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SENATE COMMITTEE REPORT

FURTHER

3/23/89

DATE TURNED INTO OFFICE _____

Mr. President:

Finance

SB 111

Committee considered _____

boating safety, boating accidents, and boat numbering; efd

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

*Bill died in committee.
Hearing 4-14-89*

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

(b)

FIRST COMMITTEE OF REFERRAL

6-0167H

Date of 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

1/13/89

DATE TURNED INTO OFFICE 3-22-89

Mr. President:

STATE AFFAIRS

Committee considered

SB 111

boating safety, boating accidents, and boat numbering; efd

and recommended:

- replace with cs SB 111 (ST AFF) same title
- attached amendment(s) and new title
- + reports it back as follows
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

- _____ 3 Will Adams - DO NOT PASS
- _____ 3 John Fink - DO NOT PASS
- _____ 2 Tim Kelly - No Rec
- _____
- _____
- _____
- _____
- _____

[Signature]
Chairman signature and recommendation

Committee backup attached

Offered: 3/23/89
Referred: Finance

6-0167H

Original sponsors: Sturgulewski, Duncan,
and Uehling

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 111 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boating safety, boating acci-
7 dents, and boat numbering; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 05.25 is amended by adding new sections to read:

11 ARTICLE 1. BOATING SAFETY.

12 Sec. 05.25.200. BOATING SAFETY EDUCATION. The department shall
13 offer public education programs designed to reduce boating accidents.
14 The department may cooperate with or award contracts to government
15 agencies and private organizations to provide boating safety education
16 programs.

17 Sec. 05.25.210. SAFETY EQUIPMENT. (a) A boat must carry and
18 exhibit between sunset and sunrise at least one white light to show
19 all around the horizon.

20 (b) A boat must carry at least one readily accessible life
21 preserver, lifebelt, ring buoy, or other device of a type approved by
22 the United States Coast Guard for each person on the boat. A boat
23 carrying passengers for hire shall carry at least one readily accessi-
24 ble life preserver of a type approved by the United States Coast Guard
25 for passenger-carrying boats for each person on the boat.

26 (c) The commissioner may require by regulation that a boat or
27 class of boats carry additional equipment necessary for the safety of
28 persons and property. To the extent determined by the commissioner to
29 be consistent with the safety of persons and property, the regulations
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1 adopted under this subsection must conform to the applicable regula-
2 tions of the United States Coast Guard.

3 Sec. 05.25.220. DIVER'S FLAG. (a) A person who is in the water
4 using an underwater breathing device may display a diver's flag while
5 diving operations are in progress. The diver's flag may be displayed
6 on a boat or surface float, must extend at least three feet above the
7 surface of the water, and must be placed at or near the point of
8 submergence. A diver shall remain within 100 feet of the diver's flag
9 while at or near the surface. The diver's flag constitutes a warning
10 that a diver may be within 100 feet of the flag. A diver's flag must
11 be constructed of rigidly supported material at least 12 inches high
12 by 12 inches wide with a white diagonal stripe on a red background.

13 (b) A boat operator within sight of a diver's flag shall proceed
14 with caution, steering clear of the flag by a distance of at least 100
15 feet. If, because of the location of the diver's flag, it is impossi-
16 ble to steer clear of the flag by at least 100 feet, then the boat
17 operator shall proceed at no-wake speed or five miles per hour, which-
18 ever is necessary to maintain steerage in the seaway.

19 (c) A diver's flag under this section may be used with, but not
20 in place of, an International Code flag "A" if required under 33
21 U.S.C. following 1602 (Rule 27, International Regulations for Prevent-
22 ing Collisions at Sea, 1972).

23 Sec. 05.25.230. PROHIBITED OPERATION. (a) A person may not
24 operate a boat or manipulate water skis, a surfboard, or a similar
25 device on state water in a reckless or negligent manner so as to
26 endanger the life or property of another person.

27 (b) A person may not operate or give permission for another
28 person to operate a boat that is not equipped as required under this
29 chapter and regulations adopted under this chapter.

1 **Sec. 05.25.290. APPLICATION OF AS 05.25.210 - 05.25.290; REGU-**
2 **LATIONS. (a) AS 05.25.210 - 05.25.290 apply to boats operated in**
3 **state water, except when inconsistent with applicable federal law, in**
4 **which case federal law prevails.**

5 **(b) The commissioner shall adopt regulations to implement AS 05.-**
6 **25.210 - 05.25.290. Each regulation must specify those waters of the**
7 **state to which the regulation applies. A regulation may not apply to**
8 **water where an inconsistent federal law prevails.**

9 **ARTICLE 2. BOATING ACCIDENTS.**

10 **Sec. 05.25.300. DUTIES OF OPERATORS AND WITNESSES AT ACCIDENTS.**

11 **(a) The operator of a boat that is involved in an accident resulting**
12 **in injury or death to a person or in damage to property shall immedi-**
13 **ately stop the boat as near as possible to the scene of the accident.**
14 **The operator shall remain at the scene of the accident until the**
15 **operator has fulfilled the requirements of (b) of this section.**

16 **(b) The operator of a boat that is involved in an accident**
17 **resulting in injury or death to a person or in damage to property**
18 **shall**

19 **(1) give the name and address of each occupant of the boat**
20 **and identifying number of the boat that the operator is operating to**

21 **(A) the operator of any other boat involved in the**
22 **accident;**

23 **(B) the owner or a surviving occupant of the other**
24 **boat or the owner of the damaged property; or**

25 **(C) another appropriate person; and**

26 **(2) render reasonable assistance to each person injured in**
27 **the accident, including the conveying or providing for the conveying**
28 **of the injured person to a physician or hospital for medical treat-**
29 **ment, if it is apparent that treatment is necessary or if conveyance**

1 is requested by an injured person.

2 (c) A witness to a boating accident shall furnish the witness's
3 name and address to an operator or occupant of each boat involved in
4 the accident, to a person injured in the accident, and to the owner of
5 property damaged in the accident.

6 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-
7 PEARANCE. (a) When a person dies as a result of an accident that
8 involves a boat or its equipment or a person disappears from a boat,
9 the operator shall, without delay, by the quickest means available,
10 notify the department of the

11 (1) date, time, and exact location of the occurrence;

12 (2) name of each person who died or disappeared;

13 (3) number and name of the operator's boat; and

14 (4) name and address of the owner and the operator.

15 (b) If the operator of a boat cannot give the notice required
16 under (a) of this section, the owner of the boat, if different from
17 the operator, shall submit the report or cause the report to be sub-
18 mitted. If the operator and the owner of the boat cannot give the
19 notice, then each person present on the boat when the accident or
20 disappearance occurred shall notify the department or determine that
21 the notice has been given.

22 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of
23 a boat involved in an accident, or the owner of the boat if the opera-
24 tor cannot submit a report, shall submit a report of the accident to
25 the department if the accident results in

26 (1) the death of a person;

27 (2) injury to a person requiring medical treatment beyond
28 first aid;

29 (3) the disappearance from the boat of a person under

1 circumstances indicating death or injury;

2 (4) damage to the boat or other property in an aggregate
3 amount of more than \$500; or

4 (5) complete loss of the boat.

5 (b) The department may require a person who submits an insuffi-
6 cient report under this section to file a supplemental report, and may
7 require a witness to the accident to submit a report to the depart-
8 ment.

9 (c) A report required under this section shall be submitted in
10 the form and manner prescribed by the department within

11 (1) 48 hours after the accident if a person dies within 24
12 hours after the accident;

13 (2) 48 hours after the accident if a person is injured and
14 requires medical treatment beyond first aid;

15 (3) 48 hours after the disappearance of a person from a
16 boat if circumstances indicate death or injury to the person; and

17 (4) 10 days after the accident or death if an earlier
18 report is not required under this subsection.

19 (d) The department shall prepare forms for accident reports
20 required under this section and shall provide the forms to the public.
21 The report form must request the information required in casualty and
22 accident reports under United States Coast Guard regulations and may
23 request other information the department considers necessary. The
24 person who completes the form shall sign and date it upon completion.

25 **Sec. 05.25.315. DEATH CERTIFICATES.** Within 60 days after the
26 death occurs, the state registrar of vital statistics shall forward to
27 the department a copy of the death certificate for each death
28 resulting from a boat accident.

29 **Sec. 05.25.320. CONFIDENTIALITY OF ACCIDENT REPORT.** (a) An

1 accident report submitted to the department is without prejudice to
2 the individual reporting and is solely for the confidential use of
3 administrative and enforcement agencies.

4 (b) The department upon written request, shall disclose the
5 following information, if available, to a party involved in an acci-
6 dent, or, in the event of the party's death, to a member of the par-
7 ty's family or to the party's personal representative:

8 (1) the identity of the owner, operator, and occupants of
9 each boat involved in the accident;

10 (2) the identifying number of each boat involved in the
11 accident;

12 (3) the name of each company insuring the owner or operator
13 of each boat involved in the accident; and

14 (4) the identity of each witness to the accident.

15 (c) A report filed under AS 05.25.310 - 05.25.320 may not be
16 used as evidence in a civil action or criminal prosecution arising out
17 of the accident. The department shall furnish, upon demand of a
18 person who has or claims to have made a report under AS 05.25.310 -
19 05.25.320 or upon order of a court, a certificate stating whether a
20 specified accident report has been filed with the department. The
21 certificate is admissible in a civil action or criminal prosecution
22 solely to prove compliance or failure to comply with the reporting
23 requirement.

24 (d) The department shall compile and may analyze all accident
25 reports. The department shall publish at least annually, statistical
26 information relating to boat accidents.

27 (e) In response to a request from an authorized official or
28 agency of the United States, or in compliance with United States Coast
29 Guard regulations or a requirement under 46 U.S.C. 6101 - 6103, the

1 department shall provide information compiled or otherwise available
2 to the department from the accident reports required under AS 05.-
3 25.310 - 05.25.320.

4 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)
5 The provisions of AS 05.25.300 - 05.25.320 apply to all boats operated
6 in state water, except

7 (1) as provided in this section or AS 05.25.910;
8 (2) when inconsistent with an applicable federal law or
9 regulation in which case the federal law or regulation prevails.

10 (b) The provisions of AS 05.25.300 - 05.25.320 do not apply to

11 (1) a boat that has a valid document issued by the United
12 States Coast Guard and that is operated only for nonrecreational
13 purposes;

14 (2) foreign boats operated temporarily in state water only
15 for nonrecreational purposes;

16 (3) a boat owned and operated for government purposes by
17 the United States or by an entity of the United States; or

18 (4) a ship's lifeboat.

19 ARTICLE 3. NUMBERING AND REGISTRATION.

20 Sec. 05.25.400. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A
21 person may not operate a boat on state water, and an owner of a boat
22 may not knowingly allow another person to operate the owner's boat on
23 state water, unless

24 (1) the owner of the boat holds a current, valid certifi-
25 cate of number issued in the owner's name as owner; and

26 (2) the certificate of number is

27 (A) carried on the boat in a manner that protects the
28 certificate from destruction or deterioration; and

29 (B) available for inspection by a state, federal, or

1 municipal law enforcement officer.

2 (b) A certificate of number for a boat less than 26 feet in
3 length and leased or rented to another person for that person's non-
4 commercial operation for a period of less than seven days may be
5 retained on shore by the boat's owner or representative at the place
6 from which the boat departs or returns to the possession of the owner
7 or the owner's representative. If the certificate of number is re-
8 tained on shore, then a copy of the lease or rental agreement shall be
9 carried on the boat. The lease or rental agreement must

10 (1) be signed by the owner of the boat or the owner's
11 representative, and by the person leasing or renting the boat;

12 (2) specify the period for which the boat is leased or
13 rented, and

14 (3) include the identifying number for the boat.

15 Sec. 05.25.405. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)
16 A person may not operate a boat on state water unless the boat dis-
17 plays the valid identifying number awarded to the boat and the valida-
18 tion decal in the manner required under this section.

19 (b) An identifying number shall be painted on or permanently
20 attached to each side of the forward half of the vessel in a position
21 that is clearly visible for identification. Each number must read
22 from left to right and must be in plain vertical block characters of
23 good proportion not less than three inches in height. The number must
24 be of a color that contrasts with the color of the background and
25 shall be maintained so that it is clearly visible and legible. Each
26 number must have spaces or hyphens that are equal to the width of a
27 letter other than "I" or a number other than "1" between the letter
28 and number groupings.

29 (c) On boats so configured that a number on the hull or

1 superstructure would not be easily visible, the number shall be paint-
2 ed on or attached to a backing plate that is attached to the forward
3 half of the boat so that the number is visible from each side of the
4 boat.

5 (d) A number other than the identifying number may not appear on
6 the forward half of the boat.

7 (e) A validation decal issued under AS 05.25.425 shall be placed
8 three inches to the rear of the identifying number.

9 Sec. 05.25.410. APPLICATION FOR CERTIFICATE OF NUMBER. (a) The
10 owner of a boat that is operated principally on state water, or a
11 dealer who wishes to demonstrate one or more boats on state water,
12 shall apply to the department for a certificate of number. The appli-
13 cation must include

14 (1) the true name of the owner or dealer;

15 (2) the residence or business address of the owner or
16 dealer;

17 (3) a description of the boat, or in the case of a dealer a
18 description of the lengths and types of boats, to be operated under
19 the certificate; and

20 (4) other information required by the department or by
21 United States Coast Guard regulations.

22 (b) The owner or dealer shall sign the application and shall pay
23 the prescribed fee at the time of application.

24 (c) A certificate of number may be issued to a dealer for use on
25 more than one boat.

26 Sec. 05.25.415. APPLICATION BY OWNER HAVING NUMBER AWARDED BY
27 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat having a
28 valid certificate of number that has been issued under federal law or
29 a federally approved numbering system of another state shall apply to

1 the department for an identifying number within 10 days after the
2 expiration of the applicable reciprocity period provided in AS 05.25.-
3 445(6) or (7).

4 Sec. 05.25.420. CERTIFICATE OF NUMBER FEES. (a) The commis-
5 sioner shall adopt regulations establishing fees for original, renew-
6 al, and duplicate certificates of number, and for dealer demonstration
7 certificates of number.

8 (b) The fees in this section are in addition to any other tax or
9 license fee for a boat.

10 Sec. 05.25.425. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION
11 DECALS. (a) If the application is in order, the department shall
12 issue to the owner a certificate of number that states the identifying
13 number awarded to the boat, the name and address of the owner, the
14 state of principal use, the normal use of the boat, the description of
15 the boat, the manufacturer's hull identification number if one exists,
16 make, year, length, type of hull material, type of propulsion and type
17 of fuel, the issue date, and the expiration date of the certificate of
18 number. The certificate of number must be wallet size.

19 (b) The identifying number awarded to a boat shall contain the
20 capital letters "AK", followed by

21 (1) not more than four numerals followed by not more than
22 two capital letters other than the letters "I", "O", or "Q"; or

23 (2) not more than three numerals followed by not more than
24 three capital letters other than the letters "I", "O", or "Q".

25 (c) The department shall issue a set of validation decals bear-
26 ing the year in which the certificate of number expires. The year
27 shall also be indicated by the color blue, international orange,
28 green, or red, in rotation in the order stated, beginning with blue
29 for stickers that expire in 1993. A validation decal must be a square

1 approximately three inches on each side.

2 **Sec. 05.25.430. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF**
3 **CERTIFICATE AND DECALS.** (a) A certificate of number expires three
4 years after the last day of the month in which the certificate is
5 issued.

6 (b) The department may require the surrender of the expired cer-
7 tificate of number before issuing a new certificate of number.

8 (c) Renewal of the certificate of number does not change the
9 identifying number awarded to a boat by the department.

10 (d) An application for renewal of a certificate of number shall
11 be made in the same manner as provided in AS 05.25.410. The applica-
12 tion shall be accompanied by the fee required under AS 05.25.420. The
13 department shall renew certificates of number and issue validation
14 decals in the same manner as provided in AS 05.25.425.

15 **Sec. 05.25.435. VALIDITY OF CERTIFICATE OF NUMBER.** A certifi-
16 cate of number issued under this chapter is invalid if

17 (1) the boat is subsequently documented or required to be
18 documented;

19 (2) the boat is sold, destroyed, or abandoned;

20 (3) the applicant supplies false information in the appli-
21 cation for the certificate;

22 (4) the fees for issuance or renewal of the certificate are
23 not paid;

24 (5) 60 days have elapsed since the boat ceased to be used
25 principally in the state; or

26 (6) the owner, through legal process, involuntarily loses
27 the ownership interest in the boat for which the certificate is is-
28 sued.

29 **Sec. 05.25.440. REPORT OF TRANSFER, ABANDONMENT, OR DESTRUCTION**

1 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) The owner of a boat for
2 which a certificate of number has been issued under this chapter shall
3 notify the department of any of the following events within 15 days
4 after the event occurs:

5 (1) the transfer of all or a part of the ownership interest
6 in the boat;

7 (2) the theft or recovery of the boat;

8 (3) the destruction of the certificate of number; or

9 (4) an event described in AS 05.25.435.

10 (b) Within 15 days after a change of address, the owner of a
11 boat for which a certificate of number has been awarded under this
12 chapter shall report the change to the department.

13 Sec. 05.25.445. EXEMPTIONS. The following classes of boats are
14 exempt from the provisions of AS 05.25.400 - 05.25.440:

15 (1) a boat that is documented by the United States Coast
16 Guard;

17 (2) a foreign boat operated only temporarily in state
18 water;

19 (3) a boat, other than a recreational type public boat,
20 owned and operated by the United States or an entity or political
21 subdivision of the United States, or owned and operated for government
22 purposes by a state or an entity or political subdivision of a state;

23 (4) a ship's lifboat;

24 (5) a boat belonging to a class of boats that has been
25 exempted from the provisions of AS 05.25.400 - 05.25.440 by the de-
26 partment under AS 05.25.910;

27 (6) a boat with a certificate of number issued by the
28 United States Coast Guard, for a period of three years after the date
29 of issuance of the certificate;

1 (7) a boat with a current, valid certificate of number
2 issued by another state having a federally approved numbering system,
3 for a period of 60 days after arriving in the state; and

4 (8) a boat that is not propelled by machinery.

5 **ARTICLE 4. GENERAL PROVISIONS.**

6 **Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES.** The commis-
7 sioner of administration shall separately account for fees collected
8 under this chapter that the department deposits in the general fund.
9 The annual estimated balance in the account may be used by the legis-
10 lature to make appropriations to the department to carry out the
11 purposes of this chapter.

12 **Sec. 05.25.910. EXEMPTIONS.** Except when inconsistent with
13 federal laws and regulations, the commissioner may exempt a class of
14 boats from a provision of this chapter if the commissioner determines
15 that the safety of persons and property will not be materially promot-
16 ed by applying that provision to the class of boats. The commissioner
17 may exempt a class of boats from the numbering and registration re-
18 quirements of AS 05.25.400 - 05.25.440 if

19 (1) the commissioner determines that the numbering will not
20 materially aid in the identification of the boats; and

21 (2) the United States Secretary of Transportation has
22 exempted that class of boats from numbering.

23 **Sec. 05.25.920. ENFORCEMENT.** A peace officer may enforce this
24 chapter and in the exercise of enforcement may stop and board boats
25 that the officer reasonably believes are or may be subject to this
26 chapter. A peace officer may, in the officer's discretion, issue a
27 citation as provided in AS 12.25.180 to a person who violates a pro-
28 vision of this chapter.

29 **Sec. 05.25.930. PENALTIES.** A person who violates a provision of

1 this chapter is guilty of an infraction. The supreme court shall
2 establish by order or rule a schedule of bail amounts for violations
3 of this chapter that allows disposition of a citation issued under
4 this chapter without a court appearance.

5 Sec. 05.25.940. REGULATIONS. The commissioner shall adopt
6 regulations under the Administrative Procedure Act (AS 44.62) that are
7 necessary for the implementation of this chapter.

8 Sec. 05.25.990. DEFINITIONS. In this chapter, unless the con-
9 text requires otherwise,

10 (1) "boat" means any type of watercraft used or capable of
11 being used as a means of transportation on water, but does not include
12 aircraft equipped to land on water;

13 (2) "certificate of number" means the document bearing the
14 identification number awarded to a boat by the department under this
15 chapter, by a federal agency, or by the state of principal use under a
16 federally approved numbering system;

17 (3) "commissioner" means the commissioner of public safety;

18 (4) "dealer" means a person who engages wholly or in part
19 in the business of buying, selling, or exchanging boats, either out-
20 right or on conditional sale, bailment lease, chattel mortgage, or
21 otherwise;

22 (5) "department" means the Department of Public Safety;

23 (6) "length" means the length of a boat measured from end
24 to end over the deck excluding sheer;

25 (7) "operate" means to navigate or otherwise use a boat on
26 water;

27 (8) "owner" means a person who has a property interest
28 other than a security interest in a boat and the right of use or
29 possession of the boat, but does not include a lessee unless the lessee

1 is intended as security;

2 (9) "ownership" means a property interest other than a
3 security interest;

4 (10) "passenger" means a person on board a boat who is not
5 the master, operator, crew member, or other person engaged in a capac-
6 ity in the business of the boat;

7 (11) "state of principal use" means the state on whose water
8 a boat is used or is to be used during most of a calendar year;

9 (12) "state water" means water within the territorial limits
10 of the state whether navigable or nonnavigable.

11 * Sec. 2. AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040,
12 05.25.050, 05.25.060, 05.25.070, 05.25.080, 05.25.090, and 05.25.100 are
13 repealed.

14 * Sec. 3. This Act takes effect January 1, 1990.
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1 IN THE SENATE

BY STURGULEWSKI, DUNCAN
AND UEHLING

2 SENATE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boating safety, boating acci-
7 dents, and boat numbering; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 05.25 is amended by adding new sections to read:

11 ARTICLE 1. BOATING SAFETY.

12 Sec. 05.25.200. BOATING SAFETY EDUCATION. The department shall
13 offer public education programs designed to reduce boating accidents.
14 The department may cooperate with or award contracts to government
15 agencies and private organizations to provide boating safety education
16 programs.

17 Sec. 05.25.210. SAFETY EQUIPMENT. (a) A boat must carry and
18 exhibit between sunset and sunrise at least one white light to show
19 all around the horizon.

20 (b) A boat must carry at least one readily accessible life
21 preserver, lifebelt, ring buoy, or other device of a type approved by
22 the United States Coast Guard for each person on the boat. A boat
23 carrying passengers for hire shall carry at least one readily accessi-
24 ble life preserver of a type approved by the United States Coast Guard
25 for passenger-carrying boats for each person on the boat.

26 (c) The commissioner may require by regulation that a boat or
27 class of boats carry additional equipment necessary for the safety of
28 persons and property. To the extent determined by the commissioner to
29 be consistent with the safety of persons and property, the regulations

1 adopted under this subsection must conform to the applicable regula-
2 tions of the United States Coast Guard.

3 Sec. 05.25.220. DIVER'S FLAG. (a) A person who is in the water
4 using an underwater breathing device may display a diver's flag while
5 diving operations are in progress. The diver's flag may be displayed
6 on a boat or surface float, must extend at least three feet above the
7 surface of the water, and must be placed at or near the point of
8 submergence. A diver shall remain within 100 feet of the diver's flag
9 while at or near the surface. The diver's flag constitutes a warning
10 that a diver may be within 100 feet of the flag. A diver's flag must
11 be constructed of rigidly supported material at least 12 inches high
12 by 12 inches wide with a white diagonal stripe on a red background.

13 (b) A boat operator within sight of a diver's flag shall proceed
14 with caution, steering clear of the flag by a distance of at least 100
15 feet. If, because of the location of the diver's flag, it is impossi-
16 ble to steer clear of the flag by at least 100 feet, then the boat
17 operator shall proceed at no-wake speed or five miles per hour, which-
18 ever is necessary to maintain steerage in the seaway.

19 (c) A diver's flag under this section may be used with, but not
20 in place of, an International Code flag "A" if required under 33
21 U.S.C. following 1602 (Rule 27, International Regulations for Prevent-
22 ing Collisions at Sea, 1972).

23 Sec. 05.25.230. PROHIBITED OPERATION. (a) A person may not
24 operate a boat or manipulate water skis, a surfboard, or a similar
25 device on state water in a reckless or negligent manner so as to
26 endanger the life or property of another person.

27 (b) A person may not operate or give permission for another
28 person to operate a boat that is not equipped as required under this
29 chapter and regulations adopted under this chapter.

1 Sec. 05.25.290. APPLICATION OF AS 05.25.210 - 05.25.290; REGU-
2 LATIONS. (a) AS 05.25.210 - 05.25.290 apply to boats operated in
3 state water, except when inconsistent with applicable federal law, in
4 which case federal law prevails.

5 (b) The commissioner shall adopt regulations to implement AS 05.-
6 25.210 - 05.25.290. Each regulation must specify those waters of the
7 state to which the regulation applies. A regulation may not apply to
8 water where an inconsistent federal law prevails.

9 ARTICLE 2. BOATING ACCIDENTS.

10 Sec. 05.25.300. DUTIES OF OPERATORS AND WITNESSES AT ACCIDENTS.

11 (a) The operator of a boat that is involved in an accident resulting
12 in injury or death to a person or in damage to property shall immedi-
13 ately stop the boat as near as possible to the scene of the accident.
14 The operator shall remain at the scene of the accident until the
15 operator has fulfilled the requirements of (b) of this section.

16 (b) The operator of a boat that is involved in an accident
17 resulting in injury or death to a person or in damage to property
18 shall

19 (1) give the name and address of each occupant of the boat
20 and identifying number of the boat that the operator is operating to

21 (A) the operator of any other boat involved in the
22 accident;

23 (B) the owner or a surviving occupant of the other
24 boat or the owner of the damaged property; or

25 (C) another appropriate person; and

26 (2) render reasonable assistance to each person injured in
27 the accident, including the conveying or providing for the conveying
28 of the injured person to a physician or hospital for medical treat-
29 ment, if it is apparent that treatment is necessary or if conveyance

1 is requested by an injured person.

2 (c) A witness to a boating accident shall furnish the witness's
3 name and address to an operator or occupant of each boat involved in
4 the accident, to a person injured in the accident, and to the owner of
5 property damaged in the accident.

6 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-
7 PEARANCE. (a) When a person dies as a result of an accident that
8 involves a boat or its equipment or a person disappears from a boat,
9 the operator shall, without delay, by the quickest means available,
10 notify the department of the

11 (1) date, time, and exact location of the occurrence;

12 (2) name of each person who died or disappeared;

13 (3) number and name of the operator's boat; and

14 (4) name and address of the owner and the operator.

15 (b) If the operator of a boat cannot give the notice required
16 under (a) of this section, the owner of the boat, if different from
17 the operator, shall submit the report or cause the report to be sub-
18 mitted. If the operator and the owner of the boat cannot give the
19 notice, then each person present on the boat when the accident or
20 disappearance occurred shall notify the department or determine that
21 the notice has been given.

22 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of
23 a boat involved in an accident, or the owner of the boat if the opera-
24 tor cannot submit a report, shall submit a report of the accident to
25 the department if the accident results in

26 (1) the death of a person;

27 (2) injury to a person requiring medical treatment beyond
28 first aid;

29 (3) the disappearance from the boat of a person under

1 circumstances indicating death or injury;

2 (4) damage to the boat or other property in an aggregate
3 amount of more than \$200; or

4 (5) complete loss of the boat.

5 (b) The department may require a person who submits an insuffi-
6 cient report under this section to file a supplemental report, and may
7 require a witness to the accident to submit a report to the depart-
8 ment.

9 (c) A report required under this section shall be submitted in
10 the form and manner prescribed by the department within

11 (1) 48 hours after the accident if a person dies within 24
12 hours after the accident;

13 (2) 48 hours after the accident if a person is injured and
14 requires medical treatment beyond first aid;

15 (3) 48 hours after the disappearance of a person from a
16 boat if circumstances indicate death or injury to the person; and

17 (4) 10 days after the accident or death if an earlier
18 report is not required under this subsection.

19 (d) The department shall prepare forms for accident reports
20 required under this section and shall provide the forms to the public.
21 The report form must request the information required in casualty and
22 accident reports under United States Coast Guard regulations and may
23 request other information the department considers necessary. The
24 person who completes the form shall sign and date it upon completion.

25 **Sec. 05.25.315. DEATH CERTIFICATES.** Within 60 days after the
26 death occurs, the state registrar of vital statistics shall forward to
27 the department a copy of the death certificate for each death
28 resulting from a boat accident.

29 **Sec. 05.25.320. CONFIDENTIALITY OF ACCIDENT REPORT.** (a) An

1 accident report submitted to the department is without prejudice to
2 the individual reporting and is solely for the confidential use of
3 administrative and enforcement agencies.

4 (b) The department upon written request, shall disclose the
5 following information, if available, to a party involved in an acci-
6 dent, or, in the event of the party's death, to a member of the par-
7 ty's family or to the party's personal representative:

8 (1) the identity of the owner, operator, and occupants of
9 each boat involved in the accident;

10 (2) the identifying number of each boat involved in the
11 accident;

12 (3) the name of each company insuring the owner or operator
13 of each boat involved in the accident; and

14 (4) the identity of each witness to the accident.

15 (c) A report filed under AS 05.25.310 - 05.25.320 may not be
16 used as evidence in a civil action or criminal prosecution arising out
17 of the accident. The department shall furnish, upon demand of a
18 person who has or claims to have made a report under AS 05.25.310 -
19 05.25.320 or upon order of a court, a certificate stating whether a
20 specified accident report has been filed with the department. The
21 certificate is admissible in a civil action or criminal prosecution
22 solely to prove compliance or failure to comply with the reporting
23 requirement.

24 (d) The department shall compile and may analyze all accident
25 reports. The department shall publish at least annually, statistical
26 information relating to boat accidents.

27 (e) In response to a request from an authorized official or
28 agency of the United States, or in compliance with United States Coast
29 Guard regulations or a requirement under 46 U.S.C. 6101 - 6103, the

1 department shall provide information compiled or otherwise available
2 to the department from the accident reports required under AS 05.-
3 25.310 - 05.25.320.

4 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)
5 The provisions of AS 05.25.300 - 05.25.320 apply to all boats operated
6 in state water, except

- 7 (1) as provided in this section or AS 05.25.910;
8 (2) when inconsistent with an applicable federal law or
9 regulation in which case the federal law or regulation prevails.

10 (b) The provisions of AS 05.25.300 - 05.25.320 do not apply to

11 (1) a boat that has a valid document issued by the United
12 States Coast Guard and that is operated only for nonrecreational
13 purposes;

14 (2) foreign boats operated temporarily in state water only
15 for nonrecreational purposes;

16 (3) a boat owned and operated for government purposes by
17 the United States or by an entity of the United States; or

18 (4) a ship's lifeboat.

19 ARTICLE 3. NUMBERING AND REGISTRATION.

20 Sec. 05.25.400. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A
21 person may not operate a boat on state water, and an owner of a boat
22 may not knowingly allow another person to operate the owner's boat on
23 state water, unless

24 (1) the owner of the boat holds a current, valid certifi-
25 cate of number issued in the owner's name as owner; and

26 (2) the certificate of number is

27 (A) carried on the boat in a manner that protects the
28 certificate from destruction or deterioration; and

29 (B) available for inspection by a state, federal, or

1 municipal law enforcement officer.

2 (b) A certificate of number for a boat less than 26 feet in
3 length and leased or rented to another person for that person's non-
4 commercial operation for a period of less than seven days may be
5 retained on shore by the boat's owner or representative at the place
6 from which the boat departs or returns to the possession of the owner
7 or the owner's representative. If the certificate of number is re-
8 tained on shore, then a copy of the lease or rental agreement shall be
9 carried on the boat. The lease or rental agreement must

10 (1) be signed by the owner of the boat or the owner's
11 representative, and by the person leasing or renting the boat; and

12 (2) specify the period for which the boat is leased or
13 rented.

14 Sec. 05.25.405. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)
15 A person may not operate a boat on state water unless the boat dis-
16 plays the valid identifying number awarded to the boat and the valida-
17 tion decal in the manner required under this section.

18 (b) An identifying number shall be painted on or permanently
19 attached to each side of the forward half of the vessel in a position
20 that is clearly visible for identification. Each number must read
21 from left to right and must be in plain vertical block characters of
22 good proportion not less than three inches in height. The number must
23 be of a color that contrasts with the color of the background and
24 shall be maintained so that it is clearly visible and legible. Each
25 number must have spaces or hyphens that are equal to the width of a
26 letter other than "I" or a number other than "1" between the letter
27 and number groupings.

28 (c) On boats so configured that a number on the hull or super-
29 structure would not be easily visible, the number shall be painted on

1 or attached to a backing plate that is attached to the forward half of
2 the boat so that the number is visible from each side of the boat.

3 (d) A number other than the identifying number may not appear on
4 the forward half of the boat.

5 (e) A validation decal issued under AS 05.25.425 shall be placed
6 three inches to the rear of the identifying number.

7 Sec. 05.25.410. APPLICATION FOR CERTIFICATE OF NUMBER. (a) The
8 owner of a boat that is operated principally on state water, or a
9 dealer who wishes to demonstrate one or more boats on state water,
10 shall apply to the department for a certificate of number. The appli-
11 cation must include

12 (1) the true name of the owner or dealer;

13 (2) the residence or business address of the owner or
14 dealer;

15 (3) a description of the boat, or in the case of a dealer a
16 description of the lengths and types of boats, to be operated under
17 the certificate; and

18 (4) other information required by the department or by
19 United States Coast Guard regulations.

20 (b) The owner or dealer shall sign the application and shall pay
21 the prescribed fee at the time of application.

22 (c) A certificate of number may be issued to a dealer for use on
23 more than one boat.

24 Sec. 05.25.415. APPLICATION BY OWNER HAVING NUMBER AWARDED BY
25 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat having a
26 valid certificate of number that has been issued under federal law or
27 a federally approved numbering system of another state shall apply to
28 the department for an identifying number within 10 days after the
29 expiration of the applicable reciprocity period provided in

1 AS 05.25.445(6) or (7).

2 Sec. 05.25.420. CERTIFICATE OF NUMBER FEES. (a) The commis-
3 sioner shall adopt regulations establishing fees for original, renew-
4 al, and duplicate certificates of number, and for dealer demonstration
5 certificates of number.

6 (b) The fee for a certificate of number shall be prorated ac-
7 cording to the number of months the certificate will be in effect.

8 (c) The fees in this section are in addition to any other tax or
9 license fee for a boat.

10 Sec. 05.25.425. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION
11 DECALS. (a) If the application is in order, the department shall
12 issue to the owner a certificate of number that states the identifying
13 number awarded to the boat, the name and address of the owner, the
14 state of principal use, the normal use of the boat, the description of
15 the boat, the manufacturer's hull identification number if one exists,
16 make, year, length, type of hull material, type of propulsion and type
17 of fuel, the issue date, and the expiration date of the certificate of
18 number. The certificate of number must be wallet size.

19 (b) The department shall issue a set of validation decals bear-
20 ing the year in which the certificate of number expires. The year
21 shall also be indicated by the color blue, international orange,
22 green, or red, in rotation in the order stated, beginning with blue
23 for stickers that expire in 1993. A validation decal must be a square
24 approximately three inches on each side.

25 Sec. 05.25.430. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF
26 CERTIFICATE AND DECALS. (a) A certificate of number expires three
27 years after the last day of the month in which the certificate is
28 issued.

29 (b) The department may require the surrender of the expired

1 certificate of number before issuing a new certificate of number.

2 (c) Renewal of the certificate of number does not change the
3 identifying number awarded to a boat by the department.

4 (d) An application for renewal of a certificate of number shall
5 be made in the same manner as provided in AS 05.25.410. The applica-
6 tion shall be accompanied by the fee required under AS 05.25.420. The
7 department shall renew certificates of number and issue validation
8 decals in the same manner as provided in AS 05.25.425.

9 Sec. 05.25.435. VALIDITY OF CERTIFICATE OF NUMBER. A certifi-
10 cate of number issued under this chapter is invalid if

11 (1) the boat is subsequently documented or required to be
12 documented;

13 (2) the boat is sold, destroyed, or abandoned;

14 (3) the applicant supplies false information in the appli-
15 cation for the certificate;

16 (4) the fees for issuance or renewal of the certificate are
17 not paid;

18 (5) 60 days have elapsed since the boat ceased to be used
19 principally in the state; or

20 (6) the owner, through legal process, involuntarily loses
21 the ownership interest in the boat for which the certificate is is-
22 sued.

23 Sec. 05.25.440. REPORT OF TRANSFER, ABANDONMENT, OR DESTRUCTION
24 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) The owner of a boat for
25 which a certificate of number has been issued under this chapter shall
26 notify the department of any of the following events within 15 days
27 after the event occurs:

28 (1) the transfer of all or a part of the ownership interest
29 in the boat;

- (2) the theft or recovery of the boat;
- (3) the destruction of the certificate of number; or
- (4) an event described in AS 05.25.435.

(b) Within 15 days after a change of address, the owner of a boat for which a certificate of number has been awarded under this chapter shall report the change to the department.

Sec. 05.25.445. EXEMPTIONS. The following classes of boats are exempt from the provisions of AS 05.25.400 - 05.25.440:

- (1) a boat that is documented by the United States Coast Guard;
- (2) a foreign boat operated only temporarily in state water;
- (3) a boat, other than a recreational type public boat, owned and operated by the United States or an entity or political subdivision of the United States, or owned and operated for government purposes by a state or an entity or political subdivision of a state;
- (4) a ship's lifeboat;
- (5) a boat belonging to a class of boats that has been exempted from the provisions of AS 05.25.400 - 05.25.440 by the department under AS 05.25.910;
- (6) a boat with a certificate of number issued by the United States Coast Guard, for a period of three years after the date of issuance of the certificate;
- (7) a boat with a current, valid certificate of number issued by another state having a federally approved numbering system, for a period of 60 days after arriving in the state; and
- (8) a boat that is not propelled by machinery.

ARTICLE 4. GENERAL PROVISIONS.

Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES. The

1 commissioner of administration shall separately account for fees col-
2 lected under this chapter that the department deposits in the general
3 fund. The annual estimated balance in the account may be used by the
4 legislature to make appropriations to the department to carry out the
5 purposes of this chapter.

6 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with
7 federal laws and regulations, the commissioner may exempt a class of
8 boats from a provision of this chapter if the commissioner determines
9 that the safety of persons and property will not be materially promot-
10 ed by applying that provision to the class of boats. The commissioner
11 may exempt a class of boats from the numbering and registration re-
12 quirements of AS 05.25.400 - 05.25.440 if

13 (1) the commissioner determines that the numbering will not
14 materially aid in the identification of the boats; and

15 (2) the United States Secretary of Transportation has
16 exempted that class of boats from numbering.

17 Sec. 05.25.920. ENFORCEMENT. A peace officer may enforce this
18 chapter and in the exercise of enforcement may stop and board boats
19 that the officer reasonably believes are or may be subject to this
20 chapter.

21 Sec. 05.25.930. PENALTIES. A person who violates a provision of
22 this chapter is guilty of a misdemeanor and is punishable by a fine of
23 not more than \$500, or by imprisonment of not more than six months, or
24 by both.

25 Sec. 05.25.940. REGULATIONS. The commissioner shall adopt
26 regulations under the Administrative Procedure Act (AS 44.62) that are
27 necessary for the implementation of this chapter.

28 Sec. 05.25.990. DEFINITIONS. In this chapter, unless the con-
29 text requires otherwise,

1 (1) "boat" means any type of watercraft used or capable of
2 being used as a means of transportation on water, but does not include
3 aircraft equipped to land on water;

4 (2) "certificate of number" means the document bearing the
5 identification number awarded to a boat by the department under this
6 chapter, by a federal agency, or by the state of principal use under a
7 federally approved numbering system;

8 (3) "commissioner" means the commissioner of public safety;

9 (4) "dealer" means a person who engages wholly or in part
10 in the business of buying, selling, or exchanging boats, either out-
11 right or on conditional sale, bailment lease, chattel mortgage, or
12 otherwise;

13 (5) "department" means the Department of Public Safety;

14 (6) "length" means the length of a boat measured from end
15 to end over the deck excluding sheers;

16 (7) "operate" means to navigate or otherwise use a boat on
17 water;

18 (8) "owner" means a person who has a property interest
19 other than a security interest in a boat and the right of use or
20 possession of the boat, but does not include a lessee unless the lease
21 is intended as security;

22 (9) "ownership" means a property interest other than a
23 security interest;

24 (10) "passenger" means a person on board a boat who is not
25 the master, operator, crew member, or other person engaged in a capac-
26 ity in the business of the boat;

27 (11) "state of principal use" means the state on whose water
28 a boat is used or is to be used during most of a calendar year;

29 (12) "state water" means water within the territorial limits

1 of the state whether navigable or nonnavigable.

2 * Sec. 2. AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040,
3 05.25.050, 05.25.060, 05.25.070, 05.25.080, 05.25.090, and 05.25.100 are
4 repealed.

5 * Sec. 3. This Act takes effect January 1, 1990.
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FISCAL NOTE

REQUEST

Revision Date: 3/21/89 Agency Affected: Public Safety
 Title: "An Act relating to boating safety..." BRU: Fish and Wildlife Protection
 Sponsor: Senator Sturgulewski Components: Boating & Water Safety
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		169.8	376.6	376.6	376.6	376.6
TRAVEL		13.0	29.5	29.5	29.5	29.5
CONTRACTUAL		75.0	171.5	171.5	171.5	171.5
SUPPLIES		22.9	54.0	54.0	54.0	54.0
EQUIPMENT		168.2	51.0	17.5	17.5	17.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	448.9	682.6	649.1	649.1	649.1
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	249.0	498.0	530.0	530.0	530.0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		248.9	432.6	399.1	399.1	399.1
FEDERAL FUNDS		200.0	250.0	250.0	250.0	250.0
OTHER						
TOTAL	-0-	448.9	682.6	649.1	649.1	649.1

POSITIONS:

FULL-TIME	-0-	4	4	4	4	4
PART-TIME	-0-	10	12	12	12	12
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would establish boating safety, boating accident, and boat numbering requirements for the state. The responsibility for implementing and enforcing this law would be with the Department of Public Safety's Division of Fish and Wildlife Protection. The administrative headquarters for this new "Boating Safety Section" would be in Anchorage.
(continued on page 2)

Prepared by: Gretchen Pence, Special Assistant Phone: 465-4322
 Division: Commissioner's Office Date: 3/21/89
 Approved by Commissioner: G.A. Hostetler Date: 3-22-89
 Agency: Public Safety

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 111 (SA)

In order to implement this bill, the Department would hire a total of 16 new employees (4 full-time and 12 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, 2 Data Processing Clerks, Accounting Clerk, and 10 Compliance Officers (seasonal safety and enforcement officers; 8 of the Compliance Offices will be hired the first year, and an additional 2 [Soldotna] the second year).

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

The boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation. In fact, beginning the second year of the program, it will generate approximately \$65.0 in additional revenues, and up to \$130.0 in future years.

All costs in this fiscal note assume a start-up date of January 1, 1990.

I. Restricted

Anticipate \$200.0 in federal funds for the first year, and approximately \$250.0 for subsequent years. Federal grant award monies can fund no more than 50 percent of the total appropriation. The above stated numbers are the maximum anticipated to be available.

II. Unrestricted Revenues (see chart pg. 3)

Vessel Registrations

CONTINUATION OF FISCAL NOTE ANALYSIS
For Bill/Resolution No. CSSB 111 (SA)

Revenue estimates:

II. <u>Unrestricted</u>	Registered Boats 30,000	Boats Currently Not Registered Carried Through the Triennial Cycle					Fines Aprox. \$32.0 Year	TOTAL REVENUE
		6,600 1st Yr \$30 X	6,600 2nd Yr \$30 X	6,600 3rd Yr \$30 X	6,600 4th Yr \$30 X	6,600 5th Yr \$30 X		
Number of Boats to Register By Year	\$30 X							
1st Year (90) 10000+6600	\$300.0	\$198.0	- - -	- - -	- - -	- - -	\$	\$498.0
2nd Year (91) 10000+6600	300.0	- - -	\$198.0	- - -	- - -	- - -		498.0
3rd Year (92) 10000+6600	300.0	- - -	- - -	\$198.0	- - -	- - -	32.0	530.0
4th Year (93) 10000+6600	300.0	- - -	- - -	- - -	\$198.0	- - -	32.0	530.0
5th Year (94) 10000+6600	300.0	- - -	- - -	- - -	- - -	\$198.0	32.0	530.0

Notes:

1. Boat registration fee is \$10.00 per year; registrations are issued for three years, therefore, \$30.00 triennial fee.
2. According to our estimates, by the fourth year there will be approximately 50,000 boats registered.
3. Of the 30,000 boats already registered, we estimate 33 1/3% (or 10,000 boats) will register during the 1st year, 10,000 in the 2nd year, and the remainder (10,000) in the 3rd year.
4. Register 6,600 boats currently not registered during each year for three years (Coast Guard estimates 20,000 boats not registered). Anticipate three-year period before majority of citizens would be in compliance.
5. Estimate \$32.0 in fines levied per year, beginning in 1992.
6. During the first year of the program, the State will be registering vessels for only six months; therefore, only approximately 1/2 of the anticipated revenues will be available.

SUMMARY OF PERSONNEL

Education Specialist I (PFT)

The Education Specialist would be responsible for designing the State's boating safety program in coordination with Federal, State, and local authorities, as well as with private organizations.

This position will train, or be responsible for training, departmental employees on how to conduct boating safety education training. This individual will be the unit supervisor.

Publication Specialist I (PPT)

The part-time Publication Specialist will be responsible for re-designing all forms (from Federal to State) for the boating safety program, reviewing all available boating safety printed materials and adapting selected materials to be specific for Alaska, as well as producing boating safety public service announcements and video spots.

Clerk Typist II (PFT)

This position will provide clerical support needed through the typing and filing of correspondence, training materials and related documents. Will also be responsible for distributing the boating safety correspondence training materials.

Data Processing Clerk II (2 PFT)

These positions will be responsible for processing vessel registrations as well as accepting and processing all data concerning boating and watercraft material, i.e. accident data and statistics. These positions will also be responsible for maintenance of data.

Accounting Clerk III (PPT)

This part-time position will perform all accounting duties for the boating safety unit. Duties will include: accounting for and depositing all vessel registration fees, vendor payments, research and communications, document filing, record keeping and reports required for adequate administrative controls.

SUMMARY OF PERSONNEL Continued

Compliance Officers

(10 PPT, Seasonal)

These 10 seasonal Compliance Officers will work in teams of two (for safety reasons), and will be assigned to Juneau, Palmer, Homer, Fairbanks, and Soldotna (the team in Soldotna will start in FY 91). The five Compliance Teams will provide roving patrols and will be responsible for the seasonal enforcement of the statutes modified by SB 111. They will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigate accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and cite suspected violators.

They will also offer training classes in areas where classes are not currently offered by the Coast Guard Auxiliary or another organization.

Position Title Education Specialist I		No. of Positions 1	Range/Step 19A	Barg. Unit GCU
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 7
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary*	40.0	////////////////////////////////////		
Benefits*	16.2	////////////////////////////////////		
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	56.2		
Travel		9.0		
Contractual		60.0		
Commodities		3.0		
Equipment		1.0		
Other				
Total Cost		129.2		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	62.9		
G.F. Match	1003			
General Fund	1004	66.3		
*F Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				

The Education Specialist would be responsible for designing a boating safety program in coordination with Federal, State, and local authorities, as well as with private organizations. Further, this position will manage all aspects of contracting with other agencies for performance of registration, record keeping, and education; will provide oversight of activity, reporting of statistics, federal responsibility of the new section.

This position will train, or be responsible for training, departmental employees on how to conduct boating safety education training. This individual will be the unit supervisor.

Contractual monies included with this position are for contracting with private groups to provide boating safety education programs in some areas of the state. \$26.0 is budgeted for FY90.

REQUEST FOR
NEW POSITION

Agency Public Safety
BRU Fish and Wildlife Protection
Component Boating and Watercraft Safety

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Revised Date

FY 91

Position Title Publication Specialist I		No. of Positions 1	Range/Step 13A	Barg. Unit GGU
Time Status PPT	Staff Months 6.0	Location Anchorage		Election District 7
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary*	13.2	////////////////////////////////////		
Benefits*	4.9	////////////////////////////////////		
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	18.1		
Travel				
Contractual		31.0		
Commodities		3.0		
Equipment		1.0		
Other				
Total Cost		53.1		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	25.5		
G.F. Match	1003			
General Fund	1004	27.6		
GF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				

This position would be responsible for assisting in designing a boating safety printed program in coordination with Federal, State and local authorities, as well as with private organizations. Contractual costs include funds needed for video and printed material for the boating safety program. Additional minimal support costs are included.

REQUEST FOR
NEW POSITION

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Component Boating and Watercraft Safety

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FY 91

Position Title Clerk Typist II			No. of Positions 1	Range/Step 7A	Barg. Unit GGU
Time Status PFT	Staff Months 12.0 months		Location Anchorage		Election District 7
////////////////////////////////////			Justification		
Type of Expenditure		Amount		<p>This position will provide clerical support needed through the typing and filing of correspondence, training materials and related documents.</p> <p>Additional minimal support costs are included.</p>	
1	2	3			
Salary*	18.5	////////////////////////////////////			
Benefits*	10.0	////////////////////////////////////			
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	28.5			
Travel					
Contractual		6.0			
Commodities		2.5			
Equipment		2.0			
Other					
Total Cost		39.0			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	18.0			
G.F. Match	1003				
General Fund	1004	21.0			
GF Program Receipts	1005				
CIP Receipts	1061				
Other					
*Personal Services Salary and Benefits Costs are from PACS.					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					

REQUEST FOR
NEW POSITION

Agency Public Safety
 BRU Fish and Wildlife Protection
 Component Boating and Water Safety

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 Revised Date

FY 91

Position Title Data Processing Clerk II		No. of Positions 2	Range/Step 9A	Barg. Unit GGU
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 7
////////////////////////////////////				
Type of Expenditure			Justification	
Amount				
1	2	3		
Salary*	41.5	////////////////////////////////////	These positions will be responsible for the accepting and processing of data on boating and watercraft material, i.e. registration and accident data. These positions will also be responsible for maintenance of data.	
Benefits*	22.3	////////////////////////////////////		
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	63.8		
Travel			Additional minimal support costs are included.	
Contractual		6.0		
Commodities		2.0		
Equipment				
Other				
Total Cost		71.8		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	34.9		
G.F. Match	1003			
General Fund	1004	36.9		
GF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				

REQUEST FOR
NEW POSITION

Agency Public Safety
 BRU Fish and Wildlife Protection
 Component Boating and Watercraft Safety

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 Revised Date

FY 91

Position Title Accounting Clerk III			No. of Positions 1	Range/Step 9A	Barg. Unit CCU
Time Status PPT	Staff Months 6.0		Location Anchorage		Election District 7
////////////////////////////////////			Justification		
Type of Expenditure		Amount		<p>This part-time position will perform all accounting duties for the boating safety unit. Duties will include vendor payments, research and communications, document filing, petty cash, reconciliation of statements, travel payments, record keeping and reports required for adequate administrative controls.</p> <p>Additional minimal support costs are included.</p>	
1	2	3			
Salary*	10.4	////////////////////////////////////			
Benefits*	5.5	////////////////////////////////////			
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	15.9			
Travel					
Contractual		1.0			
Commodities		2.0			
Equipment		1.0			
Other					
Total Cost		19.9			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	9.9			
G.F. Match	1003				
General Fund	1004	10.0			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS.					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					

REQUEST FOR
NEW POSITION

Agency Department of Public Safety
 BR'I Fish and Wildlife Protection
 Component Boating and Watercraft Safety

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 Revised Date

FY 91

Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit GCU
Time Status S	Staff Months 6.0 months		Location Juneau	Election District 4	
////////////////////////////////////			Justification		
Type of Expenditure		Amount		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 20' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expenses).</p>	
1	2	3			
Salary*	27.2	////////////////////////////////////			
Benefits*	12.7	////////////////////////////////////			
Premium Pay (Included in above)	2.3	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	39.9			
Travel		5.0			
Contractual		13.5			
Commodities		8.3			
Equipment		45.2			
Other					
Total Cost		111.9			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	54.3			
G.F. Match	1003				
General Fund	1004	57.6			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// ////////////////////////////////////					

REQUEST FOR
NEW POSITION

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BRU Fish and Wildlife Protection
Component Boating & Watercraft Safety

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FY 91

Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit GCU
Time Status S	Staff Months 6.0 months		Location Palmer	Election District 16	
////////////////////////////////////			Justification		
Type of Expenditure		Amount			
1	2	3			
Salary*	25.6	////////////////////////////////////			
Benefits*	10.3	////////////////////////////////////			
Premium Pay (Included in above)	2.4	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	35.9			
Travel		3.5			
Contractual		13.5			
Commodities		8.3			
Equipment		33.5			
Other					
Total Cost		94.7			
////////////////////////////////////			Approximately 10 hours of overtime for each month of position funding will be required.		
Funding Source for Total Cost					
Federal Receipts	1002	46.2			
G.F. Match	1003				
General Fund	1004	48.5			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// ////////////////////////////////////			Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expense).		

REQUEST FOR
NEW POSITION

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FY 91

Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit GCU	
Time Status S	Staff Months 6.0 months		Location Homer	Election District 5		
////////////////////////////////////			Justification			
Type of Expenditure		Amount		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 22' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expenses).</p>		
1	2	3				
Salary*	28.9	////////////////////////////////////				
Benefits*	13.2	////////////////////////////////////				
Premium Pay (Included in above)	2.4	////////////////////////////////////				
Other	////////////////////////////////////	////////////////////////////////////				
Total Personal Services	////////////////////////////////////	42.1				
Travel		5.0				
Contractual		13.5				
Commodities		8.3				
Equipment		51.0				
Other						
Total Cost		119.9				
////////////////////////////////////						
Funding Source for Total Cost						
Federal Receipts	1002	55.2				
G.F. Match	1003					
General Fund	1004	64.7				
GF Program Receipts	1005					
Other						
*Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// ////////////////////////////////////						

REQUEST FOR
NEW POSITION

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BRU Fish and Wildlife Protection
Component Boating & Watercraft Safety

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FY 91

Position Title Compliance Officers		No. of Positions 2	Range/Step 12A	Barg. Unit GCU
Time Status S	Staff Months 6.0 months	Location Fairbanks		Election District 20
////////////////////////////////////		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary*	28.2	////////////////////////////////////		
Benefits*	11.0	////////////////////////////////////		
Premium Pay (Included in above)	2.6	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services		39.2		
Travel		3.5		
Contractual		13.5		
Commodities		8.3		
Equipment		33.5		
Other				
Total Cost		98.0		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	48.0		
G.F. Match	1003			
General Fund	1004	50.0		
GF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.		Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 18' River boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expenses).		
////////////////////////////////////				
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////////////////////////////////////				
////////////////////////////////////				

REQUEST FOR
NEW POSITION

Agency Public Safety
BRU Fish and Wildlife Protection
Component Boating & Watercraft Safety

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Revised Date

FY 91

Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit CGU	
Time Status S	Staff Months 6.0 months		Location Soldotna	Election District 5		
////////////////////////////////////			Justification			
Type of Expenditure		Amount		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCf pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 91 expenses).</p>		
1	2	3				
Salary*	26.5	////////////////////////////////////				
Benefits*	10.5	////////////////////////////////////				
Premium Pay (Included in above)	2.5	////////////////////////////////////				
Other	////////////////////////////////////	////////////////////////////////////				
Total Personal Services		////////////////////////////////////	37.0			
Travel			3.5			
Contractual			13.5			
Commodities			8.3			
Equipment			33.5			
Other						
Total Cost			95.8			
////////////////////////////////////						
Funding Source for Total Cost						
Federal Receipts	1002		45.8			
G.F. Match	1003					
General Fund	1004		50.0			
GF Program Receipts	1005					
Other						
*Personal Services Salary and Benefits Costs are from PACS.						
////////////////////////////////////						
////////////////////////////////////						
////////////////////////////////////						
////////////////////////////////////						
////////////////////////////////////						

REQUEST FOR
NEW POSITION

Agency Public Safety
BRU Fish and Wildlife Protection
Component Boating & Watercraft Safety

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Revised Date

FY 91

FISCAL NOTE

REQUEST

Revision Date: _____ Agency Affected: Public Safety
 Title: "An Act relating to boating safety..." BRU: Fish and Wildlife Protection
 Sponsor: Senator Sturqulewski Components: Boating & Water Safety
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		188.3	462.0	462.0	462.0	462.0
TRAVEL		17.0	42.0	42.0	42.0	42.0
CONTRACTUAL		89.5	209.0	209.0	209.0	209.0
SUPPLIES		31.3	82.5	82.5	82.5	82.5
EQUIPMENT		201.7	109.9	17.5	17.5	17.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	527.8	905.4	813.0	813.0	813.0
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	249.0	498.0	530.0	530.0	530.0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		277.8	595.4	503.0	503.0	503.0
FEDERAL FUNDS		250.0	310.0	310.0	310.0	310.0
OTHER						
TOTAL	-0-	527.8	905.4	813.0	813.0	813.0

POSITIONS:

FULL-TIME	-0-	4	4	4	4	4
PART-TIME	-0-	12	16	16	16	16
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would establish boating safety, boating accident, and boat numbering requirements for the state. The responsibility for implementing and enforcing this law would be with the Department of Public Safety's Division of Fish and Wildlife Protection. The administrative headquarters for this new "Boating Safety Section" would be in Anchorage.
(continued on page 2)

JMC
2/28/89 Prepared by: Gretchen Pence, Special Assistant Phone: 465-4322
 Division: Commissioner's Office Date: 2/21/89
 Approved by Commissioner: [Signature] Date: 2-27-89
 Agency: Public Safety

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 111

In order to implement this bill, the Department would hire a total of 20 new employees (4 full-time and 16 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, 2 Data Processing Clerks, Accounting Clerk, and 14 Compliance Officers (seasonal safety and enforcement officers). Ten Compliance Officers will be hired the first year, and an additional four the second year of the program.

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

Beginning in FY 92, after the initial start-up costs of purchasing equipment are covered, the boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation.

All costs in this fiscal note assume a start-up date of January 1, 1990.

I. Restricted

Anticipate \$250.0 in federal funds for the first year, and approximately \$310.0 for subsequent years. Federal grant award monies can fund no more than 50 percent of the total appropriation, with a maximum of the above stated numbers.

II. Unrestricted Revenues (see chart pg. 3)

Vessel Registrations

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 4, 1989

SUBJECT: Sectional Summary of SB 111; An Act relating to boating safety, boating accidents, and boat numbering; and providing for an effective date

TO: Senator Arliss Sturgulewski

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum is the sectional summary of SB 111 requested by Frank Homan of your staff.

A sectional summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill provides for reporting of boating accidents and for enforcement of boating safety standards and boat numbering requirements by the Department of Public Safety.

ARTICLE 1. BOATING SAFETY.

Sec. 05.25.200 requires the Department of Public Safety to offer educational programs to reduce boating accidents.

Sec. 05.25.210 sets out the safety equipment that a boat must carry.

A boat must carry and exhibit a white light that is visible all around the horizon.

A boat must carry one flotation device for each person on the boat. The flotation device must be of a type approved by the Coast Guard for the class of vessel.

The commissioner of public safety may require a boat or class of boats to carry additional safety equipment.

Sec. 05.25.220 sets out the requirements for boats operating in the vicinity of divers.

A diver may display a diver's flag while in the water. The diver must remain within 100 feet of the flag while at or near the surface. The minimum size and design of the flag are set out.

A boat operator must proceed with caution in the vicinity of a diver's flag.

A diver's flag may be used with, but not in place of, any flag required by the Coast Guard.

Sec. 05.25.230 prohibits a person to operate a boat, water skis, surfboard, or other similar device in a negligent manner, or to operate a boat that is not equipped as required by this chapter.

Sec. 05.25.290 provides that AS 05.25.210 - 05.25.290 are applicable to all water in the state to the extent that the federal government does not have a conflicting regulation. Federal regulations prevail over state law where there is a conflict.

The commissioner of public safety shall adopt regulations to implement AS 05.25.210 - 05.25.290. These regulations shall specify those waters of the state to which each regulation applies.

ARTICLE 2. BOATING ACCIDENTS.

Sec. 05.25.300 sets out the duties of boat operators and witnesses at boating accidents.

The operator of a boat that is involved in a boating accident that results in death, injury, or property damage shall remain at the scene of the accident and render reasonable assistance to injured persons and provide the names of occupants and the identifying number of the operator's boat to operators or survivors of the other boats involved in the accident.

A witness to a boating accident shall provide the witness's name to the operator and occupants of each boat involved in the accident, to injured persons, and to the owner of the property damaged in the accident.

Sec. 05.25 305 provides for reports of boating accidents involving the death or disappearance of a person.

The operator of a boat involved in an accident resulting in the death or disappearance of a person must notify the department of relevant information as soon as possible. If the operator of the boat is not available to give the notice, the owner or other persons on the boat must give the notice to the department.

Sec. 05.25.310 provides for reports to the department of accidents involving death, injury, or disappearance of a person or significant property damage or loss of the boat.

The department may require persons to submit supplemental reports. The department may also require witnesses to submit reports.

A report is required within 48 hours after the accident if a person dies within 24 hours after the accident, is injured, or disappears as the result of an accident. Reports not required to be submitted within 48 hours must be submitted within 10 days after the accident.

The department shall provide forms for reporting accidents. The forms shall request information required by Coast Guard regulations.

Sec. 05.25.315 provides that the state registrar of vital statistics shall forward to the department a copy of the death certificate for each death resulting from a boating accident.

Sec. 05.25.320 provides for the confidentiality of accident reports.

Accident reports are confidential and are solely for the use of administrative and enforcement agencies.

The department may disclose the following information to a party involved in an accident: the identity of the owner, operator, and occupants of each boat involved in the accident, the identifying number of each boat, the names of insurance companies insuring parties involved in the accident, and the identity of witnesses.

Accident reports may not be used as evidence in a civil action or criminal prosecution arising out of the action.

The department shall compile and analyze information from accident reports. The department shall publish statistical information on boating accidents.

The department shall provide information on accidents to federal officials as required by federal law.

Sec. 05.25.325 provides that AS 05.25.300 - 05.25.325 apply to all boats operated in the state except those exempted by state or federal law. Among the vessels exempted from AS 05.25.300 - 05.25.325 are documented vessels operated only for nonrecreational purposes, foreign boats temporarily in state water for nonrecreational purposes, boats owned and operated by the federal government, and a ship's lifeboat.

ARTICLE 3. NUMBERING AND REGISTRATION.

Sec. 05.25.400 requires boats to have a certificate of number.

A person may not operate a boat unless the owner of the boat holds a certificate of number for the boat and the certificate of number is carried on the boat and accessible for inspection.

Certain boats that are leased for a short term, noncommercial purpose are exempted from the requirement that the certificate be on board the boat if certain conditions are satisfied.

Sec. 05.25.405 provides for the placement of a boat's identifying number and decal.

A boat may not be operated in this state unless the boat displays its identification number and validation decal.

An identifying number shall be permanently located on the forward half of the boat or other appropriate position so that it is readily visible. No other number may appear on the forward half of the boat. The validation decal shall be placed three inches behind the identifying number.

Sec. 05.25.410 provides for the application for a certificate of number.

The owner of a boat or a boat dealer shall apply to the department for an identifying number. The applicant for an identifying number shall sign the application and pay the application fee.

A certificate of number issued to a boat dealer may be valid for more than one boat.

Sec. 05.25.415 provides for the application for a certificate of number for a boat that has already been awarded a certificate of number by the federal government or another state.

The owner of a boat that already has an identifying number issued by the federal government or another state must apply for a certificate of number from the department within 10 days after the appropriate reciprocity period expires. The reciprocity periods are set out in AS 05.25.445(6) and (7).

Sec. 05.25.420 provides for certificate of number fees to be set by the department.

Sec. 05.25.425 provides for the issuance of certificate of number and validation decals. The certificate of number must be wallet size and contain information describing the boat. The color of the validation decal shall be rotated over a four-year cycle.

Sec. 05.25.430 provides for the expiration of certificates of number and renewal and reissuance of certificates of number and validation decals. The identifying number of the boat does not change when the certificate of number is renewed.

Sec. 05.25.435 provides that a certificate of number is invalid if the boat is subsequently documented, the boat is destroyed, the applicant provides false information on the application, the boat has left the state for 60 days, or the owner of the boat loses ownership of the boat.

Sec. 05.25.440 provides that the owner of a boat must inform the department if the boat is transferred or sold, lost, stolen, recovered, or destroyed. The owner must also inform the department when the boat is no longer principally used in the state. The owner of a boat must also report a change of address.

Sec. 05.25.445 provides for exemptions from AS 05.25.400 - 05.25.440 for boats that are documented, foreign boats operated only temporarily in state water, owned and operated by the federal government or the state (other than a recreational type boat), a ship's lifeboat, or otherwise granted an exemption. Boats with a certificate of number issued by the federal government or another state are exempt for certain periods after entering the state.

ARTICLE 4. GENERAL PROVISIONS.

Sec. 05.25.900 provides for accounting and disposition of fees collected under this chapter.

Sec. 05.25.910 provides that the commissioner of public safety may exempt boats from provisions of this chapter, except when the exemption is inconsistent with federal law.

Sec. 05.25.920 provides for enforcement of this chapter by peace officers.

Sec. 05.25.930 provides that a violation of this chapter is a misdemeanor and is punishable by a fine of not more than \$500 or imprisonment for not more than six months or both.

Sec. 05.25.940 provides that the commissioner of public safety shall adopt regulations under the Administrative Procedure Act as necessary to implement this chapter.

Sec. 05.25.990 establishes definitions of "boat", "certificate of number", "commissioner", "dealer", "department", "length", "operate", "owner", "ownership", "passenger", "state of principal use", and "state water".

Section 2 of the bill repeals the existing state statutes relating to the operation of boats and boating safety, AS 05.25.010 - 05.25.100.

Section 3 of the bill provides that this Act takes effect January 1, 1990.

Position Paper

CS for SB 111 (SA)

For an Act entitled: "An Act relating to boating safety, boating accidents, and boat numbering;"

This Act amends AS 05.25 by adding sections requiring boats to carry specific safety equipment and outlines the procedures to be followed on reporting boating accidents. This bill also requires boats to be registered with the Department of Public Safety, to display registration numbers on the boat, and maintain a current registration on the boat when in operation.

The Department of Health and Social Services supports the passage of SB 111 and its intent to reduce boating accidents and their associated deaths and injuries.

Background

Traumatic injuries are the leading cause of death in Alaska. Among the causes of unintentional injuries, water transport related deaths are second only to deaths from motor vehicle accidents. In 1985 there were 94 deaths reported related to water transport accidents and 25 additional deaths due to drowning were recorded.

The Department of Health and Social Services has long recognized the magnitude of this problem. To address it the department has developed a water safety curriculum for children ("Cold Water Winners"). In cooperation with the Department of Public Safety, the University of Alaska Marine Advisory Program and various private agencies, the department has also developed an extensive marine safety and survival curriculum and a network of volunteer marine safety instructors. The continuation of these activities should be supported by the passage of this bill by making available federal funds that have been inaccessible in the past. Appropriations made to carry out the purposes of this bill should specifically include the provision of boating safety training as well as the administration of registration and accident reporting functions.

Position

The Department of Health and Social Services supports the passage of this bill and the improvement in accident reporting and boating safety equipment and training to reduce boating accidents.

Position Paper, CS for SB 111 (SA), page 2

Recommended by: Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: March 26, 1989

Approved by: Myra W. Munson
Myra W. Munson
Commissioner
Department of Health and
Social Services

Date: ~~March 26, 1989~~ April 19, 1989

4/14/89
Senator Eliason

I am here to testify against Senate Bill 111.

This type of legislation has been around since the late 1960's and has never passed, due, I feel, to the infinite wisdom of prior legislatures!

I am a firm believer in safe boating. I have been a fisherman for most of my life and I understand fully the importance of having a working knowledge of marine safety. This is why I wholeheartedly support and commend the work that is being done throughout the state by the Alaska Marine Safety Education Association, or "AMSEA", and its member organizations (which include groups such as the University of Alaska Marine Advisory Program, Alaska Department of Education's Vocational Technical School, Northstar Survival, Inc. and others.)

AMSEA is in the process of expanding an instructor training network in Alaska to provide workshops, information, and demonstrations on marine safety, in communities throughout the state. (To date over 80 people have gone through this instructor training course and now teach in their home communities.)

In 1988, over 3,000 people attended AMSEA's marine safety classes so it is clear that there are excellent marine safety programs being offered statewide.

In addition to the educational opportunities currently available in the state, Congress passed into law the Commercial Fishing Industry Vessel Safety Act of 1988. This Act specifies very detailed requirements for safety equipment aboard fishing vessels. Equipment that will be required, ranges from fire extinguishers and survival suits, to life boats and EPIRBs, depending upon the size of the vessel. This Act also establishes a Commercial Fishing Industry Vessel Advisory Committee, (which the director of AMSEA has recently been appointed to.)

This Act outlines very stiff criteria that fishing vessels must meet with regards to vessel safety equipment. I feel that the requirements could meet even the toughest safety standards. On the other hand, I believe that the title of SB 111 is false advertising. The first two pages of this bill deal with boating safety--the other 13 outline boat registration requirements, placement of of number and decal, fees, enforcement, penalties, and regulations.

Aside from directing the Department of Public Safety to offer boating safety classes, this bill is aimed not at marine safety, but at adding another layer of bureaucracy to the

complicated registration process already in place for Alaskan boaters.

There has not been a lot of publicity on this bill and I believe that if boat owners around the state took the time to read and understand it, they would be extremely upset.

This bill would shift the responsibility for boat registration from the United States Coast Guard to the Alaska Department of Public Safety. This would be at great expense to the state of Alaska, (much more, I feel, than the fiscal note implies.)

Under current Coast Guard regulations, boats that travel on waters that have been formally classified as navigable are required to be registered with the Coast Guard. Aside from the ocean, this includes only eight waterways in Alaska, (the Yukon River is not classified as navigable).

With the passage of SB 111, all boats in the state, if put into any little river or lake in the state, would be subject to this boat registration requirement. There are approximately 30,000 registered boats in the state right now, the vast majority of which are located in coastal communities.

The Coast Guard estimates that there are another 20,000 that do not currently fall under the registration requirement, but would be subjected to the requirement if they were to put

their boat in virtually any water in the state. This means that any boater in the interior of Alaska wishing to put his skiff in a lake would be forced to first register with the Department of Public Safety.

Not only would a possible 20,000 additional boaters be required to register, the fee would be raised from \$6.00 to \$30.00 per three year registration period.

Additional paperwork, fees, and hassle is not what the boaters of Alaska need. They need good marine safety education programs that are readily accessible to them. There is a very real danger that passage of this bill would give us a false sense of security, having us believe that somehow we have "taken care of" the issue of boating safety. In reality, SB 111 barely addresses the issue of marine safety.

This legislation not only puts a great burden on Alaskan boaters; it would be done at an undeniably large expense to the State of Alaska. *TORPEDO THE B.I.X.*

Alaska State Legislature

SENATOR
ARLISS STURGULEWSKI



2937 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

White in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

PRESS RELEASE

By: Senator Arliss Sturgulewski
Contact: Frank Homan
465-3818

January 13, 1989

Senator Arliss Sturgulewski today introduced legislation (SB 111) establishing an Alaska boating safety program. The U.S. Coast Guard has stated that the death rate from recreational boating accidents in Alaska on a per capita basis is 28 times the national average. In the past four years, data provided by the state's Vital Statistics Research Section shows that boating related drownings are second only to motor vehicle accidents as a cause of unintentional deaths in Alaska. Boating related deaths have exceeded air craft accidents and fire fatalities during the four years from 1984 to 1987. For example, during that time an average of 57 deaths per year have occurred because of boating related drownings.

"These deaths are unnecessary and could have been prevented," Senator Sturgulewski said. "It is not acceptable that Alaska is the only state in the Union without a boating safety program. We need to correct this flaw," she said. "We need to protect the citizens of our state as well as the growing number of visitors coming to experience our great outdoors. I am particularly thankful to Admiral Nelson of the U.S. Coast Guard for his help and support for this legislation. He has been doing a fine job of bringing this issue to the public despite Coast Guard funding cuts on the national level," Sturgulewski said.

The Coast Guard would still continue their safety programs in federal waters and for documented vessels. The state would be responsible for all state waters including inland water where no program now exists. According to the U.S. Coast Guard, fatalities have decreased when a boating safety program has been established.

Sturgulewski said "I am introducing this new program for Alaska at this time because it does not have a direct impact on the state's general fund. The federal government provides funding to all states that develop a boating safety program and Alaska's share will be approximately \$250,000 per year. In addition," she said, "funds will also come from program receipts from the boating registration fees."

"There is increasing public awareness of the terrible personal tragedy associated with boating fatalities in Alaska and it is my hope that this legislation will lead to preventing the needless loss of life," she concluded.

The legislation has four main sections. The first and most important requires that the Department of Public Safety make available a boating safety education program to the public. Since there are groups capable of providing a public education program, the legislation allows the Department to contract out this requirement. The second section incorporates existing statutory requirements dealing with boating accident reporting to the Department. The third section establishes a boat registration program

7

based on the already established and familiar U.S. Coast Guard program. The U.S. Coast Guard would turn over much of their program to the state. The final section outlines the enforcement and penalties established under the program. Senator Sturgulewski emphasized that the purpose of the legislation is safety oriented and that a wide spread public education program be established and conducted before any enforcement occur.

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

White in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

MEMORANDUM

January 6, 1989

TO: All Senators

FROM: Senator Arliss Sturgulewski *AS*

RE: Boating Safety Legislation/Co-sponsorship

Alaska has the highest boating fatality rate in the nation. The U.S. Coast Guard has stated that Alaska's recreational boating death rate on a per capita basis is 28 times the national average. In 1987 there were 46 recreational boating deaths and 70% of these occurred in the inland regions of Alaska where no boating safety program exists.

Alaska is the only state in the Union without a boating safety program. The U.S. Coast Guard concentrates its efforts in federal waters and on commercial vessels but there is no statewide organized program for recreational boating.

There would be no general fund impact by establishing this program. Federal funds are available if Alaska adopts a boating safety and registration program. An estimated \$250,000 from federal funds would be available each year. The remaining funds would come from program receipts from the boating registration fees.

There is growing support for a boating safety bill and I will be re-introducing the attached legislation again this session.

If you would like to add your name as a co-sponsor, please contact Frank Homan on my staff at 465-3818 before Friday, January 13.

Attachment

Alaska Marine Safety Education Association

Box 2592, Sitka, Alaska 99835

(907) 747-3287

February 6, 1989

Senator Arliss Sturgulewski, Chairman
Senate Rules Committee
P.O. Box V
Juneau, Ak. 99811

Dear Senator Sturgulewski:

This letter is to encourage your continuing support for SB 111, the Safe Boating Act. Alaska is the only state in the nation without a Safe Boating Act and has a boating fatality rate 28 times the national average. This accident rate is even higher in the Interior of our state where no one is doing boating safety programs. Yet according to the U.S. Coast Guard, when boating safety programs are available, fatalities decrease.

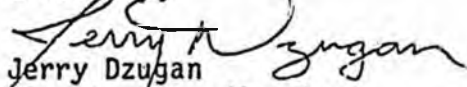
In these tight fiscal times, the introduction of new programs will not be popular. However, this Act asks for no funds from the state that will not be recovered by the program itself. In fact, this Act will allow for \$250,000 in federal money to come into the state for boating safety education programs every year.

SB 111 makes good sense and is long overdue. It is time for the state to stop ignoring its horrendous boating safety record and face its responsibility to members of the boating public. Last Fall, millions of dollars were spent trying to save two Grey Whales from drowning. We believe that the lives of Alaskans are also worthy of being saved.

We are an association of groups cooperating in water safety training within Alaska. We have seen the important role education plays in injury prevention. This is especially important to the children of this state since they are the future boaters of this state. Funds for boating safety education in Alaska are almost nonexistent. For the continued operation of programs such as ours, and the other reasons mentioned above, the Safe Boating Act is a priority piece of legislation that must be passed in this session. Please give this Act your support.

Please feel free to contact us if you would like any other information or if we can help in any way.

Sincerely,


Jerry Dzugan
Director/Coordinator

c.c. Senator Pat Pourchot
Senator Rick Uehling
Senator Dick Eliason
Representative Ben Grussendorf

MEMBER ORGANIZATIONS

Alaska Department of Health & Social Services,
Emergency Medical Services Section
Alaska Department of Public Safety
Northstar Survival, Inc.
Southeast Alaska Regional Health Corporation

Southeast Regional Emergency Medical Services Council
United States Coast Guard
University of Alaska Marine Advisory Program
Alaska Department of Education
Alaska Vocational Technical School (AVTEC)

Alaska Marine Safety Education Association

Box 2592, Sitka, Alaska 99835

(907) 747 5287

March 9, 1989

Mr. Arthur English, Commissioner
Department of Public Safety
450 Whittier Street
P.O. Box N
Juneau, Alaska 99811

Dear Mr. English:

The Alaska Marine Education Association (AMSEA) has been active in the state in promoting marine safety education and related activities. Once again a Safe Boating Act (SB 111) has come up in the legislature for consideration. AMSEA feels that it is very important for this state take the responsibility for boating safety by adopting an Act of this sort as all the other states (and most of the possessions) of the United States have already done. The boating safety record of this state should be enough evidence of the need for an Act of this nature.

AMSEA's Board of Directors would urge you to adopt a flexible position in terms of supporting this Act. The Safe Boating Act has a better chance of passing this session than any session to date. The role of the Department of Public Safety is going to be critical during this process however. We urge you to give this Act the very serious consideration and support it deserves. Thank you for your thoughtful attention to the matter.

Sincerely,


Jerry Dzugan
Director/Training Coordinator

MEMBER ORGANIZATIONS

Alaska Department of Health & Social Services,
Emergency Medical Services Section
Alaska Department of Public Safety
Northstar Survival, Inc.
Southeast Alaska Regional Health Corporation

Southeast Regional Emergency Medical Services Council
United States Coast Guard
University of Alaska Marine Advisory Program
Alaska Department of Education
Alaska Vocational Technical School (AVTEC)

ALASKA
UNINTENTIONAL DEATH BY CAUSE 1984 - 1987

	Boating Related Drowning	Other Drowning	Air Transport	Fire	Motor Vehicle	Total Unin- tentional
1984	51	51	43	26	156	463
1985	73	25	73	28	156	488
1986	58	27	39	11	131	391
1987	46	18	65	16	96	355
TOTAL	228	121	220	81	539	1697
Average per year	57	30	55	20	135	424
% of Total	13%	7%	13%	5%	32%	100%

Source: Vital Statistics Research Section
Division of Public Health
Alaska Department of Health & Social Services

Note: Totals include non-residents

Safe boating law needed now

Capt. Michael Stenger is worried and frustrated. As chief of the Search and Rescue Branch of the 17th Coast Guard District, the men and women who work for him risk their lives to rescue Alaskans who get into trouble while boating. Many times, they reach the accident victims in time to save them. Sometimes — too many times — they can't reach them in time or the accidents occur on inland waters away from where the Coast Guard operates. In Alaska, 70 percent of all boating deaths in 1986 were on lakes and rivers.

He is worried because he knows dozens more Alaskans will needlessly die this year in boating accidents. He knows that because that has been the case every year. In 1986, for example, 53 Alaskans died in boating accidents.

That makes boating accidents second only to traffic accidents as the greatest cause of accidental death in our state. Alaska's boating death rate is 28 times the national average, based on a per-boat average.

He is frustrated because he knows more can be done to stem the rising tide of boating deaths. But the Alaska Legislature has refused to act, leaving Alaska as the only state without a safe boating law. California has one. Washington has one. Iowa has one. But Alaska doesn't.

Because Alaska doesn't have a safe boating law, safety education and awareness are lacking and enforcement of safe boating practices — especially on inland waterways — is lacking. And people are dying.

Would a safe boating law really make a difference in the death toll? Yes. Statistics show that since the federal Safe Boating Law was passed by Congress in 1971, the overall number of boating fatalities has decreased by 30 percent even though the number of boats has increased by 50 percent.

Stalled in both the state House and Senate finance committees are identical bills that would enact a safe boating law in Alaska.

Such a law would promote safety and safety education, and instead of draining the state treasury, it would make money for Alaska. Because it provides for the Department of Public Safety to take over boat registration, it would bring in about \$250,000 per year after administrative costs and the salaries of 16 people needed to run it are taken out.

One of the basic goals of the legislature is to ensure the safety of Alaskans. Without the passage of a safe boating law, this legislature cannot say it has fully lived up to that goal.

There may be reasons for not supporting a safe boating bill for Alaska, but no good ones.

ISSUE: Safe boating bills stalled in legislature

succeeded in his crusade to get the government to ban lawn darts. But bet on him.

The darts are about a foot long, with plastic fins and steel points. They are thrown at targets in a game comparable to horseshoes. Descending on a normal arc, they strike with a force that one researcher estimates at 23,000 pounds per square inch.

The mills of government grind slowly, and that is generally good. But for 18 years — longer than there

One stud

THE CHICAGO TRIBUNE

The assistant professor called all the way from upstate New York, seeking sympathy and understanding.

I could understand why she was upset. A federal judge had just sentenced her to six months in prison for having fraudulently obtained a student loan a few years ago.

She said she was shocked by the harsh sentence. While she expected to be punished, she couldn't believe that she would be sent to prison.

And I can understand that, too. The government has been ineffective, if not tolerant, in collecting billions of dollars in deadbeat student loans.

Government officials bluster and make threats, but little is done to get the money. There are too many deadbeats to chase down.

So suddenly Assistant Professor A'isha Ajayi, 30, found herself in front of a stern Vermont judge who says she must be locked up. (If you're curious about her name, she was born Karen Babcock, in Connecticut, but changed her name for religious reasons.)

Her reaction to the prison sentence is: "Why me?"

The sentence is unusual. Maybe other student deadbeats have been jailed, but she's the first that I've heard of.

"I was arrested last August," says Ms. Ajayi, who now teaches telecommunications at the State Uni-

LETTERS

Dear Editor:

It may have escaped your attention, but the state of Alaska, you, and the Alaska Marine Highway System, passed an historic milestone back in

2/17/89

Alaska Has Worst Record

A report released by the Johns Hopkins School of Public Health cites Alaska with the highest rate of injury deaths for children among the 50 states. More than one-third of the deaths in Alaska occurred among the Native population.

The survey covered the years 1980 to 1985, in which 248 Alaskan children under the age of 14 (35 of every 100,000) either died from drowning, house fires, motor accidents, airplane crashes, accidental gunshots, suffocation, suicide, or murder.

"We've known for a long time that injuries kill more U.S. children from birth to age 14 than cancer and infectious diseases combined," said Susan Baker, a co-author of the study.

Accidents on the roads, involving motor vehicles or bicycles, killed 54 Alaskan children during the six-year period. Other major causes of the deaths in our state were: drowning (48), house fires (26), homicide (19), and firearm accidents (18).

Nearly 35% of these children were Natives, though only 19.5% of Alaska's youth under 14 are Native.

Of the 248 deaths, 163 were male.

Dr. Peter Scales, executive director of the Anchorage Center for Families, blames these shocking figures on the lack of social services and on Alaska's dangerous sports.

Patty Merritt, chairman of Governor Steve Cowper's interim commission on children and youth, has indicated the same problems, citing the lack of transportation and medical facilities in rural areas.

February 8, 1989

To: Senator Arliss Sturgulewski, Chairman
Senate Rules Committee

From: Reed Reynolds, Director
Southeast Region Emergency Medical Services Council
207 Moller Drive, Sitka, AK 99835

For years the board and staff of Southeast Region Emergency Medical Services Council have witnessed the results of boating safety practices that are clearly inadequate. We have observed and supported the efforts of the young evolving Alaska Marine Safety Education Association. Such programs offer real hope for improvement in the record of Alaska's most unsafe industry.

However, it is our observation that boating in Alaska continues to be relatively unsafe. Public cost, costs to family and business, together with quality of life all cry out for the State of Alaska to provide direction. Boating safety efforts cannot achieve their full potential lacking the incentive and initiative of a state legislature which says unsafe boating practices in Alaska are not acceptable!

In late January, 1989, the commander of the Coast Guard base in Sitka commented before the Sitka Chamber of Commerce that Alaska is the only state without a boating safety act. You have been presented with facts which document the unsafe and high cost condition of boating in Alaska. It seems clear that we can no longer rely on the assumption of individual responsibility for boating safety. It is the opinion of the board and staff, the emergency medical services community in Southeast Alaska, that the State of Alaska must provide responsible direction and leadership towards a resolution of this tragic condition.

This letter offers the full support of the Southeast Region EMS Council for SB 111 and commend you, your staff and those working for improved boating safety in Alaska. Your leadership is recognized and appreciated. Please let us know if there is anything we can do that will assist those considering this legislation.

cc: Senator Pat Pouchot, Chairman
Senate State Affairs Committee

Senator Rick Uehling, Co-Chairman
Senate Finance Committee

Senator Jim Duncan
Senator Dick Eliason
Senator Lloyd Jones
Representative Peter Goll
Representative Ben Grussendorf
Representative Bill Hudson
Representative Robin Taylor
Representative Fran Ulmer



U.S. Department of Transportation
United States Coast Guard



Does Alaska need a safe boating law?

CCGD 17 (b)

One dead, one lost as skiff overturns Kodiak Man

On August 13, the Coast Guard suspended the search for John Sparks, 49, of Kodiak, who fell overboard the 36-foot seiner *Shadrack* somewhere near Whiting. The skipper of the *Shadrack* reported the man in the afternoon of August 12. He was last seen on deck heading for Ouzinkie. According to Coast Guard spokesman Mark Farmer, Sparks could not swim.

Search for boy suspended

JUNEAU — The U.S. Coast Guard and Alaska State Troopers suspended their search for a 17-year-old boy who disappeared on a raft trip near Cape St. Elias. Officer Glenn Rosenholm of the Coast Guard office in Juneau said the boy had been in Alaska about a week Wednesday when he was last seen. Tackett, of Hillsboro, had been in Alaska about a week Wednesday when he was last seen. Tackett, of Hillsboro, had been in Alaska about a week Wednesday when he was last seen.

2 teen-agers missing after raft trip

Fishing boat still missing

On August 13, the Coast Guard suspended the search for John Sparks, 49, of Kodiak, who fell overboard the 36-foot seiner *Shadrack* somewhere near Whiting. The skipper of the *Shadrack* reported the man in the afternoon of August 12. He was last seen on deck heading for Ouzinkie. According to Coast Guard spokesman Mark Farmer, Sparks could not swim.

Two lost at sea near Cape St. Elias

1 dead, 1 missing in skiff accident

Seas were rough Friday in the Kodiak area. The Coast Guard suspended the search for a man who was missing after a boat accident. Two men were rescued after the boat sank. One man was killed and another was missing.

Search on for family in dinghy

Boater Drowns

Search goes on for missing skipper

Coast Guard searches for Sitka seiner *Camelot*

2 dead after boat runs aground

SAFE BOATING BILL

Questions and Answers

Q. Why does the Coast Guard want Alaska to pass a Boating Bill?

A. Because Alaska has the highest boating death rate in the U.S.

Because the Coast Guard does not have jurisdiction over all waters of the state and there is no law applicable to many Alaskan boats.

Because a law forms the basis from which to educate people on a local level and on how they should equip their boats for their own safety.

Because an acceptable law will allow the federal government, through the Coast Guard, to enter into a mutual agreement with the state for conducting a coordinated educational program (and enforcement when and where necessary) throughout the state.

Because the state can receive federal funds to assist in boating safety activities.

Q. Just how bad is our boating safety record?

A. Terrible. During 1987 a total of 46 people lost their lives in recreational boating accidents in ALASKA. Approximately 40% of these were Alaskan natives. 70% of these tragedies occurred on inland Alaskan waters such as lakes, rivers, and sheltered waters. Only five other states had worse records but these states had between 11 and 28 times the number of registered boats than we have here. An important statistic is the number of fatalities per 100,000 boats. Alaska, a state that does not participate in the Federal/State Boating Safety Program, has a fatality rate 28 times the national average, per 100,000 registered boats.

Q. How do boating accidents compare with other causes of accidental deaths in Alaska?

A. In 1987 only traffic deaths caused a greater loss of life in Alaska.

Traffic Deaths - 76

Boating - 46

Aircraft
(Recreational) - 26

Fire - 22

Q. How can you legislate safety on boats?

A. You can't really. People must be simultaneously educated regarding the NEED for safety. A good example is traffic laws. They don't prevent all the accidents and deaths on the road - but they do give most people a safe guideline by which to drive.

Q. Would the state law be similar to federal law?

A. Yes. It would require boats to carry the same equipment required by Federal law. At present in Alaska there is no law requiring such things as red and green lights at night, fire extinguishers on boats of appropriate size and type, Coast Guard approved life-saving devices, etc.. In 60% of the 1987 fatalities, either there were no personal flotation devices on board, or approved devices that were accessible were not used.

Q. Why would the state want to take over the job of boat registration from the Coast Guard?

A. Net revenues to the state could amount to over 300K. This is not an overwhelming amount, but in these economically troubled times, this could mean some added revenues and a few new jobs. In addition to this, Alaska's unrealized share of Federal funds for boating safety last year was approximately 250K.

Q. Would a state law allow the state to put up speed limit signs, limit usage of public moorages, and erect aids to navigation on rivers and lakes?

A. To all those questions, yes.

Q. What would happen if a person violated the law within the three mile limit and was given a ticket by a state law enforcement official?

A. Much like a traffic ticket, he would appear before the local magistrate (unless he was merely given a warning). The magistrate would take appropriate action, knowing all the facts in the case. (When a person is cited by the Coast Guard, penalty is awarded by mail or through Federal Court).

Q. Will passage of this Bill result in less accidental boating deaths?

A. If past statistics can prove a point . . . YES! Since the passage of the Safe Boating Law of 1971, fatalities have decreased across the nation by 30% while the number of boats has increased by 50%. This statistic has to prove that a better educated public is a safer public. The Bill will provide a springboard for education and reasonable enforcement to the safety of all, and by this it will hopefully reduce our tragically high boating accident fatalities.

Q. Where can answers be obtained to questions not listed here?

A. Contact:

Chief, Boating Safety Division

Seventeenth Coast Guard District

Box 3-5000

Juneau, AK 99802-1217

PH: (907) 586-7467

SAFE BOATING BILL

CDR G. M. HARBEN, USCG

Since the turn of the century, boating has steadily grown to become one of the nation's most popular pastimes. Correspondingly, the boating accident statistics have also grown. As the years went by the Congress enacted several pieces of legislation to deal with the growing problem. Finally, on August 10, 1971, the Federal Boat Safety Act was signed into law establishing minimum standards which would provide the public reasonably safe boats and equipment. At the same time the Act stressed the need for the individual states to enact equivalent legislation of their own, thus motivating the public to boating safety awareness through public education and operator and equipment requirements.

With the enactment of the Federal Boat Safety Act of 1971, the vast majority of states have recognized the inherent dangers associated with boating and during the ensuing years, 49 states have enacted boating safety legislation which squarely faced the problems head on. Their actions and subsequent programs have significantly turned the tide of rising boating accidents and deaths within their states. These programs have received national acclaim for the advancements that have been made in the field of boating safety education and public protection.

To better coordinate their activities among themselves, the National Association of State Boating Law Administrators (NASBLA) was formed to serve as a viable public forum for reviewing and improving upon the federally approved state boating problems.

In Alaska, the only state where there is no Federally approved safe boating program, the Coast Guard acts as the boating law administrator for areas that fall under Federal jurisdiction. Consequently, because of this very limited Federal Boating Safety Program, Alaska's boaters are paying dearly through personal injury, loss of life and loss of property. In 1987, 46 people lost their lives in recreational boating accidents. 70% of these tragedies occurred on inland Alaskan waters such as lakes, rivers and sheltered waters. This was second only to motor vehicle fatalities as the largest category of accidental deaths. When this figure is compared with the rest of the United States, Alaska has by far the worst boating record --- over 28 times the National average. Another thing to be remembered is that the boating season in many states lasts year around, unlike Alaska, which has a boating season of 6 months or less.

It is evident from these statistics that Alaska has a severe boating problem when compared to the rest of the United States. What can we do to solve this problem or at least bring it under control?

The most effective and proven means for dealing with this problem would be to legislate a comprehensive state boating safety program.

How is a state boating safety program going to change Alaska's unenviable record of boating activity?

First of all, it will identify and charge a state agency with the responsibility for implementing a coordinated boating safety program. Not just another law enforcement program of the Department of Public Safety, but more importantly a means to implement a comprehensive public education program.

Why an education program?

With a state as vast as Alaska the emphasis needs to be focused on public education. The resources and expertise of the Department of Education would be utilized to assist in the development and operation of a public education program. In addition, the Coast Guard can be called upon for assistance, training and advice for program development in order to establish effective programs.

How would public protection be handled with the new law?

In addition to the education program, incorporation of the Federal boating regulations into the state boating law would provide procedures and policies for dealing with violators, as well as provide for the minimum operator requirements for safety equipment and boat operation. Specific sections of the act will empower state law enforcement officials with the necessary authority to carry out its provisions. Existing manpower from the Alaska State Troopers and the Fish and Wildlife Protection Agency could be utilized for public protection purposes without the necessity of recruiting more personnel to enforce boating laws.

The Coast Guard does not have access or jurisdiction to the inland areas where most of the fatalities occur. Each year the number of complaints received by the Alaska State Troopers, the Coast Guard and other state and federal agencies concerning the negligent operation of boats continues to mount, especially along the inland rivers.

With the passage of a state boating safety act, where will the revenues come from to administer these programs?

There is a National Recreational Boating Safety Financial Assistance program, for these states with a federally approved safe boating program.

In-state revenue available would be moneys generated by a state operated boating registration program. At the present time this program is administered on behalf of the Federal government by Coast Guard in Juneau, with all the revenues from this program being deposited in the U. S. Treasury. None of the revenues remain in Alaska!! One Third Class Petty Officer administers the whole program for the state.

What advantages are there to numbering boats?

Most importantly, boats need to be numbered to aid in search and rescue. For example, if a boat is found adrift or capsized, in just a matter of minutes the boat owner can be identified through the numbers on the hull and a check can be made with owner, relatives or neighbors to see if there was anyone on-board or if the boat was just adrift.

The boat registration program also provides an added benefit for the prospective boat buyer. Financial institutions will more readily lend money for the purchase of boats if some form of previous ownership can be provided.

Boat numbers also fulfill other useful purposes. Among them law enforcement, educational contact, accident reporting and consumer defect notification. Whether used for tracing a person for the negligent operation of a boat, to provide boating safety materials, or notify a consumer of a possible product defect, it helps protect and serve the public welfare.

With the passage of a comprehensive state boating safety program won't the Coast Guard reduce its efforts in boating safety in Alaska?

Quite the contrary, the Coast Guard has a dedicated commitment to boating safety in Alaska. The presence of a state boating safety program would lend a new dimension to the Coast Guard's role in this area. Specifically, the Coast Guard would assist the State in establishing its own program, provide training to State law enforcement officers and work hand in hand with State and local agencies.

But what if the legislature fails to enact a state boating safety law, what will the consequences be?

With no possibility of the Coast Guard expanding their boating program, the number of boating accidents and fatalities will continue to soar as the boating population grows.

Without a doubt the proposed state boating law will provide the boaters of Alaska with a program designed to meet their special needs without burdening the non-boater.

COAST GUARD ASSISTANCE

1. Training and assistance will be provided by the Coast Guard for initial development of educational programs.
2. Initial training of law enforcement officers to assist in the development of an effective public protection program.
3. The Coast Guard will continue its coastal boarding program for enforcement of boating safety laws.
4. The Coast Guard will continue with present educational programs --- put on by the Coast Guard Auxiliary.
5. The Coast Guard will remain a viable support agency for state assistance.

ADVANTAGES TO STATE IN ESTABLISHING A BOATING SAFETY PROGRAM

1. The State will assume management, administration and control of the program.
2. Revenues will remain in Alaska, available for state usage, instead being deposited with the Federal government.
3. Offers programs and protection to the entire state, not just coastal areas.
4. The means of reducing Alaska's tragic boating fatality statistic.



ALASKA SPORT FISH CURRENTS

Vol. I Issue 2 October 1988

FROM THE DIRECTOR'S DESK

In early September, I had the privilege of attending the annual meeting of the American Fisheries Society. The meeting was attended by over 1200 biologists, managers, and administrators from Canada, Mexico, and every state in the Union. The many sessions (usually three to eight in progress concurrently) covered almost every conceivable topic related to fisheries in America.

Besides the many technical sessions, there were several sessions that dealt with changing trends in emphasis in many states. Here are a few that may be of interest and have application in Alaska:

- More states are recognizing the importance of economic data for recreational fisheries and are effectively using this along with biological and other data in the decision-making process.
- There is increasing involvement of sport anglers in department programs, increasing demand for public awareness, and more cooperative activities between agencies and between agencies and the public.
- Sport fishing interest groups are becoming more active and are forming coalitions to resolve major issues of mutual concern.
- While conflicts are increasing over funding, allocation of fish, and other issues, habitat protection remains the most crucial concern.

STAFF PROFILE

The following profile is of Larry Engel, area management biologist for the Matanuska-Susitna Valley and Susitna-West Cook Inlet areas. With over 24 years of service with the Sport Fish Division, Larry ranks as one of the department's elder statesmen.

Larry was born and raised in the Seattle, Washington area and graduated from the University of Washington with a B.S. in fisheries. While serving in the U.S. Navy at Kodiak, he was involved with the Kodiak Conservation Club and the Territorial Department of Fisheries working on various projects on the island.

He began his career with the Division of Sport Fish in 1960 as a biological aide in Juneau and worked seasonally with the

division until 1964 when he was promoted to a full-time biologist position. From 1964 through 1972 Larry worked as a research project leader on the Kenai Peninsula. The Engel's home in Soldotna served as the first Fish and Game "office" in that community. While on the peninsula he successfully pushed to have snagging in freshwater prohibited. In 1972 Engel was transferred to Palmer as the area management biologist. Recent passage of the Recreational River Corridor legislation ranks high among many of his career satisfactions.

Larry enjoys hunting, fishing, youth athletics and spending time with his wife Nancy and their two teenage sons.

ALASKA LEADS COUNTRY IN BOATING FATALITIES

Alaska is the only state in the union that has not adopted a state boating safety program. Because Alaska lacks a state program, the Coast Guard acts as the boating law administrator for areas that fall under federal jurisdiction. Consequently, because of this very limited federal Boating Safety Program, Alaska's boaters are paying dearly through personal injury, loss of life, and loss of property. In 1987, 46 people lost their lives in recreational boating accidents. Seventy percent of these tragedies occurred on inland Alaskan waters such as lakes, rivers, and sheltered waters. This was second only to motor vehicle fatalities as the largest category of accidental deaths. When this figure is compared with the rest of the United States, Alaska has by far the worst boating record--over 28 times the national average. Another thing to be remembered is that the boating season in many states lasts year round, unlike Alaska which has a boating season of six months or less.

It is evident from these statistics that Alaska has a severe boating problem. What can we do to solve this problem or at least bring it under control?

The most effective and proven means for dealing with this problem would be to legislate a comprehensive state boating safety program. This legislation would identify and charge a state agency with the responsibility for implementing a coordinated boating safety program. Not just another law enforcement program of the Department of Public Safety, but more importantly, a means to implement a comprehensive public education program. With a state as vast as Alaska, the emphasis needs to be focused on public education and awareness.

The state boating law would also provide procedures and policies for dealing with violators, as well as provide for the minimum operator requirements for safety equipment and boat operation. Specific sections of the act could empower state law enforcement officials with the necessary authority to carry out its provisions. Existing manpower from the Alaska State Troopers and Fish and Wildlife Protection could be utilized for public protection purposes without the necessity of recruiting more personnel to enforce boating laws.

The Coast Guard does not have access or jurisdiction to the inland areas where most of the fatalities occur. Each year the number of complaints received by the Alaska State Troopers, the Coast Guard, and other state and federal agencies concerning the negligent operation of boats continues to mount, especially along inland rivers.

Where would the revenues come from to administer a state boating safety program?

Federal funds are available within a boating safety account which is part of the Wallop-Breaux Amendment passed in 1984. Revenues for this account come from federal taxes on motorboat fuel sales. There is \$60 million dollars available in this account in 1989, which will increase to \$70 million by 1991. However, only states with a state boating safety program are eligible to receive these funds. Alaskan boaters are paying this tax every time they buy gas for their boat but cannot receive any of the benefits from it.

A state boating law would provide the boaters of Alaska with a program designed to meet their special needs without burdening the nonboater. Other states have experienced a 50 percent decrease in boating fatalities during the first year their boating safety law was in effect.

What can you do to support a state boating safety program?

Participate in your local sportsmen's organization or club meetings and make them aware of the need for a boat-safety law. Contact your legislators and let them know you support adoption of boat safety legislation.

For additional information on boating safety programs, contact Commander Jeoff Harben, U.S. Coast Guard, at 586-7467, or Captain Mike Stenger, U.S. Coast Guard, at 586-7351.

NEW SPORT FISH PROGRAM TO BEGIN

The Sport Fish Division is planning to initiate a "Sport Fishing Partnership Program." The Partnership Program aims to improve and increase Alaska's fishing opportunities by working jointly with communities, sporting groups, and other interested organizations.

The division is requesting approval in the FY 90 budget for the program. If the funding is approved by the legislature, the division plans to use \$100,000 in federal money to help finance various projects on a matching basis. Examples of projects that could be funded include fishing seminars and workshops, fishing piers and trails, parking areas, improving aquatic habitat protection or improvement projects, access for the elderly and disabled, and easements. Almost any project with a positive impact on sport fishing will be eligi-

ble. Applicants would match partnership program dollars with cash, materials, or services.

We will keep you informed of how the program will function as details are worked out over the coming six months. This Sport Fishing Partnership Program presents a unique opportunity to improve Alaska's sport fishing resources.

For additional information on the Sport Fishing Partnership Program, contact Norval Netsch at 465-4180.

IS SNAGGING ETHICAL?

The question of sport anglers snagging fish will be discussed at the December Board of Fisheries meeting. Since statehood the regulations pertaining to sport fishing in Alaska have included provisions to restrict the snagging of fish. Initially, snagging was discouraged by prohibitions on hook sizes, number of hooks, and the way in which hooks were rigged in relation to the sinker. Today's regulations are specific on the subject: "It is unlawful to intentionally snag or attempt to snag any fish in fresh water. Fish unintentionally hooked elsewhere than in the mouth must be released immediately. 'Snag' means hook a fish elsewhere than in the mouth." It is still legal to snag fish in most saltwater areas; however, saltwater snagging is prohibited in most of Cook Inlet. Is the intentional snagging of fish an unethical and unsportsmanlike act, or is it simply another method utilized by some anglers to harvest fish? Are there situations where snagging fish should be encouraged? Should the intentional snagging of fish in all ways, forms, and areas be prohibited as a legal means of sport fishing?

Snaggers and nonsnaggers are confronted with the reality of large numbers of nonbiting, hatchery-produced salmon returning to special harvest areas at Homer on the Kenai Peninsula. The fish readily accept baits and lures for a period of time and then simply stop biting. Leaving the fish to die is certainly an alternative, but most people agree that this would be wasteful and unwise. Harvesting the fish with nets is another option; however, this deprives people who are not offended by snagging from harvesting the fish. The Division of Sport Fish will propose three options for consideration by the Board of Fisheries regarding the problem.

A. Prohibit all snagging: An estimated 40 to 50 percent of the hatchery king salmon returns to the Halibut Cove and Homer Spit terminal harvest areas would not be harvested in the snag fisheries. These fish would have to be taken by nets in a "clean up" fishery or allowed to stray from or die in the terminal areas.

B. Allow snagging throughout the year: The harvest of hatchery fish in the terminal harvest areas would approach 100 percent.

C. Prohibit snagging from January 1 through June 23: After June 23 the harvest method (snagging or no snagging) in the terminal harvest areas will be regulated by emergency order issued by the department. Snagging would be permitted only when and if the target species would no longer accept conventional tackle and a surplus of fish remained in the terminal harvest area.

The board is being asked to make a decision regarding the

Boat Safety Timely Bill

Forty-six Alaskans failed to return home after going out in their pleasure boats during 1987.

Most people agree that the commercial fishing industry can be a dangerous business. What many people don't realize, however, is that the business of having fun on the water can be just as dangerous.

What can be done to reduce the death toll from pleasure boating accidents in Alaska that is continually 25 to 35 times higher than the national average?

One positive step would be the passage of a state Safe Boating Law by the Alaska Legislature. Every other state in the union has adopted a Safe Boating Law. Alaska stands alone as the only state that has not. Such a bill has been introduced by Senator Arliss Sturgulewski this session.

Everyone knows that the waters of the Bering Sea and Gulf of Alaska can be dangerous and unforgiving. Few realize, however, that 70 percent of Alaska's boating fatalities occur on the interior waters of Alaska, which are under exclusive state jurisdiction.

There are presently no requirements for anyone operating a vessel on Alaska state waters to carry any safety or lifesaving equipment.

There is also no coordinated state-wide educational program to teach even the most elementary points of boating safety. Statistics show that when other states have adopted a safe boating program the fatality rate was initially reduced by up to 30 percent. This could mean that up to 20 Alaskan lives might be saved each year.

Many deaths occur when boats capsize and everyone goes into the water. If personal flotation devices or lifejackets were required to be on the boat and the people were properly educated in their use, some or all would have had a chance to survive.

A state boating law would require boaters to have a designated number of lifejackets on board.

Past casualty reports have shown, however, that in many cases there were no lifejackets on board and people were needlessly lost.

The cost of a state boating safety program could be covered by the money received from boat registration (which is now done by the Coast Guard with the funds going to the federal government) and Alaska's share of the Federal Safe Boating Funding Program.

Besides having a positive fiscal note, the law would create jobs, and, most importantly, it would save lives.

In 1987, 22 people in Alaska died from fires. In response to this, the legislature passed a law requiring smoke detectors in all homes. In 1987, 46 Alaskans died in boating accidents. Perhaps it's time that Alaska passed a law to help reduce this tragic statistic.

FEB 3, 1989
THE ADVOCATE

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Alaska said to lead nation in drownings

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Drownings in Alaska's lakes, rivers and marine environment continue to be a leading cause of accidental death in Alaska. Statewide, the drowning rate is 20 times the national average.

In a study just completed in Bristol Bay, the number of deaths from drowning over the last 10 years was more than double the next leading cause of accidental death in that area.

The problem is exaggerated in Alaska because people spend so much time working and playing on the water, and many areas of the state have no access to marine safety education and training.

Alaska continues to be the last holdout in the nation in terms of not having a Safe Boating Act. This act would help provide funds for the establishment of a statewide boating education program.

The Alaska Marine Safety Education Association (AMSEA) is a cooperative effort between a number of private, state and federal agencies within Alaska. AMSEA has been trying to reduce the drowning rate through development of educational materials and training. In the last year and one-half, 65 teachers have completed AMSEA instructor classes, and in turn trained over 5,500 people statewide.

AMSEA is conducting its fifth instructor training class at the AVTEC facilities in Seward, October 3 to 8.

Individuals who are interested in teaching marine safety in their workplace or community are encouraged to contact AMSEA at 747-3287, or write to P.O. Box 2592, Sitka, AK 99835, and become part of the AMSEA volunteer instructor network.

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: DONALD SHERWOOD
TITLE: PRES. AK. BOATING ASSOCIATION
ADDRESS: 1640 BRINK DRIVE
CITY: ANCHORAGE ZIP: 99504
PHONE: 333-6268
BILL NO: SB 111
SUBJECT: BOAT SAFETY, ACCIDENTS, & NUMBERING
MESSAGE: OUR STATE MUST HAVE BOATING LEGISLATION IF WE ARE GOING TO BE ABLE
TO GENERATE FUNDS TO EDUCATE OUR RESIDENTS IN BOATING SAFETY. WE SUPPORT
SB 111.

POMID: 03125118
DATE: 02/02/89
TIME: 12:51:18
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COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BARNES	BOUCHER	ADAMS
BOYER	BROWN	BINKLEY
CATO	COLLINS	COGHILL
COTTEN	DAVIDSON	DUNCAN
DAVIS, C.	DAVIS, M.	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FOSTER	FURNACE	FAIKS
GOLL	GRUENBERG	FISCHER
GRUSSENDORF	HANLEY	FRANK
HOFFMAN	HUDSON	HALFORD
JACKO	KOPONEN	JONES
LARSON	LEMAN	KELLY
MACLEAN	MARTIN	KERTTULA
MENARD	MILLER	PEARCE
NAVARRE	PETTYJOHN	POURCHOT
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SPOHNHOLZ	SWACKHAMMER	UEHLING
TAYLOR	ULMER	ZHAROFF
WALLIS	ZAWACKI	

MARINE SAFETY UPDATE

Alaska Marine Safety Education Association

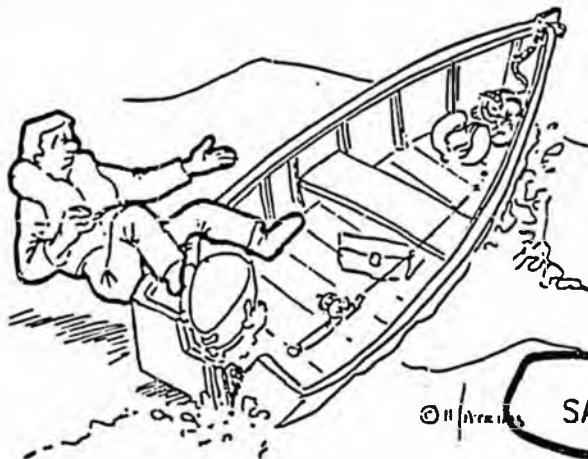
Box 2592, Sitka, Alaska 99835

(907) 747-3287

FEBRUARY 1989 NEWSLETTER

AMSEA AVAILABLE TO CONDUCT WORKSHOPS

AMSEA has been given funding to put on workshops in marine safety in areas of the state where this training is unavailable and there is interest from the fishing community, if your community or group is interested in any hands on training with equipment, information on the new commercial fishing safety act or any other marine safety related topics, feel free to drop us a line or call our new toll free number 1-800-478-3288.



AMSEA INSTRUCTOR CLASS

The next AMSEA instructor class will be conducted at the AVTEC facilities in Seward from March 27 to April 1st. See the enclosed flyer for more details on this class.

SAFE BOATING ACT

The State of Alaska has a recreational boating death rate 28 times the national average. This shocking statistic is due to a number of factors such as alcohol and "unforgiving" waters. However, another significant factor is the lack of any Federal Boating Safety Program in Alaska - every other state in the nation and many U.S. possessions, such as Puerto Rico, Guam, etc., have such a program. Alaska stands out as the only state without such a program. This is despite the fact that USCG statistics show a decrease in fatalities when boating safety programs are established.

A Safe Boating Act has been introduced in the Senate (SB111) and in the House (HB134) of the state legislature. The act would turn over registration of boats to the state and would allow \$250,000 of federal funds to go into our state for use in developing a boating safety program. It is an act that is long overdue in this state and one which is sorely needed.

Your local legislative representatives need to hear from you about this act. They can be written to at:

Alaska State Legislature
Pouch V

Juneau, AK 99811

PRESIDENTS CORNER
(CONT)

The Mat-Sue Parks and Rec Division has ask us to be present at their public input meeting for the "Deshka River Management Plan" which will be held at Willow Community Center on Wed. March 8, 1989 at 7:00 p.m. These people need our support so if you can come out and help, please do.

By now you should have received your voting ballot for the up comming election. Please vote and feel free to add another name on the ballot if you think it is necessary. We need a strong ABA, we are moving along rapidly and we can't stop now. Vote and let your voice be heard. Those people you choose represent you!

I would like to encourage you to call your senators for support of SB 111 "An Act Relating To Boating Safety". Sen. Sturgulewski needs our support. Also call your House Representatives in support of HB 134 "An Act Relating to Boating Safety". Both of these bills are to promote boating education by bringing in Federal funds and promoting boating safety for which our association stands for. This is one way we can help our state promote boating education and safety within our inland waterways.

FACT: We lost 49 persons last year in recreational boating accidents.

FACT: Our insurance companies pay out 35 to 45% more on every dollar you put in.

Thru education and safety we can reduce your boat insurance, but most important, you can save some lives.

THATS ALL: JUST JOIN!

You aren't obligated to go any further unless you want to. You don't have to attend meetings. You don't have to attend the annual summer picnic, and you don't have to attend the winter safety seminars.

All you have to do is join and you will strengthen the boating community on the local and state level. There is, indeed, strength in numbers, especially when boating leaders are talking to community or state officals. If you and other non-joiners, simply sign up or renew, we will carry alot more clout when speaking with these officals.

ALASKA BOATING ASSOCIATION
NEWSLETTER MARCH 6, 1989

BILL NO: CSSB 111 (SA) DRAFT

DATE: March 21, 1989

TITLE: "An Act relating to boating
safety..."

CONTACT: Gretchen A. Pence
Special Assistant to the
Commissioner
465-4322

DEPARTMENT OF
PUBLIC SAFETY

Alaska is the only state that does not have a recreational boating safety law. Consequently, this is the only state where the Coast Guard is responsible for the registration and numbering of recreational vessels.

There are an average of 57 deaths per year in Alaska because of boating related drownings.

This bill would allow the State of Alaska to receive federal funds to develop and implement a recreational boating safety education program and vessel registration system for Alaska.

This bill would require the Department of Public Safety to:

1. develop and present a boating safety education program;
2. develop an accident reporting system;
3. develop a boat numbering system;
4. develop and maintain a record keeping system; and
5. promulgate regulations.

This bill has very broad-reaching application, and extensive public information and education would be required prior to implementation or enforcement.

Federal funding is available until April 1, 1993. Availability after that date is unknown. These funds are distributed to the states using the following criteria:

- a. one-third of funds are allocated equally each fiscal year among eligible states;
- b. one-third of funds are allocated based on the reported number of vessels registered; and
- c. one-third of funds are allocated based on State obligations and expenditures for boating safety programs during the prior fiscal year.

Under these criteria, the State would be eligible to receive approximately \$200.0 for the first year, and up to \$250.0 thereafter.

In order to receive federal funds, the State's boating safety program must meet the following conditions:

1. Sufficient State matching funds available from general revenues, vessel numbering and licensing fees, State marine fund tax, or from a fund established from those funds, to finance a State recreational boating safety program.
2. Development of an approved vessel numbering system.
3. A cooperative boating assistance program between the U.S. Coast Guard and the State, to include:
 - a. law enforcement;
 - b. accident investigation;
 - c. search and rescue;
 - d. marine events; and
 - e. Coast Guard Auxiliary assistance on State waters.
4. Adequate patrol to insure laws are enforced, including:
 - a. sufficient uniform patrol to insure compliance with all aspects of boating safety regulations;
 - b. in-service training for the enforcement officers; and
 - c. procedures to selectively assign individuals to vessel traffic.
5. Adequate boating education programs:
 - a. must meet or exceed minimum standards established by the National Association of Boating Law Administrators; and
 - b. classes must be offered both in classroom and through correspondence courses.
6. An approved system for reporting marine fatalities.

Federal grant conditions require certification that the grantee has complied; further, the requirements and audits often times become more stringent with the passage of time. Analyzing accident data would require the collection and input of the data, analysis, and an Annual Report.

If this bill were adopted, uniformed officers would be required to patrol and enforce the State's laws and regulations concerning boating safety. The bill also requires in-service training for officers who are assigned these enforcement responsibilities. This would create a tremendous responsibility if we are expected to patrol all state waters -- including waters inside the three-mile limit and virtually all streams and lakes. Neither of the

Department of Public Safety
Position Paper, CSSB 111 (SA) DRAFT
March 21, 1989
Page 2

Department's enforcement divisions have sufficient personnel to conduct these patrols. The Department views enforcement of a recreational boating safety law as a completely new responsibility.

The Department estimates that the minimum cost of implementing a boating safety law as described above would be approximately \$649.1 per year, which includes administrative and seasonal enforcement personnel. The bill allows the Department of Public Safety to establish, by regulation, the boating registration fee. Assuming a \$30 triennial fee (the current federal fee is \$6 triennially), the boating registration system would generate \$500.0 to \$530.0 per year. Assuming federal funds of approximately \$200.0 to \$250.0 per year, this program could be self-supporting (the revenues received from vessel registration will be greater than the general fund appropriation). (Note: the federal monies can be for no more than 50 percent of the total cost of administering the new law, with a maximum of the above-stated numbers.)

The Department of Public Safety is in favor of any measure likely to promote public safety. This would, however, be a new State responsibility which cannot be absorbed by the Department's existing resources. The program is an expensive one; the Department would not be able to implement the program unless the fiscal note is funded. The Department of Public Safety supports this legislation as long as the accompanying fiscal note is fully funded.


Arthur English
Commissioner

U.S. Department
of Transportation

United States
Coast Guard



Commander
Seventeenth Coast Guard District

P.O. Box 3-5000
Juneau, AK 99802
Staff Symbol: db
Phone: 907-586-7467

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FEB 3 1989

Senator Arliss Sturgulewski
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, AK. 99811

Dear Senator Sturgulewski

Enclosed is a copy of the legislative ledger of the Outboard Boating Club of America detailing the five year reauthorization of the Aquatic Resources (Wallop/Breaux) Trust Fund.

This shows funding through fiscal 1993 and an increase to \$70 million from 1991 - 1993. This will mean an increase to the already estimated \$250 thousand dollars of federal funds to Alaska, if they pass a safe boating law.

A handwritten signature in cursive script, appearing to read "G. M. Harben".

G. M. HARBEN
Commander, U.S. Coast Guard
Chief, Boating Safety Division
Seventeenth Coast Guard District

Encl: (1) Legislative ledger



Legislative

LEDGER

A publication of the Outboard Boating Club of America for its members
and a cross section of America's recreational boating community.

Volume XXXII, Number 9

September 1988

Conference Committee Passes Wallop-Breaux Reauthorization

The bill to reauthorize the Boat Safety Account of the Wallop-Breaux Trust Fund (*H.R. 3918*) moved ahead August 9, as part of a Conference Committee vote on the Coast Guard Authorization Act of 1988. (*H.R. 2342*).

By this action it is agreed to:

1. Raise the ceiling on the Boat Safety Account from \$45 million to \$60 million in each of fiscal years 1989 and 1990, and to \$70 million in each of fiscal years 1991, 1992, and 1993.

2. Reauthorize transfers to and expenditures from the Boat Safety Account for five years, from 1989 through 1993.

3. Split the Boating Safety Account 50/50 between federal aid for state recreational boating safety programs and the operating expenses of the Coast Guard relative to recreational boating safety services and the Coast Guard Auxiliary.

4. Provide that the Coast Guard may spend no more from the Boat Safety

Account in any fiscal year than that appropriated for state recreational boating safety programs.

5. Require that the one to two percent that the Coast Guard receives for administrative expenses off the top of appropriations for state recreational boating safety programs be restricted to administering allocations for such state programs.

6. Mandate a joint survey by the Secretaries of Interior and Transportation of fuel used by recreational vessels, the findings to be reported to Congress by November 15, 1992.

Note: In lieu of an amendment to the Act to bar the Coast Guard from pursuing a policy of discouraging states from utilizing the Boat Safety Account for public access projects, Committee Report language expressly prohibits the Coast Guard from requiring the states to establish an explicit linkage of boating access projects to recreational boating safety, rationalizing that improved boating safety is inherent in access projects.

...But There Could Be Complications

The Wallop-Breaux Fund provision has no known opposition. However, the conference committee version of *H.R. 2342* does have provisions facing opposition. Perhaps most notable is a provision designed to guide the work of the Coast Guard Auxiliary involving disabled boats. Commercial towboat services have expressed adamant opposition to any competition from the Auxiliary, despite a long tradition of Auxiliary-furnished assistance. It is known that at least two Members of Congress have expressed an intent to fight this provision on the floor. The Coast Guard bill also addresses the so-called "zero-tolerance" doctrine, which provides for the seizure of a boat if any quantity of controlled substances are found onboard, regardless of quantity or the culpability of the owner.

How great is the threat?

It is difficult to be certain. The House rule provides for a simple vote of the conference report, with no amendments and no points of order. Thus, those opposing the two provisions discussed above — and perhaps others — are likely to join together to

(Continued on page 2)

Coast Guard Considers Raising Minimum Reportable Property Damage in Boating Accidents

The Coast Guard has published notice of proposed rulemaking to raise the threshold for reporting boating accidents, involving only property damage, from the current \$200 to \$400. The rulemaking uses an indexing formula based on GNP deflator figures, which would be applied to the reporting threshold

annually to determine when it needed to be raised. The Coast Guard has solicited suggestions about raising the minimum reportable property damage to a higher level than \$400, using types of damage instead of dollar amounts, uses made of property damage statistics, impacts of receiving less information, data if the

threshold is raised above \$400, and what measures could be taken to improve boater compliance with accident reporting requirements. For further information contact Carlton Perry, Office of Navigation, Safety, and Waterways Services, 2100 South Second St., SW, Washington, D.C. 20593 (202) 267-0979.

state	3/3				1/3 FEDERAL GRANTS FOR STATE BOATING SAFETY FY 86			1/3		state
	total authorized	percentage of total	boats registered	percentage of boats	amount for boats	state funds expended	percentage of expended	amount for expended	equal amounts	
1 AL	\$660020.97	2.36%	229890	2.44%	\$227265.89	\$2126989.00	2.79%	\$259963.41	\$172791.67	AL
4 AZ	\$387272.55	1.38%	112047	1.19%	\$110768.02	\$848566.00	1.11%	\$103712.86	\$172791.67	AZ
5 AR	\$536281.27	1.92%	309831	3.28%	\$306294.39	\$467964.25	0.61%	\$57195.21	\$172791.67	AR
6 CA	\$1682130.42	6.01%	619087	6.56%	\$612020.34	\$7341750.00	9.62%	\$897318.41	\$172791.67	CA
8 CO	\$271690.89	0.97%	66016	0.70%	\$65262.45	\$275212.00	0.36%	\$33636.78	\$172791.67	CO
9 CT	\$350394.07	1.25%	72591	0.77%	\$71762.40	\$865970.00	1.13%	\$105840.00	\$172791.67	CT
10 DE	\$272876.86	0.97%	37402	0.40%	\$36975.07	\$516359.33	0.68%	\$63110.12	\$172791.67	DE
22 DC	\$284248.60	1.02%	3391	0.04%	\$3352.29	\$884499.00	1.16%	\$108104.64	\$172791.67	DC
12 FL	\$1439786.27	5.14%	517365	5.48%	\$511459.46	\$6181696.52	8.10%	\$755535.14	\$172791.67	FL
13 GA	\$607124.94	2.17%	225812	2.39%	\$223234.44	\$1727185.00	2.26%	\$211098.86	\$172791.67	GA
15 HI	\$321305.30	1.15%	13112	0.14%	\$12962.33	\$1109064.25	1.45%	\$135551.33	\$172791.67	HI
16 ID	\$297785.24	1.06%	67471	0.71%	\$66700.84	\$476944.00	0.62%	\$58292.73	\$172791.67	ID
17 IL	\$510415.30	1.82%	275470	2.92%	\$272325.61	\$534260.51	0.70%	\$65298.03	\$172791.67	IL
18 IN	\$443259.69	1.58%	173006	1.83%	\$171031.20	\$813520.00	1.07%	\$99436.53	\$172791.67	IN
19 IA	\$484755.79	1.73%	175470	1.86%	\$173467.07	\$1133002.38	1.48%	\$139477.05	\$172791.67	IA
20 KS	\$280495.71	1.00%	83385	0.88%	\$82354.10	\$207410.11	0.27%	\$25349.94	\$172791.67	KS
21 KY	\$474225.22	1.69%	114546	1.21%	\$113238.50	\$1539789.05	2.02%	\$168195.06	\$172791.67	KY
22 LA	\$648080.05	2.32%	312119	3.31%	\$308556.27	\$1364181.86	1.79%	\$166732.11	\$172791.67	LA
23 ME	\$339453.59	1.11%	117842	1.25%	\$116496.88	\$164983.00	0.22%	\$20165.35	\$172791.67	ME
24 MD	\$1358420.31	4.85%	142795	1.51%	\$141165.05	\$8545674.00	11.19%	\$1244463.53	\$172791.67	MD
25 MA	\$558219.87	1.99%	184140	1.95%	\$182038.11	\$1664113.00	2.19%	\$203390.10	\$172791.67	MA
26 MI	\$1215350.24	4.34%	665540	7.05%	\$657943.10	\$3146877.00	4.12%	\$384615.48	\$172791.67	MI
27 MN	\$1069184.96	3.82%	629291	6.67%	\$622107.87	\$2244170.00	2.94%	\$274265.43	\$172791.67	MN
28 MS	\$425681.03	1.52%	122237	1.30%	\$120841.71	\$1080397.83	1.42%	\$132047.65	\$172791.67	MS
29 MO	\$698537.58	2.50%	328440	3.48%	\$324690.97	\$1645007.00	2.15%	\$251054.94	\$172791.67	MO
30 MT	\$234935.52	0.84%	34395	0.36%	\$34002.39	\$230250.00	0.30%	\$28141.46	\$172791.67	MT
31 NE	\$232723.61	0.83%	54913	0.58%	\$54286.19	\$46192.88	0.06%	\$5645.76	\$172791.67	NE
32 NV	\$262346.78	0.94%	31288	0.33%	\$30930.86	\$479656.49	0.63%	\$58624.25	\$172791.67	NV
33 NH	\$229804.24	0.82%	0	0.00%	\$0.00	\$466469.96	0.61%	\$57012.58	\$172791.67	NH
34 NJ	\$703745.56	2.51%	140884	1.49%	\$139275.86	\$3204662.00	4.20%	\$391678.04	\$172791.67	NJ
35 NM	\$233612.00	0.83%	34114	0.36%	\$33724.60	\$221694.00	0.29%	\$27095.73	\$172791.67	NM
36 NY	\$947557.07	3.39%	331742	3.51%	\$327955.28	\$3655746.00	4.79%	\$446810.12	\$172791.67	NY
37 NC	\$477882.78	1.71%	202908	2.15%	\$200591.88	\$855000.00	1.12%	\$104499.23	\$172791.67	NC
38 ND	\$210357.37	0.75%	33723	0.36%	\$33338.06	\$34590.00	0.05%	\$4227.64	\$172791.67	ND
39 OH	\$1013734.56	3.62%	338184	3.58%	\$334323.75	\$4145096.13	5.43%	\$506619.14	\$172791.67	OH
0 OK	\$545640.47	1.95%	193022	2.05%	\$190818.72	\$1489348.00	1.95%	\$182030.09	\$172791.67	OK
1 OR	\$436772.76	1.56%	140003	1.48%	\$138404.92	\$1027449.00	1.35%	\$125576.18	\$172791.67	OR
2 PA	\$726693.31	2.60%	217293	2.30%	\$214812.68	\$2774384.61	3.63%	\$339088.96	\$172791.67	PA
4 RI	\$211159.29	0.75%	31231	0.33%	\$30874.51	\$61307.76	0.08%	\$7493.12	\$172791.67	RI
5 SC	\$598602.20	2.14%	221339	2.35%	\$218812.49	\$1693632.72	2.22%	\$36998.04	\$172791.67	SC
6 SD	\$215001.93	0.77%	33091	0.35%	\$32713.28	\$77703.17	0.10%	\$9496.99	\$172791.67	SD
7 TN	\$467556.32	1.67%	196446	2.08%	\$194203.64	\$822778.00	1.08%	\$100561.02	\$172791.67	TN
8 TX	\$1305017.00	4.66%	599591	6.35%	\$592746.88	\$4413947.00	5.78%	\$539478.45	\$172791.67	TX
9 UT	\$286849.57	1.02%	51781	0.55%	\$51189.94	\$514378.00	0.67%	\$62867.96	\$172791.67	UT
0 VT	\$217448.48	0.78%	29774	0.32%	\$29434.14	\$124550.03	0.16%	\$15222.67	\$172791.67	VT
1 VA	\$417507.76	1.49%	148999	1.58%	\$147298.23	\$797077.48	1.04%	\$97419.87	\$172791.67	VA
3 WA	\$472885.41	1.69%	253980	2.69%	\$251093.91	\$401017.08	0.53%	\$49012.84	\$172791.67	WA
4 WV	\$226136.76	0.81%	38742	0.41%	\$38299.77	\$123099.09	0.16%	\$15645.32	\$172791.67	WV
5 WI	\$779878.92	2.79%	436221	4.62%	\$431241.69	\$1438747.00	1.88%	\$175845.56	\$172791.67	WI
5 WY	\$203470.90	0.73%	19831	0.21%	\$19604.64	\$90611.00	0.12%	\$11074.63	\$172791.67	WY
0 AZ	\$172868.78	0.62%	78	0.00%	\$77.11	\$9.00	0.03%	\$0.00	\$172791.67	AZ
2 PR	\$215220.98	0.77%	23083	0.24%	\$22819.52	\$160445.00	0.21%	\$19609.00	\$172791.67	PR
3 PT	\$177979.50	0.62%	190	0.00%	\$187.83	\$0.00	0.00%	\$0.00	\$172791.67	PT
3 VI	\$186881.47	0.67%	3425	0.04%	\$3385.90	\$87578.00	0.11%	\$10703.90	\$172791.67	VI

\$27992250.00 9438487 \$9330750.00 \$76343060.40 \$9330750.00 \$7330750.00

* Based on non federal share in Budget Information Section of FY 85 Application.

AN ANALYSIS OF FACTORS IN WATER
RELATED FATALITIES IN INTERIOR ALASKA:
A REVIEW OF THE LITERATURE

By:

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PRESENTED TO:

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In Fulfillment of Course requirements
for Epidemiology of Injuries - 711

University of Michigan 7/11/88 to 7/29/88

Instructors: Jess F. Kraus, M.P.H. Ph.D.
Richard J. Waxweiler, Ph.D.
Leon S. Robertson, Ph.D.

Drowning is the second leading cause of unintentional deaths in the state of Alaska, motor vehicles being number one. When figures are compared with the rest of the United States, Alaska has the worst boating record, over 70 times the national average. Only California and Texas had more fatalities and these states have 24 times the number of registered boats as Alaska and a boating season that lasts year round in many areas; unlike Alaska where the boating season is 6 months or less⁶. In 1985, 70% of drowning fatalities occurred on inland Alaska waters such as lakes, rivers and sheltered waters⁶.

Looking specifically at Interior Alaska, deaths from drowning in the Doyon Native Regional Corporation boundaries are the number one cause of death for the Native population, surpassing deaths in motor vehicles²³. For the period 1977 to 1986, there were 102 drowning fatalities, 60 of which were Native. Therefore, while Native people make up 13% of the population of the Interior, they make up 59% of drowning fatalities,⁶ 25. This is for an area where the boating season is 4 to 4/12 months long.

In attempting to address drowning fatalities, their causes and possible solutions there are four issues that must be addressed: alcohol use during boating, PFD use, near drowning and cold water immersion, and vehicle factors. A review of the literature was done to determine areas that would yield the best results in reducing drowning fatalities among Native people in Interior Alaska.

ALCOHOL

When seeking out information and data on drownings in Interior Alaska, the pervading attitude encountered among Native and Non-Native contacts alike, was that if people did not drink, there would not be any drownings. This is difficult to substantiate as the reporting on death certificates does not always reflect alcohol use and whether or not it was a contributing factor in the deaths. Coroners have a key role to play in improving data collection on alcohol related drownings; their knowledge and attitudes are crucial²⁶. Only two studies (Waller 1972 and Thoranisson, 1979) present data for comparison populations; both indicate an association between alcohol and drownings⁷. However, these studies may over estimate the risks. The duration a body is submerged results in degrees of fermentation and therefore the presence of various types of alcohol upon autopsy⁷.

Many feel that alcohol is an undisputed factor in drownings and cite several surveys, 11, 26, 19. There seems to be conclusive evidence that alcohol increases the risk for vehicular accidents. Drownings are more apt to involve powerboats than sailboats,⁴. Powerboats involve speed and thus call for skills similar to as those required for driving⁷. In addition, numerous studies have associated alcohol consumption with risk for falling. It is reasonable to conclude that since alcohol contributes to falls on land, it also contributes to falls into the water⁷. Alcohol is associated with reduced balance, impaired vision, impaired judgment and reduced manipulative performance. Environmental "stressors" associated with water activities may work synergistically with alcohol in degrading performance⁷.

Alcohol also contributes to suicides by drowning by enhancing depression and to sober people who drown as a result of the actions of others who were intoxicated⁷.

Because alcohol consumption often accompanies recreational activities on or near the water, and because the potential risk is so plausible, further research is imperative^{2.7.19}. Howland and Hingson (1988) feel that standards need to be developed for consistent reporting which is supported by Tether & Harrison (1986). "Case control studies to compare exposure to alcohol among drowned and not drowned persons engaged in the same activities under similar conditions are required to define the extent of the risk to public safety"⁷.

PFD'S

Coast Guard accident statistics indicate that many drownings could be prevented if people would wear their PFD's (personal flotation devices) while boating. When a boating "accident" occurs, occupants of a boat often find themselves in the water with little or no warning. They simply don't have time to locate, let alone put on and adjust their PFD's³.

PFD's can offer only partial protection from drowning in the form of flotation. In retrospective studies of sailors, it was found that many died in cold waters in spite of wearing PFD's and some of those rescued alive died within an hour¹³. Cold water is considered to be water 70°F or less. Interior Alaska's waters fall within this classification year round.

NEAR DROWNING & COLD WATER IMMERSION

A clarification of terms related to drowning fatalities is important in discussing this area. "Drowning" is a death from suffocation by submersion in water, where as the "near drowning" refers to survival, even if a temporary one, after asphyxia resulting from the submersion episode^{16,21}. Near drowning victims may die of respiratory failure hours or days later. This is called "secondary drowning". About 10 - 15% of drowning victims die from asphyxia without aspirating water into their lungs, probably due to laryngospasm. This is referred to as "dry drowning"²¹. The major causes of drowning are asphyxia and hypoxemia⁹.

The Mammalian Diving Reflex and hypothermia can offer some protection to the drowning victim. The Mammalian Diving Reflex is a redistribution of blood away from the extremities and tissues resistant to hypoxia (gastrointestinal tract, skin, muscle) to the vital organs, the heart, lungs and brain⁹. This response occurs after total body submersion in cold water and is more active in infants and young children. This oxygen conserving adaptation accompanied by a greatly reduced heart rate is a major factor in the survival of near drowning victims if proper immediate care in the form of airway, breathing and circulation are followed by proper rewarming⁹.

Hypothermia occurs rapidly in water due to heat loss by conduction, convection and radiation. Alcohol may be a significant contributing factor in the development of immersion hypothermia due to its vasodilatory properties and CNS depressant effect²¹.

Mild to moderate immersion hypothermia (30C to 34C) is not uncommon and may result in drowning due to loss of consciousness²¹. (This is a very good reason for wearing PFD's; to keep the head out of the water in the case of unconsciousness).

VEHICLE FACTORS

The waterways of Interior Alaska consist of deep rivers like the Yukon River which I have depth sounded from 15 to 65 feet and shallow streams which range from several feet to several inches. These waterways are a transportation system, an economic resource during fishing season and an access to subsistence foods (fish, moose, bear, waterfowl and berries).

The boat of choice along the rivers of Interior Alaska is the johnboat, a small, light weight, flatbottom boat. These boats range from 16 to 28 feet long and 4 to 5 feet wide. Up river from Fairbanks people use commercially manufactured aluminum boats while down river there are commercially purchased aluminum boats and locally made wooden and aluminum boats. The johnboats function in both deep and shallow waters, work well as utility boats and are, relatively speaking, inexpensive.

The U.S. Coast Guard has stated that johnboats are responsible for a high percentage of capsizing and swamping incidents²⁹. When making this observation, the Coast Guard is referring to boats with small horsepower engines (up to 15 horsepower).

Most boats along Interior Alaska's rivers use 25 to 55 horsepower engines with some as high as 185 HP.

The stability of the johnboat increases with the addition of persons, gear and with slower speeds.

Flotation for small boats commercially manufactured is now regulated by the Coast Guard and has been since August 1, 1987. At that time the Coast Guard initiated standards.

"to increase the survivability of boaters following a boating accident by requiring manufacturers to design certain boats less than 20 feet in length to float in an approximately level attitude when swamped, thus providing a platform from which the occupants can be rescued"¹².

The old flotation standards were not satisfactory as they had a tendency capsize and float bow high when swamped¹². In this attitude, even though the boat is afloat it may not make much of a life raft if it is slippery and cannot be righted due to the shift in the flotation.¹² Boats manufactured in Interior Alaska and boaters do not have to comply with U.S. Coast Guard regulation as these regulations only apply to federal waters.

Many factors influence the performance characteristics of a boat; first foremost is hull design. The flatbottom hull (johnboat) is very sensitive to steering movements as speed increases. If speed increases enough, the boat may become impossible to control²⁹.

Flat bottom boats skim across the top of the water thus reducing friction and fuel utilization²⁷. These boats are best used in smooth, shallow water.

In rough water the flat bottom boat is pushed by waves and wind due to the reduced friction and not enough drag. It therefore slides and is unstable. The 'V' hull or it's modifications is preferable for rough water as it has a deeper draft, more drag, slices through the waves rather than riding on top and therefore is more stable²⁹

"Understanding the underway characteristics of a boat can greatly assist in determination of 'causes' which can be considered during an accident investigation²⁹.

SUMMARY

In summary, drownings and near-drownings are important, preventable causes of mortality and morbidity. There are several pertinent issues influencing drownings in Interior Alaska including alcohol use, cold water immersions and hypothermia, PFD use and vehicle factors. Of these factors those that can be most directly affected by education and regulation are PFD use and vehicle factors including flotation, boat dimensions, engine size and hull design.

Data collection could be enhanced through education of coroners into "thinking alcohol" as it is related to injuries of all kinds and developing standards for consistent reporting. Case control studies are needed to confirm or refute alcohol's role in boating fatalities.

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FISCAL NOTE

REQUEST

Revision Date: 3/21/89 Agency Affected: Public Safety
 Title: "An Act relating to boating safety..." BRU: Fish and Wildlife Protection
 Sponsor: Senator Sturgulewski Components: Boating & Water Safety
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		169.8	376.6	376.6	376.6	376.6
TRAVEL		13.0	29.5	29.5	29.5	29.5
CONTRACTUAL		75.0	171.5	171.5	171.5	171.5
SUPPLIES		22.9	54.0	54.0	54.0	54.0
EQUIPMENT		168.2	51.0	17.5	17.5	17.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	448.9	682.6	649.1	649.1	649.1
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	249.0	498.0	530.0	530.0	530.0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		248.9	432.6	399.1	399.1	399.1
FEDERAL FUNDS		200.0	250.0	250.0	250.0	250.0
OTHER						
TOTAL	-0-	448.9	682.6	649.1	649.1	649.1

POSITIONS:

FULL-TIME	-0-	4	4	4	4	4
PART-TIME	-0-	10	12	12	12	12
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would establish boating safety, boating accident, and boat numbering requirements for the state. The responsibility for implementing and enforcing this law would be with the Department of Public Safety's Division of Fish and Wildlife Protection. The administrative headquarters for this new "Boating Safety Section" would be in Anchorage.
(continued on page 2)

Prepared by: Gretchen Pence, Special Assistant
 Division: Commissioner's Office

Phone: 465-4322
 Date: 3/21/89

Approved by Commissioner: G.A. Hostaki
 Agency: Public Safety

Date: 3-22-89

CONTINUATION OF FISCAL NOTE ANALYSIS
For Bill/Resolution No. CSSB 111 (SA)

In order to implement this bill, the Department would hire a total of 16 new employees (4 full-time and 12 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, 2 Data Processing Clerks, Accounting Clerk, and 10 Compliance Officers (seasonal safety and enforcement officers; 8 of the Compliance Offices will be hired the first year, and an additional 2 [Soldotna] the second year).

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

The boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation. In fact, beginning the second year of the program, it will generate approximately \$65.0 in additional revenues, and up to \$130.0 in future years.

All costs in this fiscal note assume a start-up date of January 1, 1990.

I. Restricted

Anticipate \$200.0 in federal funds for the first year, and approximately \$250.0 for subsequent years. Federal grant award monies can fund no more than 50 percent of the total appropriation. The above stated numbers are the maximum anticipated to be available.

II. Unrestricted Revenues (see chart pg. 3)

Vessel Registrations

FISCAL NOTE

REQUEST

Revision Date: 3/21/89 Agency Affected: Public Safety
 Title: "An Act relating to boating safety..." BRU: Fish and Wildlife Protection
 Sponsor: Senator Sturgulewski Components: Boating & Water Safety
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		169.8	376.6	376.6	376.6	376.6
TRAVEL		13.0	29.5	29.5	29.5	29.5
CONTRACTUAL		75.0	171.5	171.5	171.5	171.5
SUPPLIES		22.9	54.0	54.0	54.0	54.0
EQUIPMENT		168.2	51.0	17.5	17.5	17.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	448.9	682.6	649.1	649.1	649.1
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	249.0	498.0	530.0	530.0	530.0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		248.9	432.6	399.1	399.1	399.1
FEDERAL FUNDS		200.0	250.0	250.0	250.0	250.0
OTHER						
TOTAL	-0-	448.9	682.6	649.1	649.1	649.1

POSITIONS:

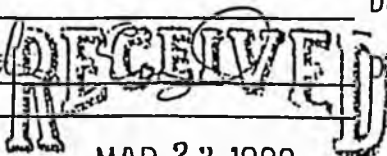
FULL-TIME	-0-	4	4	4	4	4
PART-TIME	-0-	10	12	12	12	12
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would establish boating safety, boating accident, and boat numbering requirements for the state. The responsibility for implementing and enforcing this law would be with the Department of Public Safety's Division of Fish and Wildlife Protection. The administrative headquarters for this new "Boating Safety Section" would be in Anchorage.
(continued on page 2)

Prepared by: Gretchen Pence, Special Assistant Phone: 465-4322
 Division: Commissioner's Office Date: 3/21/89

Approved by Commissioner: [Signature] Date: 3-21-89
 Agency: Public Safety



MAR 23 1989

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 111 (SA) DRAFT

In order to implement this bill, the Department would hire a total of 16 new employees (4 full-time and 12 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, 2 Data Processing Clerks, Accounting Clerk, and 10 Compliance Officers (seasonal safety and enforcement officers; 8 of the Compliance Offices will be hired the first year, and an additional 2 [Soldotna] the second year).

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

The boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation. In fact, beginning the second year of the program, it will generate approximately \$65.0 in additional revenues, and up to \$130.0 in future years.

All costs in this fiscal note assume a start-up date of January 1, 1990.

I. Restricted

Anticipate \$200.0 in federal funds for the first year, and approximately \$250.0 for subsequent years. Federal grant award monies can fund no more than 50 percent of the total appropriation. The above stated numbers are the maximum anticipated to be available.

II. Unrestricted Revenues (see chart pg. 3)

Vessel Registrations

FISCAL NOTE

REQUEST:

Revision Date: 12/12/89 Agency Affected: Public Safety
Title: "An Act relating to boating safety..." BRU: Fish & Wildlife Protection
Sponsor: Senator Sturgulewski Component: Boating & Water Safety
Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	168.5	376.1	376.1	376.1	376.1	376.1
TRAVEL	13.0	29.5	29.5	29.5	29.5	29.5
CONTRACTUAL	75.0	171.5	171.5	171.5	171.5	171.5
SUPPLIES	22.9	54.0	54.0	54.0	54.0	54.0
EQUIPMENT	168.2	51.0	17.5	17.5	17.5	17.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	447.6	682.1	648.6	648.6	648.6	648.6

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	249.0	498.0	530.0	530.0	530.0	530.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	247.6	432.1	398.6	398.6	398.6	398.6
FEDERAL FUNDS	200.0	250.0	250.0	250.0	250.0	250.0
OTHER						
TOTAL	447.6	682.1	648.6	648.6	648.6	648.6

POSITIONS:

FULL-TIME	4	4	4	4	4	4
PART-TIME	10	12	12	12	12	12
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would establish boating safety, boating accident, and boat numbering requirements for the state. The responsibility for implementing and enforcing this law would be with the Department of Public Safety's Division of Fish and Wildlife Protection. The administrative headquarters for this new "Boating Safety Section" would be in Anchorage.

(continued on page 2)

Prepared by: Gretchen Pence, Special Assistant Phone: 465-4322
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Agency: Department of Public Safety Page 1 of 15

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LEGISLATIVE FINANCE

Department of Public Safety

CONTINUATION OF FISCAL NOTE ANALYSIS
FOR CSSB 111 (SA)

In order to implement this bill, the Department would hire a total of 16 new employees (4 full-time and 12 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, two Data Processing Clerks, Accounting Clerk, and 10 Compliance Officers (seasonal safety and enforcement officers; eight of the Compliance Officers will be hired the first year, and an additional two [Soldotna] the second year).

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

The boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation. In fact, beginning the second year of the program, it will generate approximately \$65.0 in additional revenues, and up to \$130.0 in future years.

All costs in this fiscal note assume a start-up date of January 1, 1991.

I. Restricted

Anticipate \$200.0 in federal funds for the first year, and approximately \$250.0 for subsequent years. Federal grant award monies can fund no more than 50% of the total appropriation. The above stated numbers are the maximum anticipated to be available.

II. Unrestricted Revenues (see chart on page 3)

Vessel Registrations