

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11076 HOUSE TRANSPORTATION

## Hypothermia

Is a killer in Alaska.

Just a fall into cold water often makes a child gasp for breath. If they are not wearing a PFD, this may happen underwater, and they will drown.

### Hypothermia Chart

Water Temperature	Exhaustion or Unconsciousness	Expected Survival Time
32.5 F	Under 15 Minutes	Under 15 - 45 Minutes
32.5-40 F	15-30 Minutes	30-90 Minutes
40-50 F	30-60 Minutes	1-3 Hours
50-60 F	1-2 Hours	1-6 Hours
60-70 F	2-7 Hours	2-40 Hours
70-80 F	3-12 Hours	3 - Indefinite
Over 80 F	Indefinitely	

\*\*Note that without a PFD, the victim slips underwater as soon as they are exhausted or become unconscious.

With a PFD, survival time climbs, depending on the type of PFD, because even an unconscious victim is not under the surface.



## Alaska's coastal waters

can be treacherous. The weather can change at a moment's notice.

But any  
body of  
water can  
be deadly.



In fact,

the majority of children who drown in Alaska do so in lakes, rivers and ponds.



Just remember,  
it only takes a second for a child to disappear,  
and a couple of minutes to drown.

**Drowning is a silent death.**  
Children often don't splash around to alert  
anyone that they are in trouble, due to the  
shock of entering cold water.



The best prevention,  
in addition to close adult supervision, is to  
put a PFD on your child anytime he or she is  
on or near the water.

A PFD not only  
helps children float, it should turn them  
on their backs to keep their faces out of the  
water. Some kinds also help prevent  
hypothermia.



## One adult

should always be the “designated watcher,” responsible for keeping tabs on children any time they are near the water.



## The only sure way

to keep a child above the water is to make sure he or she is wearing an appropriately sized life jacket or PFD.



## IT'S THE LAW!



State law requires all children under the age of 13 to wear a PFD at all times while on deck or in an open boat.

## Coast Guard and State regulations

require every person who goes out on the water, whether in a canoe or a 20-foot bayliner, to have a wearable PFD. If your boat is over 16 feet, you must carry a throwable device as well.

Type I PFDs,  
or off-shore life jackets, have the  
greatest required buoyancy and  
are designed to turn most  
unconscious wearers in the water  
from face down to vertical and  
slightly backward. This position



greatly increases a person's chance of  
survival in the water.

Type I PFDs are suitable for all waters, but  
are designed for flotation - not warmth. They  
are reversible and come in two sizes: adults --  
90 lbs. and up, and children -- under 90 lbs.



Type II PFDs,  
are near-shore buoyant vests.  
A Type II PFD is usually more  
comfortable than Type I,  
but may not turn an  
unconscious wearer face up in  
water. Type II is not reversible



and is sized for easy emergency donning.

Available in adult - 90 lb. and up,  
child medium - 50 - 90 lbs., and child  
small - 30 - 50 or under 30 lbs..

Type II PFDs are used where other boaters  
are likely to be around.

Type III PFDs, or flotation aids, are the most comfortable and come in a wide variety of styles.

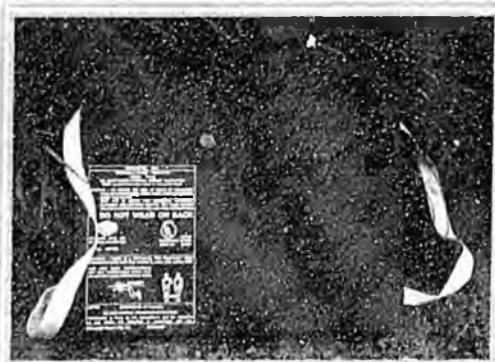
Most have at least 15.5 lbs. of buoyancy and are a good choice for many uses including canoeing,



kayaking, hunting or fishing. Type III PFDs now also include manually inflatable PFDs. They are usually not reversible and come in many chest sizes and weight ranges. They are used where there is a high probability of a quick rescue. Many Type III PFDs provide a small amount of hypothermia protection, due to their "vest" design.



Type IV  
PFDs,  
or throwable  
devices, are  
designed to be  
grasped and  
held by the



user until rescued. They can also be thrown to a person who has fallen overboard. They cannot be used in place of a wearable device, but may be used in addition to a Type I, II, or III.

**THEY ARE NOT FOR NON-SWIMMERS  
OR CHILDREN.**

## Type V PFDs,

or special-use devices, are approved only for restricted uses. Known as “exposure covers” or “survival suits,” some are approved as a replacement for Type III PFDs. Type V PFDs now also include automatically inflatable PFDs, although they are not designed for use by children.

A Type V “hybrid” device may be substituted for any required Type I, II, or III PFD provided they are so labeled and are

- approved for activity the vessel is engaged in
- approved as a substitute for a PFD of the type required on the vessel
- used as required on the label
- used in accordance with requirements in owner’s manual

## Proper sizing

and anticipating the situation in which the PFD will be used are the most important factors to consider when choosing a PFD.



Kids drown,  
not only in rivers,  
lakes and oceans, but  
right at home in the  
bathtub, a five-  
gallon bucket or spa.



Over half  
of the 1,150 children  
that drown each year  
in the United States

are preschoolers under the age of four.

Remember,

a child can drown in only a few inches of water.  
Small children are top-heavy and easily fall  
over.

Each year,  
an average of  
350 children  
drown in  
bathtubs. In  
most cases the  
adult had left  
the child alone for  
“just a minute.”

If you must  
leave the room,  
take the child with you and close the door  
so the child can't re-enter the tub.



Bathtub safety rings  
should never be used as a substitute for  
adult supervision.



## Toilets

are also a potential danger. Small children are extremely curious.

A child only has to look down, or reach into the bowl, and he or she may fall



forward, becoming trapped underwater.

Use toilet lid latches or keep bathroom doors closed so small children cannot enter without adult help.

## A diaper pail

can also be dangerous. Not only is there the danger of drowning, but the danger of chemical burns or poisoning from common disinfectants. Either cover the pail or place it in an enclosed room with the door shut.

## Other hazards

include wading pools, spas and hot tubs.

### Older model

spas present a special danger. Hair can get caught in the jets, holding the



head underwater. Most newer models have reduced this risk and many older models can be retrofitted.



The best way to keep children safe is to restrict their access to

wading pools, spas and hot tubs when an adult is not around. Install a locking, childproof fence.





Alaskans are famous for finding uses for five-gallon buckets.

If these buckets have liquid in them and are accessible to small children,

they have a real potential for trapping and drowning a child. About 50 children die this way each year in the U.S. Most are between 8- and 14-months old. Store buckets properly or fit them with a lid. Store them upside down to prevent them from collecting rain water.



Uncovered wells,  
cisterns or pits also pose a danger. Children  
of all ages need to be taught that these areas  
are off limits and dangerous.



## Children love to imitate adults.

One of the best ways to insure your child's safety is to set a good example, so wear your PFD!

## To minimize panic,

children should be taught to respect the water.

They should be taught how to swim so that they are comfortable in and around the water. Practice wearing PFDs in a pool.

## Accidents don't just happen.

They are predictable and therefore, avoidable. It just takes a moment to fall in the water. Without a PFD, you quickly get into an emergency situation.

## To obtain

additional first aid and CPR training, contact your local clinic, fire department or Village Public Safety Officer for classes in your area.

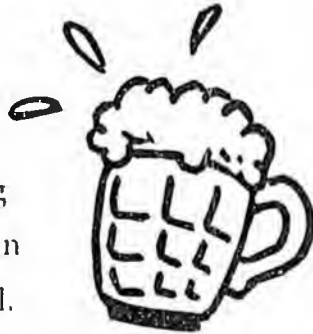
Two simple things  
you can do to prevent boating-related  
injury.

### Wear a Personal Flotation Device (PFD).

Eight out of ten boating-related  
drownings can be attributed to nonuse  
or misuse of PFDs.

### Don't drink while boating!

Nearly half the boating  
deaths by drowning can  
be attributed to alcohol.



## The Kids Don't Float

program provides free "loaner"  
PFDs for children  
and youth.

Look for  
a Kid's Don't Float  
sign at your local



harbor or call the State of Alaska at  
(907) 465-3027 to find out how you can start  
a program in your community.

To use the program, simply  
borrow a properly-sized PFD for each child  
to use during your boating trip. After you  
complete your trip, return the PFDs to the  
loaner station at the end of the day.

## Contact Information

Contact the organizations and web sites listed below for more Kids Don't Float or information on boating safety education in your community:

### Alaska Boating Safety Program

(907) 269-8705

[www.alaskaboatingsafety.org](http://www.alaskaboatingsafety.org)

### Coast Guard Auxiliary (Boating Safety Courses)

(907) 463-2246

### 17th Coast Guard District (Alaska)

Office of Boating Safety

1-800-478-6381

[www.uscg.mil/d17/d17rbs/d17rbs.htm](http://www.uscg.mil/d17/d17rbs/d17rbs.htm)

### U.S. Coast Guard Boating Safety (Nationwide)

1-800-368-5647

[www.uscgboatingsafety.org](http://www.uscgboatingsafety.org)

Alaska Marine Safety Education Association

(AMSEA)

(907) 747-3287

[www.amsea.org](http://www.amsea.org)



## Program Success

The Kids Don't Float Program has been directly involved with saving lives of children in Alaska.



Our first known "save" was in Kotzebue, where 10-year old Radar Lambert saved the life of one of his friends who fell into the water without a PFD and could not swim. Radar donned a Kids Don't Float PFD and rescued his 12-year old friend.

In another situation, 2 children in Klawock used the lifejackets to throw to another child who had fallen into the water, and then ran to get an adult to help get her out of the water.

If you know of other children whose lives have been saved by use of these or other lifejackets, please let us know! Call us at 1-800-478-6381.

## Kids Don't Float Peer Education Program

Kids Don't Float also has a Peer Educator program. In this program, middle or high school students are taught the importance of wearing lifejackets.

After their session, these students provide training to elementary school children in their community about the use of lifejackets.

This training has been extremely successful and is very popular with youth. For more information or a packet to implement this program in your community, contact the 17th District Boating Safety office at 1-800-478-6381 (Alaska), or (907) 463-2297.





Tony Knowles, Governor  
State of Alaska

Karen Perdue, Commissioner  
Department of Health and Social Services

Division of Public Health  
Community Health and Emergency Medical Service, Section

PO Box 110616  
Juneau, Alaska 99811-0616  
(907) 465-3027



United State Coast Guard 17th District



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## **Lives Saved by Kids Don't Float Loaner PFDs**

### **Kotzebue**

June 1998

A 12-year old girl (Pamela Smith) slipped into deep water while playing at the water's edge with some friends. 10-year old Radar Lambert (a non-swimmer) took a KDF PFD and doggie paddled out to save her. **1 life saved.**

### **Klawock**

August 1998

A child fell off the harbor pier while several children were playing at the dock. Two classmates grabbed KDF PFDs from the loaner board and threw them to the child in the water, and then two of the children ran to the home of Ron Armour, who called 911. Two other children flagged down an adult (Robert Carl of Hydaburg) who jumped in and retrieved the child from the water ("Little Heros:" Esther Bezemer, Ryan Armour, Robert McNeill, and Jessica Watson). **1 life saved.**

### **Cooper Landing**

May 1999

Two children were canoing with two men along the Kenai river, when the overloaded 15-foot canoe began to swamp (built for 3 people). The children were both wearing KDF PFDs. The two adults were sitting on PFDs. One man jumped out as the canoe swamped, and was taken down the river and drowned. The two children and other adult made it safely to shore. **2 lives saved.**

### **Sitka**

September 2002

A family of 5 went boating near Sitka. Two of the children were wearing KDF PFDs, and the third child (3-month old infant) was strapped into a car seat (not in a PFD). The boat suddenly capsized, and the two children wearing PFDs were recovered, and one was given mouth-to-mouth resuscitation until he revived. The infant died in the overturned boat. **2 lives saved.**

## *Kids Don't Float Loaner Program*

**Objective:** Reduce drowning among children by increasing personal flotation device (PFD) use.

**Problem Statement:** In the fifteen years from 1980 through 1994, 100 children and adolescents (age 0-14) died in Alaska due to drowning. It remains a leading killer among children. The majority of Alaska's drownings occur in the abundant marine waters, lakes, and rivers within and surrounding the state.

**Strategies and Activities:** Kids Don't Float (KDF) loaner board sites are established at harbors and public boat access areas. Instructions for building a loaner board and ordering PFDs (or lifejackets) and a KDF sign can be obtained from the ISAPP office. PFDs are hung from pegs on the sign. Boaters and other harbor visitors may take appropriate size lifejackets for children, free of charge. Upon completion of boating activity, boaters return lifejackets to the board. The board sponsor monitors the board and stores the PFDs in the winter.

**Evaluation:** There were 317 KDF sites in Alaska as of February, 2003. A formal evaluation of this program was done in 1997-1998 by Kathy O'Gara, Injury Prevention Specialist for Southeast Region Health Consortium. By comparing PFD use in two Southeast Alaska communities, she found that the community that established a KDF board experienced a use increase of 119%. The PFD use rate in the control community remained virtually the same from 1997 to 1998. A PFD observation study in 2001 including 229 observations, demonstrated 75% use at KDF sites compared with 50% use at non-KDF sites. Finally, from 1998-2002 a KDF jacket was involved in the rescue of six children who were in danger of drowning.

**Cost:** PFDs and signs are funded by grants. Materials for building a loaner board are approximately \_\_\_\_\_. Labor is volunteer.

**Contact:**

Maria Bailey, ISAPP, Juneau, 465-4170  
Mike Folkerts, U.S. Coast Guard, 463-2297  
Jeff Johnson, Boating Safety Office, 269-8705



# RECREATIONAL BOATING SAFETY



**Legislative Information**  
*Provided by the U.S. Coast Guard*

**Subject:** boating Safety Program

**Date:** Thu, 06 Mar 2003 07:11:55 -0900

**From:** Anna Clark Kim <anna\_kim@legis.state.ak.us>

**Organization:** Legislative Finance

**To:** barbara\_cotting@legis.state.ak.us

**CC:** Rob <rob\_carpenter@legis.state.ak.us>

Barbara,

The Boating Safety Program is located in DNR's capital budget and is funded by (CIP receipts) federal receipts. For FY03 looks like they were authorized \$600,000, have spent \$76,000, encumbered or obligated \$98,000, and have a balance left as of this morning of \$426,000.

Thanks, Anna

Anna Clark Kim <anna\_kim@legis.state.ak.us>  
Legislative Fiscal Analyst  
Legislative Finance

The 2 full time people are paid out of what funds? Why are they not paid out of Federal Receipts since this is a grant?

Jeff E. ??? Salaries paid for by the State  
Johnson

**Subject: Re: boating safety, HB 93**

**Date:** Wed, 05 Mar 2003 12:15:36 -0900

**From:** Jeff Johnson <jeffj@dnr.state.ak.us>

**To:** Barbara Cotting <Barbara\_Cotting@Legis.state.ak.us>

**CC:** Janet Burleson Baxter <janet\_burleson@dnr.state.ak.us>

He's DNR's Boating Safety Administrator

Barbara, in answer to your questions:

1. If the legislature deletes the registration requirement for paddle boats (non powered boats) from the Boating Safety Act and passes HB 93 without it, would your boating safety program be endangered?

Alaska's program depends entirely on federal grant funds. One of the conditions for this funding is that the states register boats with mechanical propulsion, in accordance with federal standards. The registration of non powered boats is not required for a state to receive federal funding.

2. Would any of the federal funds Alaska now receives for its boating safety program be in jeopardy?

No. If we required registered non powered boats to display the entire "AK" number, those boats would then count toward the formula that determines our share of federal funding. However, we only require non powered boats display a single validation decal in Alaska, so although non powered boat registration means income to the state in registration receipts, those registrations do not affect the amount our federal grant for boating safety.

How much?

3. Would it affect the current registration program for power boats?

I don't see how it would.

4. Are there any other possible effects you can think of?

1. Reduced state boat registration receipts

what about costs?

2. Paddlers would still receive the benefits of search and rescue, emergency locate and theft recovery efforts by the Coast Guard and the state, but those efforts will be more costly to the state if their boats are not registered.

Hope this helps you, Barbara.

Jeff

---

Barbara Cotting wrote:

Hi Jeff,

Regarding HB 93 which repeals the sunset on the Boating Safety Act of 2000 (HB 108), I need the following information:

1. If the legislature deletes the registration requirement for paddle

boats (non-powered boats) from the Boating Safety Act and passes HB 93 without it, would your boating safety program be endangered?

2. Would any of the federal funds Alaska now receives for its boating safety program be in jeopardy?
3. Would it affect the current registration program for power boats?
4. Are there any other possible effects you can think of?

Thanks for your help.

Barbara Cotting,  
House Transportation Committee Aide

Jeff Johnson <[jeffj@dnr.state.ak.us](mailto:jeffj@dnr.state.ak.us)>  
Boating Law Administrator

This packet is information provided by the U.S. Coast Guard and prepared by the Office of Recreational Boating Safety. Contact Mike Folkerts at (907) 463-2297 or e-mail [mfolkerts@cgalaska.uscg.mil](mailto:mfolkerts@cgalaska.uscg.mil)

Informative web site for information on Wallop-Breaux funding. <http://www.wallop-breaux.org/>

Web site for the Alaska Office of Boating Safety: <http://www.dnr.state.ak.us/parks/boating/>

Web site for the Coast Guard Recreational Boating Safety: <http://www.uscg.mil/d17/d17rbs/d17rbs.htm>

Contents:

- 1) Question & Answer sheet – 2 pages
- 2) Registration statistics, DMV – 2 pages
- 3) Fatality listings, 1999-2002 – 6 pages
- 4) Kids Don't Float – 2 pages

*Also available on CD-ROM is the Alaska Boater's Opinion Survey Nov. 2002.*

Their program would not  
have made a bit of  
difference - Those who  
died were not wearing  
life-jackets

## Q&A

- **What happens if Alaska's Boating Safety Law Sunsets?**  
*If the Legislature chooses to allow Alaska's Boating Safety Law to sunset, the Office of Boating Safety ceases to exist, the Coast Guard would resume registration responsibilities, and Alaska will lose nearly \$800,000 annually in registration and federal funds. Boating Education ceases and more Alaskans will die.*
- **Why do we need to register kayaks and canoes?**  
*The unpowered craft registration requirement is strictly the State's decision. (Not a Federal requirement). A committee substitute was introduced to register paddle boats by Rep. Mulder on HB108. The thought was that paddle boaters should share in the cost of a program that they would also benefit from. Approximately 25 per cent of all boating fatalities from 1991 through 2000 were in non-motorized craft.*
- **How does registration save lives?**  
*Registration is a tool that can be used by Search and Rescue personnel to quickly establish ownership of a vessel that is found adrift, overturned or grounded. Once ownership is determined, the owner, friends and relatives can be contacted to find out if there was a boating accident or if the boat simply drifted away or broke its moorings. It also speeds the process of finding out how many other persons were on the boat that may be in distress. For the very minor cost associated with registering a boat, especially a non-powered boat, the benefits to a boater in trouble can be tremendous. The registration information can prove critical to resolving Search and Rescue cases without having to launch rescue resources. This minimizes the risks to those searchers and prevents unnecessary searches.*
- **Why doesn't the Coast Guard want to register boats?**  
*The Coast Guard's primary missions are Search and Rescue and Maritime Homeland Security. Besides being mandated by U.S.C. Title 46, Chapter 131 to encourage States to take responsibility for their own boating safety, the Coast Guard simply does not have the manpower to administer as effectively a program as the States can do on their own. The Coast Guard currently does not register boats in any state or territory. If the Coast Guard took over boating registration in Alaska, none of the registration funds collected would be returned to the state, yet the majority of boats currently registered would still require registration.*
- **What benefit has Alaska seen since the law was passed?**  
*Alaska has seen the formation of the Office of Boating Safety within DNR, an additional \$400,000+ in registration receipts that now stays in the Alaska's General Fund instead of going into the U.S. Treasury. A comprehensive education program has been offered to the boating public in the form of publications and boating safety courses. Over \$350,000 annually in federal funding adds to the State's boating safety budget. The federal funding would not be available without HB108, Alaska's Boating Safety Law.*

- **Have the fatalities dropped since the law was passed?**  
*Yes! In 1998, 38 Alaskans died in recreational boating accidents. In the year 2002, 16 persons died in recreational boating deaths.*
- **Is our law really more government?**  
*Yes and No. The State law mirrors existing Federal law for all practical purposes. A boater meeting the Federal requirements will also meet the State's requirements. In essence, the State, by passing HB108, did not place any further restrictions on the average boater. Except for the non-powered registration requirement, the law was basically 'transparent' to the public. The benefit to Alaskans is the educational component provided by the law and the money that now stays in the state instead of going to the Federal government.*
- **How does the average boater see a benefit from the law?**  
*They have access to more boating safety courses, publications and boater information. The law also gives enforcement power to DPS, which in turn, makes boating safer by enforcing the safety equipment requirements and regulations. It also requires Personal Flotation Device (life jackets) be worn by children under 13 years of age.*

**The United States Coast Guard will continue to provide Search and Rescue for the boaters of Alaska within our areas of responsibility. We will continue striving to meet the expectations of those in trouble that have come to depend on our particular expertise. Our goal is to see everyone come home safely. Alaska's Boating Safety Law assists us immeasurably by helping boaters not get into trouble through education.**

RECREATIONAL BOATS ONLY\*

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CGHQ 3923 (Rev. 12-90)	<b>REPORT OF CERTIFICATES OF NUMBER ISSUED TO BOATS</b> Numbered in accordance with 33 CFR Parts 173 & 174 Total Valid State Certificates Outstanding As of 31 December 2002	FOR THE STATE OF ALASKA
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HULL MATERIAL	UNDER 16 FEET						16 TO LESS THAN 26 FEET						26 TO LESS THAN 40 FEET					
	POWER			AUXILIARY SAIL			POWER			AUXILIARY SAIL			POWER			AUXILIARY SAIL		
	INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD		INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD		INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD	
Wood	1	105	1	0	2		26	385	24	6	14		93	39	18	21	11	
Fiberglass	101	1,538	23	0	13		883	4,182	2,982	36	195		721	124	743	203	63	
Metal	90	4,157	19	0	0		1,734	14,364	332	2	3		67	201	60	5	1	
Inflatable	2	2,479	0	0	1		0	503	0	0	0		1	2	0	0	0	
Other	0	44	0	0	2		1	50	4	0	1		1	1	0	5	0	
HULL MATERIAL	40 TO 65 FEET						OVER 65 FEET						TOTAL					
	POWER			AUXILIARY SAIL			POWER			AUXILIARY SAIL			POWER			AUXILIARY SAIL		
	INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD		INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD		INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD	
Wood	17	5	2	3	0		3	1	0	0	0		140	535	45	30	27	
Fiberglass	40	2	2	11	0		3	5	4	0	0		1,748	5,851	3,754	250	271	
Metal	8	6	5	3	0		2	6	1	1	0		1,901	18,734	417	11	4	
Inflatable	0	1	0	0	0		0	2	0	0	0		3	2,987	0	0	1	
Other	0	1	0	3	0		0	0	0	0	0		2	96	4	8	3	

The term "sterndrive" includes inboard/outboards and jet drives.

HULL MATERIAL	OTHER BOATS						TOTAL	SCOPE OF CURRENT NUMBERING SYSTEM	*TOTALS:
	NOT MECHANICALLY PROPELLED	PERSONAL	OTHER						
	ROWBOATS	SAILBOATS	CANOE/KAYAKS	WATER-CRAFT	BOATS				
Wood	226	27	0	1	13	267	COMMENTS (Continue on plain paper or reverse)	Commercial Passenger: 2,524	
Fiberglass	4,161	134	0	1,419	123	5,837		Commercial Fishing: 4,547	
Metal	1,151	2	0	23	142	1,318		Commercial Other: 2,445	
Inflatable	895	1	0	1	47	944		Dealers: 15	
Other	536	3	0	4	3	546		Rentals: 1,646	
								Other: 0	
								Total Powered Boats: 36,822	
								Total Other Boats: 8,912	
								Total all certified 12/31/ 2002 56,911	

I Certify that to the best of my knowledge and belief, the data above are correct.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Boat Registration - DMV

Registration is for three years

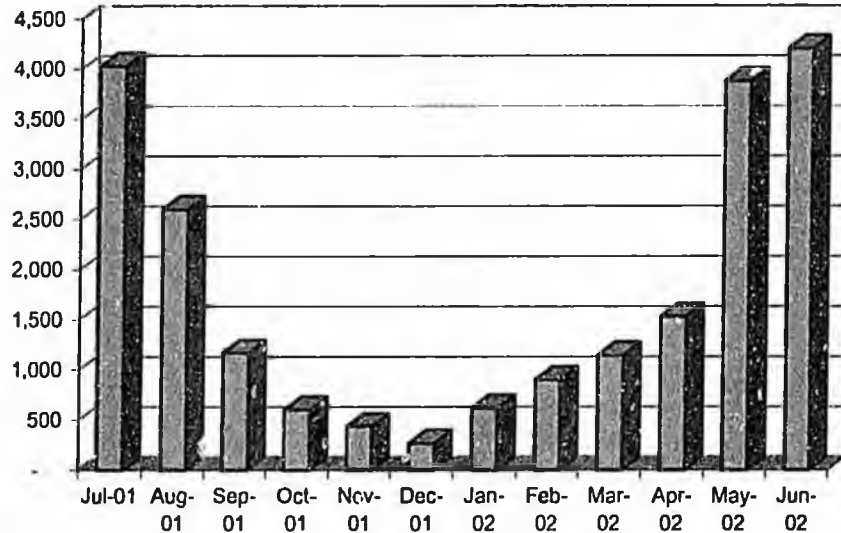
### FY2002 Summary Year-To-Date

	TOTAL DEP	Motorized	Non-Motorized	Total Trans
Jul-01	\$ 82,845	70,198	12,647	4,031
Aug-01	\$ 55,643	49,352	6,291	2,601
Sep-01	\$ 24,785	22,793	1,992	1,168
Oct-01	\$ 13,351	12,224	1,127	600
Nov-01	\$ 9,707	9,151	556	437
Dec-01	\$ 5,723	5,573	150	268
Jan-02	\$ 14,226	13,884	342	620
Feb-02	\$ 20,665	20,348	317	899
Mar-02	\$ 26,610	26,112	498	1,145
Apr-02	\$ 33,269	31,267	2,002	1,530
May-02	\$ 82,981	77,860	5,121	3,881
Jun-02	\$ 86,868	78,682	3,186	4,202
<b>Total</b>	<b>\$ 456,673</b>	<b>\$ 417,444</b>	<b>\$ 39,229</b>	<b>21,382</b>

### Number of Transactions by Type - Motorized

	Original \$24	Dup \$5	Renew/Web \$24	Dealer \$10	Add/Drop \$5	Transfer \$24	Total
Jul-01	1,689	48	621	2	31	598	2,989
Aug-01	1,149	49	483		17	408	2,106
Sep-01	387	30	380		7	175	979
Oct-01	147	11	216		9	142	525
Nov-01	108	7	171		4	100	390
Dec-01	71	23	98		2	58	252
Jan-02	92	9	404		3	80	598
Feb-02	124	18	622		10	96	870
Mar-02	177	18	765		6	141	1,107
Apr-02	415	40	597		12	281	1,345
May-02	1,070	136	1,402		23	739	3,370
Jun-02	1,530	105	1,006	2	39	711	3,393
<b>Total</b>	<b>6,959</b>	<b>494</b>	<b>6,765</b>	<b>4</b>	<b>163</b>	<b>3,529</b>	<b>17,914</b>
Percent	39%	3%	38%	0%	1%	20%	100%

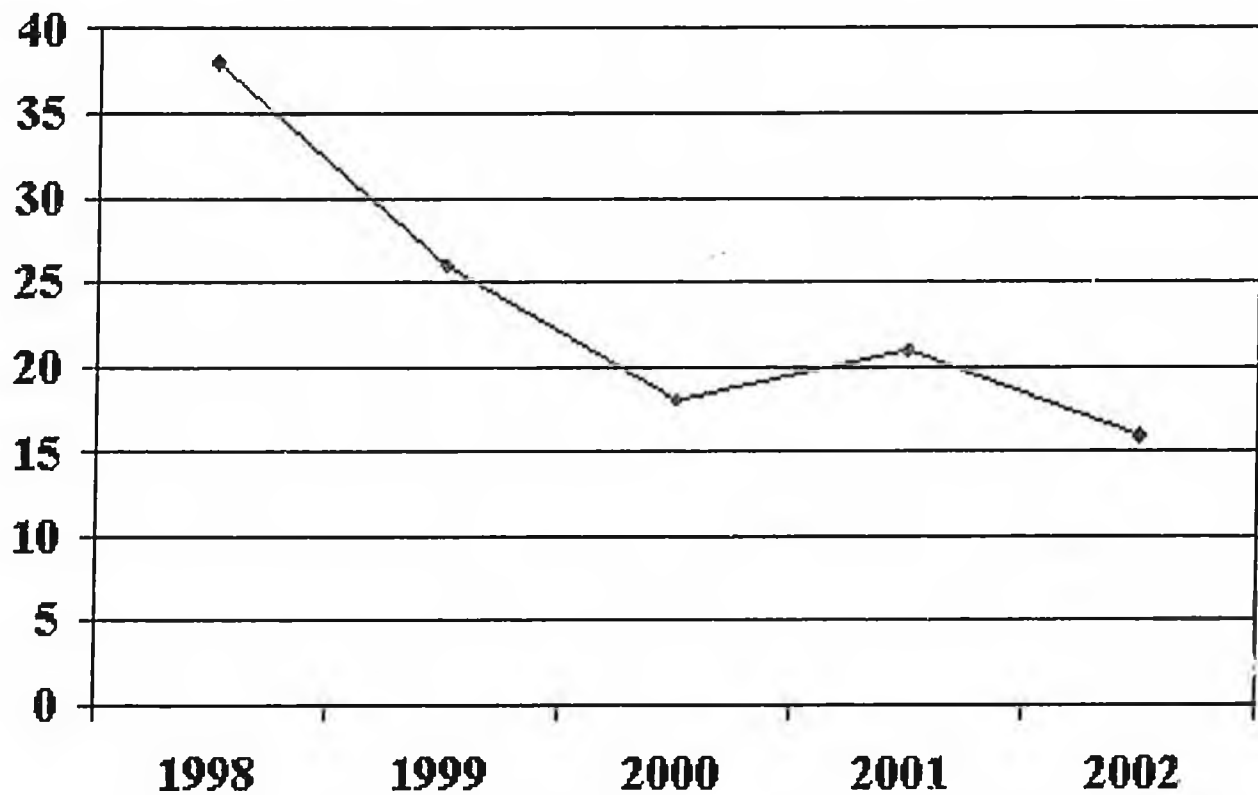
### FY2002 Registration Transactions



### Number of Transactions by Type - Non-Motorized

	Original \$10	Dup \$5	Renew/Web \$10	Search \$5	Dealer \$10	Add/Drop 5	Transfer \$10	Total
Jul-01	1,010	6	9	4		(1)	14	1,042
Aug-01	460	10	10	8			7	495
Sep-01	169	(1)	2	2			17	189
Oct-01	63		3	6			3	75
Nov-01	32			5		10		47
Dec-01	12	1	1	1			1	16
Jan-02	21		3	5			3	32
Feb-02	24		1	4				29
Mar-02	29	1	1	7				38
Apr-02	164	3	4	4			10	185
May-02	463	13	15	5		1	14	511
Jun-02	741	21	16	1			30	809
<b>Total</b>	<b>3,188</b>	<b>54</b>	<b>65</b>	<b>52</b>	<b>-</b>	<b>10</b>	<b>99</b>	<b>3,468</b>
Percent	92%	2%	2%	0%	0%	0%	3%	100%

# Alaska's Recreational Boating Fatalities



## 1999 FATALITIES

<u>Case</u>	<u>Name</u>	<u>Age/Gender</u>	<u>Date</u>	<u>Remarks</u>	<u>Area</u>	<u>NAV/NON-NAV</u>	<u>SALT/FRESH</u>	<u>ALC</u>	<u>PFD</u>
1	9902003 Scott Weismantel	32M	22-Apr	Fell overboard	Zizhuyak Bay	Nav	Salt	YES	UNK
2	9902006 John Wolski	36M	30-May	Ovrloaded canoe	Kenai River	Nav	Fresh	NO	NO
3	9902007 Douglas Sheldon	69M	20-May	Seal hunter	Bering Sea	Nav	Salt	NO	UNK
4	9902007 Raymond Brown, Sr.	61M	20-May	Seal hunter	Bering Sea	Nav	Salt	NO	UNK
5	9902009 Kenneth Dale Rollins	58M	16-May	Skiff adrift	Thorne Bay	Nav	Salt	NO	YES
6	9902013 Larry Taylor	41M	22-May	Canoe capsized	Barley Lake	Non-Nav	Fresh	NO	NO
7	9902014 Vernon Shomshak	70M	27-May	Fell off anchored S/V	Annette Island	Nav	Salt	NO	UNK
8	9902019 Eloise Hubbard	75F	29-May	Thrown out of raft	Nenana River	Nav	Fresh	NO	YES
9	9902019 Doris North	75F	29-May	Thrown out of raft	Nenana River	Nav	Fresh	NO	YES
10	9902025 Grafton Njootli	42M	18-Jun	Failed to rtn	Ft Yukon	Nav	Fresh	UNK	UNK
11	9902030 Nicholas M. Newman	15M	27-Jun	Fell off PWC	Pond	Non-Nav	Fresh	NO	NO
12	9902031 Herbert Jones	33M	03-Jul	Fell overboard	Selawick River	Nav	Fresh	YES	NO
13	9902032 Sinka Crane	70M	06-Jul	Boat hit log, fell ovrbd	Kuskokwim Rvr	Nav	Fresh	NO	UNK
14	9902034 John Kittleson	21M	21-Jul	Canoe capsized	Spirit Lake	Non-Nav	Fresh	NO	NO
15	9902042 Florence Ignatius	51F	25-Jul	Skiff overturned	Sheldon Pt	Nav	Salt	NO	NO
16	9902042 Anthony Raphael	58M	25-Jul	Skiff overturned	Sheldon Pt	Nav	Salt	NO	NO
17	9902044 David Michael Phillips	41M	23-Jul	Fell off PWC	Robe Lake	Non-Nav	Fresh	NO	NO
18	9902047 Victor Severov	57M	03-Aug	Skiff capszd-rough wx	Bering Sea	Nav	Salt	NO	NO
19	9902047 Dennis Polvolski	26M	03-Aug	Skiff capszd-rough wx	Bering Sea	Nav	Salt	NO	NO
20	9902055 William Jackson	28M	07-Aug	Fell overboard	Unalakleet Rvr	Nav	Fresh	YES	NO
21	9902053 Stewart P. Shafer	20M	17-Aug	Fell off PWC	Bear Lake	Non-Nav	Fresh	NO	NO
22	9902060 Kenneth Paul	36M	23-Aug	Skiff capsized	Beaufort Sea	Nav	Salt	NO	NO
23	9902060 Sandra Meyook	12F	23-Aug	Skiff capsized	Beaufort Sea	Nav	Salt	NO	NO
24	9902060 Sylvia Meyook	16F	23-Aug	Skiff capsized	Beaufort Sea	Nav	Salt	NO	NO
25	9902064 Alvin Haynes	64M	04-Sep	Swept downstream	Yukon River	Nav	Fresh	NO	NO
26	9902070 David Poole	55M	31-Nov	S/V sank in heavy seas/wx	Glacier Bay	Nav	Salt	NO	UNK

## 2000 FATALITIES

<u>Case</u>	<u>Name</u>	<u>Age/Gender</u>	<u>Date</u>	<u>Remarks</u>	<u>Area</u>	<u>NAV/NON-NAV</u>	<u>SALT/FRESH</u>	<u>ALC</u>	<u>PFD</u>
1 AK-0010	Travis Mason	16M	21-Apr	Fell off PWC	Spuhn Island	NAV	SALT	NO	NO
2 AK-0020	Gordon Peterson	48M	22-Jun	Boat ran aground	Yukon River	NAV	FRESH	YES	NO
3 AK-0021	Ken Tyler	43M	24-Jun	Fell ovrbd/hit by prop	Mellakatta	NAV	SALT	NO	YES
4 AK-0022	Dave Worman	40M	25-Jun	Raft flipped	Kenai-6 mile rvr	NON-NAV	FRESH	NO	YES
5 AK-0025	Mary Semone	33F	29-Jun	Jumped out of boat, drowne	Yukon River	NAV	FRESH	YES	NO
6 AK-0026	Andrew Frank, Sr.	54M	01-Jul	Fell overboard	Kuskokwim Rvr	NAV	FRESH	YES	NO
7 AK-0030	Robert Mills	34M	10-Jul	Fell overboard	Susitna Lake	NAV	FRESH	NO	NO
8 AK-0030	Rocky Mills	55M	10-Jul	Fell overboard	Susitna Lake	NAV	FRESH	NO	NO
9 AK-0035	Curtis Gloko	19M	24-Jul	Swam from skiff, drowned	Amanka Lake	NON-NAV	FRESH	NO	NO
10 AK-0039	Jerry Sheets	66M	01-Aug	Boat capsized	Valdez Bay	NAV	SALT	NO	YES
11 AK-0043	Atsushi Sugiura	38M	07-Aug	Swamped canoe	Naknek Lake	NON-NAV	FRESH	NO	YES
12 AK-0043	Naomi Sugiura	?F	07-Aug	Swamped canoe	Naknek Lake	NON-NAV	FRESH	NO	UNK
13 AK-0046	Thomas Olson	54M	11-Aug	Fell overboard	Nushagak Bay	NAV	SALT	YES	NO
14 AK-0051	Richard Reamy	65M	22-Aug	Capsized skiff	Kinky Island	NAV	SALT	NO	NO
15 AK-0052	Michael McGovern	38M	22-Aug	Capsized kayak	Blackstone Bay	NAV	SALT	NO	ES
16 AK-0053	Ron Olrun	60M	25-Aug	Fell overboard	Mekoryuk River	NAV	FRESH	NO	NO
17 AK-0064	Jackson P. Brooks	66M	02-Oct	Thrown ovrbd, drowned	Chilkat Lake	NON-NAV	FRESH	NO	YES
18 AK-0070	Walt Cunningham	57M	27-Oct	Drowned, diving	Sitka Sound	NAV	SALT	NO	NO

## 2001 FATALITIES

<u>Case</u>	<u>Name</u>	<u>Age/Gender</u>	<u>Date</u>	<u>Remarks</u>	<u>Area</u>	<u>NAV/NON-NAV</u>	<u>SALT/FRESH</u>	<u>ALC</u>	<u>PFD</u>
1 AK-003	Roger DeLong	58M	12-Feb	Overturned skiff carrying sand Died overnight fm exposure	Stack Is-Ketch	NAV	SALT	NO	NO
2 AK-010	James Deitz	39M	14-Apr	Beachcombing, raft capsized enr to boat and sank, 1 pob drowned	Bear Glacier	NAV	SALT	NO	NO
3 AK-015	Aaron Keller	28M	23-May	sitting on edge of boat, wake fm other boat, fell ovrbd, drowned	Chena River	NAV	FRESH	YES	NO
4 AK-18	Stephanie Bennis	16F	05-Jun	Boat hit submerged object, fell ovrbd, body not found	Kobuk River	NAV	FRESH	UNK	NO
5 AK-020	George Zeiter	41M	06-Jun	Canoe flipped in high, fast water	Charley River	NAV	FRESH	NO	YES
6 AK-021	Michele Saint Andre'	55M	11-Jun	Raft hit log and overturned, trapped by by snagged PFD, got it off & disappeared downstream	Talachulitna River	NON-NAV	FRESH	NO	YES
7 AK-026	Richard Cook	70M	18-Jun	Fell out of canoe - his only means of transportation	Tatonduk River	NAV	FRESH	NO	NO
8 AK-028	Michael Bjornstad	37M	24-Jun	Skiff ran aground, struck rocks- op was knocked out and died	Sand Point	NAV	SALT	YES	NO
9 AK-029	David Phillips	45M	22-Jun	While at the back of boat checking engine, he fell in - drowned	Ivanof Bay	NAV	SALT	YES	NO
10 AK-030	Gilbert Kitka	67M	26-Jun	Had been beachcombing - body found next to overturned 7ft Zodiac	Sitka Point	NAV	SALT	NO	NO
11 AK-032	Curtis Keitel	20M	28-Jun	Departed from cabin on Hawkins Is enr Codova - kayak found on the rocks	Deep Bay	NAV	SALT	YES	NO
12 AK-032	Lee Houser	20M	28-Jun	Departed from cabin on Hawkins Is enr Codova - kayak found on the rocks	Deep Bay	NAV	SALT	YES	NO
13 AK-036	Jesse Provo	30M	07-Jul	Jet ski tipped over and Provo fell off, submerged and not located	Willow Long Lake	NON-NAV	FRESH	UNK	NO
14 AK-042	Clarence Hrefon- Harried III	16M	17-Jul	Crossing lake, skiff capsized, other boy was treated for hypothermia	Six Mile Lake	NON-NAV	FRESH	NO	NO
15 AK-044	Frank Commack	M	20-Jul	Boat found empty going in circles, PFD floating near boat	Kobuk River	NAV	FRESH	NO	NO
16 AK-050	Archie Thurmond	71M	06-Aug	Died from injuries sustained from boat fire during refueling.	Koyukuk River	NAV	FRESH	NO	NO

17	AK-051	Lucy Harless	43F	09-Aug	Jumped into the river to prove she was a better swimmer, did not re-surface.	Togiak River	NAV	FRESH	YES	NO
18	AK-057	Gene E. Needels	71M	25-Aug	Drowned after overturning his boat	Tatondan Lake	NON-NAV	FRESH	NO	NO
19	AK-064	Michael Coghill	25M	09-Sep	Swamped boat, last seen clinging to a gas can floating down river	Tanana River	NAV	FRESH	NO	UNK
20	AK-067	Matthew Epchook	21M	05-Oct	Travelling via boat from Bethel to Kwethluk, ended up in the water and drowned	Kuskokwim River	NAV	FRESH	YES	NO
21	AK-070	Kenneth Schaeffer	49M	08-Nov	Teaching kayak rolls, hit head on rock and drowned.	Thompson Harbor	NAV	SALT	NO	YES

## 2002 FATALITIES

<u>Case</u>	<u>Name</u>		<u>Age/Gender</u>	<u>Date</u>	<u>Remarks</u>	<u>Area</u>	<u>NAV/NON-NAV</u>	<u>SALT/FRESH</u>	<u>ALC</u>	<u>PFD</u>
1 AK-02	Bethany Lynn		26/F	16-Jan	Capsized kayak. Reached Casey Island and died of hypothermia. Body washed out to sea.	Casey Island, Kachemak Bay	Nav	Salt	No	yes
2 AK-10	Jason Burrows		28/M	25-May	capsized inflatable raft. Alcohol involved. Two persons went in water. One survived.	Prator Lake, Houston, AK	Non-Nav	Fresh	yes	no
3 AK-20	Yako Nick		26/M	19-Jun	Found floating in Kwethluk River. Boat found still running. NO pfd	Kwethluk River Kwethluk, AK	Nav	Fresh	yes	no
4 AK-21	Oscar Mezak		71/M	19-Jun	Drowned while trying to free his skiff that was aground on a sand bar	Oscarville slough Oscarville, AK	Nav	Fresh	yes	no
5 AK-23	Melton Ozenna		41/M	26-Jun	Gray Whale capsized skiff, man hit head on side of boat and died.	Little Diomedes Island	Nav	Salt	no	unk
6 AK-34	Sinka Williams SR		68/M	20-Jul	Drowned while trying to free a line wrapped in his prop.	Kuskokwim River Lower Kalskag	Nav	Fresh	unk	unk
7 AK-43	Walter Jack JR		21/M	19-Aug	Left hunting area in morning. Not know where he went. Body later found in lake. Drowned	Salt Lake Angoon	Non-Nav	Fresh	yes	no
8 AK-50	Jordan Porter		3months/M	03-Sep	Boat overturned five persons went in water. infant in car seat was located under boat.	Starrigavin Bay Sitka, AK	Nav	Salt	no	no
9 AK-57	Steve Katchis		31/M	20-Sep	While attempting to canoe across Malanuska River canoe capsized and one man drowned. No PFD	Malanuska River Chickaloon, AK	Nav	Fresh	unk	no
10 AK-60	Kevin Ayojiak		22/M	28-Sep	3 men going down Togiak River in small craft, capsized one not located	Togiak River Togiak, AK	Nav	Fresh	unk	unk
11 AK-63	Keith Kvernvik		41/M	28-Sep	Reported overdue on a trip from Wrangell to Mitkof Island. Boat found with equip. POB still missing.	Stikine River Wrangell, AK	Nav	Salt	yes	unk
12 AK-64	Ralph Ahkivgak		69/M	03-Oct	Whale boat capsized. 6POB went in water. One died and five taken to hospital and treated for hypo.	Arctic Ocean Barrow, AK	Nav	Salt	no	no
13 AK-65	Michael Constantine		38/M	04-Oct	Three men were crossing a small river in an Argo Amphibious. Capsized, two persons missing	Nikoli River Shirleyville, AK	Nav	Fresh	no	no
14 AK-65	Daniel Standifer		34/M	04-Oct	Three men were crossing a small river in an Argo Amphibious. Capsized, two persons missing	Nikoli River Shirleyville, AK	Nav	Fresh	no	no
15 AK-68	Christopher Cooper		31M	31-Dec	Three men capsized their canoe while attempting to cross a Lake. One survived, one body located one missing.	Lake Aleknagik Aleknagik, AK	Non-Nav	Fresh	yes	no
16 AK-68	Ronald Ramey		43M	31-Dec	Three men capsized their canoe while attempting to cross a Lake. One survived, one body located one missing.	Lake Aleknagik Aleknagik, AK	Non-Nav	Fresh	yes	no



### KIDS DON'T FLOAT Program

334 active sites throughout Alaska - 135 communities- 14 new sites added for 2002 season

Akhiok	Eagle City	Kenai	Northway	Susitna
Akutan	Eagle River	Kiana	Nunam Iqua	Takotna
Alæknagnik	Eagle Village	King Cove	Old Harbor	Talkeetna
Amber	Elim	King Salmon	Ouzinkie	Tanacross
Anchor Point	Ester	Kivalina	Palmer	Tatitlik
Anchorage	Ewok	Klawock	Pelican	Tenakee Springs
Anderson	Fairbanks	Klukwan	Petersburg	Teller
Angoon	False Pass	Kobuk	Pilot Point	Tetlin
Aniak	Fort Yukon	Kodiak	Point Hope	Thorne Bay
Barrow	Galena	Kokhanok	Point Lay	Togiak
Bethel	Game Creek	Kotzebue	Port Alsworth	Tok
Big Lake	Glennallen	L. Chatanika	Port Lions	Tok/BLM
Buckland	Golovin	Larson Bay	Port Portection	Toksook Bay
Chevak	Haines	Manley Hot Springs	Ruby	Trapper Creek
Chignik Lake	Halibut Cove	Manokotak	S. Soldotna	Unalakleet
Chuathbaluk	Healy	McGrath	Salcha	Unalaska
Chugiak	Homer	Merlasta	Sand Point	Valdez
Clear AS	Hoonah	Naknek	Selawik	Wasilla
Coffman Cove	Huslia	Nanwalek	Seldovia	White Mountain
Council	Hydaburg	Nenana	Seward	White Water
Cooper Landing	Iliamna	Newhalen	Shungnak	Whittier
Cordova	Jackolof Bay	Nicholai	Sitka	Willow
Craig	Juneau	Nikiski	Skagway	Wrangell
Deering	Kake	Ninilchik	Soldotna	
Delta Junction	Kalskag	Noatak	Sourdough	
Dry Creek Community	Karluk	Nome	South Naknek	
Dutch Harbor	Kasaan	Noorvik	St. Paul	<b>334 sites</b>
Dillingham	Kasliof	North Pole	Sterling	<b>135 communities</b>

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 93  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title An Act relating to boating safety: repealing BRU Parks & Recreation Management  
secs 3,5,7,9,11,14,18,23,26,27,30 Component Parks & Recreation Access  
 Sponsor Representative Weyhrauch  
 Requester (H) TRANS Component No. 2136

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

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

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

No fiscal impact is associated with this bill.

The primary purpose of this bill is to repeal the sunset provision of the Alaska Boating Safety Program.

Prepared by: Jeff Johnson Phone 907/269-8705  
 Division: Parks and Outdoor Recreation Date/Time 2/21/2003  
 Approved by: Tom Irwin, Commissioner Date 2/21/2003  
 Agency: Natural Resources

HB

97

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 14, 2003

FURTHER REFERRALS: Resources  
Finance

Date of Committee Action: 3/6/3

The TRANSPORTATION Committee considered:

HB 97

HOUSE BILL 97

LONG-TERM LEASES OF ALASKA RR LAND

"An Act authorizing a long-term lease of certain Alaska Railroad Corporation land at Anchorage; and providing for an effective date."

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)  
For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of  
Abbrev  
for  
Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DCFD				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Cheryl Heinze</i>	HEINZE	✓			
<i>Lie Kohring</i>	Kohring	X			
<i>Hugh Fote</i>	Fote	✓			
Chair: <i>[Signature]</i>	HOLM	✓			
Chair: <i>Beverly Masek</i>	MASEK	✓			

March 6

Jim –

This bill would authorize the railroad to extend the lease on a specific piece of land in Anchorage beyond the statutory 55 years. The developer of the senior housing project has recently decided to go for HUD funding, and HUD recently changed its requirement to 75 years.

The railroad has taken NO POSITION on this bill. The board has not had a chance to meet to make a decision on it. Wendy Lindskoog will be at the meeting to answer questions – and will also be glad to come talk to you before the meeting. Her cell phone is 240-9571.

Barbara

AB 97

off-nets

---

✓ Marc Marlow

907-229-8176 Anch

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# ALASKA STATE LEGISLATURE

*Interim:*

600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 373-1842  
Fax (907) 373-4729



*Session:*

State Capitol Building  
Juneau, Alaska 99801-1182  
(907) 465-2186  
Fax (907) 465-3818

**REPRESENTATIVE VIC KOHRING**  
DISTRICT 14

## **SPONSOR STATEMENT**

### **HOUSE BILL 97**

#### **LONG-TERM LEASES OF ALASKA RR LAND**

In 2002, the Legislature passed House Bill 298 to increase the maximum lease term without termination rights the Alaska Railroad can grant without Legislative approval to 55 years from the 35-year maximum set in 1984. The increase was to encourage economic development in communities along the Railbelt by making it easier for large commercial and residential developers to obtain financing through grants and other sources which require a longer lease. For example, the HUD 202 Senior Housing Grants required a minimum 40-year lease. The 55-year lease maximum set forth in HB 298 went into effect May 30, 2002.

Shortly after, the minimum lease requirement for Federal Housing and Urban Development (HUD) 202 grants increased from 40 years to 75 years, in effect putting developers back at square one. The Alaska Railroad can approve a lease in excess of 55 years; however, they must reserve the right to terminate the lease in the event the land is needed for railroad purposes.

A multi-family senior housing project has been planned for Government Hill in Anchorage and the developer was granted a 55-year lease by the Alaska Railroad Board for the project site. When HUD changed the terms of the 202 program, it disqualified the project for consideration for HUD 202 grants.

House Bill 97 will allow the Alaska Railroad to extend the developer's current 55-year lease without the termination clause allowing him to apply for HUD 202 funding.

updated 2-24-03  
contact Sharron O'Dell

# ALASKA STATE LEGISLATURE

*Interim:*

600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 373-1842  
Fax (907) 373-4729



*Session:*

State Capitol Building  
Juneau, Alaska 99801-1182  
(907) 465-2186  
Fax (907) 465-3818

REPRESENTATIVE VIC KOHRING  
DISTRICT 14

## Memorandum

DATE: February 27, 2003

TO: Rep. Jim Holm, Co-Chair  
Rep. Bev Masek, Co-Chair

FROM: Rep. Vic Kohring *VK*

RE: HB 97, Long-Term Leases of Alaska RR Land

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Please schedule a hearing for Thursday, March 6, for HB 97. Enclosed in the bill packet is the Bill and my Sponsor Statement. The Sectional Analysis and supporting documents will be delivered separately.

If you have any questions, contact my staff aide, Sharron O'Dell.

Thank you very much.



Alaska State Legislature  
Representative Vic Kohring

**Sharron O'Dell**  
*Legislative Aide, Chief of Staff*

*Interim ~ Wasilla*  
600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 373-1842  
FAX - (907) 373-4729

*Session ~ Juneau*  
Alaska State Capitol, Room 24  
Juneau, Alaska 99801  
(907) 465-2186  
(907) 465-3818 - FAX

E-Mail: [Sharron\\_Odell@legis.state.ak.us](mailto:Sharron_Odell@legis.state.ak.us)  
Toll Free: (800) 468-2186

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

---

### SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing Federally assisted housing for the elderly (HUD and RHS; e.g., public housing); State or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure, and housing condition; the types of supportive services arrangements currently available in the area; and the use of such services as evidenced by data from local social service agencies or agencies on aging. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building design, including a description of the number of units with bedroom distributions, any special design features, amenities, and/or community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10-20 years.

**Note:** If these community spaces, amenities, or features would not comply with the project design and cost standards of 24 CFR 891.120 and the special project standards of 24 CFR 891.210, you must state your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features;

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional units (i.e., in addition to the Section 202 units) with the use of Section 202 capital advance funds in combination with other funding sources. Specify the number of Section 202 units and the number of additional units from non-Section 202 funding sources. Provide

copies of any letters you have sent seeking outside funding for the non-Section 202 units and any responses thereto. You also must demonstrate your ability to proceed with the development of a Section 202 project that will not involve mixed-financing or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding or HUD disapproves your proposal for mixed-financing or a mixed-use.

**Note:** Approval of the Section 202 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at the time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 202 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure).

(4)(c)(iv) Describe your plan for completing the proposed project within the initial 18-month term of the fund reservation (optional).

(4)(d) Evidence that the Sponsor has site control and permissive zoning, including the following:

(4)(d)(i) Acceptable evidence of site control is limited to any one of the following:

(A) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 75 years;

(B) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 202 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 202 closing.

(C) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due, and

must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six months option period.

(D) Where the proposed site is subject to a mortgage under a HUD program (e.g., an earlier 202 or an FHA insured mortgage), you must submit evidence that consent to release of the site from that mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(E) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 202 capital advance. Where HUD determines that time constraints of the funding round will not permit all of the required official actions (e.g., approval of Community Planning Boards) that are necessary to convey publicly-owned sites, a letter in the application from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

**Note:** For this funding cycle, New York City-owned sites that are designated as community gardens and are involved in litigation will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase, or are acquiring the site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverts which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (e.g., reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of such covenants or restrictions must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverts, the application will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or the option agreement contains

Alaska Enfranchised Facilities, Inc. respectfully requests your assistance in providing legislation allowing for the development of senior housing, on land leased from the Alaska Railroad Corporation, using HUD's 202 program.

HUD's 202 program was initiated in the 1960's as a low interest loan program, designed to provide rental housing for low income persons sixty-two years of age and older. The program has evolved over the years and in the mid 1990's the program became a grant program whereby 501 C-3 not-for-profit applicants would receive the grant funds and use the money to build and operate housing for low income people sixty-two years of age and older.

Each year HUD uses a formula to determine how many housing units to assign to each of the fifty states in two categories. The categories are rural and urban. Once the allocation is made the opportunity to apply for the grant funds is advertised to all potential not-for-profit applicants with a NOFA (notification of funding availability). The NOFA is typically posted on the HUD website each April.

The last several years Alaska's annual allocation has been twenty urban units and five rural units. The grant program allows for grant funded buildings to be built on leased land. Before the 2002 grant cycle the rules called for the duration of the lease to be a minimum of forty years. In the April 2002 NOFA the duration of the lease, necessary to build on leased land, was increased to seventy-five years.

Alaska Enfranchised Facilities, Inc. has received seven grants in the past eight years. Four buildings are built and occupied in Anchorage. One building is under construction in Sutton, and later this summer another building will be built in Sutton and one in downtown Anchorage. These buildings total 115 housing units. Marc Marlow has acted as the contractor for most of the buildings built with the grants AEF has received to date. Mr. Marlow also acts as a facilitator for AEF, Inc., coordinating requirements for application in a timely manner as well as assisting in coordinating efforts after AEF, Inc. has received a grant.

Please find attached a brochure of the buildings AEF, Inc. has finished for Alaska's elderly to date.

Alaska Enfranchised Facilities, Inc. desires to apply for the 2003 HUD 202 grant and hopes to build the building on Government Hill in Anchorage, on a piece of land that the Alaska Railroad Corporation owns. The Alaska Railroad Corporation is only allowed to lease land for a period not to exceed fifty-five years, unless a longer period is approved by the legislature. In so far as the 202 program requires a lease period of at least seventy-five years, the legislature's approval is hereby requested to allow the Alaska Railroad Corporation to lease the portion of Section 8, Township 13 North, Range 3 West, Seward Meridian that is owned by the Alaska Railroad Corporation for a period in excess of fifty-five years.

**Alaska Enfranchise  
Facilities, Inc.**

**Providing safe,  
Clean and affordable  
Housing for Alaskan  
Seniors.**

## HISTORY

Alaska Enfranchise Facilities, Inc., previously Alaska Evangelistic Fellowship, Inc., received its non-profit corporation status in 1991.

The purpose of the corporation as amended in March, 1999 states: "the purpose of this corporation is to (1) research community needs and target feasible projects; (2) build facilities to support programs by seeking incentives for developers; (3) organize and train program-specific management and volunteers; (4) coordinate the utilization of community-based services in the programs; (5) obtain support for quality-of-life improvements in completed facilities; (6) seek continuous evaluation of facility and program effects; and (7) involve local and regional leadership in the entire process."

Current activities include sponsoring and facilitating the development of owner corporations for five (7) Section 202 Capital Advance, Supportive Housing for the Elderly, projects in Alaska.

## CURRENT PROJECTS

### Muldoon Manor

Project #176-EE007  
20 units  
2040 Muldoon Road  
Anchorage, Alaska 99504  
Funded 1995  
Grant amount \$2,438,199  
100% Occupied

### Commodore Park Plaza

Project #176-EE010  
25 units  
10415 Jamestown Drive  
Anchorage, Alaska 99507  
Funded 1996  
Grant amount \$3,034,440  
100% Occupied

### Russian Jack Manor

Project #176-EE015  
20 units  
1260 Delasala Place  
Anchorage, Alaska 99508  
Funded 1999  
Grant amount \$2,821,200  
100% Occupied

### Sutton Manor

Project #176-EE025  
5 units  
15816 North Glenn Highway  
Sutton, Alaska 99674  
Funded 2001  
Grant amount \$891,100  
Under construction

**Jewel Lake Plaza**

Project #176-EE014  
20 units  
8300 Jewel Lake Road  
Anchorage, Alaska 99502  
Funded 1998  
Grant amount \$2,351,000  
100% Occupied

**Sutton Annex**

Project #176-EE028  
5 units  
15838 North Glenn Highway  
Sutton, Alaska 99674  
Funded 2002  
Grant amount \$891,100  
Design phase

**Sullivan Manor**

Project #176-EE027  
20 units  
Anchorage, Alaska  
Funded 2002  
Grant amount \$3,620,500  
Design phase

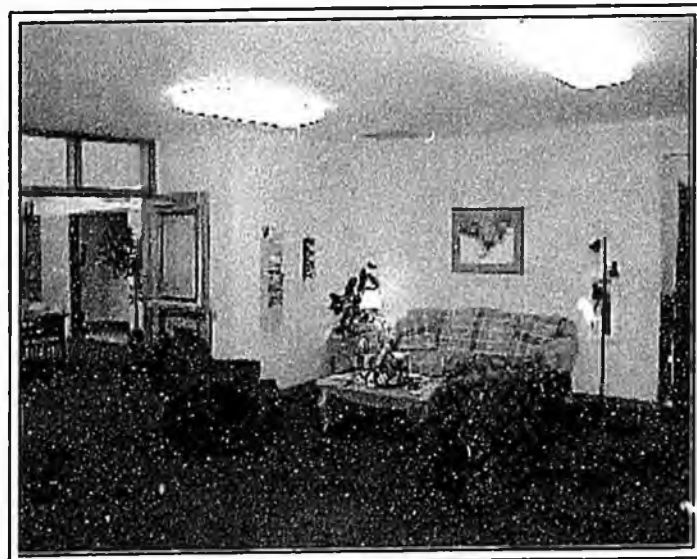
The Board of Directors works with Manor Management of Alaska, Inc. (MMA) on the development and operation of its current facilities as well as future projects. MMA was formed as a sister corporation to Manor Management Services, Inc. (MMS) specifically to provide housing and related services to seniors in Alaska. MMA was incorporated on July 29<sup>th</sup>, 1992.

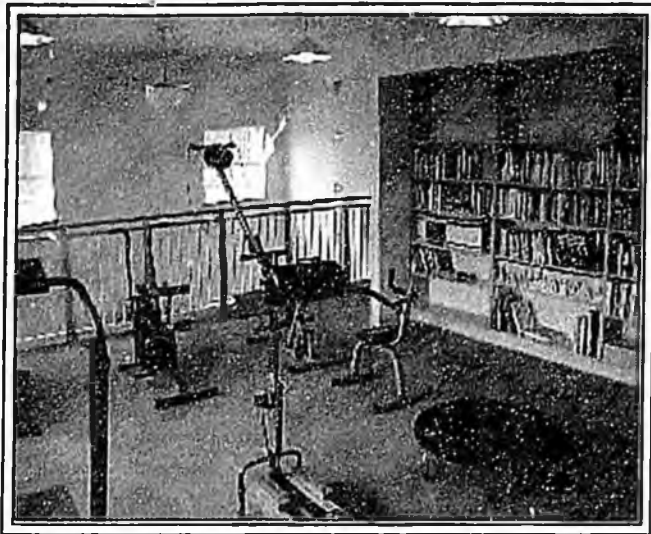
Board meetings are held on a quarterly basis with the management team. Board members are asked to review financial statements from each facility, comment on facility operations, and provide support for project funding, design phase to project completion.

Attached for your review are photographs from our current facilities. Should you have any questions please contact Patrick C. O'Toole, President, MMA, at 1-800-201-4922.

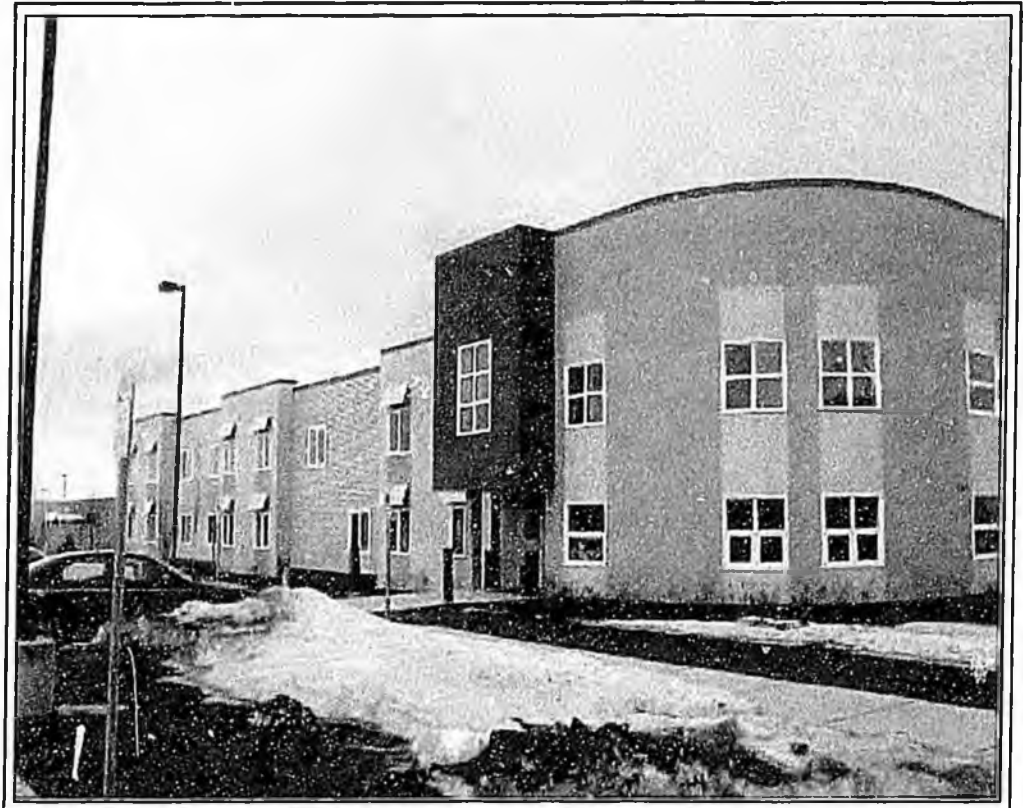


Muldoon Manor  
#176-EE007



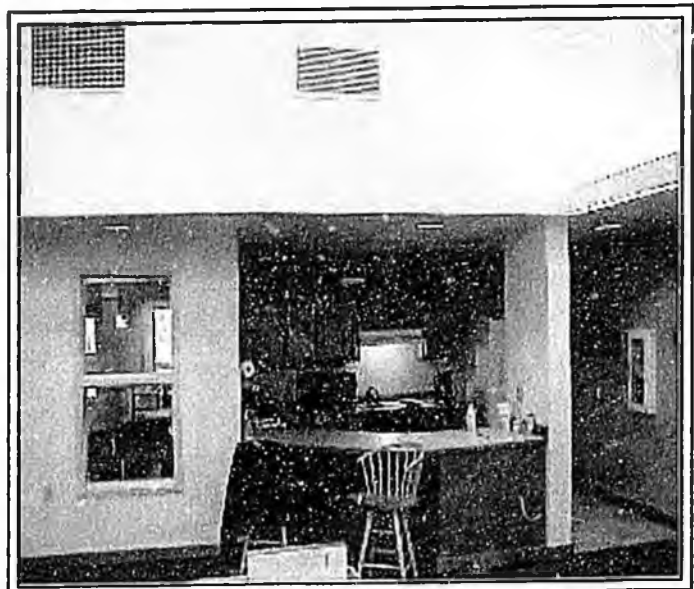


Russian  
Jack  
Manor  
  
#176-EE015



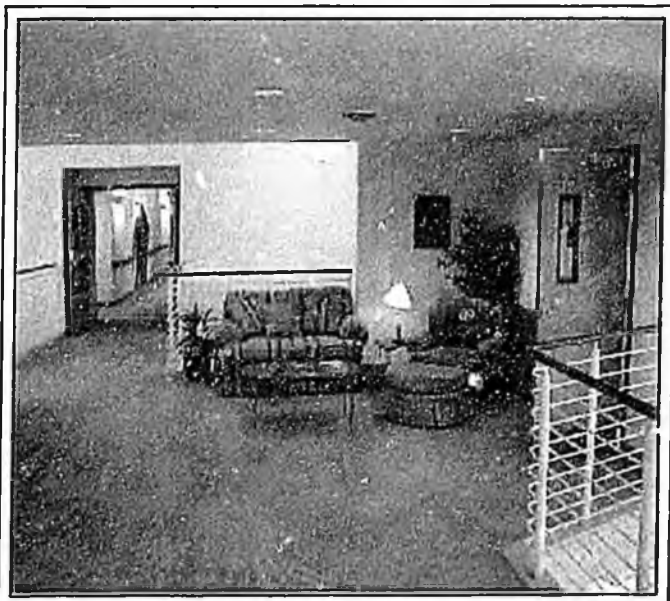
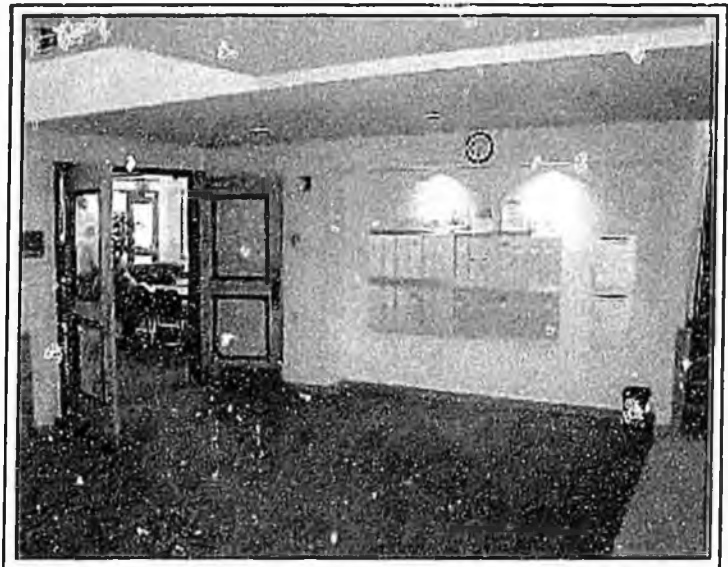


**Jewel Lake Plaza  
#176-EE014**





**Commodore Park  
Plaza  
#176-EE010**



# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 97  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
 Title Long Term Leases of Alaska Railroad Land BRU Alaska Railroad Corporation  
 Component \_\_\_\_\_  
 Sponsor Representative Kohring  
 Requester House Transportation Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

House Bill 97 would authorize the Alaska Railroad Board of Directors to extend the term of a current lease under Alaska Railroad Contract No. 8371 beyond 55 years. If HB 97 bill passes, and the Alaska Railroad Board of Directors approves the lease proposal, revenue derived from the lease would be extended at the current fair market value rate, subject to the terms and conditions of the lease agreement.

Prepared by: Wendy Lindskoog, Director External Affairs Phone 907-265-2498  
 Division Alaska Railroad Corporation Date/Time 3/5/03 4:48 PM  
 Approved by: Edgar Blatchford, Commissioner Date 3/5/2003  
 Agency Department of Community & Economic Development

HB

99

# Alaska State Legislature

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0160  
Fax: (907) 269-0177



**Session:**  
Alaska State Capitol, Rm 416  
Juneau, AK 99801-1182

Phone: (907) 465-4930  
Fax: (907) 465-3834  
Toll Free: (800) 331-4930  
Rep.Cheryll.Heinze@legis.state.ak.us

**Representative Cheryll Heinze**  
District 24 - Anchorage

**TO:** Representative Jim Holm, Chairman  
House Transportation Committee

**FROM:** Representative Cheryll Boren Heinze

**DATE:** March 3<sup>rd</sup>, 2003

**RE:** HB 99

We would request that you schedule HB 99 for a hearing before your committee.

Enclosed are:

1. HB 99
2. Sponsor Statement
3. Sectional Analysis prepared by Legislative Legal Services
4. Ford Collision Repair Position Statements
5. GM Collision Parts Position Statements
6. Toyota Collision Parts Position Statements
7. AutoInc. Magazine Article: "Studies Show Imitation Crash Parts Diminish Value of Vehicles."
8. GAO Report: "Motor Vehicle Safety, NHTSA's Ability to Detect and Recall Defective Replacement Crash Parts is Limited."

Response to Sponsor's statement for HB99

*JC Conley  
from Ketchikan*

*"There are many types of replacement parts used to repair collision-damage to a motor vehicle. "Original equipment manufacturer" (OEM) parts are developed by the original manufacturer of the motor vehicle, and are designed to meet particular fit, finish, function, and corrosion resistance specifications. Non-OEM (also called "aftermarket") crash parts are reverse engineered to replicate the original. While some non-OEM (aftermarket) parts are a comparable low cost alternative to the OEM parts manufactured and distributed by the vehicle's manufacturer, professionals have found others to be inferior to OEM parts in terms of fit, finish, and quality."*

Not true many aftermarket parts exceed OEM specifications; the aftermarket improves poor designs and offers lifetime warranties. In many situations the aftermarket and the OEM's part are supplied by the same manufacturer. The aftermarket serves the customer and creates a competitive market place. This bill clearly attempts to create a monopoly for the OEM's in the case of collision repair.

*"The use of non-OEM parts in the repair of a new vehicle can affect the vehicle's resale value, the manufacturer's warranty, and the vehicle's safety."*

This is an unproven statement, many OEM dealerships regularly purchase and install aftermarket parts. My company does a lot of business with both a GM and Ford dealer. NAPA parts give them the ability to offer their customer's lifetime guarantees on some repair jobs a feature not available with the use of OEM parts. I have spoken with service managers that speak of the poor quality of some of the OEM parts that they must use for warranty repairs. They install NAPA parts on out of warranty repairs because of our improved designs and better warranty.

*"I am concerned that many Alaskans are not aware of the use of aftermarket parts in their vehicles' repair, or the effect the use of non-OEM parts can have on their vehicle."*

This statement implies that aftermarket parts are dangerous. The aftermarket has repeatedly improved poor OEM designs. We offer better warranties and in the 24 years I have been in the parts business NAPA has not had to recall any vehicles that our parts have been installed on. Can the OEMs make the same statement? Our goal is to be the best supplier of automotive repair parts to our customers. We don't need the Alaska State Legislature to pass laws that give us an unfair advantage. We believe in the quality of our products and support the American tradition of the consumer voting with their pocket books.

[Code of Federal Regulations]

[Title 16, Volume 1]

[Revised as of January 1, 2003]

From the U.S. Government Printing Office via GPO Access

[CITE: 16CFR700.10]

[Page 530-531]

## TITLE 16--COMMERCIAL PRACTICES

### CHAPTER I--FEDERAL TRADE COMMISSION

#### PART 700--INTERPRETATIONS OF MAGNUSON-MOSS WARRANTY ACT--Table of Contents

##### Sec. 700.10 Section 102(c).

(a) Section 102(c) prohibits tying arrangements that condition coverage under a written warranty on the consumer's use of an article -- service identified by brand, trade, or corporate name unless that article or service is provided without charge to the consumer.

(b) Under a limited warranty that provides only for replacement of defective parts and no portion of labor charges, section 102(c) prohibits a condition that the consumer use only service (labor) identified by the warrantor to install the replacement parts. A warrantor or his designated representative may not provide parts under the warranty in a manner which impedes or precludes the choice by the consumer of the person or business to perform necessary labor to install such parts.

(c) No warrantor may condition the continued validity of a warranty on the use of only authorized repair service and/or authorized replacement parts for non-warranty service and maintenance. For example, provisions such as, ``This warranty is void if service is performed by anyone other than an authorized `ABC' dealer and all replacement parts must be genuine `ABC'

parts," and the like, are prohibited where the service or parts are not covered by the warranty. These provisions violate the Act in two ways. First, they violate the section 102 (c) ban against tying arrangements. Second, such provisions are deceptive under section 110 of the Act, because a warrantor cannot, as a matter of law, avoid liability under a written warranty where a defect is unrelated to the use by a consumer of ``unauthorized'' articles or service. This does not preclude a warrantor from expressly excluding liability for defects or damage caused by such ``unauthorized'' articles or service; nor does it preclude the warrantor from denying liability where the warrantor can demonstrate that the defect or damage was so caused.

Sponsor and/or Committee Name			Date
HTRA - Rep. Holm, Chair			THURS April 24, 2003
Start/End Time	Chairing site	Juneau Room	Testimony
	Juneau	Cap17	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Barb Cotting	465-4858	Yes	

Subject of meeting and/or Bills on agenda

HB 40  
HB 99  
HB 217

Sites - LIOs	Sites - Offnets	Phone #
Anchorage	<input checked="" type="checkbox"/>	
Barrow		
Bethel		
Cordova		
Delta Junction		
Dillingham		
Fairbanks	<input checked="" type="checkbox"/>	
Glennallen		
Homer		
Juneau		
Kenai		
Ketchikan		
Kodiak		
Kotzebue		
Matsu		
Nome		
Petersburg		
Seward		
Sitka		
Tok		
Valdez		
Wrangell		

There will be several off-nets - don't have names yet.

Give attendees names  
4/23/03

Notes


✓

Jack Gillis

Certified Auto Parts Assn

CAPPA

Calling from Wash D.C.

---

~~CONFIDENTIAL~~ \*

~~HB 99~~ AK:

Sandy Bass Cors

in m AK:  
Napa  
Michas  
Schucks  
etc

HB 99

Testify April 24

H: 703-519-7555

703-921-1093

Coalition for Auto  
Repair Equality

✓  
calling from  
703-519-7555  
Virginia

APR 9 2003 1:03PM

CSK AUTO EXEC OFFICE

NO. 1214 P. 2/4



To: Representative James Holm

Fax Number: (907) 465-2937

From: Mr. Bud Glasgow

Date: April 9, 2003

**SUBJECT: Alaska House Bill No. 99**

Dear Representative Holm:

Schuck's Auto Supply has been a proud participant in the automotive aftermarket for many years. Schuck's sells the highest quality parts and has many satisfied customers. It is beyond our belief that the Alaska House Transportation Committee will debate HB 99, a crash parts bill that will restrict competition, hurt our industry, and hurt low and middle-income motorists.

Crash parts bills have been defeated in many states and are written to "legislate profits" to those who sell car dealer parts. This is unfair legislation and discriminates against those of us who make our living working in the aftermarket.

We are also your constituents, and this bill is an insult to us. Please vote NO on HB 99. Thank you.

Sincerely,

*Bud* 907-451-7720

Mr. Bud Glasgow  
Store Manager  
Schuck's Auto Supply  
Fairbanks, Alaska

**Subject:** Testimony HB 99

**Date:** Wed, 23 Apr 2003 10:03:41 -0800

**From:** Mike Pawlowski <Mike\_Pawlowski@Legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Barbara Cotting <Barbara\_Cotting@legis.state.ak.us>

The same people as last time are calling in off-net, here are the states.

Is the number the same?

- 1 Alliance of Automobile Manufacturers- Jim Kiley (D.C.) ✓
- 2 > Daimler Chrysler- Brian Rogos (Michigan) ✓
- 3 > Ford Motor Company- George Gilbert (Michigan) ✓
- 4 > General Motors- Bill Holden (Michigan) ✓
- 5 > Toyota- Karl Krug (California) ✓

Mike

waiting for Jim Kiley -  
 He ~~wasn't~~ on line ~~the~~  
 but must have "dropped  
 off" !!  
 then came on  
 at 3:00

Called L10.

Added Ellen Sottile ✓  
 (calling from Iowa)  
 w/ Keystone.

Testifiers:

April 10

HB 170:

Duane Bannock, DMV, to answer questions

HB 99:

OFF-NET:

Jim Kiley, Alliance of Automobile Manufacturers

Brian Rogos, Daimler Chrysler

George Gilbert, Ford Motor Company

Bill Holden, General Motors

Karl Krug, Toyota

Sandy Bass-Cors, Coalition for Auto Repair Equality (CARE)

Jack Gillis, Certified Auto Parts Assn (CAPA)

IN PERSON:

Eileen Sottle, Keystone Automotive, and Auto Body Parts Assn

Support  
HB 99

Oppose  
HB 99

HB 40:

Chuck Hosack, DMV

Testifiers:

HB 170:

Duane Bannock, DMV, to answer questions

HB 99.  
Testifiers

HB-99:

OFF-NET:

Keep

Jim Kiley, Alliance of Automobile Manufacturers  
Brian Rogos, Daimler Chrysler  
George Gilbert, Ford Motor Company  
Bill Holden, General Motors  
Karl Krug, Toyota  
Sandy Bass-Cors, Coalition for Auto Repair Equality (CARE)  
Jack Gillis, Certified Auto Parts Assn (CAPA)

IN PERSON:

*Sottile*  
Eileen ~~Settle~~, Keystone Automotive, and Auto Body Parts Assn

HB 40:

Chuck Hosack, DMV

Teleconference Order Form

Fax #465-2864

✓ 4/3/3

4872

Sponsor and/or Committee Name			Date
HTRA- Rep. Holm, Chair			Yours April 10
Start/End Time	Chairing site	Juneau Room	Testimony
1:30 - 3:00	Juneau	Cap17	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Barb Cotting	465-4858	Yes	no
Subject of meeting and/or Bills on agenda			

HB 99  
HB 40

Sites - LIOs		Sites - Offnets	Phone #
Anchorage	✓	Sandy Bass - Lars	323-937-4910
Barrow		<del>Eileen Solite</del>	305-409-7942
Bethel			
Cordova			
Delta Junction		coming in	
Dillingham			
Fairbanks	✓	Johnson	
Glennallen			
Homer			
Juneau			
Kenai			
Ketchikan			
Kodiak			
Kotzebue			
Matsu			
Nome			
Petersburg			
Seward			
Sitka			
Tok			
Valdez			
Wrangell			

Notes


4/3/3 offnet

Sandy Bass-Cors

Coalition for Auto  
Repair ~~Equality~~ Equality ("CARE")

In Virginia

1-800-229-5380

to testify on HB99

April 10

From

Ca: 323 - 937 - 4910 Monday  
323 \* Friday

1 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

4/3/13

off net

Auto Body  
Parts Ass'n

Stephanie

Keystone Automotive

HB 99

\*

Gillen Sottile

(305-863-7564)

(Miami)

from 305-409-7942

\* As of 4/4/13 - Remove her  
name!

HB 99

(Ray Warner)

Certified <sup>Auto</sup> Parts

Assn CA PA

Wash D.C.

202-835-0740

Jack Willis  
Will testify

Exec. Director

---

WE, THE UNDERSIGNED NAPA ALASKA EMPLOYEES AND ASSOCIATES IN ANCHORAGE, REQUEST THAT YOU VOTE AGAINST HB 99, AN UNNECESSARY CRASH PARTS BILL AND OPPOSE ALL CRASH PARTS LEGISLATION. WE ASK THAT YOU STAND UP FOR THE HARDWORKING PEOPLE IN ALASKA'S AFTERMARKET AND ALASKA'S HARDWORKING MOTORISTS.

PRINT NAME	ADDRESS	CITY	ZIP
1) DON LOSKI	400 Winfield Cir	Anchorage	99515
2) BRIAN Keene	2010 Sturbridge Ct.	Anchorage	99507
3) Heidi Barnett	10031 N. Kachina Cr	<del>ANCHORAGE</del> EAGLE RIVER	99518
4) Dora Civian	264 Creekside	Anchorage	99504
5) Char Damp	4701 Holly Ave	AK	99502
6) Heather Ash	2212 Glacier St	Anchorage	99502
7) JIMMY REEDMAN	6701 E. 2nd Ave	Anchorage	99504
8) STANFORD L. CONAWAY	2457 Cottonwood St	Anchorage	AK 99508
9) STAN SNIDER	PO Box 774461	Eagle River, AK	99577
10) GREGORY BOOTHBY	1900 ARCTIC RD	North, AK	99503
11) Nicol Wahlberg	6816 Colonial #44	Anchorage	AK 99502
12) Johnny Taulua	7801 Mayfair #	Anchorage	AK 99502
13) Pamela Wakefield	816 11 Lane St	Apt 4	99508
14) TERRY HALL	539 H St #233		99501
15) Doreen Robinson	11 Mulberry Rd	10 Anchorage	99504
16) KEEF A DC WILSON	8000 Greenwood St #	Anchorage	AK 99518
17) Mark Dallman	6711 Tiffany Terrace	Anchorage	AK 99507
18) Anthony Burkett	5124 Arctic	Anchorage	AK 99518
19) JIM McFLY	905 Richiesta	Anchorage	99501
20) Michalla Wright	1918 Juniper Dr.	Anchorage, AK	99501
21) Deborah Henry	17031 Pioneer Rd E	AK	99514
22) Patricia Fairbanks	9305 Jacqueline	Anchorage, AK	99504
23) TERRI SCHNABL	16101 BRIDGEWOOD CIR.	ANCHORAGE	99516
24) BOB MEERS	12521 TANIADA LOOP	ANCHORAGE	AK 99515

- 25) CHERYL MARTIN 1731 Lake Otis Anchorage 99508
- 26) RICARDO McIntosh 4924 RED Talon Cir. Anchorage 99507
- 27) TRISHA MASINT 17360 BEAULAIS CIR Eagle River 99577
- 28) Kate Pharr 6945 meadow St Anch AK 99507
- 29) Trisha Pense 3935 San Ernesto #4 ANCH AK 99508
- 30) JASON PUGH 2830 SNUG Harbor Cir. ANCHORAGE, AK 99507
- 31) Clat McElwee 7230 Cantonment CT Anchorage AK 99507
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April 9, 2003

The Hon. Jim Holm  
House Transportation Committee  
Juneau, Alaska

RE: NAPA says NO to HB 99

Dear Rep. Holm,

I am a voter, taxpayer and NAPA associate living in the town of Anchorage. I am writing to alert you to my very strong opposition to HB 99, another Alaska crash parts bill.

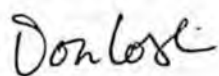
Since NAPA parts are manufactured by the same companies that manufacture car dealer parts, and since aftermarket parts come with life-time or long-term warranties, the only reason that I can figure out that crash parts bills are returning is that the car dealers mean more to the Representatives than do the small, independent service and repair industries who service all--people, including low and fixed income motorists throughout Alaska.

HB 99 steers motorists into purchasing car dealer parts under the impression that the car dealers sell better quality. Not true. The only reason car dealer parts are promoted is that they cost up to 50 PERCENT MORE than aftermarket parts and that means they can charge motorists a higher mark-up.

A vote for HB 99 is a vote AGAINST the hardworking people in Alaska. I ask that you vote against this bill and any other crash parts bills. Please reply to my letter.

Thank you.

Sincerely,



Don Loski  
General Manager  
NAPA Alaska Distribution Center  
6220 Rovenna Street  
Anchorage, AK 99518

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FOLLOWING  
DOCUMENT(S)  
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ORIGINAL  
COPIES

**Certified Automotive Parts Association  
Washington, D.C.**

**FACSIMILE**

**DATE:** April 10, 2003

**TO:** Representative Jim Holm **FAX:** 907-465-2937

**FROM:** Ray Warner

**RE:** Testimony of Jack Gillis

**NUMBER OF PAGES INCLUDING COVER SHEET: 5**

**COMMENTS:**

Testimony of

Jack Gillis  
Executive Director  
Certified Automotive Parts Association



Before the Alaska House Transportation Committee  
In Opposition to HB 99

April 10, 2003

My name is Jack Gillis, I am Executive Director of CAPA, the Certified Automotive Parts Association. In addition, I serve as Director of Public Affairs for the Consumer Federation of America and I am author of The Car Book, which is prepared in cooperation with the Center for Auto Safety. I am here today representing CAPA in opposition to HB 99.

CAPA is a non-profit organization, which certifies the quality of parts used for auto body repairs. We are not a manufacturing, marketing or sales organization. We simply establish standards for competitive (non-car company) parts in order to ensure their functional equivalency to car company parts.

As a consumer advocate, I have spent over 13 years working on this important consumer program in order to protect American consumers from both poor quality and the ravages of the car company monopoly on aftermarket parts.

I am here today to ask you to give consumers true choice in the marketplace, protect them from one of the biggest secret monopolies in America and protect them from poor quality crash repair parts. About 80% of the cosmetic replacement parts needed to repair your cars are only available from one source, the car companies, who mark up their replacement parts by up to 800%.

Car companies are spending millions of dollars to discredit aftermarket parts, scare consumers, co-opt body shops, and coerce state legislatures and regulatory agencies into protecting their monopoly with thinly veiled attempts to restrict aftermarket parts usage. This bill is a classic car company bill. It simply

Jack Gillis, Certified Automotive Parts Association  
Before the Alaska House Transportation Committee—April 10, 2003

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perpetuates that monopoly by discriminating against aftermarket parts and prohibiting their use for the first four years of a vehicle's life.

Clearly there are two important issues facing the committee: Protecting consumers from a car company part monopoly and protecting them from potentially poor quality parts. Monopolies do not foster quality or fair prices. In fact, by increasing the car companies monopoly on crash parts, you are providing no incentive for them to improve the quality of their parts. On the other hand, if you foster competition, not only do you encourage fair prices, but also you stimulate quality improvements. Furthermore, if the competition is certified for quality, then you set a quality baseline that protects the consumer from shoddy parts. This legislature needs to foster a market that encourages both competition and protection from poor quality. Part quality certification programs encourage both.

The Certified Automotive Parts Association (CAPA) has such a program. The CAPA Board of Directors includes representatives from collision repair shops, consumer groups, insurance companies and part distributors. Our chair is the former chair of the nation's largest collision repair association.

In order for an aftermarket part to be certified by CAPA, a participating manufacturer must first allow a detailed review and inspection of its factory and manufacturing processes by our independent testing laboratory, which determines compliance with CAPA requirements. We evaluate the tooling, assembly, painting and inspection processes to ensure that the manufacturer is capable of producing aftermarket parts equal to, or better than, car company parts. Each part is then subject to a battery of material, corrosion, weld, and appearance tests. Finally, the part must pass a rigid vehicle test fit.

CAPA has been accredited by the American National Standards Institute (ANSI) as a standards developer, and joins such notable organizations as Underwriters Laboratory, National Safety Council and Society of Automotive Engineers.

Clearly there is a problem with parts quality. Collision repairers do not want to be forced to use poor quality. It's a hassle and it does not serve consumers. What needs to be implemented is a requirement that the less expensive aftermarket part meet minimum quality standards. Phasing-in a quality certification program

Jack Gillis, Certified Automotive Parts Association  
Before the Alaska House Transportation Committee—April 10, 2003

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of any third-party independent certifier, like I have described today, will address both the monopoly and quality issue.

I'd like to comment on car company part quality: As part of its comprehensive vehicle test fit process, CAPA regularly conducts test fits of car company brand service parts. Between March 1999 and March 2002, CAPA put 1,907 car company parts through an extensive vehicle test fit and discovered that 50% (954) parts did not meet CAPA standards for fit, finish and appearance. For the record, we will provide the committee with copies of our study and we have also prepared a short video showing some of the things we found.

Even collision repair leaders throughout the United States are saying, "I'm beginning to think that Jack Gillis is right—car company parts have problems."

Regarding the proposals in HB 99. The bill would require written notice or disclosure for aftermarket parts. This is nothing more than a thinly veiled attempt to protect car company profits and deny consumers the extraordinary benefits of competition. The sole purpose of written notice or disclosure is to bias consumers against reasonably priced aftermarket crash parts and steer them to the overpriced car company brand parts. Please note that the bill does not require the collision repairer or the insurer to disclose who made such critical parts having to do with steering, braking, or electrical circuitry, only the exterior cosmetic replacement parts.

If the true intention of the bill is to disclose critical information to consumers, then surely it would be important to disclose who makes these vital parts. If disclosure were required in all parts, I would be for it. On the other hand, limiting disclosure to one type of part only serves to bias the consumer against those parts. I am 100% for disclosure if it's intent is to educate and inform. On the other hand, if its intent is to protect a monopoly, then I am against it.

Finally, I would like to make a brief comment on the safety issue. I have been fighting for safer cars for nearly 25 years – fighting for airbags, antilock brakes, better crash protection, and rollover protection – and I can tell you that these parts do not have serious safety ramifications. That's why the Center for Auto Safety and the National Highway Traffic Safety Administration do not consider them to be safety related parts. However, the most powerful evidence of their limited effect on safety is the insurance industry itself. If, in fact, they were foisting unsafe parts on consumers, it would be their own companies who would be

Jack Gillis, Certified Automotive Parts Association  
Before the Alaska House Transportation Committee—April 10, 2003

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paying increased bodily injury claims – and that's simply not happening. Say what you will about insurance companies, but one thing they don't like doing is paying a lot of money in claims. Therefore it is illogical that they would be encouraging the use of a type of part that would increase their liability for bodily injury.

To summarize, HB 99 only encourages the continuation of the car company parts monopoly and poor quality. This committee has a unique opportunity to foster, encourage and demand competition—not continue to protect car company monopolies. We all know what happened when the car companies had to compete with the Japanese. Let's force them to step up the competition.

I encourage you to take steps to protect consumers from poor quality parts and the car company monopoly. If you truly want to protect consumers, require that the crash parts used to repair cars meet minimum standards for quality—don't ban competition, encourage it.

Thank you for the opportunity to comment on this bill.

APR 9 2003 1:03PM CSK AUTO EXEC OFFICE

NO. 1214 P. 2/3



To: Representative James Holm

Fax Number: (907) 465-2937

From: Mr. Bud Glasgow

Date: April 9, 2003

SUBJECT: Alaska House Bill No. 99

Dear Representative Holm:

Schuck's Auto Supply has been a proud participant in the automotive aftermarket for many years. Schuck's sells the highest quality parts and has many satisfied customers. It is beyond our belief that the Alaska House Transportation Committee will debate HB 99, a crash parts bill that will restrict competition, hurt our industry, and hurt low and middle-income motorists.

Crash parts bills have been defeated in many states and are written to "legislate profits" to those who sell car dealer parts. This is unfair legislation and discriminates against those of us who make our living working in the aftermarket.

We are also your constituents, and this bill is an insult to us. Please vote NO on HB 99. Thank you.

Sincerely,

*Bud* 907-451-7720

Mr. Bud Glasgow  
Store Manager  
Schuck's Auto Supply  
Fairbanks, Alaska

09-353  
N