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218

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 145 Date on Bill: February 24, 1983
 Title: "An Act relating to the Board of Marine Pilots."
 Sponsor: Labor and Commerce Committee
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating	-0-	-0-	-0-	
Total				

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: No additional fiscal impact will be incurred with this Senate Bill.

~~Funding to be continued and provided for in the Department's FY-84 budget.~~

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Darrell Miller Phone: 465-2535
 Division: Occupational Licensing Date: March 2, 1983
 Approved by Commissioner: Richard A. Lyon Date: 3/9/83
 Department: Commerce & Economic Development

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

must be performed during periods of darkness.

They also discussed scratching the word "unlimited" under 12 AAC 56.030. Discussed adding "submit proof of radar observor certification" under 12 AAC 56.030 (2).

The board defined a trip as in and out of a port. Juneau, Petersburg, Ketchikan would be considered three trips. Captain Oldow felt that 20 trips as a pilot have to be performed within the last year in addition to the observor trips to show you are current in the area.

On a motion duly made by Captain Oldow, seconded and passed unanimously, (Mr. Treager did not have to vote), it was

RESOLVED that under 12 AAC 56.030(5)(a) a minimum of 10 dockings and 10 undockings, of which five dockings and five undockings must be on any vessel requiring an Alaska State pilot and five dockings and five undockings of a vessel of over 1,000 gross tons; and (b) would read correspondently instead of 10, it would be 20 dockings and undockings of which 10 dockings and 10 undockings must be on any vessel requiring an Alaska State pilot and 10 dockings and 10 undockings of a vessel over 1,000 gross tons.

On a motion duly made by Mr. George, seconded and approved by Mr. George, ^{Mr.} Barrington, Mr. Taylor and Mr. Treager; disapproved by Captain Oldow, Captain Maroni and Mr. Peavyhouse, it was

RESOLVED (under 12 AAC 56.030(5)(A) to have a minimum of one year as master or pilot of a vessel in the waters for which applying and have executed under the direct supervision of a licensed pilot under AS 08.62.100 a minimum of 10 dockings....

Captain Oldow felt that Mr. Treager's yes vote (to break a tie) has destroyed the pilotage for the State of Alaska.

Mr. George felt that the regulation just passed is more ^{restrictive} restrictive than the present regulation.

On a motion duly made by Mr. George, seconded and passed unanimously, it was:

RESOLVED that no pilot may pilot a vessel in excess of the tonnage limit endorsed by the board upon his license. Tonnage limits are 2K, 10K, 20K, 40K, 60K or any gross tons.

This will fall under 12 AAC 56.030.

On a motion duly made by Captain Oldow, seconded and approved unanimously, it was:

RESOLVED, ^{that} 2,000 gross tons is the initial entry level pilotage increment, unless higher tonnage exposure is present.

Please insert part of motion

41 The board will determine the initial tonnage limit by considering the applicant's experience, ability, limitations upon his Coast Guard license and such other information as the board deems relevant. An applicant seeking an initial license in excess of 2,000 gross tons shall additionally have executed one-half of his required dockings and undockings supervised by a qualified, licensed pilot upon a vessel of comparable tonnage for the tonnage limit level sought.

Any pilot acting in a supervisory capacity for dockings and undockings, as set forth above, must have a tonnage limit in excess of the applicant's requested limit ^{by} at least one step.

This motion would also fall under 12 AAC 56.030(5)(d).

On a motion duly made by Mr. Taylor, seconded and passed unanimously, it was:

RESOLVED that upgrading the incremental tonnage limitation level must be accomplished in accordance with the following scale outlining the required number of round trips as a licensed master/mate/observer on vessels of the appropriate gross tonnages, must be performed while holding a State license of the prior step. At least 1/3 of the round trips must be performed during periods of darkness. In addition, the indicated number of trips as a pilot of vessels must be performed during the maximum time indicated. The above must be performed on the waters of Alaska.

	<u>Round Trip</u>	<u>Gross Tons</u>	<u>Trips as Pilot</u>	<u>Max. Time</u>
Step 1 to 2	12	over 2,000	20	1 year
Step 2 to 3	8	over 10,000	20	1 year
Step 3 to 4	7	over 20,000	20	1 year
Step 4 to 5	4	over 40,000	20	1 year
Step 5 to 6		over 60,000 500 points as per <i>U.S. Coast Guard</i> USCG schedule		

A point system is used to evaluate the experience presented. A total of 500 points are required for step 6 (ANY GROSS TONS) certification.

Points are awarded as follows:

- (a) Master of vessels over 60,000 GT - 10 points per month (36 months maximum credit)
- (b) Sea service in a licensed deck capacity on vessels over 60,000 GT, not as master - 5 points per month (32 months maximum credit)
- (c) Simulator training - maximum 200 points

(Approved Simulator Facilities)

1. CAORF, Kings Point
2. MSI La Guardia
3. Port Revel-Grenoble, France
4. Delft-Holland

(d) Pilot observer round trips on vessels over 60,000 GT - 10 points per round trip (minimum ⁵, maximum 30)

(e) Pilot of vessel of between 20,000 and 40,000 GT - 10 points per round trip - 10 round trips (maximum credit)

(f) Pilot of vessel between 40,000 and 60,000 GT - 10 points per round trip - 20 round trips (maximum credit)

This motion should fall under 12 AAC 56.030(e).

On a motion duly made by Captain Oldow, seconded and passed unanimously, it was ²

RESOLVED to repeal 12 AAC 56.050 in its entirety.

FURTHER RESOLVED that in all regulations, whenever there is "unlimited" or "limited," change the wording to "pilot"; under definitions for "pilot" define as meaning individuals licensed under 12 AAC 56.030 of this chapter; but does not include channel pilot as defined under 12 AAC 56.050.

Mr. Miller advised the board that they will need to publish all regulation changes for a new public notice to be heard in December, 1983 because the board has gone far beyond amending the docking and undocking requirements. ←

CHAPTER 56.
BOARD OF MARINE PILOTSARTICLE 2.
LICENSING

Article

1. Administration of Board
(12 AAC 56.010-12 AAC 56.020)
2. Licensing
(12 AAC 56.030-12 AAC 56.080)
3. Inside Waters
(12 AAC 56.090-12 AAC 56.120)
4. Rates
(12 AAC 56.130-12 AAC 56.158)
5. General Provisions
(12 AAC 56.160-12 AAC 56.190)

ARTICLE 1.
ADMINISTRATION OF BOARD

Section

10. Quorum
20. Meetings

12 AAC 56.010. **QUORUM.** (a) For the purpose of approving applications for examination and administering the examination for a license, two members of the board constitute a quorum.

(b) For the purpose of board meetings, hearings, and conducting all other board business, except examinations, a majority of the board constitutes a quorum. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 4/15/81, Reg. 78)
Authority: AS 08.62.040(b)

12 AAC 56.020. **MEETINGS.** The annual meeting of the board shall be in December on the date, time and place designated by the chairman. Special meetings will be held at times and places designated by the chairman with approval of the governor and members of the board. (Eff. 6/11/71, Reg. 38)

Authority: AS 08.62.030
AS 08.62.040(b)

Section

30. Qualifications for unlimited pilot's license.
40. Qualifications for limited pilot's license.
50. Qualifications for channel pilot's license.
60. Temporary license
70. Examinations
80. Biennial license renewal

12 AAC 56.030. **QUALIFICATIONS FOR UNLIMITED PILOT'S LICENSE.** An applicant for an unlimited pilot's license shall apply on a form provided by the Department of Commerce

(1) pay the required fee; and

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license as first-class pilot upon the waters for which applying; and

(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; and

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in 12 AAC 56.070;

(5) have met the following requirements:

(A) have a minimum of one year as a master or pilot of a vessel in the waters for which applying, and have executed under the direct supervision of a pilot holding an unlimited pilot's license under AS 08.62.100 a minimum of 10 dockings and 10 undockings while holding a United States Coast Guard license as a first-class pilot upon the waters for which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the

required dockings or undockings may have been under the direct supervision of the same supervisory pilot; or

(B) have executed under the direct supervision of a pilot holding an unlimited pilot's license under AS 08.62.100 a minimum of 20 dockings and 20 undockings while holding a United States Coast Guard license as a first-class pilot upon the waters for which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the required dockings or undockings may have been under the direct supervision of the same supervisory pilot; and

(C) all dockings and undockings must be certified as having been made within two years prior to the date of application; and

(6) have satisfactorily completed a physical examination within 30 days of the date of application. The physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(7) be at least 25 years of age. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42)

Authority: AS 08.62.040(a)(2)

12 AAC 56.040. QUALIFICATIONS FOR LIMITED PILOT'S LICENSE. (a) A limited pilot's license is a license to pilot vessels of 2,000 gross tons or less.

(b) An applicant for a limited pilot's license shall apply on a form provided by the Department of Commerce

(1) pay the required fee; and

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license for first-class pilot upon the waters for which applying; and

(3) submit a full-sized, certified reproduction

of a valid United States Coast Guard license for master; and

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in 12 AAC 56.070(b) and (c); and

(5) have satisfactorily completed a physical examination within 30 days of the date of application; the physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(6) be at least 25 years of age; and

(7) submit evidence satisfactory to the board of

(A) having had a minimum of one year as a master or pilot of a vessel in the waters for which applying, and of having executed under the direct supervision of a pilot holding an unlimited pilot license under AS 08.62.100 a minimum of 10 dockings and 10 undockings while holding a United States Coast Guard license as a first-class pilot upon the waters of which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; or

(B) having executed under the direct supervision of a pilot holding an unlimited pilot license under AS 08.62.100, a minimum of 20 dockings and 20 undockings while holding a United States Coast Guard license as a first-class pilot upon the waters for which applying and a United States Coast Guard license for master or steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; and

(8) submit certification that all dockings and undockings required under (7) of this subsection have been made within two years before the

date of application and that no more than five of the required dockings and five of the required undockings were under the direct supervision of the same supervisory pilot.

(c) Repealed 4/15/81.
(Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 4/15/81, Reg. 78)

Authority: AS 08.62.040(a)(2)

12 AAC 56.050. QUALIFICATIONS FOR CHANNEL PILOT'S LICENSE. A channel pilot's license is a license to pilot in main ship channels only. A channel pilot may perform docking and undockings only under the direct supervision of a pilot holding an unlimited pilot's license. An applicant for a channel pilot's license shall apply on forms provided by the Department of Commerce. An applicant shall

- (1) pay the required fee; and
- (2) submit a full-sized, certified reproduction of a valid United States Coast Guard license for first-class pilot upon the waters for which applying; and
- (3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master of steam or motor vessel of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; and
- (4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the water for which he is applying, which will be determined by oral and written examination before the board from topics listed in 12 AAC 56.070(b) and (c); and
- (5) have completed satisfactorily a physical examination within 30 days of the date of application; the physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(6) be at least 25 years of age. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 50)

Authority: AS 08.62.040(a)(2)

12 AAC 56.060. TEMPORARY LICENSE. (a) A temporary license may be issued to a person applying for an unlimited, limited or channel pilot's license upon

- (1) submission of the required application; and
- (2) submission of the temporary license fee of \$50; and
- (3) submission of proof that he meets all requirements for the license for which he is applying except the examination requirement; and
- (4) successful passing of a written examination consisting of 20 questions with a score of at least 75 percent; the questions will be taken from a list of 100 questions prepared previously by the board; this examination will not be considered as part of the oral and written examination given by the board under 12 AAC 56.070, but will cover the same topics.

(b) A temporary license will be valid until the results of the next scheduled examination are received. If for a valid reason the applicant was unable to appear for the next scheduled examination, the board may extend the temporary license until the next scheduled examination after the one for which the applicant was unable to appear. The temporary license shall not be extended more than once nor shall a second temporary license be issued.

(c) An applicant for an extension of route may receive a temporary permit by appearing before two board members and taking a written and oral examination for the requested area. If the applicant passes the examination, a temporary extension of route permit will be issued which will remain in effect until the next scheduled meeting of the board when the application will be reviewed for permanent licensure. The applicant need not appear at the scheduled meeting. If permanent licensure is approved, the area will be added to the license; if it is disapproved, the temporary permit is void as of the date of disapproval. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 50; am 6/30/78, Reg. 66)

Authority: AS 08.62.040(a)(2)

12 AAC 56.070. EXAMINATIONS. (a) The examination required by 12 AAC 56.030, 12 AAC 56.040 and 12 AAC 56.050 will be given at least once a year at the time and place designated by the chairman of the board with prior approval of the other board members. All applications for examination must be submitted to the board at least 60 days before the date of examination.

(b) An applicant must pass the written portion of the examination with a score of at least 75 percent in each topic with the exception of (1) of this subsection, international rules, which must be passed with a score of at least 90 percent. The written examination may consist of, but not be limited to, the following topics:

- (1) international rules;
- (2) aids to navigation;
- (3) courses, distances, and distances passed abeam at change of course points between given points;
- (4) important and essential cable areas;
- (5) dredged channel widths and depths;
- (6) bridge signals, widths, regulations, and closing periods;
- (7) ship handling, docking problems, seamanship by actual observation, use of tow boats and anchors;
- (8) Alaska Pilotage Act and rules of the board;
- (9) location of anchorages;
- (10) duties of a pilot;
- (11) relationship between master and pilot;
- (12) practical operation and use of marine radar, including use of maneuvering board;

(13) currents and tides;

(14) dock headings, lengths, depths of water alongside pier locations and berth numbers;

(15) U.S. Government Public Health Quarantine regulations;

(16) prohibited areas, restricted areas, explosive anchorages;

(17) chart knowledge, including chart symbols and abbreviations;

(18) use of navigational and bridge instruments;

(19) engine order and rudder commands for

(A) U.S. merchant vessels;

(B) U.S. naval vessels;

(C) foreign flag merchant vessels.

(c) An applicant for licensure as an unlimited, limited or channel pilot will be orally interviewed by the board on his safety record and elaboration of his seagoing background as listed on his application. In addition, the applicant must pass the oral examination required by 12 AAC 56.030, 12 AAC 56.040 and 12 AAC 56.050 with a score of at least 75 percent in the following topics:

(1) knowledge of the local harbor conditions and local regulations in the area applied for;

(2) signals; and

(3) rules of the road. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 50; am 11/14/80, Reg. 76)

Authority: AS 08.62.040(a)(2) and (b)

12 AAC 56.080. BIENNIAL LICENSE RENEWAL. (a) All licenses expire on December 31 of even-numbered years. In order to renew the biennial license, all licensees must submit the renewal application with

(1) proof of having satisfactorily completed a physical examination within 30 days of the renewal date; and

(2) the biennial license fee of \$200.

(b) In addition, a licensee

(1) holding an unlimited pilot's license must submit proof of having worked in a licensed deck officer capacity for two months in the area for which he was licensed during the last biennial period;

(2) holding either a limited pilot's license or a channel pilot's license must have worked in a capacity which in the opinion of the board has kept him currently knowledgeable in the area for which his license was originally issued;

(3) who has not worked during the last two biennial periods in an area for which he was licensed shall petition the board to determine that he has sufficient knowledge and experience to resume pilotage in that area and is restricted from doing so until such a determination has been made. (Eff. 6/11/71, Reg. 38; am 6/19/74, Reg. 50; am 5/12/78, Reg. 66)

Authority: AS 08.62.040(a)(2) and (b)

**ARTICLE 3.
INSIDE WATERS**

Section

- 90. General rule for determining boundaries of inside waters of Alaska
- 100. Established boundaries of inside waters of Alaska
- 110. Exclusions for entering inside waters of Alaska
- 120. Pilot stations or pickup points

12 AAC 56.090. GENERAL RULE FOR DETERMINING BOUNDARIES OF INSIDE WATERS OF ALASKA. At all buoyed entrances from seaward to bays, sounds, rivers, or other estuaries for which specific lines are not described in this chapter, the waters inshore of a line drawn approximately parallel with the general trend of the shore, drawn through the outermost buoy or other aid to navigation of any system of aids, are inside waters. (Eff. 6/11/71, Reg. 38)

Authority: AS 08.62.040(a)(1) and (b)

12 AAC 56.100. ESTABLISHED BOUNDARIES OF INSIDE WATERS OF ALASKA. (a) The boundaries for Southeastern inside waters are as follows: A line drawn from Cape Spenser Light due south to a point of intersection which is due west of the southernmost extremity of Cape Cross; thence to Cape Edgecumbe Light; thence through Cape Bartolome Light and extended to a point of intersection which is due west of Cape Muzon Light; thence due east to Cape Muzon Light; thence to a point which is one mile, 180° true, from Cape Chacon Light; thence to Barren Island Light; thence to Lord Rock Light; thence to the southernmost extremity of Garnet Point, Kanagunut Island; thence to the southeasternmost extremity of Island Point, Sitklan Island. A line drawn from the northeasternmost extremity of Point Mansfield, Sitklan Island, 40° true, to where it intersects the mainland.

(b) The boundaries for Southwestern inside waters are as follows:

(1) Prince William Sound. All waters of Prince William Sound inside a line drawn from Cape Puget to Point Elrington; thence to Cape Clear; thence Zaikof Point to Cape Hinchinbrook Light; thence Point Bentinch Light to Point Whitshed;

(2) Resurrection Bay. The waters of Resurrection Bay north of latitude 59° 59.0' north;

(3) Cook Inlet. All waters of Cook Inlet inside a line drawn from Cape Douglas (latitude 58° 51.2' north, longitude 153° 14.9' west) through Cape Elizabeth Light at latitude 59° 08.9' north, longitude 151° 52.5' west to the Kenai Peninsula shoreline. (Eff. 6/11/71, Reg. 38)

Authority: AS 08.62.040(a)(1) and (b)

12 AAC 56.110. EXCLUSIONS FOR ENTERING INSIDE WATERS OF ALASKA. Vessels are excluded from the use of a licensed marine pilot for inside waters only when proceeding directly from points outside Alaska inside waters to an established pilot station or pickup point. These exclusions are as follows:

(1) Southeastern Alaska:

(A) travel via Clarence Strait to Guard Island at a point located at latitude $55^{\circ} 26.7'$ north, longitude $131^{\circ} 52.8'$ west;

(B) travel via Clarence Strait to a point located approximately one mile east to Point McCartney Light at latitude $55^{\circ} 06.8'$ north, longitude $131^{\circ} 42.3'$ west;

(C) travel via Cape Bartolome in Bucareli Bay to Cabras Island located at latitude $55^{\circ} 20.3'$ north, longitude $133^{\circ} 23.4'$ west;

(D) travel via Cape Ommaney in Chatham Strait to a point in the vicinity of Point Retreat located at latitude $58^{\circ} 25.0'$ north, longitude $134^{\circ} 59.0'$ west;

(E) travel via Sitka Sound to a vicinity close aboard Eckholms Light at latitude $57^{\circ} 00.6'$ north, longitude $135^{\circ} 21.4'$ west. This exclusion applies only to those vessels going to the port of Sitka; and

(F) Travel via Revillagigedo Channel to the vicinity about one mile north of Twin Islands light at latitude $55^{\circ} 10.0'$ north longitude $131^{\circ} 12.0'$ west; this exclusion applies to ships traveling on Behm Canal only during the period May 1 through September 30; in transitting Revillagigedo Channel, ships must stay west of longitude $131^{\circ} 05.0'$.

(2) Southwestern Alaska:

(A) travel via Prince William Sound to the Cordova Pilot Station located approximately two miles south of Sheeps Point at latitude $60^{\circ} 37.0'$ north, longitude $146^{\circ} 00.0'$ west;

(B) travel via Prince William Sound to the Valdez Pilot Station located approximately 2.3 miles north of Busby Island Light ($60^{\circ} 53.8'$ north, $146^{\circ} 48.9'$ west);

(C) travel via Prince William Sound to the Whittier Pilot Station located approximately one mile south of Pigot Point Light ($60^{\circ} 48.1'$ north, $148^{\circ} 21.3'$ west);

(D) travel via Cook Inlet to the Homer Pilot Station located approximately one mile south of Homer Spit Light on Coal Point ($59^{\circ} 36.2'$ north, $151^{\circ} 24.5'$ west); and

(E) travel to the Kodiak City or Womens Bay Pilot Station located approximately one mile eastward to St. Paul Harbor lighted buoy No. 14 ($57^{\circ} 44.5'$ north, $152^{\circ} 24.3'$ west). (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/30/78, Reg. 66; am 4/15/81, Reg. 78) Authority: AS 08.62.040(a)(1) and (b)

12 AAC 56.120. PILOT STATIONS OR PICKUP POINTS. (a) The established pilot stations for Southeastern Alaska are as follows:

(1) Guard Island ($55^{\circ} 26.7'$ north, $131^{\circ} 52.8'$ west);

(2) Point McCartney – located approximately one mile east of Point McCartney ($55^{\circ} 06.8'$ north, $131^{\circ} 42.3'$ west);

(3) Cabras Island, Bucareli Bay ($55^{\circ} 20.3'$ north, $133^{\circ} 23.4'$ west);

(4) Sitka Sound – to a point close aboard Eckholms Light ($57^{\circ} 00.6'$ north, $135^{\circ} 21.4'$ west);

(5) Point Retreat – to a point in the vicinity of Point Retreat ($58^{\circ} 25.0'$ north, $134^{\circ} 59.0'$ west); and

(6) repealed 6/30/78;

(7) Twin Islands – to a point in vicinity one mile north of Twin Islands (Lat. $55^{\circ} 10.0'$ N, $131^{\circ} 12.0'$ W); this is a seasonal station open only during the period May 1 through September 30.

(b) The established pilot stations for Southwestern Alaska are as follows:

(1) Cordova – located approximately two miles south of Sheeps Point ($60^{\circ} 37.0'$ north, $146^{\circ} 00.0'$ west);

(2) Valdez – located approximately 2.3 miles north of Busby Island Light ($60^{\circ} 53.8'$ north, $146^{\circ} 48.9'$ west);

(3) Whittier – located approximately one mile south of Pigot Point Light ($60^{\circ} 48.1'$ north, $148^{\circ} 21.3'$ west);

(4) Seaward – located one mile southeasterly

from Caines Head Light ($59^{\circ} 59.0'$ north, $149^{\circ} 23.1'$ west);

(5) Cook Inlet – located near Homer approximately one mile south of Homer Spit Light on Coal Point ($59^{\circ} 36.2'$ north, $151^{\circ} 24.5'$ west);

(6) Kodiak (city) or Womens Bay – located approximately two miles 100° true from St. Paul Harbor entrance light ($57^{\circ} 44.4'$ north, $152^{\circ} 25.7'$ west);

(7) Cold Bay – located approximately three miles southward of Cold Bay entrance buoy No. 1 ($55^{\circ} 05.6'$ north, $162^{\circ} 31.8'$ west);

(8) Dutch Harbor – located one mile east of Ulakta Head Light ($53^{\circ} 55.5'$ north, $166^{\circ} 30.4'$ west);

(9) Adak – located two miles east of Gannet Rocks Light ($51^{\circ} 52.1'$ north, $176^{\circ} 36.4'$ west);

(10) Discoverer Bay – located two miles north of Posliedni Point ($58^{\circ} 28'$ north, $152^{\circ} 20'$ west);

(11) Port Wakefield – located one mile northwest of Kekur Point ($57^{\circ} 52'$ north, $152^{\circ} 49'$ west);

(12) Port Bailey – located one mile north of Dry Spruce Bay Light ($57^{\circ} 58.4'$ north, $153^{\circ} 06.3'$ west);

(13) Uganik – located 1.5 miles west of East Point ($57^{\circ} 50.5'$ north, $153^{\circ} 31.5'$ west);

(14) Larsen Bay – located one mile east of Harvester Island ($57^{\circ} 39'$ north, $153^{\circ} 57'$ west);

(15) Alitak – located two miles southeast of Cape Alitak ($56^{\circ} 49'$ north, $154^{\circ} 15'$ west);

(16) Old Harbor – located one mile east of Cape Liakik ($57^{\circ} 07'$ north, $153^{\circ} 25'$ west);

(17) Chignik – located one mile north of Chignik Spit Light ($56^{\circ} 19.5'$ north, $158^{\circ} 22.6'$ west);

(18) Sand Point-Squaw Harbor – located 2.5

miles southwest of Popof Head ($55^{\circ} 13'$ north, $160^{\circ} 24'$ west);

(19) King Cove – located one mile southeast of Morgan Point Light ($55^{\circ} 01.5'$ north, $162^{\circ} 19'$ west);

(20) False Pass – located 1.5 miles northwest of Ikatán Point ($54^{\circ} 47.5'$ north, $163^{\circ} 13'$ west);

(21) Akutan – located one mile east of Akutan Point ($54^{\circ} 09'$ north, $165^{\circ} 42'$ west);

(22) Attu – located 1.3 miles south of Murder Point ($52^{\circ} 46.4'$ north, $173^{\circ} 11'$ east);

(23) St. Paul Harbor – located four miles west of Reef Point ($57^{\circ} 06'$ north, $170^{\circ} 25'$ west);

(24) Port Moller-Herenden Bay ($56^{\circ} 05'$ north, $160^{\circ} 43'$ west);

(25) Port Heiden ($56^{\circ} 58'$ north, $158^{\circ} 55'$ west);

(26) Uhashik Bay ($57^{\circ} 38'$ north, $157^{\circ} 52'$ west);

(27) Egegik ($58^{\circ} 15.5'$ north, $157^{\circ} 42'$ west);

(28) Naknek – located four miles northwest of Middle Bluff Light ($58^{\circ} 39.5'$ north, $157^{\circ} 21'$ west);

(29) Nushagak Bay – located close aboard Nushagak Bay Entrance Lighted Bell Buoy #2 ($58^{\circ} 33.7'$ north, $158^{\circ} 24.2'$ west);

(30) Kulukak Bay – located three miles south of Kulukak Point ($58^{\circ} 47'$ north, $159^{\circ} 39'$ west);

(31) Togiak – located one mile south of Summit Island ($58^{\circ} 48'$ north, $160^{\circ} 12'$ west);

(32) Goodnews Bay – located 7.5 miles southwest of Platinum ($58^{\circ} 55'$ north, $162^{\circ} 00'$ west);

(33) Yakutat – located close aboard Yakutat

Bay Entrance Lighted Whistle Buoy 2 (59° 31.9' 31.9' north, 139° 57.1' West);

(34) Icy Bay — located nine miles south of Claybluff Point Light (59° 49' north, 141° 35' west).

(c) For those areas not having an established pilot station or pickup point, pickups will be made only by specific arrangement with the ship's agent and pilots. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 5/12/78 and 6/30/78, Reg. 66; am 11/14/80, Reg. 76; am 4/15/81, Reg. 78)

Authority: AS 08.62.040(a)(1) and (b)

ARTICLE 4. RATES

Section

- 130. General rules for determining rates
- 140. Consent to rate deviation
- 150. Rate adjustment
- 152. Notice of audit
- 154. Standards for rate adjustment
- 156. Modifications
- 158. Effective date

12 AAC 56.130. GENERAL RULE FOR DETERMINING RATES. If no rate for an area has been established, the rate mutually agreed on by the parties will be used until a rate is established by the board. (Eff. 6/11/71, Reg. 38)

Authority: AS 08.62.040(a)(4) and (b)

12 AAC 56.140. CONSENT TO RATE DEVIATION. If parties to a piloting contract are dissatisfied with the rates established for an area, the parties may agree to a higher rate. This rate mutually agreed upon must be submitted to the board for approval. No deviations from the published rate may be used until approved by the board. (Eff. 6/11/71, Reg. 38)

Authority: AS 08.62.040(1)(4)(a) and (b)

12 AAC 56.150. RATE ADJUSTMENT. A party having a material interest in the rate structure desiring a rate change for an area may file a request for a rate adjustment. A request must be filed at least 90 days before the next meeting of the board. (Eff. 6/11/71, Reg. 38; am 4/15/81, Reg. 78)

Authority: AS 08.62.040(a)(4) and (b)

12 AAC 56.152. NOTICE OF AUDIT. Upon receipt of a request from a party seeking a rate adjustment under 12 AAC 56.150, the board will notify all parties having a material interest in the proceeding of the request and will, upon its own motion or at the request of an interested party for good cause shown, immediately schedule and pay for an audit of the information required in 12 AAC 56.154 to be submitted to the board. An interested party may request an audit at his or her own expense within 10 days after submission of the information required in 12 AAC 56.154(a). Audits must be submitted to the board at least 10 days before the meeting. (Eff. 4/15/81, Reg. 78)

Authority: AS 08.62.040(a)(4) and (b)

12 AAC 56.154. STANDARDS FOR RATE ADJUSTMENT. (a) The party seeking a rate adjustment under 12 AAC 56.150 shall, at least 40 days before the meeting, submit the following information to the board:

(1) historical cost data showing the actual costs of the party for a period of not less than 10 months preceding the date notice was given for the request of the rate adjustment;

(2) data projecting the costs for the remaining two months of the year in which the request is made;

(3) cost projections of the party for 12 months following the one-year period described in (2) of this subsection;

(4) a statement of the difference between the historical annualized 12-month cost data described in (1) and (2) of this subsection and the projected cost data for the following 12 months, including a statement explaining reasons for the difference in the costs;

(5) supporting documentation for the figures required in (1) — (4) of this subsection, including a statement of the average change in the consumer price index for Anchorage, Alaska for the five quarters preceding the date of the request as reported by the U.S. Bureau of Labor Statistics;

(6) balance sheet and profit and loss statement;

(7) schedule showing pro forma adjustments to expenses;

(8) schedule showing pro forma adjustment to revenues;

(9) statement showing the number of pilots providing services in the test year and showing

(A) travel days;

(B) standby days;

(C) piloting days;

(D) any other time category necessary to show the total number of hours the pilot was considered in service during the year, identifying by footnotes the purpose of the time category;

(E) the actual salary each pilot received during the test year; and

(F) any pro forma adjustment of pilot travel, standby, piloting, or other time, identifying in footnotes the reason for the adjustments;

(10) any other information requested in writing by the board.

(b) A party having a material interest in the rate structure opposing the request for rate adjustment shall, at least 10 days before the meeting of the board at which the request will be considered, submit to the board and to the party seeking the rate adjustment a statement, including supporting documentation, of the reasons for opposing the adjustment, which may include an analysis of the effect of the adjustment upon the cost structure of the shippers affected by the adjustment.

(c) At the meeting, the board will consider the evidence filed by the party seeking the adjustment and any opposition statements filed in accordance with (a) or (b) of this section. The board will accept, reject, or modify the proposed tariff adjustment after consideration of all of the evidence, including but not limited to cost projections and the effect of the cost adjustment on the cost structure of the shippers. Nothing in this section may be construed as a presumption that proposed tariff adjustments are valid or are to be granted by the board. (Eff. 4/15/81, Reg. 78)

Authority: AS 08.64.040(a)(4) and (b)

12 AAC 56.156. MODIFICATIONS. Time periods specified in 12 AAC 56.150, 12 AAC 56.152, and 12 AAC 56.154 will, at the discretion of the board for good cause shown, be shortened or lengthened at the request of an interested party. (Eff. 4/15/81, Reg. 78)

Authority: AS 08.64.040(a)(4) and (b)

12 AAC 56.158. EFFECTIVE DATE. Rate adjustments granted by the board under 12 AAC 56.154 take effect in accordance with AS 44.62.180. (Eff. 4/15/81, Reg. 78)

Authority: AS 08.64.040(a)(4) and (b)

ARTICLE 5.
GENERAL PROVISIONS

Section

- 160. Duties of pilots
- 170. Physical incapacitation
- 180. Registration of operators
- 190. Definitions

12 AAC 56.160. DUTIES OF PILOTS. (a) A pilot shall be on duty piloting the vessel at all times when the vessel is in transit in pilotage waters.

(b) Passenger vessels in transit of the inside waters of Southeast Alaska except as set forth in 12 AAC 56.110 are required to carry two pilots on board for continuous alternating duty.

(c) In any case where a vessel being piloted by a state licensed pilot goes aground, collides with another vessel or dock, or meets with any casualty, or is injured or damaged in any way, the pilot shall, within 10 days thereafter, make written report thereof to the board, and the board may thereupon, either with or without complaint being made against the pilot, investigate the matter reported upon. In any case of apparent damage being sustained or caused by a vessel under his charge, the pilot shall file his report as soon as possible after returning to shore.

(d) Pilots will report to the Aids to Navigation officer of the United States Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that may come to their knowledge.

(e) Any pilot who fails, neglects or refuses to

make a report to the board as required by the pilotage laws of the state, or by 12 AAC 56, for a period of 10 days after the date when the report is required to be made, is subject to having his license suspended at the discretion of the board.

(f) Pilots when so notified in writing shall report in person to the board at any meeting specified in the notice.

(g) Any pilot summoned to testify before the board shall appear in accordance with the summons and shall answer, under oath, any questions put to him which deal with any matter connected with the pilot service, or of the pilotage waters over which he is licensed to act. He is entitled to have his attorney or advisor present during any such appearance and testimony.

(h) A pilot on boarding a ship, if required by the master, shall exhibit his state license or photostatic copy of it.

(i) Pilots on board passenger vessels shall be provided access to an operable radio on the bridge at all times to use on frequency 2182 kHz for security purposes.

(j) Repealed 5/12/78.

(k) All pilots shall report on a quarterly basis the names of all vessels served that were subject to the services of a licensed pilot. (Eff. 6/11/71, Reg. 38; am 6/19/74, Reg. 50; am 5/12/78, Reg. 66)

Authority: AS 08.62.040(a)

12 AAC 56.170. PHYSICAL INCAPACITATION. Any pilot who is physically incapacitated as a pilot for a period of 90 days or more shall not return to service as an active pilot until he has passed a physical examination by a physician approved by the board. (Eff. 6/11/71, Reg. 38; am 8/2/73, Reg. 47)

Authority: AS 08.62.040(a)(1) and (2)
AS 08.62.040(b)

12 AAC 56.180. REGISTRATION OF OPERATORS. All agents of owners and agents of operators whose vessels are subject to AS 08.62 must register with the board and keep the board advised of any changes of names and

addresses. (Eff. 6/11/71, Reg. 38; am 4/15/81, Reg. 78)

Authority: AS 08.62.040(a)(3)
AS 08.62.187

12 AAC 56.190. DEFINITIONS. In this chapter

(1) "agent" means a person residing within the state who acts on behalf of the owner or operator of a vessel with actual or apparent authority for the purposes of securing pilotage services;

(2) "incompetent" means the exercise of pilotage duties in a manner which endangers life or property or failure to exercise the requisite knowledge and skill required of a pilot;

(3) "misconduct" means the knowing violation of a provision of AS 08.56 or regulations adopted under it by a person during the course of his employment;

(4) "pilotage waters" means all inside waters of Alaska except those described in 12 AAC 56.110. (Eff. 6/11/71, Reg. 38; am 4/15/81, Reg. 78)

Authority: AS 08.62.040(b)

**CHAPTER 60.
BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS**

Article

1. Applications (12 AAC 60.010–
12 AAC 60.060)
2. Experience and Education
(12 AAC 60.070–12 AAC 60.090)
3. Examinations (12 AAC 60.100–
12 AAC 60.160)
4. Rules of Professional Conduct
(12 AAC 60.170–12 AAC 60.220)
5. Reinstatement of Professional
Privileges After Discipline
(12 AAC 60.230–12 AAC 60.240)
6. General Provisions (12 AAC 60.900)

**ARTICLE 1.
APPLICATIONS**

Section

10. Application forms; supporting evidence
20. Application for temporary license
30. Application for licensure by
endorsement
40. Applications reviewed by the board
50. Application made under oath; penalty
60. Application not returned

**12 AAC 60.010. APPLICATION FORMS;
SUPPORTING EVIDENCE.** An application for
initial licensure as a psychologist must be
submitted on a form provided by the
department with

(1) a check or money order in the amount
specified in AS 08.86.140;

(2) transcripts from all undergraduate and
graduate schools attended by the applicant;

(3) a certified copy of the applicant's
doctoral degree diploma awarded with primary
emphasis on psychology by a school accredited
by a regional accrediting association;

(4) a complete vita from the date of high
school graduation to the time of application,
including dates and places of residency;

(5) a copy of the applicant's doctoral
dissertation abstract;

Supervise dockings

In order to upgrade
license, they have to do
docking

SWAPA

Southwest

individual - up grade

change regulation

12. AC 56.040.

B7

Supervised

"anti-trust"

Problem is to verify
licenses without
restricting upward
mobility

STATE OF ALASKA

PUBLIC NOTICE

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF
THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
BOARD OF MARINE PILOTS

Notice is hereby given that the Department of Commerce and Economic Development, Board of Marine Pilots, under authority vested by AS 08.62.040, proposes to adopt regulations in Title 12 of the Alaska Administrative Code dealing with licensing and definitions to implement AS 08.62.040, AS 08.62.080, AS 08.62.090 and AS 08.62.100 as follows:

1. Article 2, Licensing, is being amended to reflect a change in the licensing of Marine Pilots to include a Radar endorsement on a U.S. Coast Guard license, repealing all references to Limited and Unlimited licenses and replace with a license by tonnage increments system, providing a point system for progression to the license category "any gross tons," and replacing words of gender reference with appropriate language.
2. Article 6, General Provisions, is being amended by adding new paragraphs providing definitions of language incorporated into the proposed regulations on the new licensing by tonnage increments.

Notice is also given that any person interested may present written or oral statement or arguments relevant to the action proposed at a public hearing to be held in Room C-121/122, Federal Building, 701 C Street, Anchorage, Alaska from 8:30 a.m. to 12:00 Noon, December 6, 1983.

Notice is also given that any person interested may present written statements or arguments relevant to the action proposed by mailing or delivering them, so they are received before 4:30 p.m., December 2, 1983, to:

Department of Commerce & Economic Development
Board of Marine Pilots - Regulations
Pouch D-LIC
Juneau, Alaska 99811

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the above address, or by telephoning (907) 465-2535.

The Department of Commerce and Economic Development, Board of Marine Pilots, upon its own motion, or at the instance of any interested person, may thereafter adopt the proposals substantially as described above without further notice or may decide to take no action on them.



Richard A. Lyon, Commissioner

DATE: 10/19/83

BOARD OF MARINE PILOTS

PROPOSED REGULATIONS

CHAPTER 56

(Note: Words underlined indicate new language being inserted. Words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 56.030 is amended to read:

12 AAC 56.030. QUALIFICATIONS FOR [UNLIMITED] PILOT'S LICENSE. An applicant for a [AN UNLIMITED] pilot's license shall apply on a form provided by the Department of Commerce and Economic Development; and

(1) pay the required fee; and

(2) submit a full-sized certified reproduction of a valid United States Coast Guard license , with radar endorsement, as first class pilot upon the waters for which applying; and

(3) submit a full-sized certified reproduction of a valid United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; and

(4) have practical knowledge of the navigation of vessels and the conditions of navigation in the waters for which [HE IS] applying, which will be determined by oral and written examination before the board from topics listed in 12 AAC 56.070;

(5) have met the following requirements:

(A) have a minimum of one year as a master or pilot of a vessel in the waters for which applying, and have executed under the direct supervision of a licensed pilot [HOLDING AN UNLIMITED PILOT'S LICENSE] under AS 08.62.100 a minimum of 10 dockings and 10 undockings, of which five dockings and five undockings must be on any vessel requiring an Alaska pilot and five dockings and five undockings of a vessel of over 1,000 gross tons, while holding a United States Coast Guard license as a first-class pilot upon the waters for which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the required dockings and undockings may have been under the direct supervision of the same supervisory pilot; or

(B) have executed under the direct supervision of a licensed pilot [HOLDING AN UNLIMITED PILOT'S LICENSE] under AS 08.62.100 a minimum of 20 dockings and 20 undockings, of which 10 dockings and 10 undockings must be on any vessel requiring an Alaska pilot and 10 dockings and 10 undockings of a vessel of over 1,000 gross tons, while holding a United States Coast Guard license as a first-class pilot upon the waters for which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the required dockings or undockings may have

been under the direct supervision of the same supervisory pilot; and

(C) all dockings and undockings must be certified as having been made within two years prior to the date of application; and

(D) 2,000 gross tons is the initial entry level pilotage increment, unless a higher tonnage exposure is present. The board will determine the initial tonnage limit by considering the applicants experience, ability, limitations upon the Coast Guard license, and such other information as the board deems relevant. An applicant seeking an initial license in excess of 2,000 gross tons shall additionally have executed one-half of the required dockings and undockings supervised by a qualified, licensed pilot upon a vessel of comparable tonnage for the tonnage limit sought.

Any pilot acting in a supervisory capacity for dockings and undockings, as set forth above, must have a tonnage limit in excess of the applicants requested entry limit by at least one step.

(E) gross tonnage increment steps for State pilot license are:

- Step 1: Not more than 2,000 gross tons.
- Step 2: Not more than 10,000 gross tons.
- Step 3: Not more than 20,000 gross tons.
- Step 4: Not more than 40,000 gross tons.

Step 5: Not more than 60,000 gross tons.

Step 6: Any gross tons.

(F) upgrading the incremental tonnage li-
cence limitation level must be accomplished in accor-
dance with the following scale outlining the required
number of round trips as a licensed master/mate/observer
on vessels of the appropriate tonnage that must be
performed while holding a state license of the prior
limit. At least one-third of the round trips must be
performed during periods of darkness and the required
number of trips must be performed within the maximum
time allowed. All trips must be performed on the waters
of Alaska.

	<u>Round</u> <u>Trips</u>	<u>Gross</u> <u>Tons</u>	<u>Trips as</u> <u>Pilot</u>	<u>Maximum</u> <u>Time</u>
<u>Step 1 to 2</u>	<u>12</u>	<u>over 2,000</u>	<u>20</u>	<u>1 year</u>
<u>Step 2 to 3</u>	<u>8</u>	<u>over 10,000</u>	<u>20</u>	<u>1 year</u>
<u>Step 3 to 4</u>	<u>7</u>	<u>over 20,000</u>	<u>20</u>	<u>1 year</u>
<u>Step 4 to 5</u>	<u>4</u>	<u>over 40,000</u>	<u>20</u>	<u>1 year</u>
<u>Step 5 to 6</u>		<u>over 60,000</u> <u>500 points</u>		

A point system is used to evaluate the experience presented.
A total of 500 points is required for any gross ton certifi-
cation (Step 6).

Points are awarded as follows:

- (i) Master of vessels over 60,000 gross tons. 10 points per month. (36 months maximum credit)

- (ii) sea service in a licensed deck capacity on vessels over 60,000 gross tons, not as master. 5 points per month (32 months maximum credit)

- (iii) simulator training- maximum 200 points (approved simulator facilities)
 - 1. CAORF, Kings Point
 - 2. MSI La Guardia
 - 3. Port Revel - Grenoble, France
 - 4. Delft - Holland

- (iv) pilot observer round trips on vessels over 60,000 gross tons. 10 points per round trip. (Minimum 6 trips - Maximum 30 trips)

- (v) pilot of vessel between 20,000 and 40,000 gross tons. 10 points per round trip. (10 round trips maximum credit)

- (vi) pilot of vessel between 40,000 and 60,000 gross tons. 10 points per round trip. (20 round trips maximum credit)

(6) have satisfactorily completed a physical examination within 30 days of the date of application. The physical examination required of all pilots shall demonstrate that the applicant [HE] is in all respects physically

fit to perform the [HIS] duties as a pilot and shall include an examination of [HIS] eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(7) be at least 25 years of age; and

(8) no pilot may pilot any vessel in excess of the tonnage limit endorsed by the board upon the pilot's license. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am / / , Reg.)

Authority: AS 08.62.040(a)(2)

AS 08.62.080

AS 08.62.090

12 AAC 56.040 is repealed. (Eff. / / , Reg.)

12 AAC 56.050 is amended to read:

12 AAC 56.050. QUALIFICATIONS FOR CHANNEL PILOT'S LICENSE. A channel pilot's license is a license to pilot in main ship channels only. A channel pilot may perform dockings and undockings only under the direct supervision of a licensed pilot. [HOLDING AN UNLIMITED PILOTS LICENSE] An applicant for a channel pilot's license shall apply on forms provided by the Department of Commerce and Economic Development. An applicant shall:

(1) pay the required fee; and

(2) submit a full-sized certified reproduction of a valid United States Coast Guard license for first-class pilot upon the waters for which applying; and

(3) submit a full-sized certified reproduction of a valid United States Coast Guard license for master of steam or motor vessel of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; and

(4) have practical knowledge of the navigation of vessels and the conditions of navigation in the water for which applying, [HE IS] which will be determined by oral and written examination before the board from topics listed in 12 AAC 56.070(b) and (c); and

(5) have completed satisfactorily a physical examination within 30 days of the date of application; the physical examination required of all pilots shall demonstrate that the applicant [HE] is in all respects physically fit to perform the [HIS] duties as a pilot and shall include an examination of [HIS] eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(6) be at least 25 years of age. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 50; am / / , Reg.)

Authority: AS 08.62.040(a)(2)

AS 08.62.080

AS 08.62.090

AS 08.62.100

ROUGH DRAFT/cw

-7-

October 10, 1983

Diskette #6 Job F

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12 AAC 56.060(a) is amended to read:

(a) A temporary license may be issued to a person applying for a pilot [AN UNLIMITED, LIMITED] or channel pilot's license upon:

12 AAC 56.060(a)(3) is amended to read:

(3) submission of proof that the applicant [HE] meets all requirements for the license for which [HE IS] applying except the examination requirement; and [Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 50; am 6/30/78, Reg. 66; am / / , Reg.)

Authority: AS 08.62.040(a)(2)

12 AAC 56.070(a) is amended to read:

(a) The examination required by 12 AAC 56.030 and 12 AAC 56.050 [12 AAC 56.040] will be given at least once a year at the time and place designated by the chairman of the board with prior approval of the other board members. All applicants for examination must be submitted to the board at least 60 days before the date of examination.

12 AAC 56.070(c) is amended to read:

(c) An applicant for licensure as a pilot [AN UNLIMITED, LIMITED] or channel pilot will be orally interviewed by the board on the applicant's [HIS] safety record and elaboration of the applicant's seagoing background as listed on the [HIS] application. In addition, the applicant must pass the oral examination as required by 12 AAC 56.030

and 12 AAC 46.050 [12 AAC 56.040] with a score of at least 75 percent in the following topics:

(1) knowledge of the local harbor conditions and local regulations in the area applied for;

(2) signals; and

(3) rules of the road. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 50; am 11/14/80, Reg. 76; am / / , Reg.)

Authority: AS 08.62.040(a)(2)
and (b)

12 AAC 56.190 is amended by adding new paragraphs to read:

(7) "pilot" means a person licensed under 12 AAC 56.030, but does not include any person licensed as a channel pilot under 12 AAC 56.050.

(8) "trip" means movement of a vessel into and out of a port.

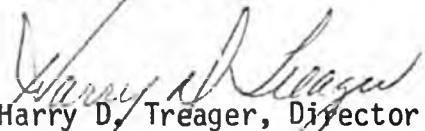
(9) "round trip" means departure from a given location enroute to a final destination and return to the point of departure. (Eff. 6/11/71, Reg. 38; am 4/15/81, Reg. 78; am 12/17/82, Reg. 84; am 7/24/83, Reg. 87; am / / , Reg.)

Authority: AS 08.62.040(b)

MEMORANDUM

State of Alaska

TO: Shelia Petersen
Legislative Aide to
Senator Eliason

FROM: 
Harry D. Treager, Director
Division of Occupational Licensing
Department of Commerce and
Economic Development

DATE: November 22, 1983

FILE NO:

TELEPHONE NO:

SUBJECT: 1. Barber and Hairdresser
Survey
2. Marine Pilots (Dockings
and Undockings)

Attached is the information you requested.

Board of Barbers and Hairdressers Examiners:

During the month of June 1983, a two part survey was sent to barbers, hairdressers and cosmetologists (approximately 1,954).

One portion addressed the "sunset" provisions.

The response was overwhelmingly in favor of continuation of the board. However, of the 1,954, only 119 responded. Some of the responses were in petition format with an average of 25 individual signatures. Of the 119, 5 returns supported termination of the board.

There was a variety of expressions and concerns noted if the board was terminated.

Current licenses are as follows:

1. Hairdressers	1,521
2. Barbers	296
3. Schools	8
4. School Owners	7
5. Instructors	58
6. Shop Owners	289
7. Cosmetologists	137

The second portion of the survey addressed the need for a test (State vs. National) and solicitation of the professionals' opinion regarding test questions.

I did plan to copy the responses for the committee's perusal during the legislative "sunset" hearings. They are presently available for review in my office.

Attached are samples of the letters sent in June.

Board of Marine Pilots:

Attached for your review is a copy of the unadopted minutes of the board's May 23-25, 1983 meeting. They will be reviewed for adoption at their December 5-6 meeting.

The board's position is to change the "docking and undocking" scheme to reduce the number of supervised dockings-undockings, plus trips and tonnage.

Because of the expanded regulatory subjects, another regulation project was started. It presently is in the period for public comment. Responses received, to date, have been from Southeast licensed pilots who oppose the changes based on the tonnage requirements.

Marine Pilots in Southeast are restricted because of the vessel size. The size of vessels traveling into Western Alaska are of various tonnage because of the oil tanker traffic and larger fish processors. Southeast does not now have the traffic or vessel tonnage to validate or allow one to meet the requirements as proposed.

On December 5 and 6, the board will be meeting in Anchorage. The 6th is for public participation on the proposed regulations. The regulations are as stated above.

I will keep you informed as to the board's decision.

HDT/wfs1/13
112283b
Attachments

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

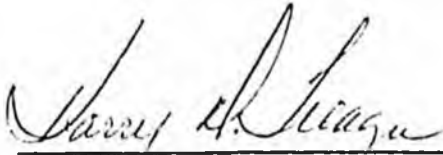
DATE: June 9, 1983

TO: All Licensed Barbers, Hairdressers and Cosmetologists

The Board of Barbers and Hairdressers is now under Sunset Legislation and is due to terminate on June 30, 1984. Professionals licensed by the board are asked to submit their opinions on whether the board should be terminated or continued. Additionally, we are seeking suggestions for improvements to the Board of Barbers and Hairdressers. All responses will be given serious consideration.

Please address all replies to me at the following:

State of Alaska
Department of Commerce & Economic Development
Division of Occupational Licensing
Pouch D-LIC
Juneau, Alaska 99811



Harry D. Treager, Director

KCM/cw#21P10
6983A

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

BILL SHEFFIELD, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811
PHONE (907) 465 2534

DATE: June 9, 1983

TO: All Licensed Hairdressers:

The division is aware of the extreme time lapse between hairdresser examinations and return of grades. This primarily is due to use of a national examination service. Some dissatisfaction over this delay has been expressed to us. To help evaluate the problem and find a solution, we would like input from licensed professional hairdressers on the following:

1. Is the time delay a serious problem?
2. Should a State examination be developed to replace the national examination?
3. Is a State exam necessary?
4. If a new test should be developed, what areas of hairdressing should it cover?
5. What three (3) questions would you submit for use in writing the examination.

Your answers will be reviewed and shared with the Board of Barbers and Hairdresser Examiners.

Please direct your response to our office at the following address:

State of Alaska
Department of Commerce & Economic Development
Division of Occupational Licensing
Pouch D-LIC
Juneau, Alaska 99811

Thank you for taking the time to respond.


Harry D. Treager, Director

Dick - Re: Bd of Marine Pilots

Harry Traeger said Board was aware of the problem regarding supervise dockings. The problem involves 2 individuals in the Dutch Harbor area. The Board received letter from Dept. of Law regarding this issue as possible "anti-trust" problem.

Harry sees the Board acting on the matter at next meeting - possibly late April or early May.

Do you wish to follow-up with letter of concern to Board?

Yes

Aglietti & Pennington

Attorneys At Law

733 West Fourth Avenue, Suite 206

Anchorage, Alaska 99501

907 279 8657

*Terry C. Aglietti
Richard D. Pennington
John W. Siverson Jr.*

*Ronald A. Offel
of Counsel*

*Alaska Office
by appt only
Unit 217*

*Brighton Bldg
Gridwood, Alaska 99557*

April 11, 1983

Peter B. Froehlich, Esq.
Assistant Attorney General
Pouch K
Juneau, Alaska 99811

Re: Aleutian Marine Pilots

Dear Mr. Froehlich:

This letter is in furtherance to our phone conversation of February 25, 1983, with regard to Marine Pilot Regulations 12 AAC 56.030 and 12 AAC 56.040.

As you are aware, my client Mr. Gordon Terpening, Jr., has a limited pilots license and has been attempting to upgrade that license to an unlimited license pursuant to the dictates of 12 AAC 56.030. He, of course, qualifies in every way except for executing ten dockings and undockings "under the direct supervision of a pilot holding an unlimited pilots license...upon the water for which applying...No more than five (5) of the required dockings or undockings may have been under the direct supervision of the same approving pilot;..."

As we have previously discussed, Mr. Terpening is applying for what has been referred to as the south-western waters. All unlimited pilots for these waters belong to the Southwestern Pilots Association. Mr. Terpening has asked every unlimited pilot in these waters to supervise his required dockings and undockings. These written requests were made exhibits to the Board of Marine Pilot Public Hearing of December 6, 1982, in Anchorage, Alaska. Only two of the 23 unlimited pilots contacted responded to the request. They both refused to supervise Mr. Terpening's dockings and undockings. In short, the mechanism as set out in the regulation to upgrade a license fails to work, and there is no other way way to upgrade the license.

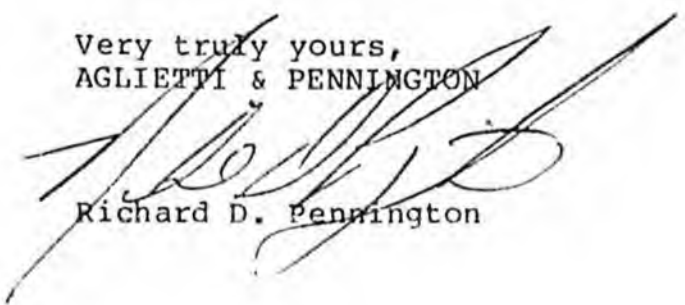
Peter Froehlich, Esq.
April 11, 1983
Page Two

The effect of the regulation is to foster and sanctify a "closed shop" or to give a monopoly to a select group of individuals who assure their longevity and economic success by refusing to allow other pilots entry into these waters. They accomplish this by passively doing nothing and in effect refusing to supervise an applicant's dockings and undockings.

The result of the regulation is anti-competition. As such, it is my belief that, if challenged under the anti-trust laws, the regulation would fail. As you know, I have been retained to bring such an action. However, at the December 6 Hearing of the Marine Pilot Board, my client was assured that a special meeting of the Board would be held this spring in an attempt to cure the anti-competition results of the regulation.

This letter is to advise you that I am still directed to bring that lawsuit against the State of Alaska and the Board if no action is taken to remedy the monopolization and anti-competitive results of the subject regulations. I urge your assistance in attempting to correct this matter.

Very truly yours,
AGLIETTI & PENNINGTON



Richard D. Pennington

RDP:sdn

cc: Mr. Harry Treager
Sen. Richard Eliason
Ms. Mary Levan
Rep. Walt Furnace
Mr. Jefferson Barry
Mr. Terpening
Mr. Hicks

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Bill Sheffield, Governor

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 2, 1983

Mr. Richard D. Pennington
Aglivetti & Pennington
733 W. Fourth Ave., Suite 206
Anchorage, AK 99501

Re: Board of Marine Pilots
License Qualification
Regulations 12 AAC56.030(5)
and 040(7)

Dear Mr. Pennington:

This is a response to your April 11 letter concerning the anticompetitive effect of the supervised docking and undocking requirements of 12 AAC 56.030(5) and 040(7).

As indicated by the enclosed notice, the board is currently proposing to amend or repeal those regulations. Hopefully, any problems will be eliminated by whatever action the board ultimately determines to take. Meanwhile, I urge your continued persistence in making these problems known to the board by submitting a statement and argument in response to the notice.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:


Peter B. Froehlich
Assistant Attorney General

PBF:eja

Enclosure:

cc: Harry Treager
Senator Richard Eliason
Ms. Mary Levan ✓
Representative Walt Furnace
Mr. Jefferson Barry

STATE OF ALASKA

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF
THE DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
BOARD OF MARINE PILOTS

Notice is hereby given that the Department of Commerce and Economic Development, Board of Marine Pilots, under authority vested by AS 08.62.040(a) and (b), proposes to amend and adopt regulations in Title 12 of the Alaska Administrative Code, dealing with qualifications for licensure (dockings and undockings) for unlimited, limited and channel pilot's licenses and further clarify boundaries for inside Southwestern Alaska waters to implement AS 08.62.030, AS 08.62.040, AS 08.62.050 and AS 08.62.100 as follows:

1. 12 AAC 56.030 is amended to amend or delete the docking and undocking requirements as a qualification for an unlimited pilot's license.
2. 12 AAC 56.040 is amended to amend or delete the docking and undocking requirements as a qualification for a limited pilot's license.
3. 12 AAC 56.050 is amended to amend or delete the docking and undocking restriction imposed on channel pilots.
4. 12 AAC 56.100(b) is amended by adding a new paragraph to clarify what waters are included as inside waters for Southwestern Alaska.

Notice is also given that any person interested may present written or oral statements or arguments relevant to the actions proposed at a public hearing to be held in the Main Conference Room of the Department of Commerce and Economic Development, 9th Floor, State Office Building, Juneau, Alaska, starting at 9:30 a.m., Monday, May 23, 1983.

Notice is also given that any person interested may present written statements or arguments relevant to the actions proposed by mailing or delivering them so they are received by 5:30 p.m., Friday, May 20, 1983 to:

Department of Commerce & Economic Development
Division of Occupational Licensing
Board of Marine Pilots - Regulations
Pouch U-11C
Juneau, Alaska 99811

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing the above address, or by calling (907)465-2535.

The Department of Commerce & Economic Development, Division of Occupational Licensing, Board of Marine Pilots, upon its own motion or at the instance of any interested person, may thereafter adopt the proposals substantially as described above without further notice or may decide to take no action on them.



Richard A. Lyon, Commissioner

Date: April 14, 1983

STATE OF ALASKA

BOARD OF MARINE PILOTS

NOTICE OF FORTHCOMING MEETING AND EXAMINATION:

The Alaska Board of Marine Pilots will hold a meeting May 23-25, 1983, beginning at 9:30 a.m., each day, at the State Office Building, Department of Commerce and Economic Development, 9th Floor Commissioner's Conference in Juneau, Alaska.

Notice is also given that the board will conduct a marine pilot examination for licensure (temporary permits, and extension of routes) on Tuesday, May 24, 1983. The exam will be at the Alaska Office Building, Health and Social Services Conference Room #5, Juneau, Alaska, beginning at 9:00 a.m.

Anyone desiring further information on the meeting or the examination may contact the Division of Occupational Licensing, Pouch D, Juneau, Alaska 99811-0800, (907) 465-2542.



Richard A. Lyon, Commissioner

Date: 4-15-83

ORDED TITLE: CSNB 218(FIN)
AN ACT RELATING TO THE BOARD OF MARINE PILOTS, AND PROVIDING
FOR AN EFFECTIVE DATE

GENERAL DOLLARS: 40 (F. NOTE)
OTHER DOLLARS: 50

PRIME SPONSOR: HOUSE LABOR&COMM. COMMITTEE

CO-SPONSORS:
CURRENT STATUS: 4/18/83 CHAPTER 0008 SLA 83

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/21/83	01	0305	FIRST READING -- COMMITTEE REPORTS
02/21/83	02	0305	GOV TRANSMITTAL LETTER
02/25/83	03	0350	DATE REFERRAL CHANGED
03/11/83	04	0452	FIN -- CS11
03/14/83	05	0453	FIN DATE F/NOTE EQUALS ZERO
03/14/83	06	0473	SECOND READING
03/14/83	07	0479	FIN CF ADOPTED BY UNAN CONSENT
03/14/83	08	0479	ADVANCED TO 3RD READING BY UNAN CONSENT
03/14/83	09	0479	THIRD READING
03/14/83	10	0480	PASSED BY DIV 24-90-03
03/14/83	11	0480	EFFECTIVE DATE VOTE SAME AS PASSAGE
04/05/83	20	0758	TRANSMITTED TO GOVERNOR
04/18/83	21	0913	SIGNED BY GOVERNOR-08000, EFF 04/19/83

DATE	SEQ	PAGE	LEGISLATIVE ACTION
05/15/83	12	0590	FIRST READING -- COMMITTEE REPORTS
05/25/83	13	0496	L&C -- DP04
05/31/83	14	0550	RLS OTHER03
06/04/83	15	0567	SECOND READING
06/04/83	16	0567	ADVANCED TO 3RD READING BY UNAN CONSENT
06/04/83	17	0567	THIRD READING
06/04/83	18	0567	PASSED BY DIV 17-00-03
06/04/83	19	0530	EFFECTIVE DATE VOTE SAME AS PASSAGE

COMMITTEE REPORT

SENATE

FURTHER:

3/13/53

Date: 3/13/53

Mr. President:

The Committee on Labor & Commerce has had Public Law 176

RELATIVE TO THE SWORD ...

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:

W. C. Clegg

CHAIRMAN

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
POSITION PAPER
SB 145; HB 218
BOARD OF MARINE PILOTS

The department has consistently agreed with the Division of Legislative Audit that the Board of Marine Pilots should continue to regulate and license the marine pilot profession. For the protection of human life and property, shipping and the environment, it is imperative that marine pilots be licensed and regulated and that vessels operating in the inside waters be required to have a licensed pilot in command.

The board has continued to operate in the interest of the public, the licensees and the applicants. It has addressed issues such as the licensing vessel agents and the adoption of regulations to clarify standards and misconduct, held tariff hearings for southeast ports, reviewed and updated examinations and worked toward training for marine pilots through participation in the WICHE program.

There has been no complaint filed against this board.

The Department of Commerce and Economic Development endorses the continuation of the Board of Marine Pilots.



Harry D. Treager, Director
Division of Occupational Licensing
Department of Commerce and
Economic Development
March 3, 1983



3/9/83

Richard A. Lyon, Commissioner
Department of Commerce and
Economic Development

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 145 Date on Bill: February 24, 1983
 Title: "An Act relating to the Board of Marine Pilots."
 Sponsor: Labor and Commerce Committee
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating	-0-	-0-	-0-	
Total				

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: No additional fiscal impact will be incurred with this Senate Bill.

Funding to be continued and provided for in the Department's FY-84 budget.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: *Darrell Miller* Phone: 465-2535
 Division: Occupational Licensing Date: March 2, 1983
 Approved by Commissioner: Richard A. Lyon Date: 3/9/83
 Department: Commerce & Economic Development

5. Distribution:

Original to Legislative Finance
 Copy to OMB
 Copy to Sponsor
 Copy to Requestor

2/15/83

BOARD OF MARINE PILOTS

Current Number of Licensees - Marine Pilots - 56
 Registered Agents - 12

FY '82

Revenues	1.8	
Expenditures	15.1	
**Personal Services		8.3
*Contractual		1.7
*Commodities		0
Board Travel and Per Diem		5.1
	TOTAL	<u>15.1</u>

FY '83 - Allocated (board travel & per diem only) - 7.5

Revenues (7/1/82 to 3/1/83)	13.8	
Expenditures	9.5	
**Personal Services (7/1/82 to 3/1/83)		5.3
*Contractual		.5
*Commodities		-0-
Board Travel and Per Diem		3.7
	TOTAL	<u>9.5</u>

FY '84 - (Board Component - Division Budget) Total 201.5
 Board of Marine Pilots Allocation 7.9

*The above items are funded in the Administration component of the division's budget.

**Personal services are 1/3 of 1 licensing examiner position.

CAPTAIN EDWARD MURPHY
COMMITTEE TESTIMONY ON SUNSET
REVIEW OF THE BOARD OF MARINE PILOTS
FEBRUARY AND MARCH, 1983

Mr. Chairman and ladies and gentlemen of the committee, thank you for this opportunity to testify in favor of retaining the Alaska Board of Marine Pilots. My name is Edward Murphy and I am appearing today as a representative and spokesman from the Southwest Alaska Pilots Association. Southwest Pilots is one of the two associations of state and federally licensed marine pilots in Alaska and provides state pilots to shipping from Cape Spencer north.

I would like to acknowledge the assistance of Captain George Quick and the American Pilots Association in the preparation of this testimony.

I would first like to give an historical overview of pilotage from colonial times to the present to provide a meaningful context for my comments.

All maritime nations since ancient times have offered inducements for mariners to become pilots and maintain pilotage systems for the protection of shipping. We may not be the oldest profession but we are certainly the oldest regulated profession. The colonial legislatures had pilotage laws in effect prior to our becoming a nation. The first congress assembled after the adoption of the Constitution in 1789 realized the federal government's constitutional right to regulate interstate and foreign commerce would interfere with pilotage systems and state regulations and quickly passed an act that left pilotage under state control.

The state laws generally provided for a system of regulated public pilots who conducted ships to and from the sea and whose terms and conditions of service were established by law. Pilotage remained exclusively a public service under state control until 1871 when congress acted to provide for the federal licensing

of pilots on steam vessels engaged in coastwise or interior commerce of the country. At that time steam vessels were considered inherently dangerous and many laws were being passed to protect the public from this new threat created by the industrial revolution. Since many states exempted ships engaged in strictly coastwise or interior commerce from the requirement of taking aboard a public pilot, congress felt that there was a need to insure that these new and dangerous vessels driven by steam employ someone familiar with the waters over which the vessel was navigating.

This new act of congress created a different category of federally licensed pilots who were employees of the ship and who often were actually the master or other officer acting as pilot by virtue of additional endorsement on his license. This new category caused confusion in defining the term pilot and in defining the role and function of a pilot.

The term pilot in the United States today is used to describe two entirely different sets of relationships:

1) It can refer to a federally licensed employee of the ship who is subject to the selection and control of the ship owner and whose terms and conditions of employment are determined by mutual agreement. The relationship is common law one of employer and employee.

2) It can refer to the state licensed publically regulated pilot who is not subject to the control and selection of the ship owner and whose terms and conditions of service are established by statute and not subject to negotiation. The relationship is created by compulsion of law and defined by the state compulsory pilotage statute and decided court cases applying principles of maritime law.

In simple terms, the federally licensed pilot is acting in a private capacity on privately agreed terms and conditions, and the state licensed pilot is exercising a public function on publically regulated terms and conditions.

The legal text writers and the court decisions attempt to avoid confusion by generally referring to the pilot acting in a private capacity as a voluntary pilot and referring to the pilot exercising a public function as a compulsory pilot.

In the voluntary pilot situation the employment contract is by mutual agreement between the ship owner and the employee pilot, even though the ship owner is naturally compelled to select his employee from among a class, i.e., federally licensed pilots. In the compulsory pilot situation the pilot is forced on the ship owner by compulsion of law and under terms and conditions established by law. The concept of compulsory pilotage excludes any right of the ship owner and pilot to mutually agree on the terms of their relationship. The right of selection and control, as well as the terms and conditions of service are not properly the subject of negotiations, they are established by the state to serve the state's superior interests.

There is a vast difference in the training, experience, perceived duties and responsibilities, working relationships, legal relationships and attitudes that separate the federally licensed employee pilot and the state licensed public pilot. An understanding of the differences is necessary.

The state licensed pilot is regulated by state statutes creating compulsory pilotage. His state license is both a certificate of competency and a franchise as a public servant requiring him to assume public obligations in maintaining pilot stations and operating a pilotage system. The rights, duties, and obligations of the owner, the ship, the master and the pilot are created by law and not by mutual agreement between the parties. Common law principles governing the usual employment contract have no application.

The general scheme in effect throughout most of the world is one in which a vessel approaching the coast with the intent of making port has a compulsory

obligation to accept a local pilot skilled in navigating those waters and knowledgeable as to local hazards, place him in charge of the navigation of the ship, and pay the fee for his services prescribed by local law. The purpose is to protect the safety of shipping by assuring a complement of pilots will be available when needed at designated locations (pilot stations) and placing navigational control of the ship in the hands of a qualified local expert when the ship is in a high risk area.

As part of their franchise as a public service it is compulsory for the pilot to maintain pilot boats on established stations known to all mariners, to keep a complement of qualified pilots available to render services at all times, to go to any ship needing his service without discrimination or choice and to provide his services under legally established terms and conditions, and for a fee prescribed by law and published in a tariff.

Compulsory pilotage is a creation of law, not a contract. It is regulated in much the same manner as a public service company and charged with the public responsibility of rendering pilotage services to vessels. The pilot is in no sense the employee or servant of the ship owner or the vessel he pilots. He is required to be accepted by the vessel and placed in charge of her navigation to serve the state's interest in protecting life and property--and in today's world, the environment--from the hazards of navigation. He sees his duty and obligation as being owed to local political authority and to the public, rather than to the ship owner in the role of an employer. The public nature and regulation of the terms and condition of his service protect and insulate him from the demand and pressures that can be placed on an ordinary employee to compromise the margins of safety.

In contract, the federally licensed pilot is a common law employee of the ship owner serving in a private capacity. The ship owner has the right of

selection and the right to exercise control over his employees in the performance of their duties. The terms and conditions of employment are privately agreed to with the ship owner. The prospects of future employment are dependent on how well the employee satisfies the demands placed on him by his employer. The master and the federally licensed pilot work for and are answerable to the same employer and are licensed by the same federal agency, the Coast Guard. In some cases the master and pilot may in fact be the same person serving in a dual capacity. This lack of independence and the absence of checks and balances should give the public cause for concern when they consider that the sea-going coastwise tankers are largely exempt from the protection of state compulsory pilotage laws. Many of them are navigated on our inland waters by company employee pilots or masters serving in the dual capacity of pilot.

So, compulsory state pilotage operating under the authority of the state Board of Marine Pilots functions to protect and insulate independent decision making affecting the safety of ships from commercial pressures by placing navigational control in high risk areas in charge of a compulsory public pilot who does not belong to the ship, i.e., free of the ship owner's interest and control. That independent pilot who is aboard the vessel for one reason, safety, is licensed and regulated by the state board.

In light of this state's continuing need to protect the lives and property of its citizens from the inherent hazards of navigation under high risk conditions in Alaskan waters, it is essential to maintain state licensed public pilots under the control of the Alaska Board of Marine Pilots.

In conclusion, I urge the committee to recommend the retention of the Board in its present form. Qualified independent Alaska licensed pilots are necessary for the safe and efficient flow of commerce in Alaskan waters. Only a properly constituted licensing and regulatory body, such as the Board, is capable of assuring the maintenance of professional standards essential to the piloting profession in a state so dependent on waterborne commerce.

Bill Fact Sheet

Date Received 3/14/83

Bill Number #B218 Title Bd of Marine Pilots

Fiscal Note - Date Requested _____ Date Received _____

- Of Whom same as SB/45

Dept. Position Paper - Date Requested _____ Date Received _____

- Of Whom _____

Resource People

Initial Hearing - Date 3/24/83
People Contacted

Harry Traeger - Bd of Marine Pilots
testified for SB/45

Follow-up Hearing - Date _____

Final Action passed out of cmte Date 3/24/83