

CS FOR HOUSE BILL NO. 301(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/15/12

Referred: Rules

Sponsor(s): REPRESENTATIVES AUSTERMAN, Chenault, Gardner, Peggy Wilson, Foster, Joule, Edgmon, Kerttula, Olson, Herron, Tammie Wilson, Neuman, Costello, Holmes, Keller, Feige, Muñoz, Johnson, Millett, Johansen, Tuck

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to enforcement of boating safety statutes; amending the termination**
2 **date of certain statutes relating to the use, operation, and regulation of boats, a uniform**
3 **state waterway marking system, and civil liability for boat owners; providing for an**
4 **effective date by amending the effective date of secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26,**
5 **and 27, ch. 28, SLA 2000, as amended; and providing for an effective date."**

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

7 * **Section 1.** AS 05.25.080 is amended to read:

8 **Sec. 05.25.080. Enforcement.** (a) The Department of Public Safety has
9 authority for enforcement of this chapter and the regulations adopted under this
10 chapter. Nothing in this chapter authorizes a department or board to enter into an
11 agreement with a department or agency of the federal government that cedes
12 state authority for the management of its waterways to the federal government.

13 (b) A peace officer, other than a person employed by the federal

1 **government**, may enforce this chapter and, in the exercise of enforcement, may stop
 2 and, if the peace officer has probable cause to believe a violation of this chapter has
 3 occurred, board watercraft subject to this chapter. A peace officer may issue a citation
 4 as provided in AS **12.25.180** [12.25.175 - 12.25.230] to a person who violates a
 5 provision of this chapter.

6 (c) A person employed by the Department of Natural Resources, or a person,
 7 **other than a person employed by the federal government**, authorized by the
 8 commissioner under AS 41.21.955(a), acting as a peace officer, may enforce this
 9 chapter and regulations adopted under this chapter only in units of the state park
 10 system.

11 * **Sec. 2.** AS 05.25.080, as repealed and reenacted by sec. 18, ch. 28, SLA 2000, and as
 12 amended by sec. 8, ch. 29, SLA 2010, is amended to read:

13 **Sec. 05.25.080. Enforcement.** A peace officer, **other than a person**
 14 **employed by the federal government**, may enforce this chapter and, in the exercise
 15 of enforcement, may stop and, if the peace officer has probable cause to believe a
 16 violation of this chapter has occurred, board watercraft subject to this chapter. A peace
 17 officer may issue a citation as provided in **AS 12.25.180** [AS 12.25.175 - 12.25.230]
 18 to a person who violates a provision of this chapter.

19 * **Sec. 3.** Section 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, by sec. 1,
 20 ch. 19, SLA 2009, and by sec. 1, ch. 47, SLA 2010, is amended to read:

21 Sec. 30. Sections 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27 of this Act take
 22 effect [ON THE EARLIER OF THE FOLLOWING DATES:

23 (1) JULY 1, 2013; OR

24 (2)] 90 days after the date the chair of the Alaska Legislative Council
 25 notifies the revisor of statutes that in the previous state fiscal year the state did not
 26 receive and does not anticipate receiving federal funding for a statewide boating and
 27 safety education program; the director of the division of legislative finance shall notify
 28 the chair of the Alaska Legislative Council when the state, in the previous fiscal year,
 29 did not receive federal funding for a statewide boating and safety program; the chair of
 30 the Alaska Legislative Council may not give the notice described in this **section**
 31 [PARAGRAPH] unless the notice is approved by a vote of a majority of the members

1 of the Alaska Legislative Council.

2 * **Sec. 4.** Section 2 of this Act takes effect on the date that sec. 18, ch. 28, SLA 2000, as
3 amended by sec. 8, ch. 29, SLA 2010, takes effect under sec. 30, ch. 28, SLA 2000, as
4 amended by sec. 3, ch. 34, SLA 2004, by sec. 1, ch. 19, SLA 2009, by sec. 1, ch. 47, SLA
5 2010, and by sec. 3 of this Act.

6 * **Sec. 5.** Except as provided in sec. 4 of this Act, this Act takes effect immediately under
7 AS 01.10.070(c).