

**CS FOR SENATE BILL NO. 130(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/19/95  
Referred: Finance

Sponsor(s): SENATOR PEARCE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to marine pilots and the Board of Marine Pilots; extending the  
2 termination date of the Board of Marine Pilots; and providing for an effective  
3 date."

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

5 \* **Section 1.** AS 08.03.010(c)(13) is amended to read:

6 (13) Board of Marine Pilots (AS 08.62.010) -- June 30, 1999 [1994];

7 \* **Sec. 2.** AS 08.62.010 is amended to read:

8 Sec. 08.62.010. CREATION AND MEMBERSHIP OF BOARD. There is  
9 created the Board of Marine Pilots. It consists of two pilots licensed under this  
10 chapter who have been actively engaged in piloting on vessels subject to this chapter,  
11 two registered agents or managers of vessels subject to this chapter who are actively  
12 engaged in the procurement of pilotage services, two public members in accordance  
13 with AS 08.01.025, and the commissioner or the commissioner's designee. Not more  
14 than one pilot and one registered agent or manager may [SHALL] be from any one

1 pilotage region established by the board. Not more than one registered agent or  
2 manager may be employed by, be a contractor for, or hold a financial interest in  
3 the same marine industry business entity, including commonly owned, affiliated,  
4 or subsidiary business entities [JUDICIAL DISTRICT]. All members of the board  
5 shall be residents of the state.

6 \* **Sec. 3.** AS 08.62.040(b) is amended to read:

7 (b) The board may, by regulation, make any other provision for proper and  
8 safe pilotage upon the inland and coastal water of and adjacent to the state and for the  
9 efficient administration of this chapter, including establishing

10 (1) different licensing criteria for a pilotage region if justified by  
11 regional differences in piloting;

12 (2) a mandatory [RANDOM] drug and alcohol testing program,  
13 including random tests, post-incident tests, and tests based upon reasonable cause,  
14 for pilots licensed under this chapter; **the board may delegate responsibility for**  
15 administration of all or a portion of a testing program to pilot organizations;

16 (3) criteria for trainee selection and for training programs conducted by  
17 pilot organizations; and

18 (4) standards under which a pilot may receive a license or an  
19 endorsement to a license to pilot vessels in more than one pilotage region under  
20 AS 08.62.080(b).

21 \* **Sec. 4.** AS 08.62.040 is amended by adding a new subsection to read:

22 (e) The board may delegate duties to the marine pilot coordinator as necessary  
23 to assist the board in administering and enforcing this chapter.

24 \* **Sec. 5.** AS 08.62.050 is amended by adding a new subsection to read:

25 (c) In addition to other duties as may be assigned by the board, the marine  
26 pilot coordinator may review applications for examination and licensure to ascertain  
27 whether the applicant satisfies the applicable requirements.

28 \* **Sec. 6.** AS 08.62.080(b) is amended to read:

29 (b) A pilot may not be licensed in more than one pilotage region at one time  
30 [,] unless the commissioner [BOARD] determines that an actual or imminent  
31 shortage of licensed pilots exists in a [IT IS IN THE BEST INTERESTS OF THE

1 STATE TO LICENSE PILOTS FOR PARTS OF MORE THAN ONE] pilotage region.  
2 If the commissioner makes the determination described in this subsection, the  
3 board may, after consultation with the recognized pilot organizations in the  
4 affected pilotage region, issue temporary licenses for the affected pilotage region  
5 to pilots who already hold a license for another pilotage region. The board shall  
6 ensure that sufficient pilots are available to provide pilotage services in the  
7 affected pilotage region to all vessels required to employ a pilot under this  
8 chapter. A temporary license issued under this subsection is valid for a period  
9 of not more than one year.

10 \* Sec. 7. AS 08.62.090(b) is amended to read:

11 (b) The application shall provide the information and be made on a form  
12 prescribed by the department [BOARD].

13 \* Sec. 8. AS 08.62.093(b) is amended to read:

14 (b) A person who applies for a deputy marine pilot license under this chapter  
15 shall provide proof satisfactory to the board of the following experience:

16 (1) one year of service as a master on ocean or coastwise vessels while  
17 holding a United States Coast Guard license as master of ocean steam or motor  
18 vessels of any gross tons;

19 (2) two years of service as a master on United States Coast Guard  
20 inspected vessels of not less than 1,000 gross tons or tug and tow of not less than  
21 1,600 combined gross tons while holding at least a United States Coast Guard [A]  
22 license as master of steam or motor vessels of not more [LESS] than 1,600 gross  
23 tons;

24 (3) two years of service as a chief officer on ocean or coastwise vessels  
25 of not less than 1,600 gross tons while holding a United States Coast Guard license  
26 as master of ocean steam or motor vessels of any gross tons;

27 (4) two years of service as commanding officer of United States  
28 commissioned vessels of not less than 1,600 gross tons and hold a United States  
29 Coast Guard [WHILE HOLDING A] license as master of ocean steam or motor  
30 vessels of any gross tons; [OR]

31 (5) three years of experience as a member of a professional pilot's

1 organization, during which the person actively engaged in piloting while holding at  
2 least a United States Coast Guard license as a master of steam or motor vessels  
3 [FREIGHT OR TOWING VESSEL] of not more than 1,600 gross tons; or

4 (6) five years of experience gained in a board approved deputy  
5 marine pilot apprenticeship program in the pilotage region for which the deputy  
6 marine pilot license is sought and hold at least a United States Coast Guard  
7 license as master of steam or motor vessels of not more than 1,600 gross tons.

8 \* **Sec. 9.** AS 08.62.093(d) is amended to read:

9 (d) A person licensed as a deputy marine pilot under this section may, except  
10 as otherwise provided by the board, pilot vessels of 25,000 [20,000] gross tons or less  
11 in a marine pilotage region for which the license is issued.

12 \* **Sec. 10.** AS 08.62.097(b) is amended to read:

13 (b) A person who supervises the training of persons who are seeking a deputy  
14 marine pilot license under this chapter shall

15 (1) hold a marine pilot license issued under AS 08.62.100; however,  
16 if the board finds that there are no marine pilots licensed in a pilotage region who  
17 are available to supervise training under this section, the board may authorize a  
18 person who is licensed in that pilotage region as a deputy marine pilot to  
19 supervise the training of persons who are seeking a deputy marine pilot license  
20 in that pilotage region;

21 (2) receive prior authorization from the board to supervise the training  
22 of those persons;

23 (3) maintain a written log and evaluation on a form provided by the  
24 board of the training and progress of the person being supervised.

25 \* **Sec. 11.** AS 08.62.120(a) is amended to read:

26 (a) In order to renew a marine pilot license, a person who is licensed under  
27 AS 08.62.100 shall

28 (1) submit an application for renewal of the license on a form provided  
29 by the department [BOARD];

30 (2) submit proof of continued qualification under AS 08.62.100 to  
31 receive a marine pilot license;

1 (3) provide evidence of satisfactory completion of a physical  
2 examination by a licensed physician within 60 days before the date of renewal of the  
3 license;

4 (4) submit proof satisfactory to the board that the person has

5 (A) engaged in piloting vessels subject to this chapter in the  
6 marine pilotage region for which the license is to be renewed during at least  
7 **120 days** [60 DAYS OF EACH CALENDAR YEAR] in the licensing period  
8 immediately preceding the licensing period for which renewal is sought; or

9 (B) completed the minimum number of familiarization trips  
10 required by the board for renewal of a marine pilot license for a marine  
11 pilotage region for which the license is to be renewed.

12 \* **Sec. 12.** AS 08.62.150(a) is amended to read:

13 (a) The board shall impose a disciplinary sanction on a person licensed under  
14 this chapter when the board finds that the person

15 (1) is incompetent in the performance of pilotage duties;

16 (2) is chemically impaired;

17 (3) illegally possesses, uses, or sells narcotic or hallucinogenic drugs;

18 (4) makes a false statement to obtain a license;

19 (5) violates a provision of this chapter or a regulation adopted under  
20 **this chapter** [IT];

21 (6) is guilty of misconduct during the course of employment;

22 (7) has had the person's United States Coast Guard pilot license  
23 conditioned, suspended, or revoked; or

24 (8) charges, collects, or receives an amount for pilotage services that  
25 is [IN EXCESS OF THE MAXIMUM TARIFF ESTABLISHED BY THE BOARD  
26 OR] different from the **amount set** [TARIFF ADOPTED] by the pilot organization of  
27 which the person is a member.

28 \* **Sec. 13.** AS 08.62.155(b) is amended to read:

29 (b) The **board** [DEPARTMENT] may impose a civil fine not to exceed \$5,000  
30 on a marine pilot organization recognized by the board [,] if the organization violates  
31 this chapter or a regulation adopted under this chapter. **The board may also suspend**

1 or revoke the recognition of a pilot organization that fails to comply with its  
2 articles, bylaws, and rules, so as to no longer satisfy the minimum standards for  
3 recognition by the board.

4 \* **Sec. 14.** AS 08.62.165(a) is amended to read:

5 (a) A pilot licensed under this chapter is not liable for damages in excess of  
6 \$250,000 per incident for damages or loss occurring as a result of the error, omission,  
7 fault, or neglect of the pilot in performing pilotage services, except that the limitation  
8 does not apply in a case where

9 (1) the pilot is either grossly negligent or guilty of wilful misconduct;  
10 or

11 (2) the error, omission, fault, or neglect of the pilot constitutes an act  
12 for which the board shall impose a disciplinary sanction under **AS 08.62.150(a)(2) or**  
13 **(3)** [AS 08.62.150(a)(1), (2), (3), (5), (6), OR (7)].

14 \* **Sec. 15.** AS 08.62.175(c) is amended to read:

15 (c) A pilot organization recognized by the board shall

16 (1) promote a safe and reliable system of marine pilotage for the region  
17 in which the organization is recognized;

18 (2) provide for the dispatch of pilots who are members of the  
19 organization;

20 (3) **subject to the membership application and approval provisions**  
21 **contained in the articles and bylaws** [ADOPT AND REVISE TARIFFS FOR THE  
22 PROVISION OF PILOTAGE SERVICES BY THE MEMBERS] of the organization,  
23 [;

24 (4)] be open to membership by all persons licensed under this chapter  
25 to pilot vessels in the pilotage region in which the organization is recognized;

26 **(4)** [(5)] operate or participate in a training program for pilots and  
27 deputy pilots that is approved by the board; **a training program for deputy pilots**  
28 **may include a deputy marine pilot apprenticeship program approved by the**  
29 **board;**

30 **(5)** [(6)] cooperate with and assist the board in implementing this  
31 chapter.

1 \* **Sec. 16.** AS 08.62.175 is amended by adding a new subsection to read:

2 (e) A pilot organization recognized by the board may enter into agreements  
3 with the master, owner, operator, or agent of a master, owner, or operator, of a vessel  
4 concerning the terms and conditions under which the pilot organization will provide  
5 pilotage services.

6 \* **Sec. 17.** AS 08.62.180 is amended to read:

7 Sec. 08.62.180. EXEMPTIONS. This chapter does not apply to

8 (1) vessels subject to federal pilot requirements under 46 U.S.C. 8502  
9 except as provided in AS 08.62.185;

10 (2) fishing vessels, including fish processing and fish tender vessels,  
11 registered in the United States or in British Columbia, Canada;

12 (3) vessels propelled by machinery and not more than 65 feet in length  
13 over deck, except tugboats and towboats propelled by steam;

14 (4) vessels of United States registry of less than 300 gross tons and  
15 towboats of United States registry and vessels owned by the State of Alaska, engaged  
16 exclusively

17 (A) on the rivers of Alaska; [,] or

18 (B) in the coastwise trade on the west **or north** coast of the  
19 United States including Alaska **and** [,] Hawaii, and **including** British  
20 Columbia, **Yukon Territory, and Northwest Territories,** Canada;

21 (5) vessels of Canada, built in Canada and manned by Canadian  
22 citizens [INCLUDING CANADIAN CRUISE SHIPS], engaged in frequent trade  
23 between

24 (A) British Columbia and **Southeastern** Alaska **south of 58**  
25 **degrees, 10 minutes North latitude,** if reciprocal exemptions are granted by  
26 Canada to vessels owned by the State of Alaska and those of United States  
27 registry; **or**

28 (B) **northern Alaska north of 68 degrees, 7 minutes North**  
29 **latitude and Yukon Territory or Northwest Territories;** [AND]

30 (6) pleasure craft **of United States registry; and**

31 (7) **pleasure craft of foreign registry of less than 300 gross tons as**

1           measured under 46 C.F.R. 69.51 - 69.75.

2       \* **Sec. 18.** TRANSITION. (a) Notwithstanding AS 08.62.010, as amended by sec. 2 of  
3 this Act, the current members of the Board of Marine Pilots shall continue to serve for the  
4 term to which they were appointed.

5           (b) As the terms of the current marine pilot members and current agent or manager  
6 members of the Board of Marine Pilots expire, the governor shall appoint marine pilot  
7 members and agent or manager members to the board in accordance with the qualifications  
8 set out in AS 08.62.010, amended by sec. 2 of this Act.

9           (c) In this section, the current members of the board are those persons serving on the  
10 Board of Marine Pilots on the day before the effective date of this Act.

11       \* **Sec. 19.** AS 08.62.093(e) is repealed.

12       \* **Sec. 20.** This Act takes effect July 1, 1995.