

SENATE CS FOR CS FOR HOUSE BILL NO. 108(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/20/00

Referred: Rules

Sponsor(s): REPRESENTATIVES HUDSON, Halcro, Phillips, Kerttula, Cowdery, Murkowski, Bunde, Cissna, Joule, Smalley

SENATORS Hoffman, Ellis

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to the use, operation, and regulation of boats; establishing a
2 uniform state waterway marking system; and providing for an effective date."

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new
5 section to read:

6 INTENT. It is the intent of the legislature that

7 (1) at least 75 percent of any federal funds generated as a result of this Act
8 be used to fund a statewide boating safety and education program, and that the state program
9 operate in conjunction with the United States Coast Guard Auxiliary boating safety program
10 and other marine education organizations; and

11 (2) any amendment made on or after the effective date of this section and
12 before the date the delayed repeal and reenactment provisions of this Act take effect that is
13 made to existing law affected by the delayed repeal and reenactment provisions of this Act
14 will also be repealed when those provisions take effect.

1 * Sec. 2. AS 05.25.010 is repealed and reenacted to read:

2 Sec. 05.25.010. Safety requirements. (a) Except as otherwise provided by
3 law, a boat placed on the water of the state

4 (1) must be equipped with and use the sound producing devices and
5 visual distress signals of the same number, type, and specifications as required by the
6 United States Coast Guard;

15 (b) The provisions of (a) of this section apply regardless of whether the boat
16 is placed or operated on water of the state subject to federal jurisdiction.

30 (2) for a device that contains a reference to an owner's manual, if the
31 Type V personal flotation device is used in accordance with the requirements in the

1 owner's manual.

2 (e) In addition to the requirements in (d) of this section, a boat that is 16 feet
3 or longer, other than a kayak or canoe, must carry one Type IV personal flotation
4 device that can be thrown and that is approved by the United States Coast Guard.

5 (f) A person may not use a flashing or revolving red or blue emergency light
6 on a boat unless the boat is operated by a peace officer or emergency professional in
7 the performance of official duties.

8 (g) The operator of a boat on water of the state may not transport a person
9 under 13 years of age on the deck of a boat or in an open boat unless the person is
10 wearing a United States Coast Guard approved Type I, Type II, or Type III personal
11 flotation device. A Type V personal flotation device may be worn in lieu of a
12 personal flotation device required in this subsection if the Type V personal flotation
13 device is in serviceable condition and

14 (1) if the approval label on the Type V personal flotation device
15 indicates that the device is approved for the activity in which the boat is being used,
16 or that the device is approved as a substitute for a personal flotation device of the type
17 required on the boat; and

18 (2) for a device that contains a reference to an owner's manual, if the
19 Type V personal flotation device is used in accordance with the requirements in the
20 owner's manual.

21 (h) The Department of Public Safety may require, by regulation, that a boat
22 or class of boats carry additional equipment that is necessary for the safety of persons
23 and property.

24 * **Sec. 3.** AS 05.25.010 is repealed and reenacted to read:

25 **Sec. 05.25.010. Safety requirements.** (a) A watercraft operated on inland
26 water must carry and exhibit between sunset and sunrise at least one white light to
27 show all around the horizon.

28 (b) A watercraft operated on inland water must carry at least one life
29 preserver, lifebelt, ring buoy, or other device approved by the United States Coast
30 Guard for each person on board, so placed as to be readily accessible. A watercraft
31 carrying passengers for hire must carry, so placed as to be readily accessible, at least

1 one life preserver approved by the United States Coast Guard for passenger-carrying
 2 watercraft for each person on board.

3 (c) A motor-driven watercraft operated for hire must carry a fire extinguisher
 4 capable of promptly and effectually extinguishing burning gasoline.

5 (d) The operator of a watercraft on the water of the state may not transport a
 6 person under 13 years of age on the deck of a watercraft or in an open watercraft
 7 unless the person is wearing a United States Coast Guard approved Type I, Type II,
 8 or Type III flotation device. In this subsection, "personal flotation device" does not
 9 include a life belt or life ring.

10 * **Sec. 4.** AS 05.25.020 is amended to read:

11 **Sec. 05.25.020. Use of boat with water [WATER] skis and surfboards.** (a)

12 A person may not operate a **boat** [WATERCRAFT] on **water** [THE INLAND
 13 WATERS] of **the** [THIS] state for towing a person on water skis, [OR] a surfboard,
 14 or **a** similar **device** [DEVICES] unless

15 (1) the **boat** [WATERCRAFT] is equipped with a rearview mirror in
 16 which the person being towed can be viewed; [,] or

17 (2) there is, in the **boat**, [WATERCRAFT] a person of 12 years of age
 18 or older in addition to the operator [,] in a position to observe the progress of the
 19 person being towed.

20 (b) A person may not operate a **boat** [WATERCRAFT] on [THE] water of the
 21 state to tow a person under 13 years of age on water skis, a surfboard, or **a** similar
 22 device unless the person being towed is wearing a United States Coast Guard approved

23 (1) Type I, Type II, or Type III personal flotation device; **or**

24 (2) **Type V personal flotation device if the Type V personal**
flotation device is in serviceable condition and

26 (A) **if the approval label on the Type V personal flotation**
device indicates that the device is approved for the activity;

28 (B) **for a device that contains a reference to an owner's**
manual, if the Type V personal flotation device is used in accordance with
the requirements in the owner's manual [. IN THIS SUBSECTION,
 30 "PERSONAL FLOTATION DEVICE" DOES NOT INCLUDE A LIFE BELT
 31

1 OR LIFE RING].

2 * Sec. 5. AS 05.25.020 is repealed and reenacted to read:

16 * Sec. 6. AS 05.25.030 is repealed and reenacted to read:

19 (1) render assistance as is practicable and necessary to save other
20 persons from danger or to minimize the danger to other persons to the extent that the
21 operator can do so without serious danger to the operator's boat, crew, and passengers;
22 and

23 (2) give the operator's name, address, and identification number of the
24 operator's boat in writing to each person injured in the collision, accident, or casualty
25 and to the owner of property damaged in the collision, accident, or casualty.

6 * Sec. 7. AS 05.25.030 is repealed and reenacted to read:

19 * Sec. 8. AS 05.25.040 is amended to read:

20 Sec. 05.25.040. Owner's civil liability. The owner of a boat
21 [WATERCRAFT] is liable for injury or damage caused by the negligent operation of
22 the owner's boat [WATERCRAFT] whether the negligence consists of a violation of
23 a state statute [,] or the failure [NEGLECTING] to exercise [OBSERVE] ordinary
24 care in the operation of the boat [WATERCRAFT] as the rules of the common law
25 require. The owner is not liable, however, unless the boat [WATERCRAFT] is used
26 with the owner's express or implied consent. It is presumed that the boat
27 [WATERCRAFT] is being operated with the knowledge and consent of the owner [,]
28 if, at the time of the injury or damage, it is under the control of the owner's spouse,
29 father, mother, brother, sister, son, daughter, or other member of the owner's immediate
30 family. This chapter does not relieve any other person from a liability that the person
31 would otherwise incur [,] and does not authorize or permit recovery in excess of injury

1 or damage actually incurred.

2 * **Sec. 9.** AS 05.25.040 is repealed and reenacted to read:

3 **Sec. 05.25.040. Owner's civil liability.** The owner of a watercraft is liable
4 for injury or damage caused by the negligent operation of the owner's watercraft
5 whether the negligence consists of a violation of a state statute or neglecting to observe
6 ordinary care in the operation of the watercraft as the rules of the common law require.
7 The owner is not liable, however, unless the watercraft is used with the owner's
8 express or implied consent. It is presumed that the watercraft is being operated with
9 the knowledge and consent of the owner if, at the time of the injury or damage, it is
10 under the control of the owner's spouse, father, mother, brother, sister, son, daughter,
11 or other member of the owner's immediate family. This chapter does not relieve any
12 other person from a liability that the person would otherwise incur and does not
13 authorize or permit recovery in excess of injury or damage actually incurred.

14 * **Sec. 10.** AS 05.25.050 is amended to read:

15 **Sec. 05.25.050. Declaration of policy.** It is the policy of the [THIS] state to
16 promote safety for persons and property in and connected with the use, operation, and
17 equipment of boats on water of the state [VESSELS IN RECREATIONAL
18 PURSUITS IN INLAND WATERS] and to promote uniformity of laws relating to
19 boat safety [THERETO].

20 * **Sec. 11.** AS 05.25.050 is repealed and reenacted to read:

21 **Sec. 05.25.050. Declaration of policy.** It is the policy of this state to promote
22 safety for persons and property in and connected with the use, operation, and
23 equipment of vessels in recreational pursuits in inland water and to promote uniformity
24 of laws relating thereto.

25 * **Sec. 12.** AS 05.25 is amended by adding new sections to read:

26 **Sec. 05.25.052. Uniform state waterway marking system.** The department
27 shall develop and adopt regulations establishing a uniform state waterway marking
28 system for the placement of regulatory markers. The regulations must be compatible
29 with the system of aids to navigation prescribed by the United States Coast Guard.

30 **Sec. 05.25.053. Boating safety program.** (a) Except as provided in this
31 section, the department shall administer a statewide boating safety program. The

1 program must, to the extent consistent with state law,

2 (1) secure the full benefits available to the state under 46 U.S.C. 13101
3 - 13110; and

4 (2) take additional actions necessary to gain initial and ongoing federal
5 acceptance of the boating safety program and to qualify and apply for federal money
6 under 46 U.S.C. 13102.

7 (b) The department shall cooperate with local, state, and federal agencies,
8 private and public organizations, and individuals to provide for

9 (1) a statewide boating safety education program; the program must
10 (A) develop educational materials relevant to the unique needs
11 of urban and rural boaters in this state;

12 (B) support statewide boating safety training programs;
13 (C) support boating safety education and training programs for
14 children and other high risk groups;

15 (D) train, certify, and support boating safety instructors;
16 (E) evaluate, on an ongoing basis, the effectiveness of programs
17 funded under this chapter;

18 (2) a boating safety advisory council as described in AS 05.25.057;
19 (3) a uniform state waterway marking system; and
20 (4) a boat registration and numbering system through the Department
21 of Administration.

22 (c) The Department of Public Safety shall cooperate with local, state, and
23 federal agencies, private and public organizations, and individuals to provide for

24 (1) a boating collisions, accidents, and casualties reporting system; and
25 (2) boating safety patrol and law enforcement activity.

26 **Sec. 05.25.055. Registration and numbering of boats.** (a) An
27 undocumented boat placed on water of the state must be registered and numbered as
28 required by this chapter. The Department of Administration shall adopt by regulation
29 a boat registration and numbering system that

30 (1) except as provided in (2) of this subsection, is consistent with the
31 national standard for state numbering systems established by the United States Coast

1 Guard; and

2 (2) uses a size-appropriate decal for a boat that is not equipped with
3 mechanical propulsion, that is exclusively paddled, poled, rowed, or powered by wind,
4 and that is 10 feet or greater in length.

5 (b) In adopting a boat registration system under (a) of this section, the
6 Department of Administration shall authorize agents, including boat dealers, to register
7 boats.

8 (c) A boat dealer shall require a purchaser of a new or used boat sold at retail
9 to complete a registration application and pay the registration fee before the boat
10 leaves the dealer's premises unless the boat is exempt from registration and numbering
11 under this chapter or regulations adopted under this chapter.

12 (d) A person may not operate a boat on water of the state unless a valid
13 certificate of number has been awarded by the Department of Administration to the
14 boat and the identification number and any required validation decals are properly
15 displayed on the boat.

16 (e) The Department of Administration shall authorize agents to accept an
17 application and registration fee for registration, to issue a registration, and to forward
18 the application and registration fee to the Department of Administration.

19 (f) Unless otherwise provided by this chapter, or unless the owner has been
20 awarded a current, valid Alaska certificate of number from the United States Coast
21 Guard, the owner of a boat for which a current certificate of number has been awarded
22 under federal law or a federally approved numbering system of another state shall
23 apply for a certificate of number in this state as required by this chapter if the boat is
24 operated on water of the state for more than 90 consecutive days. If a boat has an
25 existing number, the owner may request that the department issue the same number for
26 purposes of this section, and the department shall comply with the request unless
27 compliance would result in a duplication of numbers.

28 (g) A certificate of number issued under this chapter is valid for three years
29 unless terminated or discontinued earlier as required by this chapter and regulations
30 adopted under this chapter. The certificate expires on the last day of the month at the
31 end of the three-year period. The expiration date shall be indicated on the certificate.

13 (3) a boat owned by the United States or an entity or political
14 subdivision of the United States, or a boat owned by a state or an entity or political
15 subdivision of a state;

16 (4) a boat that is not equipped with mechanical propulsion, that is
17 exclusively paddled, poled, rowed, or powered by wind, and that is

18 (A) under 10 feet in length; or

19 (B) operated in this state for a period not exceeding 30 days in
20 a calendar year by a person who has not established residency as described
21 under AS 01.10.055;

(5) a boat with a valid document to operate the boat that is issued by the United States or a foreign government.

24 Sec. 05.25.057. Alaska Boating Safety Advisory Council established. (a)

25 The Alaska Boating Safety Advisory Council is established in the department.
26 (b) The council consists of seven members appointed by the governor. The
27 governor shall appoint each member on the basis of interest in public affairs,
28 knowledge of boating issues as they relate to both safety and water of the state, and
29 good judgment and ability concerning boating safety. The appointed members shall
30 represent boat owner interests, including owners of boats powered by engines and
31 owners of boats that are paddled, poled, rowed, or powered by wind, shall be residents

1 of the state, and shall be appointed without regard to political affiliation or
 2 geographical location of residence. The commissioner is not a member of the council,
 3 but shall be ex officio secretary.

4 (c) The purpose of the council is to

5 (1) recommend to the department boating safety educational materials;
 6 (2) review and make recommendations on proposed boating regulations;
 7 (3) consider regional boating safety needs and promote boating safety
 8 education programs throughout the state; and

9 (4) advise the department on state, regional, and national boating issues.

10 (d) The council may not meet more than two times in each calendar year.
 11 Members of the council receive no compensation for services on the council, but are
 12 entitled to per diem and travel expenses authorized for boards under AS 39.20.180.

13 (e) In this section, "council" means the Alaska Boating Safety Advisory
 14 Council.

15 * **Sec. 13.** AS 05.25.060 is repealed and reenacted to read:

16 **Sec. 05.25.060. Prohibited operation.** A person may not operate a boat on
 17 water of the state

18 (1) for a recreational purpose or another purpose, or tow water skis, a
 19 surfboard, or a similar device, in a reckless or negligent manner so as to endanger the
 20 life or property of another person; or

21 (2) that is not equipped as required under this chapter and regulations
 22 adopted under this chapter.

23 * **Sec. 14.** AS 05.25.060 is repealed and reenacted to read:

24 **Sec. 05.25.060. Prohibited operation.** (a) A person may not operate a
 25 watercraft, whether for recreational purposes or any other purpose, or manipulate water
 26 skis, a surfboard, or a similar device on the water of the state in a reckless or negligent
 27 manner so as to endanger the life or property of another person.

28 (b) A person may not operate a watercraft, whether for recreational purposes
 29 or any other purpose, in violation of AS 28.35.030 on the water of the state while
 30 under the influence of any intoxicating liquor, narcotic drug, barbiturate, or marijuana.

31 * **Sec. 15.** AS 05.25.070 is amended to read:

6 * Sec. 16. AS 05.25.070 is repealed and reenacted to read:

11 * Sec. 17. AS 05.25.080 is repealed and reenacted to read:

20 (c) A person employed by the Department of Natural Resources, or a person
21 authorized by the commissioner under AS 41.21.955(a), acting as a peace officer, may
22 enforce this chapter and regulations adopted under this chapter only in units of the
23 state park system.

24 * Sec. 18. AS 05.25.080 is repealed and reenacted to read:

27 * Sec. 19. AS 05.25.090 is repealed and reenacted to read:

31 (b) A person who violates

(1) AS 05.25.010, 05.25.020, 05.25.030(b), 05.25.060(2), or a regulation adopted under this chapter relating to AS 05.25.010 or 05.25.020 is guilty of a violation as defined in AS 11.81.900 and may be fined up to \$500;

4 (2) AS 05.25.055 is guilty of a violation as defined in AS 11.81.900
5 and may be fined up to \$50.

9 * **Sec. 20.** AS 05.25.090 is repealed and reenacted to read:

10 Sec. 05.25.090. Penalties. (a) Except as provided in (b) of this section, a
11 person who violates a provision of this chapter is guilty of a misdemeanor and is
12 punishable by a fine of not more than \$500, or by imprisonment of not more than six
13 months, or by both, for each violation unless that person is convicted of a violation of
14 AS 28.35.030, in which case the sentence shall be in accordance with AS 28.35.030.

15 (b) A person who violates AS 05.25.010(d) or 05.25.020(b) is guilty of a
16 violation, as defined in AS 11.81.900, and may be fined up to \$50.

17 * Sec. 21. AS 05.25 is amended by adding new sections to read:

24 (c) Regulations adopted under this chapter may not be less stringent than
25 applicable minimum requirements of regulations governing recreational boat safety of
26 the United States Coast Guard.

1 not apply if modification of the proposed regulation to satisfy the council's objection
 2 would result in

3 (1) failure to meet a federal stringency requirement described under (c)
 4 of this section; or

5 (2) a regulation that is not consistent with another provision of law.

6 (e) Nothing in this section authorizes the department to prohibit a use of or
 7 access to the water of the state by a person or user group.

8 **Sec. 05.25.096. Fees.** (a) The Department of Administration shall assess the
 9 following fees:

10 (1) motorized boat registration, registration renewal, and transfer of
 11 registration, \$24 for a three-year period;

12 (2) nonmotorized boat registration, registration renewal, and transfer of
 13 registration, \$10 for a three-year period;

14 (3) replacement of lost registration, \$5;

15 (4) replacement of lost registration validation decals, \$5.

16 (b) The Department of Administration shall separately account for fees
 17 collected under (a) of this section for boat registration that are deposited in the general
 18 fund. The annual estimated balance in that account may be used by the legislature to
 19 make appropriations to the department and the Department of Administration to carry
 20 out the purposes of this chapter.

21 * **Sec. 22.** AS 05.25.100 is repealed and reenacted to read:

22 **Sec. 05.25.100. Definitions.** In this chapter, unless the context requires
 23 otherwise,

24 (1) "aids to navigation" means buoys, beacons, or other fixed objects
 25 in the water that are used to mark obstructions to navigation or to direct navigation
 26 through safe channels;

27 (2) "boat" means watercraft used or capable of being used as a means
 28 of transportation on water, except for

29 (A) a ship's lifeboat;

30 (B) a seaplane;

31 (C) an inspected passenger vessel; and

(D) a single air mattress, single inner tube, or other water toy;

(3) "boat dealer" means a person engaged wholly or in part in the business of selling or offering for sale, buying or taking in trade for the purpose of resale, or exchanging, displaying, demonstrating, or offering for sale three or more boats within 12 consecutive months and who receives or expects to receive money, profit, or any other thing of value;

(4) "certificate of number" means the document bearing the identification number issued to a boat by the Department of Administration under this chapter, by a federal agency, or by the state of principal use under a federally approved numbering system;

(5) "commissioner" means the commissioner of natural resources;

(6) "department" means the Department of Natural Resources;

(7) "operate" means to navigate or to be in actual physical control of a boat used or capable of being used as a means of transportation on water of the state;

(8) "owner" means a person who has a property interest other than a security interest in a boat and the right of use or possession of the boat; "owner" does not include a lessee unless the lease is intended as security;

(9) "ownership" means a property interest other than a security interest;

(10) "passenger" means a person on board a boat who is not the master, operator, crew member, or other person engaged in a capacity in the business of the boat;

(11) "regulatory marker" means an anchored or fixed marker in or on the water, or sign on the shore or on a bridge over the water, other than aids to navigation; "regulatory marker" includes swimming markers, bathing markers, speed zone markers, identification markers, danger zone markers, boat keep out areas, special anchorage areas, and mooring buoys;

(12) "serviceable condition" as applied to personal flotation devices means

(A) metal or plastic hardware is not broken, deformed, or weakened by corrosion;

(B) webbings or straps are not ripped, torn, or separated from

1 an attachment point;

(C) there are no rotted or deteriorated structural components that fail when tugged;

(D) there are no rips, tears, or open seams in fabric or coatings that are large enough to allow the loss of buoyant material;

(E) buoyant material has not become hardened, nonresilient, permanently compressed, waterlogged, or oil-soaked, and does not show evidence of fungus or mildew;

(F) there is no loss of buoyant material or evidence of buoyant material that is not securely held in position;

(G) there is a properly armed inflation mechanism, complete with a full inflation medium cartridge and all status indicators showing that the inflation mechanism is properly armed, unless the PFD is worn inflated;

(H) inflatable chambers are all capable of holding air;

(I) oral inflation tubes are not blocked, detached, or broken;

(J) the manual inflation lanyard or lever is not inaccessible, broken, or missing;

(K) inflator status indicators are not broken or otherwise non-functional;

(13) "undocumented boat" means a boat that does not possess a valid certificate of documentation issued by the United States Coast Guard under 46 U.S.C. 12101 - 12123;

(14) "validation decal" means a decal that has the state of registration and registration expiration year clearly marked;

(15) "water of the state" has the meaning given in the term "navigable water" in AS 38.05.965; "water of the state" also includes the marginal sea adjacent to the state and the high seas within the territorial limits of the state, irrespective of the ownership of the land underlying those waters.

* **Sec. 23.** AS 05.25.100 is repealed and reenacted to read:

(1) "department" means the Department of Public Safety;

(2) "operate" means to navigate or otherwise use a watercraft for purposes as opposed to business, subsistence, or commercial purposes;

(3) "watercraft" means every description of vessel, other than a
boat, used or capable of being used as a means of transportation on
water, devoted to recreational pursuits unless otherwise expressly provided in this
excepting vessels having a valid marine document issued by the United
States governments;

(4) "water of the state" means all water, fresh or salt, inland or coastal, within the territorial limits or under the jurisdiction of the state.

* **Sec. 24.** AS 09.25.120(a) is amended by adding a new paragraph to read:

(9) reports submitted under AS 05.25.030 concerning certain collisions, other casualties involving boats.

* **Sec. 25.** AS 12.25.190(c) is amended to read:

(c) The person cited for the crime shall give a written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer, and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to **boating citations for which a bail schedule has been established under AS 05.25.090(b)**, motor vehicle and traffic citations for which a bail or fine schedule has been established under AS 28.05.151, fish and game citations for which a bail schedule has been established under AS 16.05.165, citations issued under AS 04.21.065, citations issued under AS 18.35.341, citations issued in state park and recreational facilities under AS 41.21.960, or littering citations issued under AS 46.06.080.

* **Sec. 26.** AS 12.25.190(c) is repealed and reenacted to read:

(c) The person cited for the crime shall give a written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer, and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations for which a bail or fine schedule has been established under AS 28.05.151, fish and game citations for which a bail schedule has been established under AS 16.05.165, citations

1 issued under AS 04.21.065, citations issued under AS 18.35.341, citations issued in
2 state park and recreational facilities under AS 41.21.960, or littering citations issued
3 under AS 46.06.080.

4 * **Sec. 27.** AS 05.25.052, 05.25.053, 05.25.055, 05.25.057, 05.25.095, 05.25.096, and
5 AS 09.25.120(a)(9) are repealed.

6 * **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 TRANSITION: REGULATIONS. The Department of Natural Resources, Department
9 of Public Safety, and Department of Administration may immediately proceed to adopt
10 regulations to implement their respective provisions of this Act. The regulations take effect
11 under AS 44.62 (Administrative Procedure Act), but not before the effective date of secs. 1,
12 2, 4, 6, 8, 10, 12, 13, 15, 17, 19, 21 - 22, 24, and 25 of this Act.

13 * **Sec. 29.** Section 28 of this Act takes effect immediately under AS 01.10.070(c).

14 * **Sec. 30.** Sections 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27 of this Act take effect on
15 the earlier of the following dates:

16 (1) July 1, 2005; or

17 (2) 90 days after the date the chair of the Alaska Legislative Council notifies
18 the revisor of statutes that in the previous state fiscal year the state did not receive and does
19 not anticipate receiving federal funding for a statewide boating and safety education program;
20 the director of the division of legislative finance shall notify the chair of the Alaska
21 Legislative Council when the state, in the previous fiscal year, did not receive federal funding
22 for a statewide boating and safety program; the chair of the Alaska Legislative Council may
23 not give the notice described in this paragraph unless the notice is approved by a vote of a
24 majority of the members of the Alaska Legislative Council.