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SENATE CS FOR CS FOR HOUSE BILL NO. 251(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/19/03

Referred: Today's Calendar

Sponsor(s): REPRESENTATIVES DAHLSTROM, Harris, Hawker, Lynn

SENATORS Wilken, Dyson, Cowdery, Ben Stevens, Olson, Wagoner, Therriault

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to exemption of certain foreign pleasure craft from the mandatory**
 2 **pilotage requirement and to civil fines imposed on the owner or operator of a pleasure**
 3 **craft of foreign registry; and providing for an effective date."**

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

5 * **Section 1.** AS 08.62.040 is amended by adding a new subsection to read:

6 (f) The board may impose a civil fine on the owner or operator of a pleasure
 7 craft of foreign registry who, in violation of this chapter, fails to employ a pilot
 8 licensed under this chapter or fails to comply with the pilotage requirement under
 9 AS 08.62.180(b). Notwithstanding AS 08.01.075, the amount of the civil penalty may
 10 not exceed \$10,000 for each violation. Each entry into state water in violation of this
 11 chapter or AS 08.62.180(b) is a separate violation.

12 * **Sec. 2.** AS 08.62.140 is amended by adding a new subsection to read:

13 (b) The fee for an application for an exemption under AS 08.62.180(b) from
 14 the mandatory pilotage requirement of this chapter is \$250 plus \$50 for each whole

1 foot in overall length of the vessel that exceeds 65 feet.

2 * **Sec. 3.** AS 08.62.180 is amended to read:

3 **Sec. 08.62.180. Exemptions.** This chapter does not apply to

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

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

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

10 (4) vessels of United States registry of less than 300 gross tons and
11 towboats of United States registry and vessels owned by the State of Alaska, engaged
12 exclusively

13 (A) on the rivers of Alaska; or

14 (B) in the coastwise trade on the west or north coast of the
15 United States including Alaska and Hawaii, and including British Columbia,
16 Yukon Territory, and Northwest Territories, Canada;

17 (5) vessels of Canada, built in Canada and manned by Canadian
18 citizens, engaged in frequent trade between

19 (A) British Columbia and Southeastern Alaska on the inside
20 water of Southeastern Alaska south of 59 degrees, 29 minutes North latitude, if
21 reciprocal exemptions are granted by Canada to vessels owned by the State of
22 Alaska and those of United States registry; or

23 (B) northern Alaska north of 68 degrees, 7 minutes North
24 latitude and Yukon Territory or Northwest Territories;

25 (6) pleasure craft of United States registry;

26 (7) pleasure craft of foreign registry of **65 feet or less in overall**
27 **length** [LESS THAN 300 GROSS TONS AS MEASURED UNDER 46 C.F.R. 69.51
28 - 69.75]; and

29 (8) vessels of the Canadian Navy or Canadian Coast Guard that have a
30 home port in British Columbia, Canada, while navigating the inside water of Southeast
31 Alaska.

1 * **Sec. 4.** AS 08.62.180 is amended by adding new subsections to read:

2 (b) The operator of a pleasure craft of foreign registry of more than 65 feet
3 overall length but less than 175 feet overall length may apply for an exemption from
4 the pilotage requirement of this chapter. If an exemption is applied for and the fee
5 prescribed under AS 08.62.140(b) is paid, the board may issue the exemption to the
6 operator of the vessel. The exemption is valid for one year from the date on which the
7 exemption is issued. The application for an exemption must be submitted to the board
8 at least 30 days before the vessel enters the state. The board shall approve or deny an
9 application for the exemption within 10 working days after the application is received
10 by the board. If the board does not approve or disapprove the application within 10
11 working days, the exemption is considered to be approved, and the board shall issue
12 the exemption. The 10-day period for action by the board is suspended while the
13 board is waiting for a response to a request by the board for additional information
14 from the applicant. An exemption issued under this subsection may be revoked by the
15 board if the vessel is not operated in a manner that is appropriate to protect human life,
16 property, and the marine environment or if the vessel does not comply with all
17 applicable local, state, and federal laws. The exemption must remain on the vessel
18 while the vessel is in state water. An exemption issued under this subsection does not
19 exempt a vessel from the requirement to employ a pilot licensed under this chapter
20 while the vessel is in Wrangell Narrows or in the water between Chatham Strait and
21 Sitka via Peril Strait.

22 (c) The operator of a pleasure craft of foreign registry of more than 65 feet
23 overall length but not more than 125 feet overall length that has received an exemption
24 under (b) of this section shall proceed upon initial entry into state water to the first
25 port of call to receive navigational and safety information from an agent registered
26 under AS 08.62.040(a)(3) who is employed by the operator of the vessel. The
27 navigational and safety information provided by the agent must be approved by the
28 marine pilot coordinator and annually reviewed, revised, and approved as appropriate
29 by the board at its spring meeting.

30 (d) The operator of a pleasure craft of foreign registry of more than 125 feet
31 overall length but less than 175 feet overall length that has received an exemption

1 under (b) of this section shall employ a pilot licensed under this chapter from initial
2 entry into compulsory pilotage water of the state to the first port of call. The marine
3 pilot shall provide navigational and safety information relating to the pilotage region
4 to the operator of the vessel.

5 (e) In (b) - (d) of this section,

6 (1) "for hire" means for consideration contributed as a condition of
7 carriage on a vessel, whether directly or indirectly flowing to the owner, charterer,
8 operator, agent, or other person having an interest in the vessel;

9 (2) "pleasure craft" means a vessel that does not carry passengers or
10 freight for hire.

11 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **APPLICABILITY.** The requirement in AS 08.62.180(b), added by sec. 4 of this Act,
14 that an application for an exemption must be filed at least 30 days before the vessel enters the
15 state does not apply to a vessel entering the state less than 30 days after the effective date of
16 this Act.

17 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).