

HB

636

COMMITTEE REPORT

HOUSE

1/29/80

FURTHER:

Date: Feb 20 1980

Mr. Speaker:

The Committee on COMMUNITY AND REGIONAL AFFAIRS has had HB 636

"An Act requiring flags for divers."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Bo Dill
James G. Thompson
Robert W. O'Connell
John L. ...
Charles ...
Paul ...

CHAIRMAN

AMENDMENT

OFFERED IN THE HOUSE:

By: HOUSE C&RA

To: RULES

HOUSE BILL No. HB 636

SENATE BILL No. _____

PAGE: _____

LINE: _____

PAGE 1, LINE 11

Delete "~~15~~" and replace with "12",

PAGE 1, LINE 19

Delete "and" on line 19 and the rest of line 20 and replace it with:

steering clear of the flag by a distance of 100 feet. Boats maneuvering within a 100-foot radius of a divers flag shall be slowed to no-wake speeds or five miles per hour, whichever is necessary to maintain steerage in the seaway. A divers flag shall be displayed only while diving operations are underway."



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: HB 636

ORIGINAL SPONSOR: Parker/Martin
RECEIVED FROM: --

OTHER SPONSORS: _____
FURTHER REFERRALS: --

HEARING DATE: 2/20/80

MEMBERS PRESENT:	Bill Parker X	Pat Carney X
	Margaret Branson X	Charlie Parr X
	Pat O'Connell X	Fred Zharoff X
		Ray Metcalfe

The Committee briefly discussed the bill and the proposed amendment for p. 1 lines 19-20. On p. 1 line 19 the word "may" would be deleted and those following and the additional wording added would be "shall be slowed to no-wake speeds or five miles per hour, whichever is necessary to maintain steerage in the seaway".

2/22/80 Chairman Parker brought to the attention of the Committee the items overlooked when the bill was heard on 2/20. The Committee concurred with the two amendments rewritten as indicated on the attached sheet.

COMMITTEE ACTION: Signed out of Committee with amendment as proposed.

TAPE # 2 SIDE 2 Footage 580-627

DIVERS FLAG LEGISLATION

Briefing paper for an act:

"An Act requiring flags for divers"

By Parker and Martin

Eleventh Legislature - Second Session

Every month, diver training programs in Anchorage, Fairbanks, Juneau, Sitka, Ketchikan and elsewhere are certifying an average of 50 new divers. Given the seasonal variation in interest, it's safe to say 500 or more divers are certified every year around the state.

And why not? With more miles of coastline than the other states combined, Alaska offers the underwater explorer a richness and variety of marine life found nowhere else in the U.S. The tropics are the deserts of the sea. The real riches -- as in commercial fishing -- are to be found in the high latitudes, north and south.

While there are no statistical data to confirm or refute what follows, the consensus among diving instructors puts the total number of certified divers living in Alaska in the five figure bracket. Although the guesses vary, the number of qualified -- not necessarily active -- divers in the state could easily be 20,000 or more; 10,000, certainly, is a credible number. And, it's a number that equals or exceeds the number of boats berthed in coastal harbors around the state.

DIVERS FLAG LEGISLATION
Briefing paper/2

So far, there have not been any diver-boat accidents. But, the growing numbers of divers and the growth of the recreational fleet state-wide raise the likelihood of such an occurrence from a possibility to a probability. At present, very few divers use the divers flag, saying either that the boaters do not know what it means, or that there are so few boats that the risks are minimal. Boaters, likewise, are generally unfamiliar with the ensign although its meaning is covered in Coast Guard boater safety courses.

In other states, the campaign for the adoption and recognition of the divers flag has used photographs showing the hideous pattern of propeller slashes across the back or side of an accident victim. Unless this legislation is adopted and a vigorous information campaign is launched, such photographs could appear in the Alaskan press. Simply put, the growing numbers of divers and boaters using the same waters makes it mandatory that the divers flag be adopted and recognized as a warning that people are submerged and that boaters should steer clear of the area.

The onus is not on the divers or the boaters; the responsibility is mutual. Divers must display the flag if they want boaters to avoid the area in which they are diving. And boaters, no less than motor vehicle operators seeing a stop sign, must come to recognize the divers flag as an accepted warning symbol, as appropriate in Alaska's oceanic and lake environments as the stop sign is in every community.

Alaska is one of 13 states which as yet have not formally adopted or recognized the divers flag. All of the others have adopted or formulated some regulations defining conditions for its display and response by boaters. While specifics vary from state to state, most

Therefore, the recommended draft legislation covering the use and display of the divers flag in Alaska calls for 150 feet of boater clearance and no-wake speeds. Hopefully, its enactment will prevent needless tragedy in Alaska waters.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 636
 Title "An Act requiring flags for divers."
 Requested by Rep. Parker Date 2/13/80

II. FISCAL DETAIL

Agency Affected Public Safety
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0		

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact is projected.

IV. DATE February 13, 1980 PREPARED BY *Mike Clemens*
 AGENCY Public Safety
 PHONE 465-4336
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)