

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

February 25, 2003

1:30 p.m.

MEMBERS PRESENT

Representative Jim Holm, Co-Chair
Representative Beverly Masek, Co-Chair
Representative Hugh Fate
Representative Vic Kohring
Representative Cheryll Heinze
Representative Mary Kapsner
Representative Albert Kookesh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 93

"An Act relating to boating safety; repealing secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, 27, and 30, ch. 28, SLA 2000; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 96

"An Act naming the Sven Haakanson, Sr. Airport at Old Harbor."

- BILL HEARING POSTPONED

PREVIOUS ACTION

BILL: HB 93

SHORT TITLE: REPEAL BOATING SAFETY SUNSET

SPONSOR(S): REPRESENTATIVE(S) WEYHRAUCH, Ogg

Jrn-Date	Jrn-Page		Action
02/12/03	0186	(H)	READ THE FIRST TIME - REFERRALS
02/12/03	0186	(H)	TRA, STA
02/18/03		(H)	TRA AT 1:30 PM CAPITOL 17
02/18/03		(H)	<Bill Hearing Postponed to 2/25/03> -- Meeting Canceled
02/25/03		(H)	TRA AT 1:30 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE BRUCE WEYHRAUCH

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HB 93.

BILL HUDSON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: The former Representative who sponsored the original Act that is amended by HB 93.

JOHN FRENCH

Seward, Alaska

POSITION STATEMENT: Testified in strong support of HB 93.

CRAIG FORREST

Homer, Alaska

POSITION STATEMENT: Testified in support of HB 93.

JOHN LUCKING

Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to HB 93.

JEFF JOHNSON, Boating Law Administrator

Office of Boating Safety

Division of Parks & Outdoor Recreation

Department of Natural Resources

Anchorage, Alaska

POSITION STATEMENT: During discussion of HB 93, answered questions.

MICHAEL FOLKERTS, Recreational Boating Safety Specialist

Coast Guard Boating Safety

U.S. Coast Guard

Juneau, Alaska

POSITION STATEMENT: Testified that the United States Coast Guard supports HB 93.

CHARLES HOSACK, Deputy Director

Division of Motor Vehicles

Department of Administration

Anchorage, Alaska

POSITION STATEMENT: During discussion of HB 93, answered questions.

CAROL KASGA

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 93.

MICHAEL NEUSSL, Chief

Search and Rescue - State of Alaska

U.S. Coast Guard

Juneau, Alaska

POSITION STATEMENT: Expressed reasons to continue the boating safety program addressed by HB 93.

JACK MOSBY

Anchorage, Alaska

POSITION STATEMENT: Testified in support of portions of HB 93, but wasn't in support of registering canoes, kayaks, and rafts.

MATT NIEMETH

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 93.

MARK JOHNSON, Chief

Community Health & Emergency Medical Services

Division of Public Health

Department of Health & Social Services

Juneau, Alaska

POSITION STATEMENT: Testified on HB 93, providing information on the "Kids Don't Float Loaner Program."

ACTION NARRATIVE

TAPE 03-4, SIDE A

Number 0001

CO-CHAIR JIM HOLM called the House Transportation Standing Committee meeting to order at 1:30 p.m. Representatives Holm and Kohring were present at the call to order. Representatives Masek, Fate, Heinze, Kapsner, and Kookesh arrived as the meeting was in progress.

HB 93-REPEAL BOATING SAFETY SUNSET

CO-CHAIR HOLM announced that the only order of business would be HOUSE BILL NO. 93, "An Act relating to boating safety; repealing secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, 27, and 30, ch. 28, SLA 2000; and providing for an effective date."

Number 0068

REPRESENTATIVE BRUCE WEYHRAUCH, Alaska State Legislature, spoke as the sponsor of HB 93, a bill that repeals a number of provisions from the boating safety legislation [HB 108 passed during the Twenty-First Alaska State Legislature] which was sponsored by then-Representative Bill Hudson. Representative Weyhrauch stated that the intent of HB 93 is to continue the registration of boats for boating safety and public safety and to ensure that the state continues to receive federal funds because of its boating safety measures.

Number 0237

BILL HUDSON, former Representative, Alaska State Legislature, informed the committee that the Alaska Boating Safety Act was the product of his imagination and hard work. He related his belief that this Act saves lives. He noted that recently the U.S. Coast Guard was transferred from the U.S. Department of Treasury to the U.S. Department of Homeland Security, which he interpreted as meaning that the boating safety program should be conducted by the State of Alaska. For that reason, Mr. Hudson urged the committee to forward HB 93.

Number 0360

JOHN FRENCH noted that he has lived in Alaska for 23 years, has traveled extensively, and is both a power boater and kayaker. Mr. French announced his strong support of HB 93. He mentioned that in his travels he has seen boaters in dire straits and that since this Act has been in place there's been a marked improvement in safety practices. He pointed out that this legislation provides money for boater safety education, which benefits many people. Although some kayakers are concerned that this Act places constraints on operations, registration of kayaks provides a much greater margin of safety and also for the ability to recover stolen kayaks. Therefore, Mr. French reiterated his strong support of HB 93.

Number 0503

CRAIG FORREST informed the committee that he has lived in Alaska for almost 56 years and has been involved in boating that entire time. Mr. Forrest expressed his support of the passage of HB 93. Since implementation of the Act, Mr. Forrest said that he has observed a marked decrease in problems, especially in rural areas. The manner in which boating education has been

implemented through the Office of Boating Safety, Department of Natural Resources (DNR), has been outstanding, and he said he wanted it to continue.

CO-CHAIR HOLM inquired as to how the Office of Boating Safety is funded.

MR. FORREST related his understanding that the funds are from Wallop-Breaux funds from the federal government and the grant from the state's fuel taxes and other taxes. In further response to Co-Chair Holm, Mr. Forrest confirmed that he didn't know of any funds that had been derived from registering boats. However, if there are any funds from boater registration that are being utilized for boater education, then "all the better," he said.

Number 0606

REPRESENTATIVE HEINZE requested further explanation with regard to where the Wallop-Breaux funds originate.

MR. CRAIG related his understanding that [the Wallop-Breaux] funds are derived from the taxes the state pays when purchasing fuel and that the funds are placed in a federal government pot of money and are returned to the state when there is safe-boating legislation.

REPRESENTATIVE HEINZE noted that Mr. Hudson indicated that Mr. Craig was correct.

Number 0776

JOHN LUCKING informed the committee that he has lived in Alaska for 45 years and has canoed and kayaked for at least 30 years. He noted that he has been a member of the Knik Canoers and Kayakers for the past 17 years. He also noted that he is a retired state trooper who was involved with driver safety as well as other safety issues. Since retirement he has worked for the Federal Highway Safety Administration on the enhancement of seatbelt and child-restraint use. Mr. Lucking said that he was speaking on his own behalf in opposition to HB 93. He related his belief that in order to correct a problem one must first identify the problem. Although many people in Alaska are lost in drownings, those in small paddleboats such as canoes and kayaks are few in number. He suggested that one should review the circumstances of each incident. Mr. Lucking related U.S. Coast Guard statistics from 1995-1998, indicating that two to

nine fatalities per year occurred in canoes or kayaks. He reviewed various newspaper articles in which Alaskans were involved in boating fatalities; the common denominator in half [of the instances] was the absence of a life jacket. Therefore, Mr. Lucking said he felt that a requirement for a personal floatation device would be the best and most enforceable means of reducing fatalities. However, if the desire is to generate revenues, the boating tax is one way of doing so. Furthermore, he said that he hadn't personally seen any boater education programs that have resulted from registration funds.

Number 1007

REPRESENTATIVE KOHRING remarked that he believes Mr. Lucking is on track with his concerns. He requested information with regard to the effect of the original legislation. Are there any statistics that point to the fact that the Act worked, he asked.

Number 1100

JEFF JOHNSON, Boating Law Administrator, Office of Boating Safety, Division of Parks & Outdoor Recreation, Department of Natural Resources (DNR), responded to Co-Chair Holm's question regarding where the funding comes from to support this program. Mr. Johnson informed the committee that the amount of federal funds varies from year to year based on a formula. For federal fiscal year 2003, the state hopes to receive \$490,000 in federal funds for boating safety education. Furthermore, the legislature may appropriate registration receipts to the department to operate boating safety programs, although those funds have not been received to date.

CO-CHAIR HOLM said he read HB 93 to say that [the boating safety education program] is contingent upon obtaining the [federal] funds. Therefore, without those funds the program would sunset.

MR. JOHNSON explained that the federal requirement for state participation and state grant funding isn't dependent upon the state's receiving registration receipts, although it is dependent upon the state's registering of boats.

Number 1206

MICHAEL FOLKERTS, Recreational Boating Safety Specialist, Coast Guard Boating Safety, U.S. Coast Guard, provided the following testimony:

The Coast Guard, through the Secretary of Transportation, is directed to carry out a national recreational boating safety program under Chapter 131 of Title 46, United States Code. The goal of the program is to encourage the states to assume the major role in carrying out the boating safety mission.

Federal financial assistance to the states is provided through the Boating Safety Account of the Aquatic Resources Trust Fund, also known as the Wallop-Breaux Trust Fund. Part of the eligibility requirement to receive the funding was achieved when Alaska passed House Bill 108, an Act Relating to Boating Safety, in 2000.

House Bill 108 was passed with a sunset clause that would allow the legislature to revisit the law, primarily to ensure that consistent and adequate funding was in place. House Bill 93 repeals that sunset, allowing the law to become permanent and helping build a long-term program that will continue to reduce recreational boating fatalities.

The United States Coast Guard supports House Bill 93 and will maintain the relationship with the State of Alaska as outlined in a memorandum of understanding between the state and the Coast Guard.

REPRESENTATIVE HEINZE pointed out that the sponsor statement refers to federal motor fuel taxes and federal marine fuel funds and asked if the two are the same.

MR. FOLKERTS answered that the Wallop-Breaux funding is complex. Although he specified that he isn't an expert on the Wallop-Breaux funding, he said he believes the federal motor fuel tax and federal marine fuel fund refer to the same pot of money.

Number 1314

MR. FOLKERTS, in response to Representative Heinze, clarified that the boating safety program is new for the State of Alaska. In further response to Representative Heinze, Mr. Folkerts related the belief that the program is working well. He explained that the state has taken responsibility for registering boats, which was previously done by the U.S. Coast Guard. When the U.S. Coast Guard performed the boater registration, the money went to the other states, not to Alaska.

Under the current situation, the state gets to keep its registration money. He noted that the U.S. Coast Guard is interested in the state's having the boating safety program regardless of registration fees or lack thereof.

REPRESENTATIVE HEINZE inquired as to the amount of funding this involves.

MR. FOLKERTS deferred to Mr. Johnson.

Number 1367

MR. JOHNSON answered that nationally, as of this fiscal year, the amount of money available through the Wallop-Breaux Trust Fund is \$59 million. Every state and territory in the United States receives a portion of that funding. Alaska was the last state to qualify when the legislation passed [during the Twenty-First Alaska State Legislature]. Alaska's share is based on a three-part formula in which the first third is shared equally among all the states and territories. The second third is based on the number of registered boats in the state, and the third piece is based on the amount the state spends in state funds for [the state's] boating safety programs. Alaska receives a relatively low amount of federal funding because the state spends no state money on boating safety and has a relatively low number of registered boats.

REPRESENTATIVE FATE returned to the earlier comment that the program has been quite successful and inquired as to the measure used for determining the success.

MR. FOLKERTS answered that typically the number of fatalities is counted, although that's not an accurate measure in terms of the total success. For example, the number of total fatalities in 1998 was a high of 38, while last year the total number of fatalities was 16. He pointed out that this gradual decrease in the number of fatalities is occurring at the same time as there has been a gradual increase in the number of boater days on the water. He attributed the decrease in fatalities, in large part, to education efforts. In response to Co-Chair Holm, Mr. Folkerts specified that these statistics are recreational boating safety statistics that the U.S. Coast Guard tracks on a yearly basis. He noted that the statistics don't include [fatalities] from commercial fishing.

CO-CHAIR HOLM inquired as to where people usually die.

MR. FOLKERTS estimated that about 40 percent of the fatalities last year occurred in open boats such as skiffs, canoes, and kayaks. He informed the committee that the fatality rates for vessels 28 feet and over and for sailboats are comparatively low.

Number 1517

CO-CHAIR HOLM inquired as to how registering a boat correlates to the safety of the person using the boat.

MR. HUDSON noted that he has spent 20 years in the U.S. Coast Guard Search and Rescue, and much of his time was involved with lifesaving and boating safety. The U.S. Coast Guard registers boats mainly to keep track of them. If a boat is missing, others would be able to identify the boat. Registered boats have a common place where the identification is located. Mr. Hudson highlighted that boat registration is a federal requirement that the state has taken over to enforce. By doing so, the state is available to receive some of the Wallop-Breaux monies. Boat registration is done through the Division of Motor Vehicles and is user friendly. He noted that the registration fee hasn't increased and there aren't safety requirements that weren't required by the federal Boating Act. This bill requires the use of life jackets.

MR. HUDSON said this program saves lives because some of the money that is received from the federal government is used to purchase life jackets that are placed at the docks for use. That is probably the most important life-saving element of this Act. Mr. Hudson emphasized that overall the program doesn't cause [boaters] any more [difficulty than when it was administered via the U.S. Coast Guard] and it's performed by Alaskans in a user-friendly manner. Furthermore, since the state is administering the program, it has expanded such that it includes the coastal areas and many of the inland rivers, lakes, and streams that weren't covered when the U.S. Coast Guard administered the program. The program is self-supporting and isn't overly offensive with regard to regulations. The program was established as a life-saving, preventative measure, as opposed to an enforcement measure.

Number 1759

CO-CHAIR HOLM inquired as to why this is being addressed now if the sunset isn't until 2005.

MR. HUDSON said that he believes it's in order to be ahead of the curve so that the state can continue to qualify for the federal money.

CO-CHAIR HOLM related that [from e-mails he has received] the program [is viewed] as somewhat onerous. Co-Chair Holm highlighted that there is no fiscal note and questioned how deeply this has been thought through with regard to its impact on the citizens of the state. Co-Chair Holm said that he believes the people living on the coast have a different issue than those living in Interior Alaska or the North Slope. He said that he has never seen life jackets on the docks in the Fairbanks area. Therefore, he inquired as to the application of this law on an areawide basis versus merely the coastal areas.

MR. HUDSON said he couldn't comment because his information is a year old. Mr. Hudson related that it was felt that application of this program on a statewide basis would save lives and the record seems to illustrate that. Mr. Hudson reiterated that the requirements are the same as those required by the U.S. Coast Guard [under the federal Boating Safety Act]. He pointed out that just because the U.S. Coast Guard wasn't there doesn't mean that the requirements weren't there.

CO-CHAIR HOLM remarked that he is an individual who would rather err on the side of personal freedom than on governmental control.

REPRESENTATIVE HEINZE inquired as to where one would register a boat and the ease with which one could do so.

MR. FOLKERTS explained that boats are registered through the Division of Motor Vehicles (DMV) and can be done online or at one of the local offices.

Number 1905

REPRESENTATIVE KOHRING said his thinking was much in line with that of Co-Chair Holm. He informed the committee that he voted against this legislation three years ago for the very reason expressed by Co-Chair Holm. He related his belief that more exploration should occur with regard to private associations' providing training and safety-related programs. Before the enactment of this Act, the Matanuska Susitna Valley had a boating safety program that provided life jackets much in the same way this program does. Furthermore, he said he believes

that parents should play an important role in providing guidance and instruction to their children.

REPRESENTATIVE KOOKESH informed the committee that he voted for this legislation [three years ago]. Representative Kookesh said that it seems that the legislation is being debated, although the only matter before the committee is the sunset provision.

CO-CHAIR HOLM specified that the debate is in regard to whether to allow the legislation to sunset. Therefore, Co-Chair Holm said he didn't believe it was inappropriate to question how the funding occurs and where the statistics are that illustrate whether the program is useful or not.

Number 2011

REPRESENTATIVE KAPSNER informed the committee that she voted for this legislation [three years ago]. She related her belief that it provided additional money that is necessary for boater safety and education. She inquired as to why there was a sunset in the first place.

MR. FOLKERTS recalled that there was concern that it would be an unfunded mandate. There was concern with regard to whether the Wallop-Breaux funding would be reauthorized on an annual, consistent basis, which did occur. This program has been funded every year.

Number 2039

CHARLES HOSACK, Deputy Director, Division of Motor Vehicles (DMV), Department of Administration, informed the committee that boat registration is available at all DMV offices. Once the boat is registered, renewal can be done via the Internet, by mail, or in person. Mr. Hosack also informed the committee that by the end of calendar year 2002 there were 56,911 boats registered in Alaska.

Number 2078

CO-CHAIR HOLM inquired as to how much money has been brought in from these registrations.

MR. HOSACK replied that for fiscal year 2002, boat registration revenue for both powered and unpowered boats amounted to \$456,600.

CO-CHAIR HOLM asked if any of the registration revenue was applied to any safety programs.

MR. HOSACK answered that he didn't know, but pointed out that all of the money generated by DMV is placed in the general fund. However, the boat registration revenue is identified separately. "The first part of it falls in with all of our other program receipts to go to pay for DMV's registration program," he said, which totals about \$370,000 and was included in the fiscal note for the original legislation. In further response to Co-Chair Holm, Mr. Hosack explained that the operating costs for the year are taken from the funds generated from the boat registrations. The division's operating costs are \$370,000, although \$456,600 is collected. He noted that DMV informs the Division of Parks [and Outdoor Recreation] how much money has been collected and that money can be used for boat funding. However, it's not an automatic appropriation and thus must go through the budget process.

CO-CHAIR HOLM inquired as to the cost of enforcement.

MR. HOSACK explained that the enforcement is done through the law enforcement officers in the state, mainly through the Department of Public Safety or the Division of Parks [and Outdoor Recreation]. He said that he didn't have any information on the enforcement aspect.

CO-CHAIR HOLM inquired, then, as to why there would be a zero fiscal note for HB 93.

MR. HOSACK answered that the division is already funded through the original legislation for doing the registration. Therefore, if the program is continued as it is, there would be no change.

REPRESENTATIVE HEINZE posed a situation in which the federal funding was lost. In such a situation, would the registration return to the U.S. Coast Guard, she asked.

MR. HOSACK related his understanding that without the passage of HB 93, DMV's authority to register boats will be returned to the U.S. Coast Guard.

Number 2220

CAROL KASGA informed the committee that she and her husband own a wilderness guiding business in the Brooks Range. Ms. Kasga related her strong opposition to HB 93. Although she

appreciated the intent of this legislation, she didn't believe it to be the best approach to achieve safety, saying that a one-size-fits-all approach for the state is the wrong way to go. Ms. Kasga informed the committee that she owns 12 boats that are used for rafting trips. Safety is addressed via the experienced guides in each raft and the requirement for clients to wear life jackets. Ms. Kasga characterized HB 93 as an unnecessary imposition of regulations. She surmised that HB 93 is a way in which a bureaucratic system is established to obtain funds that may come [from the federal government] and said she didn't know where the funds would go.

Number 2352

MR. HOSACK, in response to Representative Fate, confirmed that without the passage of HB 93, DMV wouldn't register boats, and the assumption is that the U.S. Coast Guard would take it over, although the legislation doesn't specify that as such.

REPRESENTATIVE FATE turned to the situation in which the U.S. Coast Guard takes over registration again. In such a situation, would the same regulations that apply in this legislation continue to be applicable under the U.S. Coast Guard, he asked.

MR. HOSACK answered that the U.S. Coast Guard has its own regulations that were in place before DMV took over boat registration. He pointed out that state regulations mirror [the regulations] that were in existence when the U.S. Coast Guard previously administered boat registrations.

TAPE 03-4, SIDE B

MR. HOSACK explained that without passage of HB 93, the statutory authority [of the state] to make regulations would not exist and thus he assumed that the [state's] regulations would be repealed.

REPRESENTATIVE FATE surmised, then, that the regulations levied by the U.S. Coast Guard, the federal government, would be imposed on state citizens relative to their boating activities.

MR. HOSACK agreed. He informed the committee that the U.S. Coast Guard's regulations have to do with which boats need numbers, their size, and the requirement to have a certificate. The [current] state regulations mirror the U.S. Coast Guard's regulations exactly.

REPRESENTATIVE FATE related his understanding that no matter what occurs, [boat owners] will fall under some sort of regulatory regime.

Number 2318

CO-CHAIR HOLM asked if the U.S. Coast Guard registers unpowered boats.

MR. HOSACK replied no, indicating that was unique in the state's program - that it registers powered and unpowered boats measuring over 10 feet in length.

CO-CHAIR HOLM inquired as to why the state registers unpowered boats.

MR. HOSACK explained that the original legislation proposed [registration] for powered boats. However, the focus of the legislation was boater safety and the need to reduce drownings. Part of the testimony heard during the original legislation was that those with unpowered boats should have a safety program as well as those powered boats. Therefore, an amendment to that effect was added during the process.

REPRESENTATIVE WEYHRAUCH, speaking as the sponsor of HB 93, suggested that it would be informative for the U.S. Coast Guard representative to speak.

Number 2260

MICHAEL NEUSSL, Chief, Search and Rescue - State of Alaska, U.S. Coast Guard, related his belief that registration of boats is a safety feature because registration provides the search and rescue forces the ability to quickly determine the nature of distress. With the registration, the owner/operator of the boat can be tracked down and the situation assessed. Regarding unknown cases, resources are launched to determine whether people are in distress, and those resources are very expensive to operate. For instance, a search aircraft costs \$8,000 an hour. Therefore, he reiterated that the registration of vessels does have a direct impact on safety.

MR. NEUSSL turned to the issue of "loaner" life jackets and informed the committee that there are approximately 400 sites throughout the state that have developed since the program started. He explained that these sites require a local sponsor. Mr. Neussl said these sites save lives. For example, in Sitka a

boat overturned and the loaner life jackets saved three lives. He emphasized the need, from a safety perspective, for the loaner life jacket program to stay in place. Furthermore, the boating safety legislation keeps Alaska "on parity" with the other states with regard to the distribution of the federal funding. Mr. Neussl recalled testimony that 56,000 boats were registered through DMV and said he didn't believe that under the U.S. Coast Guard there were that many boats registered in Alaska because the U.S. Coast Guard's office was a one-person office.

Number 2125

REPRESENTATIVE FATE expressed interest in the percentage of inland recreational boat registrations versus blue-water-type recreational boat registrations.

MR. HOSACK said that the registration doesn't indicate whether the boat is used in salt water or fresh water.

CO-CHAIR HOLM recalled Mr. Neussl's testimony that registration allows access to a database to make appropriate decisions regarding possible search and rescue situations. He asked if the [search and rescue] service is performed throughout the state or merely on the coast.

MR. NEUSSL answered that the [search and rescue] service is performed throughout the state when the U.S. Coast Guard receives notification and he assumed the same would be the case in the Rescue Coordination Center in Anchorage that the U.S. Air Force runs for the inland portion of the state. If information is received regarding an unattended boat that appears to have been recently used, the registration information is available to the search and rescue controllers in order to track down who might have been in the boat and to determine whether there was an accident.

Number 2027

JACK MOSBY informed the committee that he has been a resident of Alaska since the late 1970s and was a guide for almost 10 years during the 1980s. He noted that he is a member of the Knik Canoers in Anchorage as well as the Fairbanks chapter. For the past 20 years, Mr. Mosby taught classes with the Knik Canoers in which safety was always stressed. Mr. Mosby said that he supported portions of HB 93, specifically the boater education portion and the mandatory wearing of life jackets. However, Mr. Mosby said that he didn't support the registration of canoes,

kayaks, and rafts because he hasn't found registration to be a benefit to him when he has lost equipment. He noted that he spent time on over 1,000 stream miles throughout the state and at no time did he see any government entity enforcing this law or providing boater safety education. Therefore, he questioned why everything is being registered. Furthermore, it's unclear as to how many unpowered vessels are being registered and how much of those funds will be returned to the state to be targeted for unpowered vessels.

Number 1959

MATT NIEMETH informed the committee that he is a fisheries research biologist who works all over the state. The vast majority of the projects on which he works require the use of a motorized vessel. He said that he is always looking for ways in which to increase safety and he appreciates efforts to that end. Mr. Niemeth related his background as a professional river guide and a white-water kayaker and thus he said he could see many shades of gray. Mr. Niemeth said he opposes HB 93 because he thinks there are elements in the original legislation [HB 108] that need amending before this Act becomes a permanent law. He echoed earlier comments that this [HB 108] isn't a good way to address boater education for the white-water community, specifically for the unpowered white-water paddling community. The safety issues and effective training for [unpowered white-water paddling] are very different from those for motorized boats. Therefore, he didn't believe the boats should be lumped into the same category. Recreational white-water boaters are a specialized group that develops its training and safety measures in response to a very specialized, fairly esoteric structure. There is a steep learning curve for white-water boaters.

MR. NIEMETH pointed out that the training for white-water boaters usually comes through local organizations and volunteer groups and is usually very effective. Mr. Niemeth said that he didn't see how government could replace that [local training]. This is a group for which small government is better government, which is borne out in the low rate of accidents and fatalities within [this white water boating] community, he suggested. Mr. Niemeth related that there are white-water rivers in the U.S. that have had 500,000 recreational white-water user-days per year and have not had a fatality since 1988. Mr. Niemeth also related that he hasn't seen anyone on a white-water river without a life jacket since perhaps 1984. Therefore, this legislation misses the mark. Furthermore, the fee charged would

better be spent within the specific user group to support the existing training and safety measures.

MR. NIEMETH concluded by saying that it's important to discuss this now because HB 93 would make [HB 108] permanent, although there are still flaws. For instance, there is no knowledge as to whether registration has caused a decrease in the number of white-water accidents or white-water-related fatalities. There is no knowledge as to the proportion of Wallop-Breaux funds this registration brings in because there is no knowledge as to what proportion of the 56,000 registered boats is made up of white-water kayaks. Mr. Niemeth related that the perception of HB 93 [HB 108] is that it's a money grab similar to taxing bicycles for automobile safety [programs] and it's an attempt to increase the numbers in order to increase eligibility for Wallop-Breaux funds, both of which are bad policy. Removing the sunset clause before there is adequate assessment is premature public policy, he said.

Number 1673

MARK JOHNSON, Chief, Community Health & Emergency Medical Services, Division of Public Health, Department of Health & Social Services (DHSS), informed the committee that the [department] has studied drowning over the years. He referred to a chart entitled, "10 Leading Causes of Injury Deaths in Alaska by Age Group - 1994-1998," which is included in the committee packet. He pointed out that for children aged 1-4, the third leading cause of injury death is drowning. For children aged 5-9, the first leading cause of injury death is drowning and for those aged 10-14 drowning was the second leading cause of injury death. Therefore, drowning is a significant cause of death for children in Alaska. Mr. Johnson directed attention to the summary of the "Kids Don't Float Loaner Program" included in the committee packet. He also provided examples of six "saves" that can be attributed to the Kids Don't Float Loaner Program. Much of the funding for the aforementioned program comes from the federal boating safety funds that are a result of this legislation.

MR. JOHNSON noted that for about 10 years prior to the passage of the Boating Safety Act in Alaska, there was an average of 29 boating-related deaths. Since passage of the Act, the average has dropped to 22 boating-related deaths, and this past year there were 16 boating-related deaths. Therefore, there seems to be a relationship between the passage of the Act and a reduction in boating-related fatalities in the state. Mr. Johnson said

[the department] would like to see that continue and this seems to provide the necessary funding. He mentioned that there are other examples of some boating safety activities, but the Kids Don't Float Loaner Program is the most popular. The Kids Don't Float Loaner Program is in many locations in the Interior and virtually every region in the state.

CO-CHAIR HOLM, upon determining no one else wished to testify, announced that HB 93 would be held over.

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:45 p.m.