rates are calculated using full-time employment equivalents)



SOURCE: Alaska Activity, Division of Safety Research, NIOSH



9727 Wren Lane
Eagle River, AK 99577

Constituent

September 26, 1995

Representative Pete Kott
State Capitol
Juneau, AK. 99801-1182

Dear Representative Kott:

You frequently send newsletters asking for my views on a variety of topics, and today I have some input for you. I have worked for the U.S. Public Health Service for the past 24 years, 16 of which have been in Alaska. I have a Bachelors and a Masters degree in Public Health. I recently completed a research project that might be of interest to you. The research project evaluated a marine safety training program that is conducted by the Alaska Marine Safety Education Association (AMSEA). This research paper will be published in the national peer review journal, Public Health Reports, in the November/December issue in 1995. The paper was also selected as one of 300 out of 900 papers for oral presentation at the World Injury Control Conference in Melbourne, Australia in February 1996.

The bottom line according to my research is that the AMSEA program is very effective in preventing deaths among the fishermen who took the course. The distressing point is that AMSEA relies entirely on short term grants for their funding. We need to support this effective program with recurring funding from the State. The funding could and should come from excess revenues of the Fishermen's Fund. This money originally came from the fishermen and AMSEA directly benefits the fishermen.

I realize there are obstacles to overcome in order to be able to use this excess funding but please see if it can be accomplished.

Thank you for your time and interest. If I can answer any questions, please call.

Ron Perkins

Ron Perkins, MPH
Tel 273-0102

LETTER FROM RON PERKINS WITH THE
U.S. PUBLIC HEALTH SERVICE

October 13, 1995

Governor Tony Knowles
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles,

You might remember during a campaign trip to Kodiak at the time of our annual Crab Festival, that you were involved in one of the highlights of our festivities, the survival suit race. You might also remember the frustration you experienced when getting into your suit during the race. (I'm the gal that was helping you.) I am pleased to let you know that this past year one of the Kodiak High School teams won the race. This is the first time in years that the United States Coast Guard team did not win. Needless to say the Kodiak High School students are very proud of this accomplishment and they intend to do their best at keeping the trophy this coming year. So what is this all leading up to?

I teach Marine and Wilderness Survival Training as well as Fisheries Science at Kodiak High School. I am also an instructor for the ALASKA MARINE SAFETY EDUCATION ASSOCIATION, and include this training as part of my high school curriculum. At the present time I have 50 students involved in this training and have trained 40 other students as well as 40 adults in the past two years.

AMSEA is facing a major loss of funding from the Federal Government this year and I am very concerned about the future of AMSEA. AMSEA has provided invaluable training to the members of our community as well as members of many maritime dependent communities around the state and the nation. AMSEA has proven itself a leader in marine safety training and has filled a need in Alaska's maritime industries. Federal Regulations have made this type of training mandatory for persons onboard all commercial vessels. The healthy future of AMSEA and its ability to continue to provide this training depends on continued funding from somewhere. We are looking to the State of Alaska to help us with that funding.

I am asking you to please support reliable long term state funding of the AMSEA Program. I have read the proposal of using interest money from the Fishermen's Fund to support AMSEA and think this would be a fine way to use those resources. AMSEA is saving fishermen and fisherwoman's lives as well as lives of those involved in other

LETTER FROM JANE EISEMANN,
AMSEA INSTRUCTOR

marine related industries. AMSEA could help you become a condender in the 1996 Kodiak Crab Festival Survival Suit races. We sincerely invite you to be a member of one our teams. We also sincerely thank you for your consideration towards this very important matter.

Hope to see you this spring!



Jane Eisemann
Kodiak High School Fisheries Instructor

cc/ Lieutenant Governor Fran Ulmer
Jerry Dzugan Director AMSEA



Marine Safety Equipment

October 10, 1995

Governor Tony Knowles
c/o Mary McDowell
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles,

Allow me to introduce myself. I am Ted Rogers, owner of Joycrafts Marine Safety Equipment in Kodiak. The business I run is a retail and service oriented business, specializing in mariner's safety needs and training. More specifically, I service life-saving equipment for the fishing fleets of Alaska.

Several years ago I became involved in the training aspect of my business, recognizing that the best equipment was of little use in an emergency situation if proper training was neglected. The A.M.S.E.A. (Alaska Marine Safety Education Association) program was already in place, and recognized nationally by many organizations, such as U.S.M.S.A. (U.S. Marine Safety Association, an equipment manufacturers association), and highly regarded for excellence in training of mariner's safety, and survival at sea. I became an A.M.S.E.A. Instructor after attending their Instructor Training course. I then incorporated it's curriculum into my overall program of safety services, and have been involved with teaching fishermen safety courses ever since.

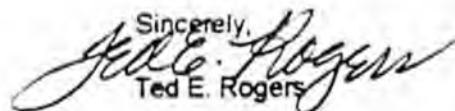
Alaska Marine Safety Education Association training has been directly responsible for the saving of many lives already in it's short history. I know, because many of my students, are also my customers. I am on the ground level with these people, and they return to tell me their stories. Many comment on their training, and credit their A.M.S.E.A. instruction for their learned skills, which were used during their ordeals.

In short, A.M.S.E.A. has made a very real and significant impact on our fishing community, not only in Kodiak, not only in Alaska, but even nation-wide. The A.M.S.E.A. contribution to mariner safety and survival has had far-reaching influence, all for the benefit of our industry and communities. It is also responsible for putting Alaska in a position of prominence in the maritime safety community.

As I am sure you are aware, A.M.S.E.A. is a nonprofit organization, and will be losing a significant portion of it's funding this year. This vital organization needs to secure a source of stable long-term funding to continue their much needed services. It has been suggested that support could come from interest accrued from the Fishermen's Fund. A portion of the interest which is rolled into the state's general fund could be used for support. It seems only fitting that an organization whose main concerns for fishermen's safety, through teaching a "pro-active approach of prevention and preparedness", should receive it's support from the Fishermen's Fund earnings. Keeping it within the industry that supports it.

A.M.S.E.A. has been tremendous resource of fishing vessel safety information, and it's staff has done an excellent job of disbursing that information. Getting the skills training to those that need it, effectively and efficiently. I am proud to be a part of that fine network as an instructor, and encourage you to assist in finding the long term funding necessary to continue their fine work.

Thank you in advance for your support.

Sincerely,

Ted E. Rogers



Marine Safety Equipment

October 10, 1995

Representative Alan Austerman
112 Mill Bay Road
Kodiak, AK 99615

Amey 4-20-95
744
(12)

Dear Representative Austerman,

I am attaching a copy of a letter that I have mailed to Governor Knowles' office. As you will read, it is a matter of concern to me. The A.M.S.E.A. (Alaska Marine Safety Education Association) program is in need of finding some long term, stable funding in order to keep the organization the healthy, viable, dynamic program that it is.

Although A.M.S.E.A. is located in Sitka, they have had a great influence on our community and the Alaskan fishing industry. I am a U.S.C.G. Approved, Certified A.M.S.E.A. Instructor, and as such have been able to teach the A.M.S.E.A. Marine Safety curriculum to many fishermen in the Kodiak fishing fleet. I have taught the classes privately at Joycrafts, taken the classes to the villages of Ouzinkie, Port Lions and Old Harbor, and taught various segments of the classes at the Kodiak College in conjunction with Kodiak Fishermen's Wives and Associates. I'm sure you have been made aware of the facts, of how much impact that training has had upon the safety of our fishing fleet in just the last couple of years. It's been dramatic! Lives lost because of vessel casualties has decreased considerably.

I urge you to support any means you can to seek long term stable funding for A.M.S.E.A. Our fishing fleet has benefited from AMSEA's existence, our community has benefited, our children have reaped the benefits, and our national fishing fleet have reaped benefits.

If I can be of more help to you in providing information please contact me.

Thank you for your support.

Sincerely,

Ted E. Rogers
Ted E. Rogers

907-486-3910
Box 991

October 12, 1995



Kodiak, Alaska
99615

FAX 486-8292

Governor Tony Knowles
c/o Mary McDowell
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Knowles,

I am writing to express our continued support for the Alaska Marine Safety Education Association (AMSEA) and to suggest a source of funding to continue its efforts to reduce loss of life in the fishing industry.

We have been strong supporters and advocates of AMSEA since its inception nine years ago. During that time AMSEA has never received any direct funding from the State, but has relied on grant funding from federal sources and income generated through its extensive offerings of classes to fishermen. AMSEA's budget was cut over 75% last year by Congress and sources of other grant funds have dried up due to budget cuts. We are very concerned about AMSEA's future as an ongoing source of safety training for fishermen.

The fishing industry by their own initiative contributes a portion of their license fees to the Fisherman's Fund to defray costs of injuries occurring within state waters. That fund has now grown to 7.2 million dollars, but the more than \$300,000 annual interest on the fund is deposited to the General Fund, rather than to programs that can further reduce injuries and loss of life in our dangerous industry.

We propose that a percentage of that interest be "earmarked" on a year to year basis for support of AMSEA. We recognize that by state law funds cannot be "dedicated" to any source, but that the legislature can earmark funds as we propose. This funding would in no way jeopardize the principal or viability of the Fisherman's Fund, and in fact, the effort would help the state to be more categorically responsible for the use of its revenues. The money for the Fishermen's Fund is generated by the fishing industry, and this proposed use of the income from the Fund would directly benefit the industry in assuring the continued viability of the successful, effective, and important AMSEA safety program.

Sincerely,

Al Burch
Executive Director

Jay E. Stinson
President

cc: Fred Zharoff, Allen Austerman, AMSEA

Harvesting Alaskan Shrimp and Whitefish

LETTER FROM ALASKA DRAGGERS
ASSOCIATION

Revision Date: January 12, 1996 Dept. Affected: Revenue
 Title: An act relating to marine safety training and BRU: _____
education programs Component: _____
 Sponsor: DHSS Committee
 Requestor: Rep. Austerman COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:

Earnings on the Fisherman's Fund currently are left with the General Fund and do not belong to the fund. Based upon the assumptions disclosed below, \$200,000 would be available for appropriation each year. While the funding source would clearly be the General Fund, it is difficult to determine which Department should reflect the fiscal impact as the bill does not address who the granting agency would be.

ASSUMPTIONS:

Current balance is \$8.1 million. As the fund is actively encouraging claims from fisherman, we have assumed that the fund will simply remain stable at \$8.0 million. The interest rate assumption used is 5%. Interest on \$8.0 million at 5% would be \$400,000 annually. One-half of this amount would then be \$200,000.

Prepared by: Betty Martin, Comptroller
 Division: Treasury
 Approved by Commissioner: [Signature]
 Agency: Department of Revenue

Phone: 465-2350
 Date: 1/12/96
 Date: 1/12/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

Hospitalized and Fatal Commercial Fishing Injuries in Alaska,
Mark S. Johnson, MPA
Martha A. Moore, MS
Alaska Department of Health & Social Services

Introduction:

There is a growing national awareness of the hazards associated with commercial fishing and processing in the United States. The National Research Council, Committee on Fishing Vessel Safety, reports that each year an average of 250 fishing vessels are lost along the Atlantic, Gulf, Pacific, and Alaska coasts, and over 100 fishers lose their lives in vessel related incidents. These fatalities reflect a high rate of occurrence relative to other occupations. The U.S. Coast Guard reports that from 1987 through 1991 an average of 42 vessels and 36 commercial fishers were lost off Alaska's coasts each year.²

In response to a public outcry about these tragedies, in 1988, the U.S. Congress passed the Commercial Fishing Industry Vessel Safety Act, and the U.S. Coast Guard has recently developed regulations requiring minimum safety equipment, stability testing, and crew training for commercial fishing vessels, based on size and fishing areas.³

It is too early to determine how effective these new laws will be in helping reduce the numbers of fatalities resulting from commercial fishing mishaps, but focusing only on fatalities does not give a complete picture of the hazards faced by commercial fishers and fish processors.

Until now, little information has been available on non-fatal injuries in the commercial fishing industry. This is because there has been no single data source for collecting statistics on fishing related injuries. Most injuries occurring on land, including shore based fish processing, are reported to the state worker's compensation system, but this system does not cover most injuries occurring off shore.

Under the Alaska Worker's Compensation Law (AS 23.30), commercial fishers are excluded from coverage. However, there is an Alaska Fishermen's Fund for some injured commercial fishers which pays up to \$ 2,500 per occurrence for emergency medical treatment. These data also are limited and are not adequate for epidemiologic surveillance. Other commercial fishing ventures, such as factory trawlers or floating processors, may be covered under Worker's Compensation or under protection and indemnity insurance under the Jones Act passed by the U.S. Congress in 1920. Finally, Native Alaskans usually are covered for medical treatment through the Indian Health Service. Using third party payor information to track fishing industry injuries is virtually impossible, because these data sources generally are incomplete, inconsistent, and often difficult to obtain.⁴

By law, any injury which requires professional medical treatment beyond first aid, should be reported to the U.S. Coast Guard. However, Coast Guard officials admit that their data often is spotty and incomplete.⁵

To get a more complete overview of serious injuries and fatalities in the Alaska commercial fishing and processing industries, data from the Alaska Trauma Registry is analyzed. The Alaska Trauma Registry is a surveillance system of injuries resulting in hospitalization or death. The purpose of the registry is to help medical care providers to evaluate the quality of trauma care, and to record information on causes and severity of injuries, and other factors, in order to target prevention strategies.

The Alaska Trauma Registry began as a pilot project involving seven hospitals in southcentral Alaska in March, 1988. By July, 1990, the project had expanded to a statewide registry with the voluntary participation of all twenty-five of Alaska's acute care hospitals.

fish harvesting activities, in approximately one-half the cases the type of fishing was determined. Of these, crabbing was the most common fishery resulting in injuries, followed by trawling. Seiners, gillnetters, and longliners had significantly fewer injuries.

The overwhelming majority of cases were discharged home, with only 2.4% transferred to another acute care facility and .9% transferred to a rehabilitation facility.

The minimum length of hospital stay was one day (minimum criteria for inclusion in the database) and the maximum was 64 days. The average length of hospital stay was 7 days.

Minimum hospital charges were \$ 581.00, and maximum charges were \$ 159,215.00. Average hospital charges were \$ 12,286.00 per case.

Analyzing southeast Alaska Trauma Registry data separately, for the period July 1, 1990 through December 31, 1991, only 33 fishing industry injury cases were identified. Southeast Alaska generally has some different types of fisheries not usually found in other parts of the state, such as power trolling and hand trolling. Southeast Alaska also has some crabbing and shrimping, longlining, seining, and gillnetting.

Among the non-fatal injuries in southeast Alaska, the most common causes were machinery (30.3%), other and unspecified water transport (15.2%), piercing or cutting (15.2%), submersion (9.1%), and falls (9.1%).

Analysis of body parts injured shows that upper extremities (45.6%), trunk injuries (15.2%), and lower extremities (12.1%) are the most common body parts injured, followed by brain injuries (9%), and spinal injuries (3%). Looking at the AIS scores, 12.1% had injuries classified as AIS 3 or greater.

Type of fishing was not determined for the 33 cases from southeast Alaska.

Twenty-five patients were discharged home, and eight patients were transferred to another acute care facility. The minimum length of hospital stay was one day, and the maximum was 29 days. The average hospital stay for the southeast Alaska patients was 3.9 days. Minimum hospital charges were \$ 1,552.00 and the maximum charges were \$ 11,923.00. Average hospital charges were \$ 5,178 per patient.

Conclusion

The Alaska commercial fishing and processing industry is the most dangerous industry in the nation. Preliminary analysis of Alaska Trauma Registry data shows that it can be a powerful tool for injury surveillance including information on causes, severity, demographic factors, costs, length of stay, and outcomes of persons who receive injuries serious enough to result in hospitalization or death.

Using this information, injury prevention strategies can be developed. For example, the number of head injuries resulting from crabbing and other pot fishing suggests that fishers should wear hard hats while on the decks of these vessels. The number of falls on some of these vessels suggests that non-skid surfaces and other fall prevention interventions should be considered.

Further studies of commercial fishing and processing injuries should include denominator information on the number of persons involved in each fishing and processing activity, and the average number of days a year that persons are employed in these industries. This will enable the calculation of rates of injuries for each activity.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6 98

Central Microfilm Services
Department of Education
State of Alaska

Hospitalized and Fatal Commercial Fishing Injuries in Alaska.
Mark S. Johnson, MPA
Martha A. Moore, MS
Alaska Department of Health & Social Services

Introduction:

There is a growing national awareness of the hazards associated with commercial fishing and processing in the United States. The National Research Council, Committee on Fishing Vessel Safety, reports that each year an average of 250 fishing vessels are lost along the Atlantic, Gulf, Pacific, and Alaska coasts, and over 100 fishers lose their lives in vessel related incidents. These fatalities reflect a high rate of occurrence relative to other occupations. The U.S. Coast Guard reports that from 1987 through 1991 an average of 42 vessels and 36 commercial fishers were lost off Alaska's coasts each year.²

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To get a more complete overview of serious injuries and fatalities in the Alaska commercial fishing and processing industries, data from the Alaska Trauma Registry is analyzed. The Alaska Trauma Registry is a surveillance system of injuries resulting in hospitalization or death. The purpose of the registry is to help medical care providers to evaluate the quality of trauma care, and to record information on causes and severity of injuries, and other factors, in order to target prevention strategies.

The Alaska Trauma Registry began as a pilot project involving seven hospitals in southcentral Alaska in March, 1988. By July, 1990, the project had expanded to a statewide registry with the voluntary participation of all twenty-five of Alaska's acute care hospitals.

The criteria for inclusion in the trauma registry are trauma patients with injuries described by ICD-9-CM codes 800.00 - 959.9 and victims of the effects of reduced temperature (991.0 -991.9), lightning (994), drowning and near drowning (994.1), strangulation (994.7), and electrocution (994.8), that are admitted to a hospital, transferred to a higher level of acute care, or declared dead in the emergency department. Vital statistics data, on fatalities of persons who did not get transferred to a hospital, are added to the database.

Data is abstracted from hospital medical records after patient discharge. Each record has 132 data elements which include information on prehospital and in-hospital response times and treatment, severity of injury, demographic factors, method of payment, length of stay, and discharge conditions.

Reports are sent quarterly to hospital quality assurance/improvement committees and, recently, to ambulance services and medical directors. Trauma Registry data also include ICD-9-CM E-Codes and a short narrative on the circumstances of injury, as well as other information, such as whether the injury was work related.

The primary objectives of this study are:

- 1) To describe the injury problem in the Alaska commercial fishing and processing industry using Alaska Trauma Registry data on hospitalized trauma patients, plus data on fatalities;
- 2) To illustrate the importance of using trauma registry data for injury surveillance and in targeting injury prevention and control strategies for the commercial fishing and processing industry.

Methods

This study analyzes commercial fishing and processing related injuries in Alaska for those injuries serious enough to require transport to an Anchorage hospital, from March, 1988 through February, 1992 (four years). The three main hospitals in Anchorage provide the most sophisticated trauma care services in the state, including neurosurgery, and most serious injuries from coastal regions of Alaska, except southeast Alaska, are transported or transferred to an Anchorage facility. Southeast Alaska fishing industry injuries and fatalities are analyzed separately for the period from July 1, 1990 through December 31, 1991. This is because southeast Alaska facilities did not join the trauma registry until July, 1990.

Data are analyzed by major fishing region, patient residence, major cause of injury, body parts injured, severity of injury, cost of hospitalization, length of stay, and discharge status.

Results

A total of 328 fishing industry injuries were transferred to an Anchorage hospital during the four year study period. Of these, well over one-half occurred in the Aleutian-Pribilof region of Alaska, and over 60 percent of the injured workers were out of state residents.

Among the non-fatal injuries, the most common cause were machinery (40.5%), falls (23.3%), and other (24.1%). Among fatal injuries the overwhelming cause is drowning (94% in 1992).

Analysis of body parts injured shows that upper extremities (37.3%) and lower extremities (25.3%) are the most common body parts injured. Approximately 9% received a brain or spinal cord injury.

Looking at the Abbreviated Injury Scale (AIS), which has a range of one to six, 29.2% had injuries scored at AIS 3 or greater, which are serious or critical injuries. Among those injuries determined to be com-

fish harvesting activities, in approximately one-half the cases the type of fishing was determined. Of these, crabbing was the most common fishery resulting in injuries, followed by trawling. Seiners, gillnetters, and longliners had significantly fewer injuries.

The overwhelming majority of cases were discharged home, with only 2.4% transferred to another acute care facility and .9% transferred to a rehabilitation facility.

The minimum length of hospital stay was one day (minimum criteria for inclusion in the database) and the maximum was 64 days. The average length of hospital stay was 7 days.

Minimum hospital charges were \$ 581.00, and maximum charges were \$ 159,215.00. Average hospital charges were \$ 12,286.00 per case.

Analyzing southeast Alaska Trauma Registry data separately, for the period July 1, 1990 through December 31, 1991, only 33 fishing industry injury cases were identified. Southeast Alaska generally has some different types of fisheries not usually found in other parts of the state, such as power trolling and hand trolling. Southeast Alaska also has some crabbing and shrimping, longlining, seining, and gillnetting.

Among the non-fatal injuries in southeast Alaska, the most common causes were machinery (30.3%), other and unspecified water transport (15.2%), piercing or cutting (15.2%), submersion (9.1%), and falls (9.1%).

Analysis of body parts injured shows that upper extremities (45.5%), trunk injuries (15.2%), and lower extremities (12.1%) are the most common body parts injured, followed by brain injuries (9%), and spinal injuries (3%). Looking at the AIS scores, 12.1% had injuries classified as AIS 3 or greater.

Type of fishing was not determined for the 33 cases from southeast Alaska.

Twenty-five patients were discharged home, and eight patients were transferred to another acute care facility. The minimum length of hospital stay was one day, and the maximum was 29 days. The average hospital stay for the southeast Alaska patients was 3.9 days. Minimum hospital charges were \$ 1,352.00 and the maximum charges were \$ 11,923.00. Average hospital charges were \$ 5,178 per patient.

Conclusion

The Alaska commercial fishing and processing industry is the most dangerous industry in the nation. Preliminary analysis of Alaska Trauma Registry data shows that it can be a powerful tool for injury surveillance including information on causes, severity, demographic factors, costs, length of stay, and outcomes of persons who receive injuries serious enough to result in hospitalization or death.

Using this information, injury prevention strategies can be developed. For example, the number of head injuries resulting from crabbing and other pot fishing suggests that fishers should wear hard hats while on the decks of these vessels. The number of falls on some of these vessels suggests that non-skid surfaces and other fall prevention interventions should be considered.

Further studies of commercial fishing and processing injuries should include denominator information on the number of persons involved in each fishing and processing activity, and the average number of days a year that persons are employed in these industries. This will enable the calculation of rates of injuries for each activity.

Based on this preliminary analysis, it appears that certain fisheries, such as crabbing and trawling, tend to be more dangerous than other fisheries, such as gillnetting and trolling. It also appears that fishing industry injuries occurring in other parts of Alaska tend to be more severe than injuries occurring in southeast Alaska.

The Alaska Trauma Registry is the best single source of surveillance information on commercial fishing industry related injuries in Alaska. When combined with other available data sources, it can be an even more powerful tool.

References:

1. Fishing Vessel Safety: Blueprint for a National Program;
Committee on Fishing Vessel Safety; Marine Board; Commission of Engineering and Technical Systems; National Research Council; National Academy Press. Washington, D.C. 1991 (p.xv).
2. Beating the Odds on the North Pacific: A Guide to Fishing Safety;
Alaska Sea Grant College Program; Marine Advisory Bulletin No. 41; 1992 (p.v).
3. *ibid.*
4. "Occupational Injury and Illness Rates in the Alaska Commercial Fishing Industry;" by Gunnar Knapp, Institute for Social and Economic Research, University of Alaska Anchorage; and Jennifer Christian, MD, Department of Health and Human Services, Municipality of Anchorage, Alaska, 1990.
5. Personal Communications with Glenn C. Sicks, Lt. Commander, U.S. Coast Guard, Seventeenth District; Fishing Vessel Safety Coordinator, Juneau, Alaska.

Commercial Fishing and Processing Injuries in Alaska
March, 1988 - February, 1992
Cause of Injury
N=328

Cause	No	%
Drown/Near Drown	6	1.8%
Falls	78	23.8%
Machinery	133	40.5%
Burns	11	3.3%
Other Injuries	79	24.1%
Object in eye	3	.9%
Struck	8	2.4%
Caught	1	.3%
Cut	9	2.7%
	328	100.0%

Body Part Injured
(pie chart)
N=328

Face/Head (non-brain injury)	27	8.2%
Neck, Spinal Cord Injury	8	2.4%
Upper Body Trunk	17	5.1%
Lower Body Trunk	12	3.7%
Upper Extremity	124	37.3%
Lower Extremity	83	25.3%
Head (brain injury)	20	6.1%
Other and Unspecified	23	7.0%
Heart and Lungs	3	.9%
Other Internal Organs	11	3.4%
	328	99.0%

Commercial Fishing and Processing Injuries in Alaska
March, 1988 - February, 1992
Abbreviated Injury Scale
N = 328

AIS	NO.	%
0	6	1.8%
1	42	12.8%
2	175	53.4%
2H	9	2.7%
3	68	20.7%
3H	23	7.0%
4	1	.3%
4H	3	.9%
5H	1	.3%
	328	100.0%

Commercial Fishing & Processing Injuries in Alaska
March, 1988 - February, 1992
Hospital Charges
Valid Cases 309

Minimum	-\$ 581.00
Maximum	\$ 159,215.00
Total	\$ 3,796,362.00
Average	\$ 12,286.00

Commercial Fishing & Processing Injuries in Alaska
March, 1988 - February, 1992
Hospital Length of Stay
Valid Cases 326

Minimum	1 day
Maximum	64 days
Total	2,309 days
Average	7 days

Commercial Fishing Injuries in Southeast Alaska
July 1, 1990 - December 31, 1991
N = 33

- 33 injuries (30 male, 3 female)
- Race - (19 white, 5 Alaska Native, 1 Asian, 1 Pacific Islander, 7 unknown).
- Discharge Status (25 home, 8 another acute care facility).
- Residence (23 Southeast Alaska, 10 outside Alaska).

Commercial Fishing Injuries in Southeast Alaska
 July 1, 1990 - December 31, 1991
 ICD - 9 - CM E-Code
 N = 33

E-Code	Cause	# of Injuries	%
830	Accident to watercraft causing submersion	3	9.1%
831	Accident to watercraft causing other injury	1	3.0%
832	Other accidental submersion or drowning in water trans.	1	3.0%
833	Fall on stairs or ladders in water trans.	1	3.0%
834	Other fall from one level to another in water trans.	2	6.1%
836	Machinery accident in water trans.	7	21.2%
837	Explosion, fire, or burning in watercraft	2	6.1%
838	Other and unspecified water transport accident	5	15.2%
887	Fracture, cause unspecified	1	3.0%
906	Other injury caused by animals	1	3.0%
916	Struck accidentally by falling object	1	3.0%
919	Agricultural machines	3	9.1%
920	Accidents caused by cutting or piercing instrument	5	15.2%
		33	100.0%

Commercial Fishing Injuries in Southeast Alaska

July 1, 1990 - December 31, 1991

ICD-9-CM N-Code

N = 33

N-Code	Body Part Injured	No.	%
801	Fracture of Base of Skull	1	3.0%
804	Multiple Fractures involving Skull or Face	1	3.0%
805	Fracture of Cerebral column with spinal injury	1	3.0%
808	Fracture of pelvis	2	6.1%
812	Fracture of humerus	2	6.1%
813	Fracture of radius and ulna	1	3.0%
815	Fracture of metacarpal bone(s)	2	6.1%
816	Fracture of one or more phalanges of hand	4	12.2%
824	Fracture of ankle	2	6.1%
844	Sprains and strains of knee and leg	1	3.0%
848	Other and ill defined sprains and strains	1	3.0%
850	Concussion	1	3.0%
883	Open wound of finger(s)	1	3.0%
886	Traumatic amputation of other finger(s)	4	12.2%
919	Superficial injury of other, multiple, and unspecified sites	1	3.0%
922	Contusion of trunk	2	6.1%
928	Crushing injury of lower limb	1	3.0%
942	Burn of trunk	1	3.0%
944	Burn of wrist(s) and hand(s)	1	3.0%
991	Effects of reduced temperature	1	3.0%
994	Effects of other external causes	2	6.1%
		33	100.0%

Commercial Fishing Injuries in Southeast Alaska
July 1, 1990 - December 31, 1991
N = 33

AIS	NO.	%
0	3	9.1%
1	7	21.2%
2	18	54.5%
2H	1	3.0%
3	2	6.1%
3H	1	3.0%
5H	1	3.0%
	33	100.0%

Commercial Fishing Injuries in Southeast Alaska
July 1, 1990 - December 31, 1991
Hospital Length of Stay
N = 33

Minimum	1 day
Maximum	29 days
Total	106 days
Mean	3.9 days

Commercial Fishing Injuries in Southeast Alaska
July 1, 1990 - December 31, 1991

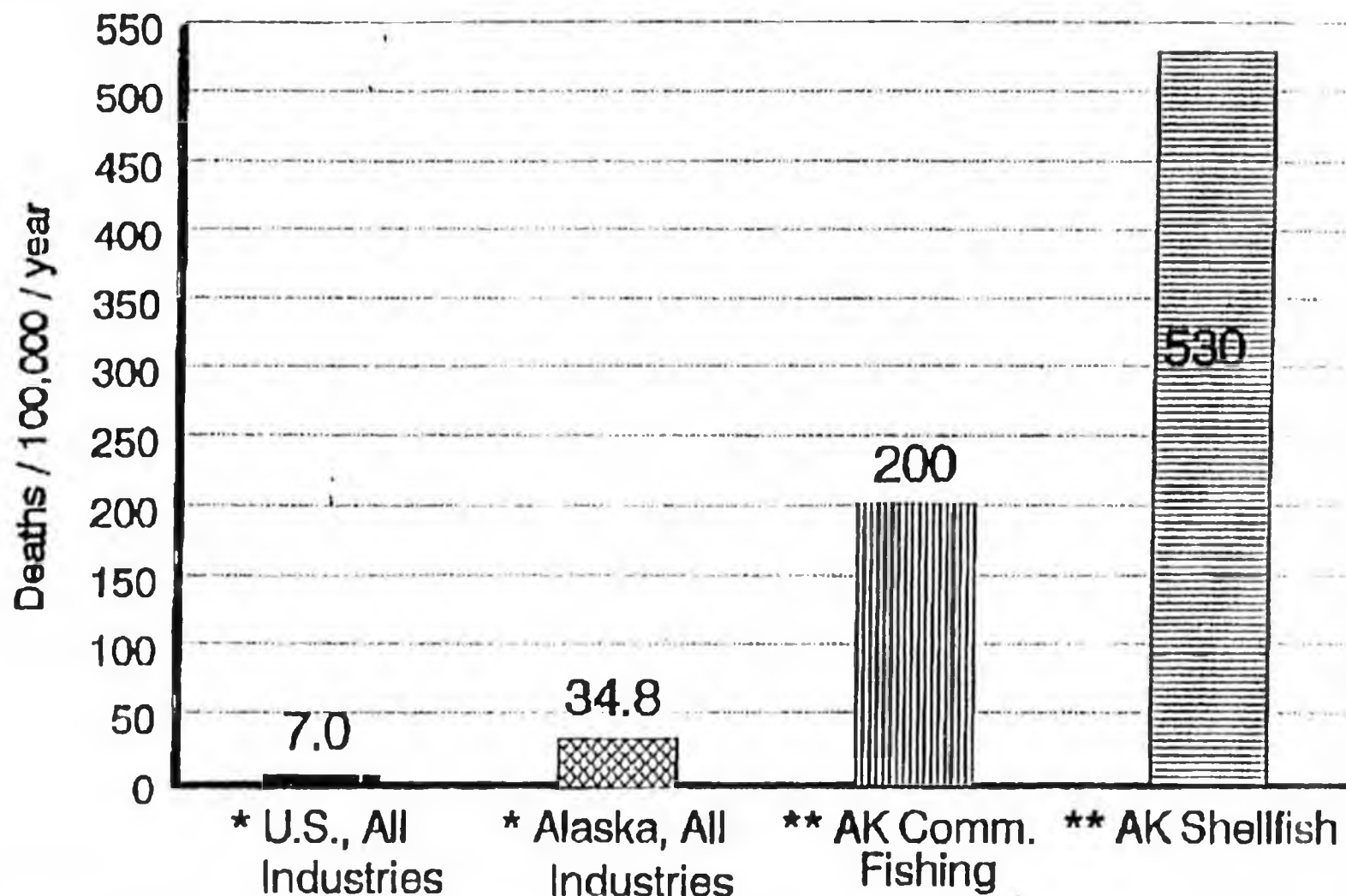
N = 33

Hospital Charges

Minimum	\$ 1,652.00
Maximum	\$ 11,923.00
Total	\$ 25,892.00
Average	\$ 5,178.00

Occupational Fatality Rate Comparison, Alaska, 1991 and 1992

(rates for Alaska are for full time employment equivalents)

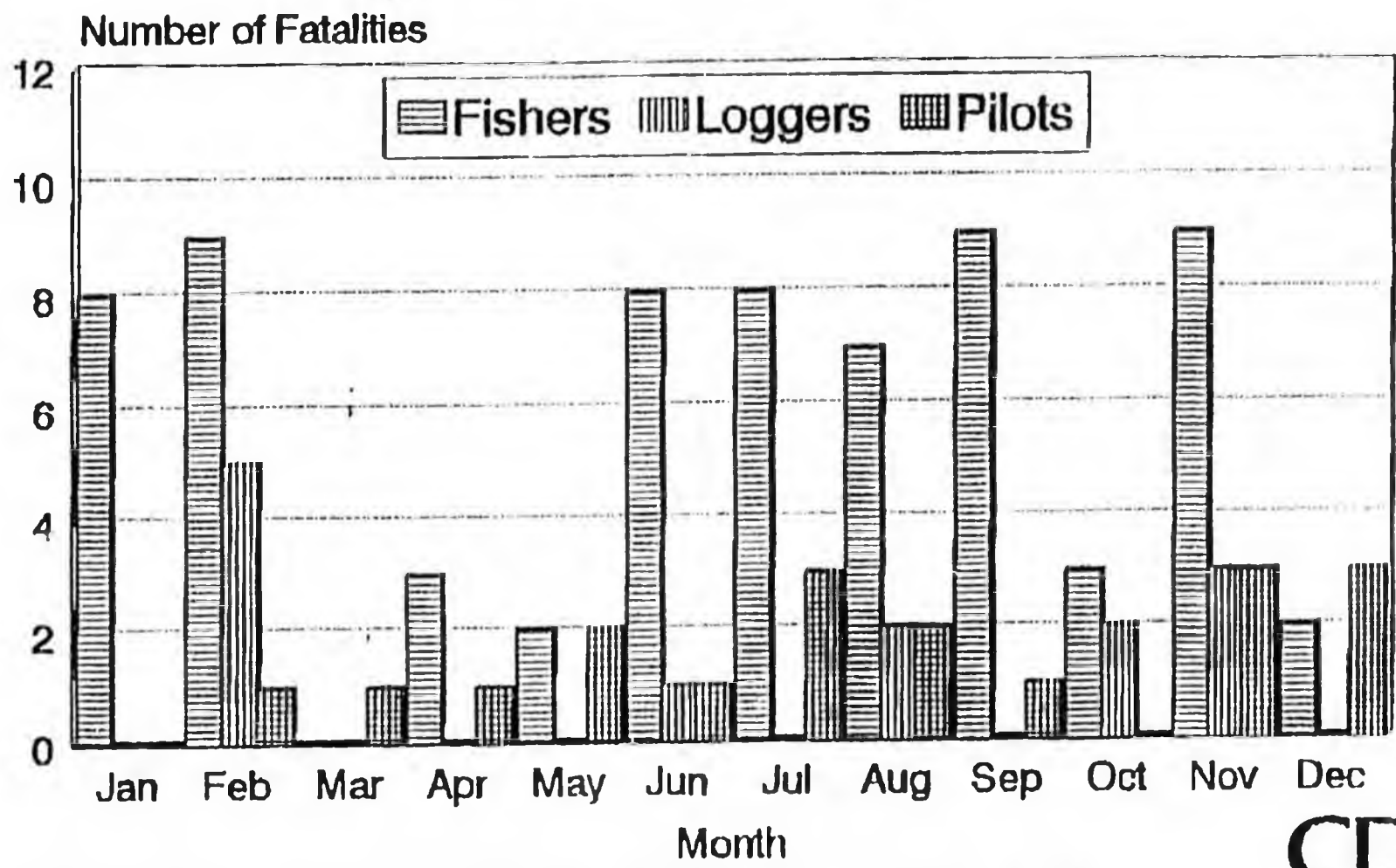


* SOURCE: US - NTOF, NIOSH, 1980-1989

** SOURCE: Alaska Activity, Division of Safety Research, NIOSH, 1991-1992

CDC
CENTERS FOR DISEASE CONTROL AND PREVENTION

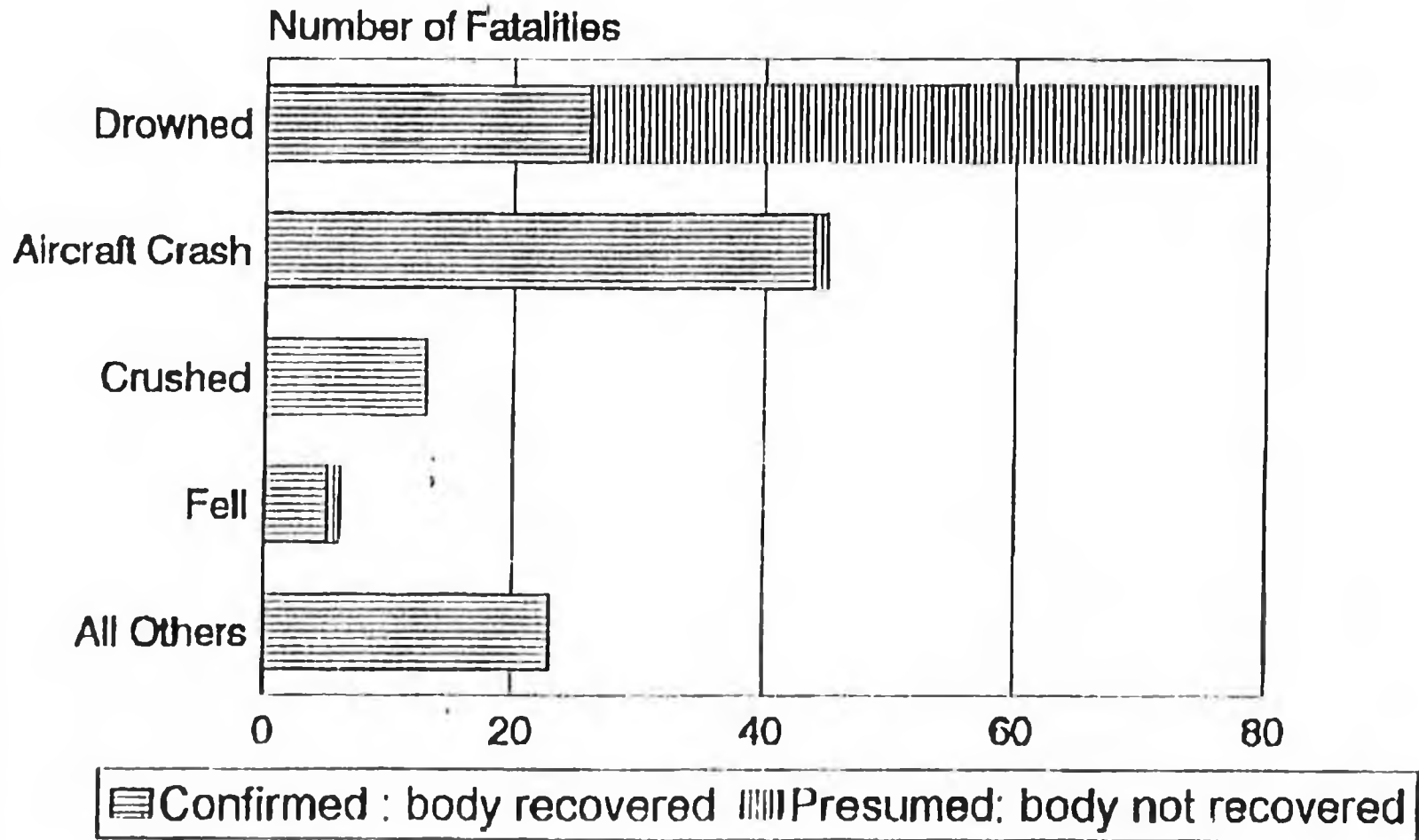
Fatalities in the 3 Highest Risk Occupations by Month of Occurrence, Alaska, 1991 - 1992, N=101



SOURCE: Alaska Activity, Division of Safety Research, NIOSH



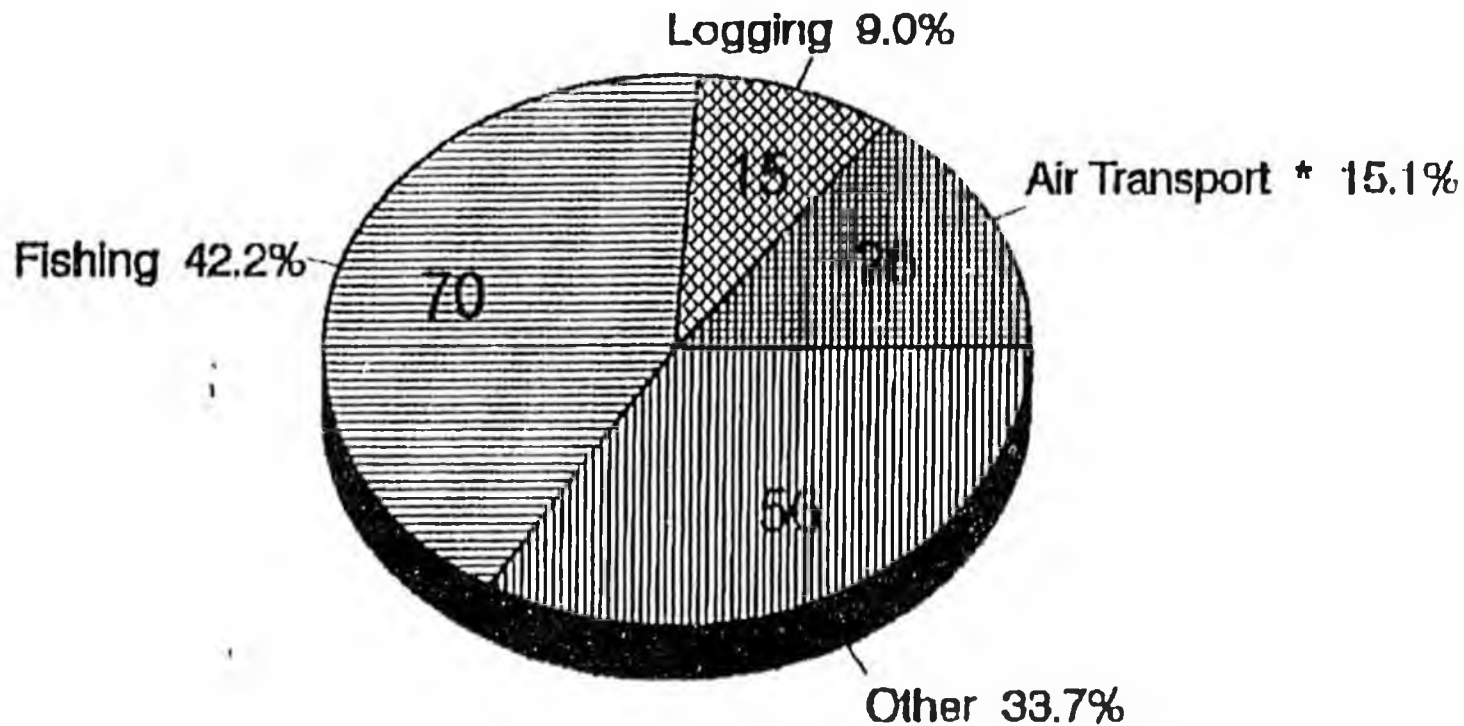
Occupational Fatalities by Circumstance of Death, 1991 and 1992, N=166



SOURCE: Alaska Activity, Division of Safety Research, NIOSH



Fatalities in Alaska Industries, 1991 and 1992, N=166

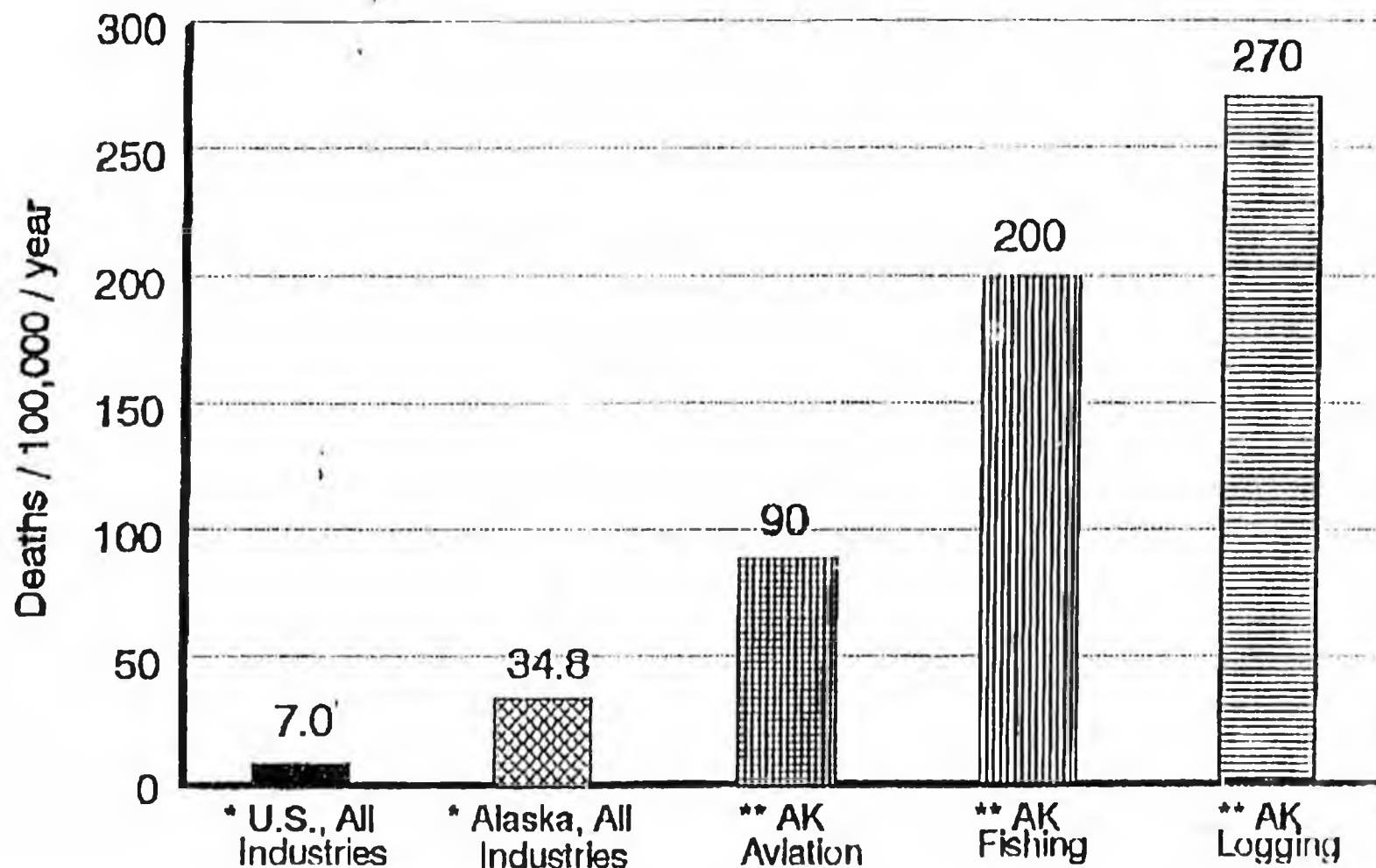


* Excludes 20 workers from other industries killed in air crashes.

SOURCE: Alaska Activity, Division of Safety Research, NIOSH

Occupational Fatality Rate Comparison

(rates for Alaska are for full time employment equivalents)



* SOURCE: US - NTOF, NIOSH, 1980-1989

** SOURCE: Alaska Activity, Division of Safety Research, NIOSH, 1991-1992



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Mary Pagenkopf

House HESS
1-30-96 3:03pm
HB366

HB

403

JAN 18 1996

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 403

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...consumer protection involving...sale, transfer..." BRU: Civil Division
used motor vehicles and involving telephonic solicitations." Component: General Legal Services
 Sponsor: Representative Brown
 Requester: Representative Brown COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill makes two changes to the state's consumer protection laws. First, the bill amends the consumer protection statute at AS 45.45.400(a) to require a used car dealer to provide a buyer with a copy of a certificate of auto emissions compliance or noncompliance for a used vehicle before the buyer enters into a binding contract for sale, transfer, or assignment with a dealer. Under existing statute, a used car dealer is prohibited only from transferring title or ownership interest in a used vehicle without such a certificate. A sale contract is generally completed many days and sometimes weeks before title transfer paperwork is prepared. Used car dealers sometimes wait to either obtain or release the emissions certificate of compliance or noncompliance until after the buyer has signed a binding sales contract.

Currently, consumers often do not learn, until after entering into a binding sales contract, that the vehicle they just purchased does not comply with auto emissions standards. The cost to the buyer of bringing a used vehicle into compliance is often prohibitive, leaving many used car buyers saddled with monthly payments on an

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/17/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/17/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 403

ANALYSIS CONTINUATION:

unregistered vehicle that cannot be lawfully driven. This simple statute change will protect buyers by informing them of the emission status of a used vehicle before a sale. This change will not have a fiscal impact for the Department of Law.

Second, the bill amends the mail order catalog exemption contained in Alaska's telemarketing laws. The state's telemarketing law contains a number of exemptions, one of which is for sales from a mail order catalog. Recently, a telemarketer headquartered outside Alaska attempted to rely on this exemption to avoid registration, asserting that the catalog exemption can be satisfied without mailing or distributing catalogs in Alaska. This bill requires a telemarketer relying on the exemption to have the indices of a legitimate mail order business (e.g., a catalog distributed in Alaska; name, address, telephone number, and ordering instructions included in the catalog; catalog company awaiting calls from consumers rather than initiating telemarketing sales calls to consumers). Legitimate mail order businesses should have no difficulty complying with the statutory clarifications contained in this bill. These clarifications will not have a fiscal impact on the Department of Law.

Sponsor Statement

HB 403

"An act relating to consumer protection involving contracts for the sale, transfer, or assignment of used motor vehicles and involving telephonic solicitations."

HB 403 would strengthen Alaska's consumer protection statutes in two ways.

First, it would crack down on used car dealers who withhold information about a car's ability to pass emissions tests until after a sales contract is signed. **Consumers often learn too late** that the vehicle they just purchased does not comply with auto emissions standards, and thus they face **large unanticipated additional expenses** to bring the vehicle into compliance.

Current law requires only that the dealer inform the buyer before transferring the vehicle title, yet sales contracts are commonly signed days before title transfer. HB 403 would require the dealer to provide the buyer with an auto emissions compliance or noncompliance certificate **before the contract is signed**.

Secondly, HB 403 would attack the fraudulent sales via telephone solicitation that are all too common in Alaska. Most telemarketers are required to register with the state so that they can be tracked down if they defraud consumers. This registration requirement is a **powerful enforcement tool** in the fight against telemarketing fraud. But some shysters have attempted to squirm around the requirement by claiming to be mail-order firms (which are exempt from registration). Recently, a telemarketer headquartered outside Alaska asserted that the mail-order exemption can be satisfied without mailing or distributing any catalogs to Alaska. HB 403 would require a telemarketer relying on the catalog exemption to operate a **legitimate mail-order business**.

Sectional Analysis

HB 403

"An act relating to consumer protection involving contracts for the sale, transfer, or assignment of used motor vehicles and involving telephonic solicitations."

BY REPRESENTATIVES BROWN, B. Davis

Section 1

Requires a used car dealer to provide a prospective buyer with a copy of a certificate of auto emissions compliance or noncompliance before the buyer enters into a binding contract for sale, transfer, or assignment of a vehicle.

Also requires the dealer to obtain the buyer's signature acknowledging receipt of the certificate before entering into the contract.

Section 2

Requires a telemarketer seeking exemption to registration requirements to have the characteristics of a legitimate mail order business: a catalog distributed in Alaska; name, address, telephone number, and ordering instructions included in the catalog, catalog company awaiting calls from consumers rather than initiating telemarketing sales calls to consumers.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

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ANCHORAGE, ALASKA 99501-1994
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FAX: (907) 276-3697

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PHONE: (907) 465-3600
FAX: (907) 465-6735

SUMMARY OF TELEMARKETING ENFORCEMENT IN ALASKA

Prepared as background relating to House Bill 403

January 22, 1996

According to U.S. Congressional findings contained in the 1994 federal Telemarketing and Consumer Fraud and Abuse Prevention Act, (Public Law 103-297; 15 U.S.C. § 6101 et seq.), consumers and others are estimated to lose \$40 billion a year nationally in telemarketing deception and fraud. Based upon Alaska's population size, Alaskans are estimated to lose several million dollars annually in telemarketing deception and fraud. Alaska is essentially a "victim" state when it comes to telemarketing deception and fraud, since most telemarketers are headquartered outside of Alaska.

In 1993, the Alaska Legislature enacted the Telephonic Solicitations Act requiring telemarketers to register with the Department of Law before making most telemarketing sales in this state. The registration requirement is a powerful enforcement tool that allows the Attorney General's Office to gather important information about telemarketers before they are permitted to telemarket to Alaskans.

In 1995, the Attorney General's Office sent "cease and desist" warning letters to nearly 100 telemarketers who sold or attempted to sell products or services without first registering in Alaska, and obtained over \$30,000 in refunds to Alaskans victimized by telemarketers. Also in 1995, the Attorney General's Office obtained a permanent injunction against a California telemarketer who had refused to register in Alaska. The Attorney General's Office filed several Assurances of Voluntary Compliance in the Alaska Superior Court in 1995 and 1996 regarding various telemarketers based outside Alaska.

Older persons are particularly vulnerable to telemarketers, and many older Alaskans have been taken by unscrupulous telemarketers based outside our state. One recent case investigated by the Attorney General's Office illustrates this point, as well as the old consumer protection adage that "If something seems too good to be true, it probably is."

BACK UP
Department of Law

Telemarketing Enforcement Summary
(Continued)

In May of 1995, a 63-year-old Southeast Alaska consumer reported to the Attorney General's Office that a Eugene, Oregon-based telemarketer called to inform him that he had won "the largest cash prize ever given away by the company." The consumer -- who claimed to be "the poorest man in Hoonah" -- was told that to receive his cash prize, he would have to purchase a "water filtration system" for \$1,279. The consumer rushed to pay that sum of money to the telemarketer with the expectation of receiving a large cash award. What the consumer actually received for his money was a water filter with a fair market value of no more than \$50, and a cash prize of \$20.

Shocked and humiliated, the consumer called the company and demanded an explanation. A company representative explained that the \$20 award was indeed "the largest cash prize ever given away by the company." The company thereafter attempted unsuccessfully to telemarket yet another water filtration system to the same consumer for a price of \$2,989. The Attorney General's Office sent a letter to the telemarketer demanding that it cease and desist its illegal telemarketing and make a full refund to the consumer. The telemarketer quickly complied with our demand rather than risk being sued.

Many other Alaskans have lost much larger sums of money, and have not been able to obtain refunds. Fraudulent telemarketers often operate "fly-by-night" companies that disappear as soon as enforcement authorities get wind of them, only to re-appear under a different name and in a different city. The Better Business Bureau of Alaska and the Attorney General's Office handle a steady stream of consumer complaints regarding telemarketing deception and fraud. To the extent unscrupulous telemarketers attempt to unfairly hide behind Alaska's mail order catalog exemption, House Bill 403 will clarify the requirements associated with that exemption and will thereby allow the Attorney General's Office to more effectively combat telemarketing deception and fraud.

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 8, 1996

FURTHER REFERRALS: Labor and Commerce
Judiciary
Finance

Date of Committee Action: 4/10/96

The TRANSPORTATION Committee considered:

HB 403

HOUSE BILL NO. 403

CONSUMER PROTECTION:USED CAR & MAIL ORDER

"An Act relating to consumer protection involving contracts for the sale, transfer, or assignment of used motor vehicles and involving telephonic solicitations."

recommends it be replaced with the following committee substitute _____ [] the same title
[] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
[] fiscal note(s) _____ [] fiscal note(s) _____

zero fiscal note(s) Law [] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Beverly Masetta</i>			✓	
<i>Janette James</i>				✓
<i>[Signature]</i>			X	
<i>[Signature]</i>			X	
<i>[Signature]</i>			✓	
<i>D.K. D. Williams</i>				X
<i>Henry L. Davis</i>	X			

CHAIR'S SIGNATURE *Henry L. Davis*

HB

411

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 411

Revision Date: 1/12/96 Dept. Affected: DOT&PF
 Title: "An Act naming Mountain View Road in Gustavus." BRU: Southeast Region
 Component: Maintenance and Operations
 Sponsor: Mackin
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1000 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 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

ANALYSIS: (Attach a separate page if necessary)

The cost of two signs to display the new name for this Gustavus highway segment can be added to our current roadway reconditioning project there, so a zero fiscal note is in order.

Prepared by: Bruce Freitag/Loren Rasmussen, P.E., Acting Director Phone: 485-2960
 Division: Engineering and Operations Date: 1/23/96
 Approved by: Joseph L. Perkins Date: 1/23/96
 Agency: Department of Transportation and Public Facilities

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REPRESENTATIVE
JERRY MACKIE

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(907) 465-4925

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CRAIG, ALASKA 99921
(907) 926-3008 OFFICE
(907) 826-2930 HOME

House of Representatives SPONSOR STATEMENT

HB 411 - "An Act naming Mountain View Road in Gustavus."

I introduced this legislation at the request of the Community of Gustavus. I am greatly impressed with the community spirit and community efforts that have gone into creating this legislation and developing the necessary backup for our records. Included in your packets is a signed petition, a letter from the Gustavus Community Association, and various letters of support.

Alaska Statute Sec. 29.10.085 requires that highway names be given through legislation. Based on my contacts with the community and the petition which is included in each of your files, it is obvious that if Gustavus could have accomplished this task locally, the sign would read "Mountain View Road" today.

In the late 1950's Eugene and Ann (Chase) Gregg acquired their homestead land which contained 160 acres and another 50 acres from Archie Chase. The Chase family, at that time, named the road "Mountain View Road." Today, the road is referred to in a variety of ways including, "Main Road," "Airport Road" and "Park Service Road." I respect the communities' efforts in pursuing this name which has substantial "historic value" to them.

The Department of Transportation & Public Facilities has prepared a zero fiscal note. This new sign will be coordinated into an existing project on the road this summer.

HB 411 has given the Gustavus community a common purpose. Students and adults have received a positive view and an informational view of the legislative process.

(4) that speed at which safe and prudent drivers could pass through the speed zone; and

(5) the effectiveness of local enforcement of the speed zone.

(b) In determining safe speed limits and safe speed zones within a municipality, the department shall consult with that municipality. In determining safe speed limits and safe speed zones on highways and other roadways under its jurisdiction, the department shall also consult with community councils or other community organizations in the affected area if the community councils or other community organizations request in writing to participate in the determination. The department shall provide notice and opportunity for a hearing before establishing a speed limit or speed zone other than as recommended by a municipality, community council or other community organization. (§ 2 ch 23 SLA 1986)

Sec. 19.10.080. Designation of through highways. The department may designate through highways by erecting stop signs at the entrances to them. (§ 7 art III title II ch 152 SLA 1957)

Sec. 19.10.085. Naming of a highway. (a) A highway constructed by the department under AS 19.05 — AS 19.40 may be given a name only by law.

(b) This section does not apply to

(1) a road constructed by a municipality under a grant authorized by AS 19.05 — AS 19.40;

(2) local service roads and trails. (§ 1 ch 4 SLA 1981)

Revisor's notes. — Enacted as AS 19.05.150. Renumbered in 1981.

Sec. 19.10.090. Erection and maintenance of guard rails. The department may erect and maintain guard rails, stretch wires and other devices, on highways. (§ 8 art III title II ch 152 SLA 1957)

Sec. 19.10.100. Closing highways. When it is necessary to exclude traffic from any portion of a highway, the department may close that portion of the highway by posting in a conspicuous manner, at each end of the portion closed, suitable signs warning the public that the road is closed under authority of law, and by erecting suitable obstructions. (§ 8 art IV title II ch 152 SLA 1957)

Rec'd 12/15/95
B

December 13-95

Dear Mr. Scribner,

I am writing you concerning the main road that runs through Gustavus to the park. Recently we had our land surveyed and on the plat this road was called "Park Service Road", however the phone company refers to it as "Gustavus Road", and many locals just call it "main" road. I talked with Anne (Chase) Gregy and she said that they had called it "Mountain View Road". Chases had even named their homestead "Mountain View Farm". Anyway I started talking to a few people and hence the petition. This reflects over a third of adults currently residing in Gustavus. Enclosed you will find the original petition with 106 signatures. We made copies if there is a need to send to any other office. I appreciate any help you can give us on this. Thank you,

Sincerely, Sylvia J. Pedersen

my address:

Sylvia Pedersen
P.O. Box 137
Gustavus, Ak 99826
907-697-2433 hm.
907-697-2202 wk.

MOUNTAIN VIEW ROAD

HISTORY: IN THE LATE 1950'S EUGENE & ANNE CHASE ACQUIRED THEIR HOMESTEAD LAND WHICH CONTAINED 160 ACRES PLUS 50 ACRES FROM ARCHIE CHASE. THE LAND WAS LOCATED ON BOTH SIDES OF THE MAIN ROAD NORTH OF GOOD RIVER CORNER UP TO WHAT IS NOW KNOWN AS TONG ROAD. THE CHASES AT THAT TIME NAMED THE ROAD "MOUNTAIN VIEW ROAD". OVER THE YEARS THIS ROAD HAS BEEN CALLED "GUSTAVUS MAIN ROAD", "PARK SERVICE ROAD", "MAIN ROAD", AND VARIOUS OTHER NAMES.

THEREFORE: WE THE UNDERSIGNED RESIDENTS OF GUSTAVUS WOULD REQUEST THAT THIS MAIN HIGHWAY BE OFFICIALLY NAMED "MOUNTAIN VIEW ROAD"

PRINTED NAME

SIGNATURE

ADDRESS

PRINTED NAME	SIGNATURE	ADDRESS
OK Sylvia Pedersen	<i>Sylvia J. Pedersen</i>	SPRUCE LANE #2 01C GUSTAVUS, AK 99806
OK MICHAEL PEDERSEN	<i>Michael Pedersen</i>	" "
Gloria Chase	<i>Gloria Chase</i>	Mountain View Park Gust. AK
Jan TRAMBUSH	<i>Jan Trambush</i>	40 Tong Rd
BOB CHASE	<i>Bob Chase</i>	SPRUCK LANE #5 GUSTAVUS, AK
MICHAEL CRAFT	<i>Michael Craft</i>	MOUNTAIN VIEW PARK GUSTAVUS, AK
Jean Scott	<i>Jean Scott</i>	Milk 3 Park Road GUSTAVUS, AK 99806
Greg Streveter	<i>Greg Streveter</i>	1/2 mile Spruce Lane Box 94 Gustavus AK
Judy Brakel	<i>Judy P. Brakel</i>	Box 94 Gustavus, AK 99806
Don Chase	<i>Don Chase</i>	Box 799 #4 Spruce Lane GUSTAVUS, AK 99806

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PRINTED NAME	SIGNATURE	ADDRESS
MARIE BERRY	MARIE BERRY	105 GUSTAVUS
JUDITH CHALLOU WOOD	JUDITH CHALLOU WOOD	25 PARKER DR.
FANN M BAWER	FANN M BAWER	BULLSTOWN
Liz Vanderzanden	Liz Vanderzanden	Gustavus
Paul Paul N Berry	Paul N Berry	PO 143
Eel Bond	Eel Bond	223 GUSTAVUS
MAURENE MOORE	Maureen E Moore	Box 228
Katy White	Katy White	Box 247
Lozée Archambault	Lozée Archambault	Box 75
Martha Y Romeo	Martha Y Romeo	Box 214
Lynne Morrow	Lynne Morrow	Box 216
Heidi Robichaud	Heidi Robichaud	Box 116
JOHN V. SPITE	John V. Spite	Box 184
JOHN R. MACKAY	John R. Mackay	Box 203
		Box 103

MOUNTAIN VIEW ROAD

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PRINTED NAME	SIGNATURE	ADDRESS
Diana Berry	<i>Diana Berry</i>	P.O. Box 105 Gustavus, AK 99826
James Kearns	<i>James Kearns</i>	Box 148 Gustavus, AK 99826
JOHN SUCERENS	<i>John Sucerens</i>	Box 161 Gustavus, AK 99826
<i>Amy Jones</i>	<i>Amy Jones</i>	Box 40 Gustavus AK 99826
Robert L. Mills	<i>Robert L. Mills</i>	Box 64 Gustavus, AK
Chris Smith	<i>Chris Smith</i>	Box 93 Gustavus
Glen R. B. Parker	<i>Glen R. B. Parker</i>	Box 52 Gustavus
<i>Kara Berg</i>	<i>Kara Berg</i>	Box 154 Gustavus, AK 99826
<i>Michael J. Niemo</i>	<i>Michael J. Niemo</i>	Box 81 Box 99826
Gene Morgan	<i>Gene Morgan</i>	70 Box 197 Gustavus, AK 99826
CHRISTY OLSEN	<i>Christy Olsen</i>	Box 244 Box, AK. 99826
Scott Olsen	<i>Scott Olsen</i>	" " "
Kenneth L. Klawunder	<i>Kenneth L. Klawunder</i>	Box 156 Gust. AK 99826
DIANNE S. Klawunder	<i>Dianne S. Klawunder</i>	Box 156. GUSTAVUS, AK.
Cindy L. Morgan	<i>Cindy L. Morgan</i>	Box 191. Gustavus, AK 99826

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PRINTED NAME

SIGNATURE

ADDRESS

Dena Mathin Dena Mathin Box 22
GUSTAVUS

Tania Keim Tania Keim Box 315
GUSTAVUS

DAVID MARTINSON David Martinson Box 173
GUSTAVUS

Dorothy O'Brien Dorothy O'Brien Box 188 Local

Carol Dejka Carol Dejka Bx 168 local

Luis Beland Luis Beland Bx 339 local

Chuck Rice Chuck Rice Box 116

Marianne Eggert McCook Marianne Eggert McCook Box 260 Local

Walter Hamill Walter Hamill Box 32

LESLIE C. SIBSTAD LESLIE C. SIBSTAD Box 80 GUSTAVUS

Michelle Pedersen Michelle Pedersen

Art Hayes Art Hayes Bx 165T

ALBERT MANCHESTER Albert Manchester Box 225

Rhea Harper Rhea Harper PO 214

Thomas Imboden Thomas Imboden PO 214

not
JRA 18

MOUNTAIN VIEW ROAD

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PRINTED NAME	SIGNATURE	ADDRESS
Allen C. Trump	Allen C. Trump	P.O. Box 222 GUSTAVUS AK 99822
Maibyn D. Trump	Maibyn Trump	P.O. Box 222 GUST. AK 99822
Tom West	Tom West	Col. AK 99826
Chris Spate (CHRIS SPATE)	Chris Spate	P.O.B 103
Marion Farley	Marion Farley	Box 182, Gustavus
Denise L Healey	Denise Healey	PO BOX 10 GUSTAVUS
Kathleen Phunt	Kathleen Phunt	PO Box 4 GUSTAVUS
James R. Healey	JAMES HEALEY	Box 10 GUSTAVUS AK 99822
Kathy Streveler	Kathy Streveler	Box 155 GUS 99822
Sharon Anna	Sharon Anna	Box 336 GUS, AK. 99822
JOE SARGENT	Joe Sargent	P.O. Box 27 Gustak 99
KIM NEY		72
Paul Barnes	Paul Barnes	155 GUS
Jamie Ogilvy	Jamie Ogilvy	106 GUST
G.F. CHAMBERLAIN		220 GUST

MOUNTAIN VIEW ROAD

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PRINTED NAME	SIGNATURE	ADDRESS
Marilyn Jackson	<i>Marilyn Jackson</i>	Box 195 Gustavus
Becky Walker	<i>Becky Walker</i>	Box 318 99826 Gustavus
LAURA LOBI	<i>Laura Lobi</i>	Box 23 GUSTAVUS 99826
JOHN SCOTT	<i>John W Scott</i>	Box 254 99826
Judith Bon	<i>Judith Bon</i>	Box 28) 99826
DAN RINNER	<i>Dan Rinner</i>	Box 212 99826
PEDR TURNER	<i>Pedr Turner</i>	P.O. 217 99826
CHAR DAHREN	<i>Char Dahren</i>	P.O. Box 217 99826
KARLA TEDSEN	<i>Karla Tedsen</i>	P.O. Box 153 Gustavus, Ak Gustavus 99826
Kate Boesser	<i>Kate Boesser</i>	Box 47, Dock Rd. 99826
Aaron Bohlke	<i>Aaron V Bohlke</i>	P.O. Box 324
Paul Byers	<i>Paul Byers</i>	P.O. Box 324
Kathy Cozby	<i>Kathy Cozby</i>	P.O. Box 124
Bruce McDonough	<i>Bruce McDonough</i>	Box 260
Philip C. Riddick	<i>Philip C. Riddick</i>	Box 216 Gustavus, Ak

MOUNTAIN VIEW ROAD

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PRINTED NAME	SIGNATURE	ADDRESS
LEILANI JOHNSON	Leilani Johnson	71 Tonga Rd Box 288, Gustavus
BRUCE SHINGLEDECKER	Bruce Shingledecker	49 TONG RD GUS.
Floyd M. Barton	Floyd M. Barton	7 Cape Drive
Carrie L. Walker	Carrie L. Walker	Box 319
David G. Walker	David Walker	Box 318
WILLIAM L. WHITE	William L. White	Box 84
Bette J. White	Bette J. White	Box 84
Jamie F. Coby	Jamie F. Coby	Box 2
Nancy Evans	Nancy Evans	Box 327
Shelly A. Webb	Shelly Webb	Box 58
Mary E. Linton Opp	Mary E. Linton Opp	Box 92
John N. ...	John N. ...	Box 119
Steve Wilson	Steve Wilson	P.O. Box 16
Connie Mills	Connie Mills	BOX 151
Lynn Savonen	Lynn Savonen	Box 172

Phone 586-3539 (work)

Phone 586-1723 (home)

3251 Foster Ave.

Juneau, AK 99801

Jan. 23, 1996

Mr. Jerry Mackie, Rep.

Dear Jerry,

Regarding changing the road name in Gustavus, to Mountain View Road.

My deceased husband Eugene S. Chase and I used this name ever since we were proving up on our 160 acre homestead. We even named our farm Mountain View Farm. It has many memories and sounds good. I wish I could find a picture of it. I've looked for hours. I know I do have some.

If at all possible, please preserve that name.

I understand it would be from the Good River corner to the Park Road corner. That's all that is needed.

Thank You Very Much Jerry,

Sincerely,

Anne L. Gregg

A handwritten signature in cursive script that reads "Anne L. Gregg". The signature is written in dark ink and is positioned below the typed name.

P.O. Box 200
Gustavus, AK 99826

23 January 1996

Representative Jerry Mackey,

Our names do not appear on the petition previously submitted to the Department of Transportation requesting that the road in Gustavus be named Mountain View Road. We would, however, like to go on record as supporting that request.

Please make this known at the hearing to be held on this matter.

Thank you.

Sincerely,

Sally C. Lesh
Sally Lesh

Jack Lesh
Jack Lesh

Gustavus Community Association



Post Office Box 62
Gustavus, Alaska 99826

Representative Jerry Mackie
Alaska State Legislature
Juneau, Alaska 99801-1182

January 21, 1996

RE: HB411- "An Act naming Mountain View Road in Gustavus."

Dear Representative Mackie:

On January 11th the Gustavus Community Association held their monthly meeting. One of the agenda items was the petition and your bill concerning Mountain View Road.

This letter serves to advise you that the GCA members voted unanimously to support the petition and your legislation to officially name this road "Mountain View Road."

Incidentally, it was pointed out the spelling of "Goodriver Road" as is contained in the bill should be changed to "Good River Road."

On behalf of the Gustavus Community Association, thanks for your attention to this matter.

Sincerely,

Kathy Leary
GCA Administrator

Jan. 22-96

Dear Rep. Mackie,

I'm writing you concerning the "main" road that goes from Good River corner to Park boundary corner. I'm obviously in support of making a law to have the name legally recognized as "Mountain View Road".

Part of this road used to run through my parents (Eugene + Anne Chase) homesteaded land.

They at that time always called it "Mountain View Road". My father was raised between here + Juneau and was Gustavus Postmaster for 34 yrs. until his retirement in '87. He passed away here 2 yrs. ago. My mother was born in Juneau but otherwise lived here all of her life. She + my Dad lived on their homestead for nearly 40 yrs. My mom is currently living in Juneau, however she still refers to this as home + the road as Mountain View Rd. She is very happy that we are pursuing getting this change legal. I never knew that there was any "legal" name on this road until writing to schick's office - no one has ever referred to the road in question as Gustavus Airport Rd. as D.S.T. claims it is called. Thank you for your help (+ Jeannie's) in this matter.

Sincerely Sylvia G Pedersen

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 12, 1996

FURTHER REFERRALS:

1/26/96

Finance

Date of Committee Action: 1/24/96

The TRANSPORTATION Committee considered:

HB 411

HOUSE BILL NO. 411

MOUNTAIN VIEW ROAD - GUSTAVUS

"An Act naming Mountain View Road in Gustavus."

recommends it be replaced with the following committee substitute _____ [] the same title [] a new title

[X] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
[] fiscal note(s) _____ [] fiscal note(s) _____

[X] zero fiscal note(s) DOT [] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Beverly Masek</i>	MASEK			<input checked="" type="checkbox"/>	
<i>Janette James</i>	JAMES	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<i>John Long</i>	LONG	<input checked="" type="checkbox"/>			
<i>John Brice</i>	BRICE	<input checked="" type="checkbox"/>			
<i>Jim Sanders</i>	SANDERS	<input checked="" type="checkbox"/>			
<i>W.K. Williams</i>	WILLIAMS	<input checked="" type="checkbox"/>			
<i>G. Davis</i>	G. DAVIS	<input checked="" type="checkbox"/>			
		(6)		(1)	

CHAIR'S SIGNATURE *G. Davis*
G. DAVIS

HB

436

CS FOR HOUSE BILL NO. 436(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MARTIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to purchase and sale of mobile homes by mobile home
2 dealers; to mobile home titles; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:
5 (37) regulation of mobile home dealers under AS 08.67.

6 * Sec. 2. AS 08 is amended by adding a new chapter to read:

7 CHAPTER 67. MOBILE HOME DEALERS.

8 Sec. 08.67.010. REGISTRATION OF MOBILE HOME DEALERS. A mobile
9 home dealer may not do business in the state unless the dealer is registered with the
10 department.

11 Sec. 08.67.020. APPLICATION, BOND, AND FEE. (a) In order to register
12 under AS 08.67.010, a person shall file with the department an application, a bond
13 required by AS 08.67.050, and application and registration fees established by the
14 department by regulation.

1 (b) The department shall prescribe and furnish the form of application for
2 dealer registration. The application must contain

3 (1) the name under which the business is conducted;

4 (2) the location of business;

5 (3) the name and address of all persons having an interest in the
6 business and, in the case of a corporation, the application must contain the name and
7 address of the two principal officers;

8 (4) the name and address of all sales representatives;

9 (5) the name and make of all new mobile homes handled;

10 (6) whether or not used mobile homes are handled;

11 (7) a statement that the applicant is a bona fide dealer in mobile home
12 sales with a principal office at the location given;

13 (8) if the applicant sells a mobile home as a new or current model
14 mobile home having a manufacturer's warranty, the name of the manufacturer of the
15 mobile home and the date and duration of the applicant's sales and service agreement
16 with the manufacturer;

17 (9) other information the department requires to administer this chapter.

18 Sec. 08.67.030. DEPARTMENT APPROVAL. The department shall approve
19 an application for registration under AS 08.67.020 if the application contains the
20 information required by AS 08.67.020 and the bond complies with AS 08.67.050.

21 Sec. 08.67.040. RENEWAL OF REGISTRATION. A dealer shall renew the
22 registration required by AS 08.67.010 every two years by filing with the department
23 a request for renewal, the bond required by AS 08.67.050, and a renewal fee
24 established by the department by regulation.

25 Sec. 08.67.050. BOND. (a) An applicant for registration under AS 08.67.020
26 or for renewal of a registration under AS 08.67.040 shall file with the application or
27 request for renewal, and shall maintain in force while registered, a \$50,000 bond that
28 is in favor of the state, that is executed by an authorized corporate surety approved by
29 the department, and that is conditioned upon the applicant's promise to pay all

30 (1) taxes and contributions due the state or a political subdivision of
31 the state; and

1 (2) judgments entered against the applicant for fraud, negligence or
2 breach of contract when acting as a dealer.

3 (b) The bond required by this section is conditioned on the applicant
4 complying with this chapter and not committing fraud or making fraudulent
5 representations in the course of doing business as a dealer.

6 (c) A surety may cancel the bond after giving the department 30 days' advance
7 written notice. Cancellation does not relieve a surety of liability arising on the bond
8 from a purchase negotiated by the bonded dealer before cancellation or a liability that
9 accrues against the bond before cancellation. The department shall retain the cancelled
10 bond on file.

11 (d) If the bond required under this section is cancelled, the department may
12 suspend the dealer's registration until the dealer is bonded as required under this
13 section.

14 Sec. 08.67.060. ACTION ON BOND. If a person suffers loss or damage by
15 reason of a dealer, or a person doing business as a dealer, violating this chapter or
16 committing fraud or making fraudulent representations in the course of doing business
17 as a dealer, the person may bring an action in the appropriate court against the dealer
18 and upon the bond.

19 Sec. 08.67.070. PENALTY. A person who knowingly violates this chapter is
20 guilty of a class A misdemeanor. In this section, "knowingly" has the meaning given
21 in AS 11.81.900.

22 Sec. 08.67.080. DEFINITIONS. In this chapter,

23 (1) "dealer" means a person who is engaged in the business of buying,
24 selling, or dealing in new or used mobile homes;

25 (2) "department" means the Department of Commerce and Economic
26 Development;

27 (3) "mobile home" means a vehicle designed and equipped for human
28 habitation, and that may only be moved by another motor vehicle when authorized by
29 permit.

30 * Sec. 3. AS 28.10.201(b) is amended to read:

31 (b) The owner of a vehicle described in AS 28.10.011 as being exempt from

1 registration and the owner of a snowmobile or off-highway vehicle may not apply for,
2 nor may the department issue, a certificate of title for the vehicle. However, the
3 department

4 (1) may issue a certificate of title to the owner of a vehicle exempt
5 from registration under AS 28.10.011(3), (6), (7), or (11) only upon application by that
6 owner; and

7 (2) shall [MAY] issue a certificate of title to the owner of a mobile
8 home upon application, display of evidence of ownership satisfactory to the
9 department, and payment of a fee of \$100 by the owner; a certificate of title issued
10 under this paragraph must comply with AS 28.10.231.

11 * Sec. 4. This Act takes effect July 1, 1997.

9-LS1376C ✓
Ford
3/19/96

CS FOR HOUSE BILL NO. 436()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MARTIN

A BILL

FOR AN ACT ENTITLED

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5 (3) the name and address of all persons having an interest in the
6 business and, in the case of a corporation, the application must contain the name and
7 address of the two principal officers;

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13 (8) if the applicant sells a mobile home as a new or current model
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25 Sec. 08.67.050. BOND. (a) An applicant for registration under AS 08.67.020
26 or for renewal of a registration under AS 08.67.040 shall file with the application or
27 request for renewal, and shall maintain in force while registered, a \$50,000 bond that
28 is in favor of the state, that is executed by an authorized corporate surety approved by
29 the department, and that is conditioned upon the applicant's promise to pay all

30 (1) taxes and contributions due the state or a political subdivision of
31 the state; and

1 (2) judgments entered against the applicant for fraud, negligence, or
2 breach of contract when acting as a dealer.

3 (b) The bond required by this section is conditioned on the applicant
4 complying with this chapter and not committing fraud or making fraudulent
5 representations in the course of doing business as a dealer.

6 (c) A surety may cancel the bond after giving the department 30 days' advance
7 written notice. Cancellation does not relieve a surety of liability arising on the bond
8 from a purchase negotiated by the bonded dealer before cancellation or a liability that
9 accrues against the bond before cancellation. The department shall retain the cancelled
10 bond on file.

11 (d) If the bond required under this section is cancelled, the department may
12 suspend the dealer's registration until the dealer is bonded as required under this
13 section.

14 Sec. 08.67.060. ACTION ON BOND. If a person suffers loss or damage by
15 reason of a dealer, or a person doing business as a dealer, violating this chapter or
16 committing fraud or making fraudulent representations in the course of doing business
17 as a dealer, the person may bring an action in the appropriate court against the dealer
18 and upon the bond.

19 Sec. 08.67.070. PENALTY. A person who knowingly violates this chapter is
20 guilty of a class A misdemeanor. In this section, "knowingly" has the meaning given
21 in AS 11.81.900.

22 Sec. 08.67.080. DEFINITIONS. In this chapter,

23 (1) "dealer" means a person who is engaged in the business of buying,
24 selling, or dealing in new or used mobile homes;

25 (2) "department" means the Department of Commerce and Economic
26 Development;

27 (3) "mobile home" means a vehicle designed and equipped for human
28 habitation, and that may only be moved by another motor vehicle when authorized by
29 permit.

30 * Sec. 3. AS 28.10.201(b) is amended to read:

31 (b) The owner of a vehicle described in AS 28.10.011 as being exempt from

1 registration and the owner of a snowmobile or off-highway vehicle may not apply for,
2 nor may the department issue, a certificate of title for the vehicle. However, the
3 department

4 (1) may issue a certificate of title to the owner of a vehicle exempt
5 from registration under AS 28.10.011(3), (6), (7), or (11) only upon application by that
6 owner; and

7 (2) shall [MAY] issue a certificate of title to the owner of a mobile
8 home upon application, display of evidence of ownership satisfactory to the
9 department, and payment of a fee of \$100 by the owner; a certificate of title issued
10 under this paragraph must comply with AS 28.10.231.

11 * Sec. 4. This Act takes effect July 1, 1995

REPRESENTATIVE
TERRY MARTIN
CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature



MAY 15 - JAN 15 258-8169
716 W. 4TH, SUITE 650
ANCHORAGE, AK 99504

JAN 15 - MAY 15 465-3783
STATE CAPITOL
JUNEAU, AK 99801-1182

HOME 333-6990
355 DONNA DRIVE, #11
ANCHORAGE, AK 99504

SPONSOR STATEMENT **HB436**

Licensed purchases and sales of mobile homes by dealers and agents; Mandatory DMV titling of mobile homes

HB 436 is in response to a recommendation by the Alaska Manufactured Housing Association.

There is a desperate need for consumer protection regulating the sale of mobile homes. Even though mobile homes may be valued up to \$100,000, they are still considered personal property and do not have protection under Alaska real estate laws unless located on a private lot. While mobile home dealers are unlicensed, unbonded and unregulated, real estate agents are strictly regulated and the public is protected by a surety fund, licensing requirements and the Real Estate Commission.

In addition, the State does not require the Division of Motor Vehicles (DMV) to issue title certificates for mobile homes. DMV is authorized, but not required, to title mobile homes. The problem is that banks and other lending institutions normally insist on a certificate of title, but seller-financed sales and cash sales offer no protection for the buyer or seller. The end result is that long after a sale is complete, a buyer's unit and/or seller's collateral can be claimed by an unknown title or lien holder.

HB 436 provides a degree of professionalism to agents and dealers who broker sales of units by establishing mandatory titling and requiring licensed dealership and bonding so that unknowledgable buyers and sellers will be protected from risk.



REPRESENTATIVE
TERRY MARTIN
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MEMBER
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SECTIONAL ANALYSIS **HB436**

**Licensed purchases and sales of mobile homes by dealers and agents;
Mandatory DMV titling of mobile homes**

Section 1.

Adds a new chapter under the Title 8 (Business/Professional Licensing) of the Alaska Statutes relating to mobile home dealers and agents. Requires registration to the Division of Occupational Licensing and defines what specific information must be recorded by the agent or dealer. Requires department approval of the application, a two year renewal policy and instructs applicant to maintain a \$50,000 bond in favor of the state and executed by an authorized corporate surety. Describes how action on the bond is taken; the penalties imposed if fraud occurs; and defines "agent", "dealer" and "department" in reference to the statute.

Section 2.

Requires the Division of Motor Vehicles to issue a certificate of title to the owner of a mobile home upon application. Requires the display of the title as evidence of ownership satisfactory to the department.

Section 3.

Establishes an effective date of July 1, 1996.



CS FOR HOUSE BILL 436

Sectional Analysis

The CS version deletes any reference to mobile home agents and now pertains strictly to mobile home dealers.

Section 1: This is a new section that adds mobile home dealers to the list of licensed and regulated entities under Occupational Licensing at the beginning of the chapter.

Section 2: This renumbered section (originally Section 1):

- adds a registration fee requirement in (a)
- adds "new" to (b)(5)
- deletes "business" and adds "principal office" in (b)(7)
- eliminates the second option for bonding;
- adds (d) which allows Occupational Licensing to suspend the dealer's registration if a bond is canceled;
- adds, under ACTION OF COURT (Pg. 3, Line 14), that a person may bring an action "in the appropriate court" against the dealer;
- adds the definition of "mobile home" to the list of definitions at the end of Section 2.

1996 LEGISLATIVE SESSION

Revision Date _____ Dept Affected Public Safety
 Title Mobile Home Dealers and Titles DPS Statewide Support
 Component Commissioner's Office
 Sponsor: Representative Martin
 Requestor: H TRA COMPONENT SERIAL NO. 0523

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

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

ANALYSIS (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 3/28/96
 Approved by Commissioner: Ronald L. Otte Date: 3/28/96
 Agency: Ronald L. Otte, Dept of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB 436(TRA)

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act relating to purchase and sale of mobile homes BRU: Occupational Licensing
 by mobile home dealers;... Component: Operations
 Sponsor: Representative Martin
 Requestor: House Transportation COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	20.2	20.2	20.2	20.2	20.2	20.2
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	3.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	24.2	24.2	24.2	24.2	24.2	24.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	48.4	0.0	48.4	0.0	48.4	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR	24.2	24.2	24.2	24.2	24.2	24.2
TOTAL	24.2	24.2	24.2	24.2	24.2	24.2

Estimate of any current year (FY 96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSHB 436(TRA) creates registration for mobile home dealers. Information obtained from the business license database indicates there may be as many as 124 individuals who may seek registration under this bill. The costs identified above assume that a part-time position would be needed to administer this registration program resulting primarily from the work involved with tracking and maintaining the bonding requirements. The costs are explained further on the attached page.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: March 28, 1996
 Date: 3-28-96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO.: CSHB 436(TRA)

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

PERSONAL SERVICES \$20.2

This funding will provide a part-time Occupational Licensing Examiner I position, Range 12.

The position will be responsible to support the registration program by responding to inquiries, processing applications, track and maintain bonding information, evaluate surety bonds and investigate the actual financial responsibility of individual sureties. Tracking canceled bonds and activity placed against the bond prior to its cancellation.

CONTRACTUAL SERVICES \$3.0

This funding will cover communication costs, printing of applications and statute/regulation booklets, public notice costs, and costs involved with regulation projects.

SUPPLIES \$1.0

This funding will provide for daily operating desk top supplies.

TOTAL: \$24.2

REVENUE

All programs within centralized licensing are required to pay its regulatory costs through fees generated. Like other regulated programs, the registration of mobile home dealers and agents will be responsible to pay Direct program costs in the first year of operation, and pay Direct program costs and Administrative Indirect costs starting in the second year forward.

Continuation of CSHB 436(TRA) Fiscal Note

The expenses identified in this fiscal note represent the Direct program costs. However, to estimate the amount of the registration fee, we have assumed there are 124 individuals who would seek registration under this bill. To calculate the Administrative Indirect costs, 124 mobile home dealers are added to the division's 32,355 total licensees for a total of 32,479 licensees. The 124 is then divided by the 32,479 licensees to determine the percentage of administrative indirect costs mobile home dealers can be held responsible for. (124 divided by 32,479 = 0.01). Based on FY 95's Administrative Indirect costs of \$1,291,316.69, the mobile home dealers can expect to be pay \$12,913.17.

Again, this fiscal note assumes that mobile home dealers will cover only the direct regulatory costs for the start-up year, FY 97, and both direct and indirect costs for FY 98 and beyond. Administrative indirect costs charged to other programs will be reduced to offset the mobile home dealers and agents contribution.

Total Program Costs are estimated at:

\$ 48.4 Direct Costs for FY 97 & FY 98
\$ 12.9 Administrative Indirect Costs for FY 98
\$ 61.3 Total Program Costs to be covered by 124 registrants

Therefore, the mobile home dealers fee in FY 97 is projected to be:

\$494.36 *biennial* registration fee (\$61,300 Biennial Program Costs divided by 124 licensees)

2746623 P. 02

CAREY HOMES, INC.

SERVES ALASKA

3317 Mt. View Drive — Anchorage, Alaska 99501
272-5414

3-19-96

Representative Terry Martin


Dear Representative Martin, I'm writing to you today in favor of the Alaska Manufactured Housing Associations proposed changes to House Bill No. 436. We would like to be among the first to take proper steps to increase the protection for our customers and others which believe in the inherent benefits that our industry provides.

In reading HB 436 two positive issues come to mind. First, is a stronger bond which better reflects today's factory built housing. When my father first started in the early 50's, a home would sell off our lot for approximately \$3,500. As our industry has evolved since the 50's so has the prices. Today, our Factory Built Homes compete more and more with the more traditional sick built house. What makes us competitive is our Quality Controlled Construction and of course our price. With this in mind, our office would support the bond increase to \$50,000.. The increase would provide better protection for those who purchase either a new home our a used home from any party who conducts business in our industry.

The second issue of importance is that of titling. Public record of liens and ownership via Department of Motor Vehicles is our only true way to convey clear title to a new owner.

Again I would like to reaffirm our support of the Alaska Manufactured Housing Association revised editions to the House Bill No. 436.

Sincerely,


Mac A. Carey

LETTERS OF SUPPORT

SOUTHWOOD MANOR

9499 BRAYTON DR. #68
ANCHORAGE, ALASKA 99507
(907) 344-0111

March 20, 1996

The Honorable Terry Martin
Alaska State Representative
Juneau, Alaska

Dear Representative Martin,

As a dealer in new and used manufactured homes (Mobile Homes), I am in concurrence with House Bill #436 as relates to having dealers and or agents bonded and that the titling of homes should be mandatory.

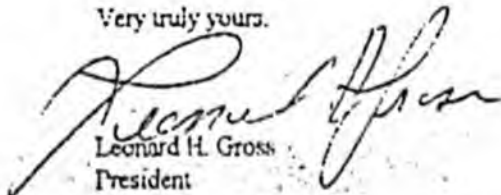
The bonding should apply to the dealers or persons who act in an agency sphere with either the buyer or seller or for his or her own account, but not to the employees (Sales Persons), who are employed by the individual or entity.

My personal feelings are that the bond should be somewhere between the \$10,000.00 require by the D.M.V. as was prior to July 1994 or \$25,000.00 based on present values.

Without titling the homes, there is no central registration on which a buyer can feel 100% safe as to ownership. The present system opens the door to fraud upon the uninformed public.

Thank you for your time and energy in trying to improve and correct the present situation.

Very truly yours,


Leonard H. Gross
President