

HB 1944

SENATE FINANCE COMMITTEE REPORT

DATE: 5/19/91

FURTHER:

DATE TURNED INTO OFFICE: 5/21/91

The Finance Committee considered CS FOR HOUSE BILL NO. 194 (FINANCE)

"An Act relating to the Board of Marine Pilots, marine pilots, investigations of marine accidents, and training fees; and extending the termination date of the Board of Marine Pilots."

and recommended:

replace with _____ CS
 or adopt S CS OSHB 194 (L&C)
 attached amendment(s)
 L&C letter of intent adopted

same title
 new title
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:
 fiscal note(s) DOED 5/20/91
116.5 GF/PR

zero fiscal note(s) _____

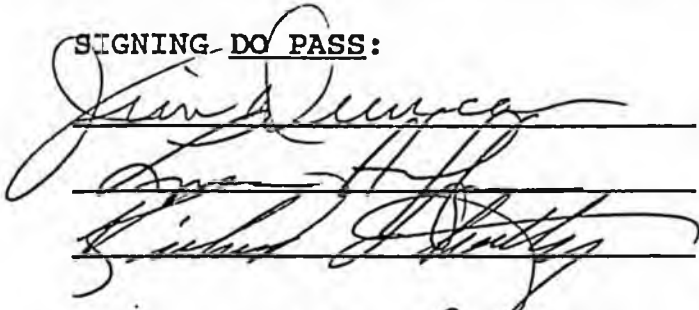
appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:
 fiscal note(s) _____

zero fiscal note(s) _____

SIGNING DO PASS:



OTHER RECOMMENDATIONS:

See Adam - No Rec

1. Patricia W. ...

2. J. Kitch do pass

Co-Chairs: Signatures and Recommendations

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SCS CSHB 194(L&C)

Revision Date: _____ Department Affected: Commerce & Economic Dev.
 Title: Relating to the Board of Marine BRU: Occupational Licensing
Pilots, marine pilots, Component: Administration
 Sponsor: Rep. C. Davis, et al
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO.

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	72.3	72.3	72.3	72.3	72.3	72.3
TRAVEL	23.5	23.5	23.5	23.5	23.5	23.5
CONTRACTUAL	10.0	10.0	10.0	10.0	10.0	10.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	116.8	106.8	106.8	106.8	106.8	106.8

CAPITAL						
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REVENUE	116.8	145.1	0	145.1	0	145.1
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER GF/PR	116.8	106.8	106.8	106.8	106.8	106.8
TOTAL	116.8	106.8	106.8	106.8	106.8	106.8

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

(SEE ATTACHED)

Prepared By: Jennifer Strickler, Admin. Officer Phone: 465-2144
 Division: Occupational Licensing Date: May 20, 1991
 Approved by Commissioner: Glenn A. Olds
 Agency: Commerce and Economic Development Date: 5/20/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE ANALYSIS

SCS CSHB 194 (L&C)

The bill makes a number of amendments to the Marine Pilotage Act. The expenses identified in this fiscal note result primarily from holding at least three meetings each year as specified in Section 4, and the employment of a Marine Pilot Coordinator established by Section 7.

The bill places the Marine Pilot Coordinator in the partially exempt service of State government and is charged with the responsibility to administer and enforce the chapter. The costs identified are based on a similar Executive Director position, Range 22.

Personal Services:

Marine Pilot Coordinator, XE, 12 months, \$72.3
Range 22A

Travel: 23.5

Funding of \$10.0 will cover travel and per diem expenses for the marine pilot coordinator to conduct audits, review training programs, and to enforce compliance with the marine pilotage act.

Funding of \$13.5 will provide for the three additional meetings each year as required by Section 4.

Contractual Services: 10.0

This funding will provide for communications, postage, printing, advertising, and auditing costs.

Supplies: 1.0

Funding will provide for daily operating supplies for the Marine Pilot Coordinator position.

Equipment: 10.0

Funding will provide one-time equipment costs for the Marine Pilot Coordinator position. This funding will also provide for on-going office space costs.

TOTAL COSTS: \$116.8

Revenues:

There are approximately 123 licensed marine pilots whose licensing fees must be increased to cover the new costs provided in the bill. In addition, current expenses of the Board of Marine Pilots exceed revenues generated from licensing fees to support its licensing program.

Licensing fees must be raised to cover an additional \$145.2 (an average of the new costs identified in this fiscal note for the first two years, \$111.8, and the current deficit of \$33.4), totalling \$145.2. Therefore, a biennial licensing fee of \$1,180 (\$590 per year) will be necessary to cover the additional program costs ($\$1,180 \times 123 = \145.1). Marine Pilot licensees currently pay a biennial fee of \$180 (\$90 per year). If licensing fees are not increased to cover program costs, the program must then be supported by the general fund.

Marine pilot license renewals are due on December 31, 1992 (FY 93). Therefore, revenues from the new fees would normally be collected in the second year of operation under provisions of SCS CSHB 194(L&C). However, Section 34 establishes a one-time assessment fee to cover costs before the next renewal period, therefore, expenses will be covered by general fund program receipts.

The revenues identified in this fiscal note are based on the assumption that licensees will be willing to increase their fees to fully cover the costs of its licensing program.

LETTER OF INTENT
SENATE LABOR & COMMERCE COMMITTEE

IT IS THE INTENT OF THE LEGISLATURE THAT THE PROVISIONS OF SECTION 29 OF SCS FOR CSHB 194(L&C) ARE NOT INTENDED TO PREVENT FAIR AND OPEN COMPETITION BUT RATHER PROVIDE FOR EXEMPTION IN REGARD TO REQUIREMENTS FOR MARINE PILOTAGE ORGANIZATIONS AS STATED IN AS 45.50.572(G).

SENATE CS FOR CS FOR HOUSE BILL NO. 194 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/19/91
Referred: Finance

Sponsor(s): REPRESENTATIVES C.DAVIS, G.Phillips, Hudson, Koponen, B.Davis, Taylor, Choquette, Baker, Sharp, Navarre, Leman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Board of Marine Pilots, marine pilots, investigations of marine
2 accidents, and training fees; extending the termination date of the Board of Marine Pilots;
3 and providing for an effective date."

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

5 * Section 1. POLICY, FINDINGS, AND INTENT. (a) It is the policy of the state to prevent the
6 loss of lives and property, and to protect the marine environment of the state by requiring compulsory
7 pilotage on the inland and coastal water of and adjacent to the state.

8 (b) The legislature finds that

9 (1) in order to assure the protection of lives and property and the marine environment
10 of the state, licensed marine pilots having extensive local knowledge are required to pilot certain vessels
11 on the inland and coastal water of and adjacent to the state;

12 (2) it is necessary to give the Board of Marine Pilots broad statutory authority, including
13 the authority to establish pilotage regions and maximum tariffs and the authority to establish criteria for
14 the training and licensing of marine pilots;

1 (3) marine pilots operating as independent contractors have provided and will continue
2 to provide essential services to the people of the state;

3 (4) marine pilots further the public interest by providing safe pilotage on the inland and
4 coastal water of and adjacent to the state;

5 (5) in the past, pilot organizations have provided, and in the future will continue to
6 provide, important services on behalf of marine pilots; these pilot organizations have furthered the policy
7 of protecting lives and property and the marine environment on the inland and coastal water of and
8 adjacent to the state.

9 (c) It is the intent of the legislature that the Board of Marine Pilots

10 (1) exercise jurisdiction over pilotage and marine pilots on the inland and coastal water
11 of and adjacent to the state to the maximum extent allowed under federal and state law; and

12 (2) work with

13 (A) marine pilots to ensure that safe pilotage is maintained in the state; and

14 (B) pilot organizations in a cooperative effort to enhance the policy of protecting
15 lives and property and the marine environment.

16 * Sec. 2. AS 08.03.010(c)(12) is amended to read:

17 (12) Board of Marine Pilots (AS 08.62.010) -- June 30, 1994 [1991];

18 * Sec. 3. AS 08.62.020 is repealed and reenacted to read:

19 Sec. 08.62.020. APPOINTMENT AND TERM OF OFFICE. The governor shall appoint
20 the members of the board under AS 08.01.020.

21 * Sec. 4. AS 08.62.030 is amended to read:

22 Sec. 08.62.030. MEETINGS. The board shall hold at least three regularly scheduled
23 meetings each year [A REGULAR ANNUAL MEETING]. The board may hold special
24 meetings at the call of the chair or at the request of a majority of the members of the board
25 [CHAIRMAN WITH PRIOR APPROVAL OF THE GOVERNOR].

26 * Sec. 5. AS 08.62.040 is amended to read:

27 Sec. 08.62.040. POWERS AND DUTIES. (a) The board shall

28 (1) provide for the maintenance of efficient and competent pilotage [PILOT]
29 service on the inland and coastal water of and adjacent to the state [ALL WATERS
30 COVERED BY THIS CHAPTER] to assure the protection of shipping, [AND] the safety of
31 human life and property, and the protection of the marine environment;

1 (2) consistent with the law, adopt regulations, subject to the Administrative
2 Procedure Act (AS 44.62), establishing the qualifications of and required training for pilots and
3 providing for the examination of pilots and the issuance of original or renewal pilot licenses to
4 qualified persons;

5 (3) keep a register of licensed pilots, licensed deputy pilots, and agents;

6 (4) adopt regulations establishing

7 (A) pilotage regions in the state;

8 (B) the criteria for concurring in the amount of license, application,
9 training, investigation, and audit fees proposed by the department under
10 AS 08.01.065;

11 (C) the criteria for recognizing pilot organizations under AS 08.62.175

12 [UNDER THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62) ESTABLISHING
13 STANDARDS BY WHICH PILOTAGE FEES MAY BE ESTABLISHED, AND PAY
14 FOR AUDITS WHENEVER AN AUDIT IS NECESSARY TO COLLECT
15 INFORMATION NEEDED TO APPLY THE STANDARDS IN THE REGULATIONS];

16 (5) make available, upon request, copies of this chapter and the regulations
17 adopted under this chapter;

18 (6) review and approve the articles, bylaws, and rules of pilot organizations;

19 (7) audit a pilot organization or an individual pilot as necessary to implement
20 and enforce this chapter;

21 (8) review and approve training programs conducted by pilot organizations;
22 the board shall cooperate with the Department of Environmental Conservation in the review
23 and approval of training programs for pilots of tank vessels; and

24 (9) establish and publish the dates of future license examinations [IT].

25 (b) The board may, by regulation, make any other provision for proper and safe pilotage
26 upon the inland and coastal water of and adjacent to the state [WATERS COVERED BY
27 THIS CHAPTER] and for the efficient administration of this chapter, including establishing

28 (1) different licensing criteria for a pilotage region if justified by regional
29 differences in piloting;

30 (2) a mandatory random drug and alcohol testing program for pilots licensed
31 under this chapter;

1 (3) criteria for trainee selection and for training programs conducted by pilot
2 organizations; and

3 (4) standards under which a pilot may receive a license or an endorsement
4 to a license to pilot vessels in more than one pilotage region.

5 * Sec. 6. AS 08.62.040 is amended by adding new subsections to read:

6 (c) The board may, for good cause, require a pilot licensed under this chapter to submit
7 to a physical or mental examination to determine the pilot's fitness to perform the duties of a
8 pilot.

9 (d) Notwithstanding the exemption from AS 45.50.562 - 45.50.596 granted to pilot
10 organizations under AS 45.50.572(a), the board may not adopt a regulation or take other action
11 resulting in anti-competitive activities that, if the board were subject to AS 45.50.562 - 45.50.596,
12 would violate AS 45.50.562 - 45.50.596.

13 * Sec. 7. AS 08.62 is amended by adding new sections to article 1 to read:

14 Sec. 08.62.045. PILOTAGE TARIFFS. (a) The board shall adopt by regulation
15 maximum tariffs that may be charged by pilots for the provision of specific pilotage services.
16 The board shall identify those expenses that are included in the tariff. In adopting maximum
17 tariffs under this subsection, the board shall take into consideration

18 (1) reasonable compensation for actual time aboard a vessel as a pilot and for
19 time engaged in preparing to provide pilotage services;

20 (2) differential compensation for seasonal and weather conditions, risks involved
21 in providing pilotage service, and overtime;

22 (3) dispatch expense; transportation expenses, and other associated costs directly
23 related to the provision of pilotage services;

24 (4) reasonable overhead expenses that are necessary to provide year round pilotage
25 services for the region; and

26 (5) other expenses identified by the board.

27 (b) A pilot organization recognized by the board, acting on behalf of its members, may
28 adopt a new or revised tariff for provision of pilot services if the pilot organization follows the
29 procedures set out in (c) of this section. The tariff adopted under this subsection must include
30 those expenses identified by the board under (a) of this section, but may not exceed the
31 maximum tariff set by the board. The tariff adopted under this subsection may be revised

1 annually.

2 (c) A pilot organization shall send a notice of intent to adopt a tariff for provision of
3 pilot services to the board and publish the notice on at least three days during a period of 14
4 consecutive days in a newspaper of general circulation in the state. The notice of intent to adopt
5 a tariff shall include a copy of the proposed tariff, the name and mailing address of the pilot
6 organization that intends to adopt the tariff, and a statement of the time and place of adoption
7 of the tariff. A pilot organization may not adopt a tariff until 30 days have elapsed from the later
8 of the mailing of the notice of intent to adopt a tariff to the board or the last date of publication
9 of the notice of intent to adopt a tariff. A tariff may not take effect until 30 days after the tariff
10 is adopted by the pilot organization.

11 (d) A pilot organization recognized by the board or a member of the pilot organization
12 may not charge a tariff for the provision of pilotage services that exceeds the maximum tariff set
13 by the board, that is different from the tariff adopted by the pilot organization, or that has not
14 taken effect under (c) of this section.

15 Sec. 08.62.050. MARINE PILOT COORDINATOR. (a) The department, with the
16 approval of the board, may hire a marine pilot coordinator who is qualified to assist the board
17 in administering and enforcing the provisions of this chapter. The coordinator is in the partially
18 exempt service under AS 39.25.120.

19 (b) The person who is hired as coordinator may not

20 (1) be an active member of a pilot organization in the state;

21 (2) work as a pilot while employed as the coordinator, except to the extent
22 required by official duties; or

23 (3) have a financial interest in a pilot organization or in a pilot vessel or other
24 equipment used by a pilot organization.

25 * Sec. 8. AS 08.62.080 is amended to read:

26 Sec. 08.62.080. LICENSE REQUIREMENT. A person may not pilot a vessel subject
27 to this chapter unless the person is licensed under this chapter and is a member of a pilot
28 organization recognized by the board.

29 * Sec. 9. AS 08.62.080 is amended by adding new subsections to read:

30 (b) A pilot may not be licensed in more than one pilotage region at one time, unless the
31 board determines that it is in the best interests of the state to license pilots for parts of more than

1 one pilotage region.

2 (c) A license issued under this chapter must identify the specific waterways and ports in
3 each pilotage region in which a licensee is authorized by the board to pilot vessels. The board
4 shall authorize a licensee to pilot vessels in a specific waterway or port in a pilotage region upon
5 the licensee satisfying the training and other qualifying requirements required by the board to
6 pilot vessels in that waterway or port.

7 * Sec. 10. AS 08.62.090 is amended by adding a new subsection to read:

8 (c) In order to be eligible to take the next scheduled examination, a person shall file the
9 application with the board at least 60 days before the date of the examination.

10 * Sec. 11. AS 08.62 is amended by adding new sections to read:

11 Sec. 08.62.093. QUALIFICATIONS FOR DEPUTY MARINE PILOT LICENSE. (a)

12 The board shall issue a deputy marine pilot license for a marine pilotage region to a person who

- 13 (1) is a citizen of the United States;
14 (2) passes the written and oral examinations that may be required by the board;
15 (3) has completed training requirements established by the board; and
16 (4) satisfies (b) and (c) of this section.

17 (b) A person who applies for a deputy marine pilot license under this chapter shall
18 provide proof satisfactory to the board of the following experience:

- 19 (1) one year of service as a master on ocean or coastwise vessels while holding
20 a license as master of ocean steam or motor vessels of any gross tons;
21 (2) two years of service as a master on vessels or tug and tow of not less than
22 1,600 combined gross tons while holding a license as master of vessels of not less than 1,600
23 gross tons;
24 (3) two years of service as a chief officer on ocean or coastwise vessels of not
25 less than 1,600 gross tons while holding a license as master of ocean steam or motor vessels of
26 any gross tons;
27 (4) two years of service as commanding officer of United States commissioned
28 vessels of not less than 1,600 gross tons while holding a license as master of ocean steam or
29 motor vessels of any gross tons; or
30 (5) three years of experience as a member of a professional pilot's organization,
31 during which the person actively engaged in piloting while holding at least a license as a master

1 of freight or towing vessel of not more than 1,600 gross tons.

2 (c) A person who applies for a deputy marine pilot license under this section shall
3 possess an endorsement of first class pilotage on the person's United States Coast Guard license
4 without tonnage restrictions for the pilotage region for which the person seeks the deputy marine
5 pilot license.

6 (d) A person licensed as a deputy marine pilot under this section may, except as
7 otherwise provided by the board, pilot vessels of 20,000 gross tons or less in a marine pilotage
8 region for which the license is issued.

9 (e) In this section, "years of service" has the meaning given to the term by the United
10 States Coast Guard under 46 C.F.R. 10.

11 **Sec. 08.62.097. TRAINING PROGRAMS FOR DEPUTY MARINE PILOT LICENSE.**

12 (a) The board shall establish standards for training programs for a deputy marine pilot license.
13 The standards may include requirements for

- 14 (1) supervised familiarization and training trips on vessels subject to this chapter;
15 (2) supervised dockings, undockings, and tug assisted maneuvers;
16 (3) special training or experience necessary to qualify for a deputy marine pilot
17 license for a particular marine pilotage region;
18 (4) completion of the training program within a specified period;
19 (5) other training or experience that the board considers appropriate.

20 (b) A person who supervises the training of persons who are seeking a deputy marine
21 pilot license under this chapter shall

- 22 (1) hold a marine pilot license issued under AS 08.62.100;
23 (2) receive prior authorization from the board to supervise the training of those
24 persons;
25 (3) maintain a written log and evaluation on a form provided by the board of the
26 training and progress of the person being supervised.

27 * **Sec. 12.** AS 08.62.100 is repealed and reenacted to read:

28 **Sec. 08.62.100. QUALIFICATIONS FOR A MARINE PILOT LICENSE.** (a) The board
29 shall issue a marine pilot license for a marine pilotage region to a person who

- 30 (1) is a citizen of the United States;
31 (2) passes examinations that may be required by the board;

1 (3) has three years experience as a deputy marine pilot licensed under this
2 chapter; and

3 (4) satisfies additional requirements as may be required by the board by
4 regulation.

5 (b) Notwithstanding (a) of this section, a person who holds a marine pilot ~~license~~ of any
6 type on the day before the effective date of this section shall, subject to continued ~~eligibility~~
7 the license under this chapter and regulations adopted under this chapter, receive a renewable
8 marine pilot license of the same type and subject to the same qualifications and endorsements
9 as that which the person held on the day before the effective date of this section. A person who
10 receives a license under this subsection may change the type of marine pilot license and the
11 qualifications and endorsements attached to the license in accordance with regulations adopted
12 by the board.

13 * Sec. 13. AS 08.62.120 is repealed and reenacted to read:

14 Sec. 08.62.120. RENEWAL OF LICENSES. (a) In order to renew a marine pilot license,
15 a person who is licensed under AS 08.62.100 shall

16 (1) submit an application for renewal of the license on a form provided by the
17 board;

18 (2) submit proof of continued qualification under AS 08.62.100 to receive a
19 marine pilot license;

20 (3) provide evidence of satisfactory completion of a physical examination by a
21 licensed physician within 60 days before the date of renewal of the license;

22 (4) submit proof satisfactory to the board that the person has

23 (A) engaged in piloting vessels subject to this chapter in the marine
24 pilotage region for which the license is to be renewed during at least 60 days of each
25 calendar year in the licensing period immediately preceding the licensing period for which
26 renewal is sought; or

27 (B) completed the minimum number of familiarization trips required by
28 the board for renewal of a marine pilot license for a marine pilotage region for which the
29 license is to be renewed.

30 (b) The board shall establish criteria for the renewal of a deputy marine pilot license.

31 * Sec. 14. AS 08.62.130 is repealed and reenacted to read:

1 Sec. 08.62.130. LAPSED LICENSE. (a) The board shall reinstate a lapsed marine pilot
2 license if, in addition to complying with the requirements of AS 08.01.100(a) - (c) and
3 AS 08.62.120, the pilot takes and passes a written and oral examination if the license has been
4 lapsed one year or more.

5 (b) The board shall establish criteria for reinstatement of a lapsed deputy marine pilot
6 license.

7 * Sec. 15. AS 08.62.140 is amended to read:

8 Sec. 08.62.140. FEES. The department shall set fees under AS 08.01.065 for
9 applications, licenses, [AND] agent registrations, investigations, audits, and training.

10 * Sec. 16. AS 08.62.150(a) is amended to read:

11 (a) The board shall [MAY] impose a disciplinary sanction on a person licensed under
12 this chapter when the board finds that the person

13 (1) is incompetent in the performance of pilotage duties;

14 (2) is chemically impaired [HABITUALLY INTOXICATED];

15 (3) illegally possesses, uses, or sells narcotic or hallucinogenic drugs;

16 (4) makes a false statement to obtain a license;

17 (5) violates a provision of this chapter or a regulation adopted under it;

18 (6) is guilty of misconduct during the course of employment; [OR]

19 (7) has had the person's United States Coast Guard pilot license conditioned,
20 suspended, or revoked; or

21 (8) charges, collects, or receives an amount for pilotage services that is in
22 excess of the maximum tariff established by the board or different from the tariff adopted
23 by the pilot organization of which the person is a member [SUFFERED REVOCATION OF
24 FEDERAL LICENSURE AS A PILOT].

25 * Sec. 17. AS 08.62.155 is repealed and reenacted to read:

26 Sec. 08.62.155. DISCIPLINARY SANCTIONS. (a) The board may take disciplinary
27 action against a person licensed under this chapter under AS 08.01.075.

28 (b) The department may impose a civil fine not to exceed \$5,000 on a marine pilot
29 organization recognized by the board, if the organization violates this chapter or a regulation
30 adopted under this chapter.

31 * Sec. 18. AS 08.62 is amended by adding a new section to article 3 to read:

1 Sec. 08.62.157. DUTIES OF LICENSED PILOTS. (a) A person licensed under this
2 chapter has a primary duty to safely navigate vessels under the pilot's direction and control and
3 to protect life and property and the marine environment while engaged in the provision of pilot
4 services.

5 (b) A person licensed under this chapter shall report to the appropriate authority all
6 violations of a federal or state pilotage law.

7
8 * Sec. 19. AS 08.62.160 is amended to read:

9 Sec. 08.62.160. MANDATORY EMPLOYMENT OF LICENSED PILOTS. A vessel
10 subject to this chapter navigating the inland or coastal water of or adjacent to the state [THE
11 INSIDE COASTAL WATERS OF ALASKA] as determined by the board in regulation shall
12 employ a pilot holding a valid license under this chapter. The board shall define the
13 mandatory pilotage water of the state.

14 * Sec. 20. AS 08.62 is amended by adding new sections to read:

15 Sec. 08.62.163. PILOTS AS INDEPENDENT CONTRACTORS. (a) Pilots licensed
16 under this chapter are independent contractors and may not be employed as an employee of the
17 owner or operator of a vessel subject to this chapter.

18 (b) The owner or operator of a vessel subject to this chapter may not employ a person
19 licensed under this chapter as an employee.

20 Sec. 08.62.165. LIMITATION OF LIABILITY. (a) A pilot licensed under this chapter
21 is not liable for damages in excess of \$250,000 per incident for damages or loss occurring as a
22 result of the error, omission, fault, or neglect of the pilot in performing pilotage services, except
23 that the limitation does not apply in a case where

24 (1) the pilot is either grossly negligent or guilty of wilful misconduct; or

25 (2) the error, omission, fault, or neglect of the pilot constitutes an act for which
26 the board shall impose a disciplinary sanction under AS 08.62.150(a)(1), (2), (3), (5), (6), or (7).

27 (b) Nothing in this section exempts a vessel, a vessel's cargo, or the owner or operator
28 of a vessel or cargo from liability for damage or loss caused by the vessel, the vessel's cargo,
29 or the owner or operator of the vessel or cargo to the vessel, the vessel's cargo, another person,
30 or other property on the ground that

31 (1) the vessel was piloted by a pilot licensed under this chapter; or

1 (2) the damage or loss occurred as a result of the error, omission, fault, or neglect
2 of a pilot licensed under this chapter.

3 (c) An organization of pilots is not liable for claims arising from acts or omissions of a
4 pilot who is a member of the organization or for acts or omissions of another organization of
5 pilots that relate to pilotage of a vessel. A pilot is not liable, directly or as a member of an
6 organization of pilots, for claims arising from acts or omissions of another pilot or organization
7 of pilots that relate to pilotage of a vessel. This subsection does not apply to acts or omissions
8 relating to the ownership or operation of pilot boats or the transportation of pilots to and from
9 a vessel to be piloted.

10 * Sec. 21. AS 08.62 is amended by adding a new section to read:

11 Sec. 08.62.175. REGIONAL MARINE PILOT ORGANIZATIONS. (a) To the extent
12 permitted under federal and state law, persons licensed under this chapter may form organizations
13 of pilots within each pilotage region established by the board.

14 (b) The board shall recognize pilot organizations that satisfy the minimum standards
15 established by the board by regulation.

16 (c) A pilot organization recognized by the board shall

17 (1) promote a safe and reliable system of marine pilotage for the region in which
18 the organization is recognized;

19 (2) provide for the dispatch of pilots who are members of the organization;

20 (3) adopt and revise tariffs for the provision of pilotage services by the members
21 of the organization;

22 (4) be open to membership by all persons licensed under this chapter to pilot
23 vessels in the pilotage region in which the organization is recognized;

24 (5) operate or participate in a training program for pilots and deputy pilots that
25 is approved by the board;

26 (6) cooperate with and assist the board in implementing this chapter.

27 (d) A pilot organization recognized by the board may not begin operating until the
28 articles, bylaws, and rules of the pilot organization are approved by the board on the basis of

29 (1) uniform and nondiscriminatory application of the articles, bylaws, and rules
30 to marine pilots and deputy marine pilots licensed under this chapter and trainees for marine pilot
31 licenses;

1 (2) compliance with applicable laws; and

2 (3) effectiveness in

3 (A) promoting an efficient, reliable, and professional marine pilotage
4 system in the region;

5 (B) maintaining a sufficient number of qualified pilots available for
6 dispatch to serve the needs of vessels visiting the region during each hour of the day and
7 each day of the year to the extent that it is reasonably possible given the size of the
8 membership of the pilot organization;

9 (C) promoting training programs for marine pilots and deputy marine
10 pilots that are approved by the board.

11 * Sec. 22. AS 08.62.180 is amended to read:

12 Sec. 08.62.180. EXEMPTIONS. This chapter does not apply to

13 (1) vessels subject to federal pilot requirements under 46 U.S.C. 8502
14 [UNDER ENROLLMENT,] except as provided in AS 08.62.185;

15 (2) fishing vessels, including fish processing and fish tender vessels, registered
16 in the United States or in British Columbia, Canada;

17 (3) vessels propelled by machinery and not more than 65 feet in length over deck,
18 except tugboats and towboats propelled by steam;

19 (4) vessels of United States registry of less than 300 gross tons and towboats of
20 United States registry and vessels owned by the State of Alaska, engaged exclusively

21 (A) on the rivers of Alaska, or

22 (B) in the coastwise trade on the west coast of the United States including
23 Alaska, Hawaii, and British Columbia, Canada;

24 (5) vessels of Canada, built in Canada and manned by Canadian citizens
25 including Canadian cruise ships, engaged in frequent trade between British Columbia and Alaska,
26 if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and
27 those of United States registry; and

28 (6) pleasure craft.

29 * Sec. 23. AS 08.62.185(a) is amended to read:

30 (a) Any oil tanker, whether enrolled or registered, of 50,000 dead weight tons or greater,
31 shall, when navigating in state water [WATERS] beyond Alaska pilot stations [EITHER

1 (1)] employ a pilot licensed by the state under this chapter [, OR

2 (2) UTILIZE A FEDERALLY LICENSED PILOT WHOSE DUTY STATION
3 HAS BEEN ON THAT TANKER THROUGHOUT THAT SPECIFIC VOYAGE].

4 * Sec. 24. AS 08.62.190 is amended to read:

5 Sec. 08.62.190. PENALTIES [PENALTY]. (a) A master or owner of a vessel required
6 by this chapter to employ a licensed pilot who fails to do so when a licensed pilot is available,
7 unless the perils or hazards of the sea prevent the employment of a pilot, is guilty of a
8 misdemeanor and, upon conviction, is punishable by a fine of not less than \$5,000 [\$1,000] nor
9 more than \$15,000 for the first offense and not less than \$10,000 nor more than \$30,000 for
10 the second offense [\$5,000].

11 (b) A person who violates any other provision of this chapter or a regulation adopted
12 under this chapter [IT] is guilty of a misdemeanor and, upon conviction, is punishable by a fine
13 of not less than \$1,000 [\$500] nor more than \$5,000 [\$1,000].

14 * Sec. 25. AS 08.62.190 is amended by adding a new subsection to read:

15 (c) For purposes of (a) of this section, the board shall define by regulation the phrase
16 "when a licensed pilot is available."

17 * Sec. 26. AS 08.62.200 is amended by adding new paragraphs to read:

18 (5) "knowingly" has the meaning given in AS 11.81.900(a);

19 (6) "pilot" means a person licensed under this chapter as a pilot or a deputy pilot.

20 * Sec. 27. AS 08.62 is amended by adding a new section to read:

21 Sec. 08.62.990. SHORT TITLE. This chapter may be cited as the Alaska Marine
22 Pilotage Act.

23 * Sec. 28. AS 39.25.120(c) is amended by adding a new paragraph to read:

24 (22) marine pilot coordinator of the Board of Marine Pilots.

25 * Sec. 29. AS 45.50.572(a) is amended to read:

26 (a) AS 45.50.562 - 45.50.596 do not forbid the existence or operation of labor,
27 agricultural, [OR] horticultural, or marine pilot organizations created for the purpose of mutual
28 help, and not conducted for profit, or forbid or restrain members of those organizations from
29 lawfully carrying out the legitimate objectives of them; nor are these organizations or members
30 illegal combinations or conspiracies in restraint of trade under the provisions of AS 45.50.562 -
31 45.50.596.

1 * Sec. 30. TRANSITION; MARINE PILOT LICENSE. A marine pilot license issued under
2 AS 08.62.100 before the effective date of sec. 12 of this Act shall be valid for the period for which the
3 license was issued.

4 * Sec. 31. INVESTIGATION OF MARINE ACCIDENTS. The marine pilot coordinator of the Board
5 of Marine Pilots shall cooperate with federal and state agencies responsible for regulation of marine
6 pilots and the investigation of marine accidents to develop guidelines for, and a system of timely,
7 thorough, and fair investigations of, marine accidents involving death or injury to a person or damage
8 to property or the marine environment. The marine pilot coordinator shall submit a report on the
9 guidelines and system developed to investigate marine accidents and on recommendations for legislation
10 necessary to provide for the investigation of marine accidents to the legislature on the first legislative
11 day of the Second Regular Session of the Seventeenth Alaska State legislature.

12 * Sec. 32. TRANSITION: REGIONAL MARINE PILOT ORGANIZATIONS. (a) The Board of
13 Marine Pilots shall adopt minimum standards for recognition of marine pilot organizations under
14 AS 08.62.175, added by sec. 21 of this Act, by January 1, 1992.

15 (b) Notwithstanding AS 08.62.175(d), added by sec. 21 of this Act, a marine pilot organization
16 recognized by the Board of Marine Pilots may operate until July 1, 1992, without having its articles,
17 bylaws, and rules approved by the board under AS 08.62.175(d).

18 * Sec. 33. The Board of Marine Pilots shall adopt maximum tariffs under AS 08.62.045, added by
19 sec. 7 of this Act, before January 1, 1992.

20 * Sec. 34. The Department of Commerce and Economic Development, notwithstanding AS 08.01.065,
21 may establish a one-time assessment on persons licensed under AS 08.62 and applicants for licenses
22 under AS 08.62 to pay for additional costs required under this Act before the next period for renewal
23 of marine pilot licenses.

24 * Sec. 35. AS 08.62.045 is repealed June 30, 1994.

25 * Sec. 36. Section 8 of this Act takes effect January 1, 1993.

26 * Sec. 37. Except for sec. 8 of this Act, this Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA ()
1991 LEGISLATIVE SESSION

No. 3
Bill Version: CSHB 194 (FIN)
(H) Publish Date: 5/15/91

Revision Date: _____ Department Affected: Commerce & Economic Dev.
Title: Relating to the Board of Marine Pilots, marine pilots, BRU: Occupational Licensing
Sponsor: Rep. C. Davis, et al Component: Administration
Requestor: House Judiciary COMPONENT SERIAL NO.

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	72.3	72.3	72.3	72.3	72.3	72.3
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	10.0	10.0	10.0	10.0	10.0	10.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	103.3	93.3	93.3	93.3	93.3	93.3

CAPITAL						
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REVENUE	0	131.6	0	131.6	0	131.6
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER GF/PR	103.3	93.3	93.3	93.3	93.3	93.3
TOTAL	103.3	93.3	93.3	93.3	93.3	93.3

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)
(SEE ATTACHED)

Changes in SCB CSHB 194 (L-10)
reflect NO FISCAL CHANGE from the original
fiscal note. This fiscal note is appropriate.
5-14-91 RM
date Comte Aide (initial)

Prepared By: Jennifer Strickler, Admin. Officer Phone: 465-2144
Division: Occupational Licensing Date: May 14, 1991
Approved by Commissioner: Glenn A. Olds
Agency: Commerce and Economic Development Date: 5-14-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE ANALYSIS

CSHB 194 (JUD)

The bill makes a number of amendments to the Marine Pilotage Act. The expenses identified in this fiscal note result from paying for audits to collect information needed to apply standards as mentioned in Section 2, and the employment of a Marine Pilot Coordinator established by Section 4.

The bill places the Marine Pilot Coordinator in the partially exempt service of State government and is charged with the responsibility to administer and enforce the chapter. The costs identified are based on a similar Executive Director position, Range 22.

Personal Services:

Marine Pilot Coordinator, XE, 12 months, \$72.3
Range 22A

Travel: 10.0

Funding of \$10.0 will cover travel and per diem expenses for the marine pilot coordinator to conduct audits, review training programs, and to enforce compliance with the marine pilotage act.

Contractual Services: 10.0

This funding will provide for communications, postage, printing, advertising, and auditing costs.

Supplies: 1.0

Funding will provide for daily operating supplies for the Marine Pilot Coordinator position.

Equipment: 10.0

Funding will provide one-time equipment costs for the Marine Pilot Coordinator position. This funding will also provide for on-going office space costs.

TOTAL COSTS: \$103.3

Revenues:

There are approximately 123 licensed marine pilots whose licensing fees must be increased to cover the new costs provided in the bill. In addition, current expenses of the Board of Marine Pilots exceed revenues generated from licensing fees to support its licensing program.

Licensing fees must be raised to cover an additional \$131.7 (an average of the new costs identified in this fiscal note for the first two years, \$98.3, and the current deficit of \$33.4), totalling \$131.7. Therefore, a biennial licensing fee of \$1,070 (\$535 per year) will be necessary to cover the additional program costs ($\$1,070 \times 123 = \131.6). Marine Pilot licensees currently pay a biennial fee of \$180 (\$90 per year). If licensing fees are not increased to cover program costs, the program must then be supported by the general fund.

Since marine pilot licenses are due for renewal on December 31, 1992 (FY 93), revenues will not be collected in the first year of operation under provisions of CSHB 194(JUD). Funding in the first year must therefore be covered by general funds, unless a special one time assessment fee is made to licensees in FY 92.

The revenues identified in this fiscal note are based on the assumption that licensees will be willing to increase their fees to fully cover the costs of its licensing program beginning in FY 93 during the license renewal period.

Alaska State Legislature

Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Dick Ellason
Senator Rick Halford
Senator Jay Kerttula



SENATE LABOR AND COMMERCE COMMITTEE

WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3844

3111 C STREET, SUITE 150
ANCHORAGE, ALASKA 99504
(907) 561-2018

PROVISIONS OF SENATE CS FOR CS FOR HB 194(L&C)

FINDINGS -

THE FINDINGS SECTION STATES THAT MANDATORY MARINE PILOTAGE BY PILOTS WITH EXTENSIVE LOCAL KNOWLEDGE IS REQUIRED IN ORDER TO PROTECT LIVES, PROPERTY AND THE MARINE ENVIRONMENT. IN ORDER TO ACCOMPLISH THAT GOAL, THE BOARD MUST BE GRANTED BROAD AUTHORITY TO ESTABLISH TRAINING PROGRAMS, TARIFFS, PILOTAGE REGIONS AND LICENSING REQUIREMENTS. THE BOARD SHOULD BE GRANTED JURISDICTION OVER PILOTS AND MARINE PILOTAGE AND TO WORK WITH PILOTS AND PILOT ORGANIZATIONS TO ACCOMPLISH ITS GOALS. THE LEGISLATURE FURTHER FINDS THAT PILOT ASSOCIATIONS ARE NECESSARY IN ORDER TO CONTINUE TO ACCOMPLISH AND ENHANCE PAST EFFORTS TO PROVIDE SAFE PILOTAGE.

BOARD OF MARINE PILOTS -

THE SUNSET DATE OF THE BOARD IS EXTENDED TO JUNE 30, 1994. THE BOARD IS APPOINTED BY AND SERVES AT THE PLEASURE OF THE GOVERNOR. MEMBERSHIP OF THE BOARD REMAINS UNCHANGED WITH TWO PILOTS, TWO AGENTS/MANAGERS, TWO PUBLIC MEMBERS AND THE COMMISSIONER OF THE DEPARTMENT OF COMMERCE SERVING ON THE BOARD. THE BOARD IS REQUIRED TO HOLD AT LEAST THREE MEETINGS A YEAR. THE BOARD IS GRANTED THE AUTHORITY TO MAINTAIN EFFICIENT AND COMPETENT PILOTAGE ON THE INLAND AND COASTAL WATER OF AND ADJACENT TO THE STATE IN ORDER TO PROTECT SHIPPING, HUMAN LIFE, PROPERTY AND THE ENVIRONMENT.

THE BOARD IS EMPOWERED TO ADOPT REGULATIONS TO ESTABLISH QUALIFICATIONS AND TESTING REQUIREMENTS AND SHALL APPROVE TRAINING PROGRAMS FOR PILOTS AND DEPUTY PILOTS. THE BOARD IS REQUIRED TO COOPERATE WITH THE DEPARTMENT OF ENVIRONMENT CONSERVATION IN THE REVIEW AND APPROVAL OF OIL TANKER PILOT TRAINING PROGRAMS. THE BOARD SHALL ESTABLISH PILOTAGE REGIONS AND SHALL RECOGNIZE PILOT ASSOCIATIONS. THEY MAY CARRY OUT AUDITS OF PILOTS OR ASSOCIATIONS AND SET FEES FOR PILOT

LICENSING, TESTING AND AUDITS. THEY MAY REQUIRE A PILOT TO UNDERGO A PHYSICAL OR MENTAL EXAMINATION.

TAKING INTO CONSIDERATION SUCH FACTORS AS ACTUAL PILOTAGE TIME, WEATHER, RISK, DISPATCH AND TRANSPORTATION EXPENSES, THE BOARD SHALL ESTABLISH MAXIMUM TARIFF RATES. THE BOARD SHALL IMPOSE DISCIPLINARY SANCTIONS FOR A PERSON FOUND INCOMPETENT, CHEMICALLY IMPAIRED, POSSESSING, USING OR SELLING NARCOTICS OR DRUGS, HAVING THEIR COAST GUARD LICENSE SUSPENDED OR REVOKED, OR CHARGING IN EXCESS OF THE MAXIMUM TARIFF OR A RATE DIFFERENT FROM THE ASSOCIATION'S ADOPTED TARIFF.

MARINE PILOT COORDINATOR -

THROUGH PROGRAM RECEIPTS AND A ONE TIME ASSESSMENT OF PILOTS, THE POSITION OF MARINE PILOT COORDINATOR IS ESTABLISHED TO WORK WITH THE BOARD IN ADMINISTERING AND ENFORCING THIS CHAPTER. THE COORDINATOR MAY NOT BE AN ACTIVE PILOT, AN ACTIVE MEMBER OF A PILOTAGE ASSOCIATION OR HAVE FINANCIAL INTEREST IN AN ASSOCIATION. ADDITIONALLY, THE COORDINATOR SHALL COOPERATE WITH STATE AND FEDERAL AGENCIES IN THE REGULATION OF MARINE PILOTAGE AND IN THE INVESTIGATION OF MARINE ACCIDENTS. THE COORDINATOR SHALL SUBMIT A REPORT ON ESTABLISHED ACCIDENT INVESTIGATION PROCEDURES AND RECOMMEND LEGISLATIVE CHANGES TO THE LEGISLATURE AT THE BEGINNING OF SESSION NEXT YEAR.

DEPUTY MARINE PILOTS LICENSE -

DEPUTY MARINE PILOT LICENSING REQUIREMENTS AND TRAINING ARE ESTABLISHED IN THIS LEGISLATION. REQUIREMENTS INCLUDE U.S. CITIZENSHIP, ORAL AND WRITTEN EXAMINATION, EXTENSIVE EXPERIENCE AND POSSESSION OF AN ENDORSEMENT OF FIRST CLASS PILOTAGE ON THEIR USCG LICENSE.

MARINE PILOT LICENSE -

THE LEGISLATION MAKES PROVISION FOR THE ISSUANCE OF A MARINE PILOT LICENSE THAT REQUIRES CITIZENSHIP, EXAMINATIONS, THREE YEARS OF EXPERIENCE AS A DEPUTY PILOT AND ADDITIONAL REQUIREMENTS. THE PRIMARY DUTY OF THE PILOT IS TO SAFELY NAVIGATE VESSELS UNDER THEIR DIRECTION AND CONTROL AND TO PROTECT LIFE PROPERTY AND THE MARINE ENVIRONMENT. THE PILOT IS REQUIRED TO REPORT ALL VIOLATIONS OF STATE OR FEDERAL PILOTAGE LAWS TO THE APPROPRIATE AUTHORITY. USE OF LICENSED PILOTS IS MANDATORY ON VESSELS SUBJECT TO THE CHAPTER WHICH ARE NAVIGATING THE INLAND OR COASTAL WATER OF OR ADJACENT TO THE STATE. PILOTS MAY BE

LICENSED FOR A SINGLE REGION AND A PORTION OF ANOTHER REGION WHEN THE BOARD DETERMINES IT TO BE IN THE STATE'S BEST INTEREST. PILOTS ARE REQUIRED TO BE INDEPENDENT CONTRACTORS AND NOT BE EMPLOYEES OF AN OWNER OR OPERATOR OF A VESSEL SUBJECT TO THIS CHAPTER. A MARINE PILOT IS LIABLE FOR \$250,000 PER INCIDENT FOR DAMAGES OR LOSSES CAUSED BY ERROR, FAULT, NEGLIGENCE OR OMISSION. THERE IS NO LIABILITY LIMIT FOR DAMAGES AS A RESULT OF WILFUL MISCONDUCT, GROSS NEGLIGENCE OR WHEN THE ERROR, FAULT, NEGLIGENCE OR OMISSION RESULTS IN DISCIPLINARY SANCTIONS BY THE BOARD.

MARINE PILOT ORGANIZATIONS -

PERSONS LICENSED UNDER THIS CHAPTER MUST BE MEMBERS OF A PILOT ORGANIZATION AND MAY FORM PILOTAGE ORGANIZATIONS WITH MEMBERSHIP AS SMALL AS A SINGLE MEMBER. THE BOARD SHALL RECOGNIZE ALL ORGANIZATIONS THAT ARE FORMED IN COMPLIANCE WITH MINIMUM STANDARDS SET BY THE BOARD. THE ORGANIZATIONS, WHOSE PRIMARY GOAL IS TO PROMOTE A SAFE AND RELIABLE SYSTEM FOR MARINE PILOTAGE, SHALL PROVIDE DISPATCH, ADOPT TARIFFS, BE OPEN FOR MEMBERSHIP BY ALL LICENSED PILOTS, OPERATE OR PARTICIPATE IN TRAINING PROGRAMS FOR PILOTS OR DEPUTY PILOTS AND COOPERATE WITH THE BOARD. THESE ORGANIZATIONS ARE REQUIRED TO HAVE BOARD APPROVAL OF BYLAWS, ARTICLES AND RULES. THEY ARE ALSO REQUIRED TO HAVE QUALIFIED PILOTS AVAILABLE FOR DISPATCH FOR A REASONABLE NUMBER OF DAYS EACH YEAR COMMENSURATE WITH THE SIZE OF THEIR MEMBERSHIP.

ANTITRUST/ANTI COMPETITION PROVISIONS -

SECTION 6 OF THIS ACT FORBIDS ACTIONS BY THE BOARD THAT MAY RESULT IN ANTI-COMPETITIVE ACTIVITIES. PROVISIONS OF SECTION 29 ALLOW INDIVIDUAL PILOTS TO FORM ORGANIZATIONS AND SET TARIFF RATES THAT MEET THE REQUIREMENTS OF THE BOARD'S ADOPTED MAXIMUM TARIFF. IN ADDITION TO THESE ELEMENTS IN THE LEGISLATION, THE ADOPTED LABOR & COMMERCE LETTER OF INTENT PROVIDES FOR OPEN AND FAIR COMPETITION REGARDLESS OF THE PROVISIONS IN SECTION 29.

OIL TANKER PROVISIONS -

CONSISTENT WITH RECOMMENDATIONS OF THE STATE OIL SPILL COMMISSION PILOTAGE STATUTES ARE UPDATED AND REQUIRE ANY OIL TANKER NAVIGATING IN MANDATORY PILOTAGE WATER OF THE STATE TO HAVE A STATE LICENSED PILOT AT THE HELM.

SCS FOR CS HB 194(L&C) TRANSITION TIME LINE

ORGANIZATIONS -

- * JAN. 1, 1992 - THE BOARD ADOPTS MINIMUM STANDARDS FOR RECOGNITION OF ORGANIZATIONS.
- * JAN. 1, 1992 - THE BOARD MUST ESTABLISH MAXIMUM TARIFFS THAT MAY BE CHARGED BY PILOTAGE ORGANIZATIONS.
- * JULY 1, 1992 - ORGANIZATIONS MUST HAVE THEIR ARTICLES, BYLAWS AND RULES APPROVED BY THE BOARD.

CURRENTLY LICENSED PILOTS -

- * JULY 1, 1992 - PILOTS MUST BE MEMBERS OF AN AUTHORIZED ORGANIZATION.
- * PILOTS LICENSED ON THE EFFECTIVE DATE OF THIS ACT ARE "GRANDFATHERED" FOR THEIR LICENSE TYPE, ENDORSEMENTS AND RESTRICTIONS.

INDIVIDUALS CURRENTLY IN TRAINING PROGRAMS -

- * INDIVIDUALS RECEIVE CREDIT FOR EXPERIENCE AND TRAINING WHICH TOOK PLACE PRIOR TO THE EFFECTIVE DATE OF THE ACT WHEN SEEKING NEW LICENSES OR ENDORSEMENTS AND MUST MEET LICENSING AND ENDORSEMENT REQUIREMENTS THAT ARE PRESENT IN THE ACT.

NEW APPLICANTS FOR LICENSES -

- * APPLICANTS FOR LICENSES MUST MEET ALL PROVISIONS OF THE ACT.

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

P.O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

May 10, 1991

Senator Drue Pearce

Dear Senator Pearce:

If the Board of Marine Pilots would advocate an assessment on Marine Pilot licensees sufficient to implement SB218 for FY '92, then the Department of Commerce and Economic Development would have no objection to such an assessment. I understand that this type of assessment has occurred twice within recent years for other boards with sweeping changes. Both times this assessment was done through Statutes and I understand that would be the proper procedure in the case of Marine Pilots.

Sincerely,

Ann Boudreaux

Ann Boudreaux
Director

DEPT. OF ENVIRONMENTAL CONSERVATION

April 18, 1991


BILL NUMBER: CSHB 194 (L&C)

TITLE: Relating to the Board of Marine Pilots, marine pilots, and marine pilot organizations; and providing for an effective date.

DEPARTMENT POSITION: Support

ANALYSIS: This bill clarifies and strengthens the authority of the Marine Pilots Board. Its passage would insure that competent marine pilots would be on board certain vessels in Alaska State waters, thus increasing the level of safety of vessel operations and protecting our marine environment.

The Department of Environmental Conservation believes that the mandatory use of local marine pilots with knowledge of the area in which they operate is an integral part of oil spill prevention. State licensed pilots was a major recommendation of both the Alaska Oil Spill Commission (Recommendation #20) and the States/British Columbia Oil Spill Task Force (Recommendation #15).


John A. Sandor
Commissioner

ALASKA STATE LEGISLATURE

ELECTIVE DISTRICT 1

HYDER
KETCHIKAN
KUPREANOF
MEYERS CHUCK
PETERSBURG
SAXMAN
WRANGELL



HOME

P.O. BOX 5723
KETCHIKAN, AK 99901
PHONE 225-6304

DURING SESSION

P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3424

Representative Cheri L. Davis

TESTIMONY MARINE PILOTAGE ACT HOUSE BILL 194

The legislatures of all coastal States have, by statute, created boards or commissions to govern the operation of pilots of their respective states; for the appointment and licensing of such pilots; and, frequently, for the fixing of rates for pilots. Such boards and commissions are administrative agencies and, as such, are creatures of statute. The jurisdiction and authority which they assert must be found within the four corners of the statutes under which they were created.

House Bill 194 gives our Board of Marine Pilots this jurisdiction and authority.

It has been almost twenty years since any major changes were made regarding piloting in Alaska. Our pilots play an important, integral part, of transportation in our state. Pilots are taken on board at a particular place for the purpose of conducting a ship through inside coastal waters and into ports. It is their "local knowledge" that ensures the safe passage of vessels through these waters. Giving the board the statutory power to enforce and regulate its pilots will serve in the best interest of Alaska.

This bill is a product of compromise. I have met with several representatives from the shipping industry, pilot board members, pilots and pilot organizations. The version of the bill you have in front of you this evening is the seventeenth draft...all products of compromise. I have taken into consideration all of their comments and requests and incorporated those suggestions into this bill.

Thank you.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

P.O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

April 8, 1991

The Honorable Cheri Davis
Alaska House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Davis:

The Board of Marine Pilots is pleased to support House Bill 194. The board appreciates your efforts and shares your concerns about the seriousness of enacting a modern pilotage law for the State of Alaska.

If there is any way that the Board of Marine Pilots can be of any assistance to you in this fight, please call upon me.

Very truly yours,



M. Paul Taylor, P.E., Chairman
BOARD OF MARINE PILOTS

MPT/1vs5199t
4891a

MAY-11-91 SAT 11:22 SEA PILOTS

P. 01

MARINE PILOTING

Telephone: (907) 226-9896
(907) 226-9897

Southeastern Alaska Pilots' Association

CABLE ADDRESS: SEAPILOTS

P. O. BOX 6100
KETCHIKAN, ALASKA 99901

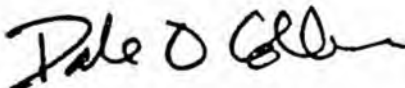
May 11, 1991

Representative Cheri Davis
Senator Drue Pearce
Alaska State Legislature
Juneau, AK 99811

Dear Senator Pearce and Representative Davis,

This is to advise you that the Southeastern Alaska Pilots' Association fully supports a one time assesment of every Alaska Pilot, to fund costs associated with Senate Bill 218 and House Bill 194.

Sincerely,



Dale O. Collins
President

SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977
Homer, Alaska 99603

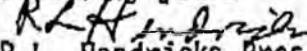
Tel: (907) 235-8783
Fax: (907) 235-6119

Senator Drue Pearce,
Representative Cheri Davis,
Alaska State Legislature
Juneau, Alaska 99811

Dear Senator Pierce and Representative Davis,

This is to advise you that the South West Alaska Pilots Association supports a one time assesment of every Alaska state pilot, to fund costs associated with House Bill 194 and Senate Bill 218.

Sincerely yours


R.L. Hendricks Pres.

Alaska Steamship Operators Association

May 19, 1991

The Honorable Cheri Davis
Representative
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

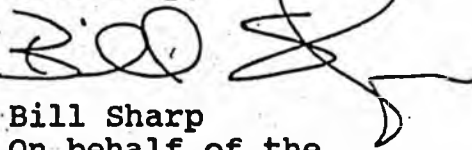
Re: SCS for CSHB 194 (L&C)

Dear Representative Davis:

This is to advise you that the Alaska Steamship Operators Association supports SCS for CSHB 194 (L&C) in the form which passed the Senate Labor and Commerce Committee on May 19, 1991.

Thank you for the opportunity to work with you on this legislation.

Sincerely,



Bill Sharp
On behalf of the
Alaska Steamship Operators Association

cc: Senator Drue Pearce