

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

February 1, 2010

3:48 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Mark Neuman, Vice Chair
Representative Mike Chenault
Representative Bob Lynn
Representative Tammie Wilson
Representative Robert L. "Bob" Buch
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 294

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

- MOVED HB 294 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 294

SHORT TITLE: USE, REGULATION, AND OPERATION OF BOATS

SPONSOR(S): REPRESENTATIVE(S) NEUMAN

01/19/10	(H)	READ THE FIRST TIME - REFERRALS
01/19/10	(H)	L&C, FIN
02/01/10	(H)	L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

JAMES ELLIS, Staff
Representative Mark Neuman
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 294 on behalf of Representative Neuman, prime sponsor of HB 294.

MICHAEL FOLKERTS, Boating Safety Recreational Specialist
District Seventeen
United States Coast Guard (USCG)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 294.

JANE SCHULTZ, Emergency Medical Services Coordinator (EMS)
Kenai Peninsula EMS Council
Kenai, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 294.

JAMES KING, Director
Division of Parks & Outdoor Recreation
Department of Natural Resources (DNR)
Anchorage Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 294.

ACTION NARRATIVE

[3:48:15 PM](#)

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at 3:48 p.m.

Representatives Holmes, Lynn, Neuman, T. Wilson, and Olson were present at the call to order. Representatives Buch and Chenault arrived as the meeting was in progress.

HB 294-USE, REGULATION, AND OPERATION OF BOATS

[3:48:41 PM](#)

CHAIR OLSON announced that the only order of business would be HOUSE BILL NO. 294, "An Act amending the termination date of certain statutes relating to the use, operation, and regulation of boats, a uniform state waterway marking system, and civil liability for boat owners; providing for an effective date by amending the effective date of secs. 3, 5, 7, 9, 11, 14, 16, 18,

20, 23, 26, and 27, ch. 28, SLA 2000, as amended; and providing for an effective date."

[3:49:03 PM](#)

JAMES ELLIS, Staff, Representative Mark Neuman, Alaska State Legislature, began by explaining that this bill is similar to HB 151, which passed the legislature last session and extended the Statewide Boating Safety Program for one year, thereby allowing funding to continue to 2010. This bill, HB 294, would extend the sunset dates of the Statewide Boating Safety and Education program for six years. The reason for HB 294 is because conflicting years exist between the federal and state funding dates for the program. The Statewide Boating Safety Program is currently approved through 2011, and requires additional funding to carry it through the length of the program.

MR. ELLIS offered that the Statewide Boating Safety and Education program has been successful and because more boaters begin to follow safety rules the boating fatalities have steadily decreased during the tenure of the law. It also brings Alaska's law into compliance with federal regulations. This program has taught boating safety to over 63,000 children, 1,400 adults, and 104 instructors, as well as providing assistance to law enforcement agencies.

[3:50:19 PM](#)

REPRESENTATIVE BUCH recalled hearing a bill on this topic last year. He offered his belief that HB 294 is a great bill. He related that the state does not fund the Statewide Boating Safety and Education program through general fund dollars so it still does not have any state general fund fiscal impact but the state does receive \$1.5 million in federal funds for the program.

MR. ELLIS clarified that some revenue for the Statewide Boating Safety and Education program is obtained from state licenses; otherwise, the program is operated with federal funds.

[3:51:21 PM](#)

REPRESENTATIVE BUCH referred to the fiscal note. He remarked that \$1.25 million is received in federal receipts, but \$200,000 is derived from other receipts.

[3:51:50 PM](#)

REPRESENTATIVE T. WILSON asked whether the program would sustain itself if federal funding disappeared.

MR. ELLIS responded that without federal funding that the program would terminate.

[3:52:29 PM](#)

MICHAEL FOLKERTS, Boating Safety Recreational Specialist, District Seventeen, United States Coast Guard (USCG), introduced himself and read his written testimony, as follows [original punctuation provided]:

My name is Michael Folkerts, Recreational Boating Safety Specialist, for the Seventeenth Coast Guard District. It is a pleasure to appear before you hear today to discuss the national recreational boating safety program.

The Coast Guard, through the Secretary of Homeland Security, 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 boating safety education, assistance, and enforcement activities within their jurisdictions and to foster greater development, use, and enjoyment of all the waters of the United States.

Under this program, the Coast Guard allocates and distributes funds to eligible States to assist them in developing, carrying out, and financing State recreational boating safety programs. Federal financial assistance to the States is provided through the Boating Safety Account of the Aquatic Resources Trust Fund, also known as the Sport Fish Restoration and Boating Trust Fund. Part of the eligibility requirement to receive this funding was achieved when Alaska established the boating safety and education program by passing House Bill 108, an Act Relating to Boating Safety, in 2000.

Alaska's Boating Safety program has now been in place for 10 years. Recreational boaters are safer and better educated. Recreational boating fatalities are on a downward trend. The five-year fatality rate

averaged 23.8 lives lost per year from 1995-1999. Our most recent five-year average (2005-2009) is 15.4 lives lost per year. In calendar year 2009, we lost 12 Alaskans in recreational boating accidents, which is the lowest number since the program began. Continuation of Alaska's Boating Safety program would help save lives.

The United States Coast Guard will continue to maintain the strong working relationship with the State of Alaska as outlined in a Memorandum of Understanding between the State and the Coast Guard.

Thank you for the opportunity to appear before you today. I will be glad to answer any questions you may have regarding the Coast Guard and boating safety in Alaska.

[3:54:39 PM](#)

REPRESENTATIVE NEUMAN remarked that the USCG has saved many lives. He asked what could be done to increase the educational efforts to save lives and further the outreach for cold water education. He recalled that when people fall in cold water that their natural instinct is to breathe. He inquired as to whether any safety tips for survival are covered in the state or USCG educational program.

[3:56:13 PM](#)

MR. FOLKERTS answered yes. He added that the USCG works with the Alaska Office of Boating Safety and that office uses an injury prevention model, which is an effective model. To improve on this model would take extra educational effort and in fact, the USCG actually prefers to use the educational approach instead of an enforcement approach to insure boater safety. He referred to statistics in member's packets that shows a 35 percent increase in compliance rates. Thus, during routine patrols, 3 out of 4 boaters are doing what they should be doing. He offered that 90 percent of the credit is due to the efforts made by the Alaska Office of Boating Safety, in the Department of Natural Resources (DNR). He applauded their program and urged continuation of the Statewide Boating Safety and Education program.

REPRESENTATIVE NEUMAN understood that when the USCG is conducting its patrols, officers often find the boaters are

wearing their floatation devices. He recalled that Wisconsin's efforts to obtain matching federal grant funds. He remarked on the incentives that Wisconsin enforcement officers used to promote boating safety and use of personal flotation devices. He explained that during routine enforcement checks officers would issue a coupon for ice cream when the children in boats were wearing personal flotation devices. He asked whether similar incentives are offered in Alaska.

MR. FOLKERTS answered yes. He related that the USCG works with the local McDonalds restaurants to offer certificates for soft ice cream cones.

[3:58:16 PM](#)

REPRESENTATIVE LYNN related that it is a very different experience when a person enters the water in a swimsuit than when the person is fully dressed. He inquired as to whether any education is offered for cold water survival to inform people how to jettison their clothing to survive.

MR. FOLKERTS related that the DNR's Office of Boating Safety created an excellent video/DVD called, Cold Water Boating, which he offered to provide to the committee. The video/DVD production is very professional, has won national awards, and is now used by most states for cold water survival training and educational purposes.

[3:59:24 PM](#)

REPRESENTATIVE LYNN asked when the name was changed from life preservers to personal flotation devices.

MR. FOLKERTS said he did not know but offered the name will likely change again. He suggested that personal flotation devices are the same product but is just called by another name.

[3:59:58 PM](#)

JANE SCHULTZ, Emergency Medical Services Coordinator (EMS), Kenai Peninsula EMS Council, offered her belief that the sunset clause in HB 294 is no longer needed since the program has consistently been funded by the federal government for over ten years. The program works well and it is burdensome to come before the legislature each year for funding authority, which wastes legislative and agency time. If the program was allowed to sunset, it would be the first instance nationwide of any

state ending their boating safety program, which would effectively be refusing the federal grant for boating safety. The "Kids Don't Float Program" has seen tremendous success with documented cases of the floatation devices saving lives. She remarked that even some adults are taking advantage of the program, especially young men in the higher risk group from the late teen years to 30-year-old age group. She said she lives on the Kenai River and has observed an increase in the number of fishing guides that are now wearing life jackets. The statistics demonstrate the effectiveness of the program. Now is not the time to sunset this program. It seems that injury prevention programs often lose funding when the programs prove successful. Passage of HB 294 will help insure that a successful boating safety program will continue to save lives and the state will have clear and consistent boating safety regulations. It would be a mistake to stop funding a program that reduced recreational boating fatalities by over 20 percent in the past ten years.

[4:02:31 PM](#)

JAMES KING, Director, Division of Parks & Outdoor Recreation, Department of Natural Resources (DNR), stated that this program has done so much for Alaska residents and visitors. He agreed with Mr. Folkerts and Ms. Schulz that the Statewide Boating Safety and Education program is very successful. Most people are familiar with the life jacket loaner boards placed at harbors and docks in the state for the Kids Don't Float program. There are 514 boards across the state serving 153 communities and over 24,000 life jackets have been placed on the boards for use by boaters. Seventeen children survived a cold-water experience wearing these life jackets. The education component is huge, such as that over 17,000 people have been educated to know the importance of wearing life jackets. Life jacket wear rates are increasing while recreational boating fatalities are decreasing as a result of this program. The cold water immersion video or DVD previously mentioned is an indication of the continued education provided under the Statewide Boating Safety and Education program. Thank you for your support for this program.

[4:04:10 PM](#)

CHAIR OLSON, after first determining no one else wished to testify, closed public testimony on HB 294.

[4:04:26 PM](#)

REPRESENTATIVE HOLMES remarked that she has spent lots of time on boats in Alaska and is glad the state has this program to help educate people.

REPRESENTATIVE CHENAULT agreed. He related that the fiscal note shows the source of \$200,000 funding from the vehicle rental tax. He stated that he is unsure of whether this is the right funding source, but offered to have the House Finance Committee will check that source when this bill comes before that committee. He remarked that HB 294 is a good bill.

REPRESENTATIVE NEUMAN suggested that the source of funds is likely from the registration of boats.

[4:05:38 PM](#)

REPRESENTATIVE CHENAULT understood the funding source but he maintained his concern that another source may be more appropriate.

[4:05:48 PM](#)

REPRESENTATIVE NEUMAN moved to report HB 294 out of committee with individual recommendations and the accompanying fiscal note.

[4:06:01 PM](#)

The committee took a brief at-ease at 4:06 p.m.

[4:06:13 PM](#)

REPRESENTATIVE NEUMAN said that he misspoke the version of the bill and restated his motion. Representative Neuman moved to report HB 294 from the House Labor and Commerce Standing Committee. There being no objection, HB 294 was reported from the House Labor and Commerce Standing Committee.

[4:06:28 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:06 p.m.