

S B

2 7 4



Official Business

Alaska State Legislature

Senate

SENATOR VIRGINIA COLLINS

Pouch V
State Capitol
Juneau, Alaska 99811

SPONSOR STATEMENT

Senate Bill 274

Senate Bill 274, "An Act relating to the operation of personal watercraft and specialty prop-craft."

Personal watercraft, commonly referred to as "jet skis" have become increasingly popular since the craft's introduction into the U.S. in 1971. By 1988, it was estimated that over 200,000 personal watercraft were in use.

With increased use of personal watercraft, citizens in Alaska as well as other states have expressed concerns regarding the impacts of this watercraft on water safety, wildlife, and aesthetics. In Alaska, nesting birds are being disturbed, and, in many instances, abandoning their nests. Complaints about misconduct involving the use of personal watercraft have increased.

The Personal Watercraft Industry Association, composed of manufacturers and distributors of personal watercraft, developed a model bill in response to the increased concerns. The model, or portions thereof, have been adopted in 12 states. Two other states currently have legislation pending.

The proposed Senate State Affairs committee substitute incorporates much of the aforementioned model act. Senate Bill 274 would increase the safety of the personal watercraft operators and their passengers as well as the safety of others on the water. It would limit the age of the operator, the hours of operation, the speed, and the method of operation. Senate Bill 274 would also provide more protection for the wildlife and their habitat on or near the waters.

I would appreciate your support of the proposed committee substitute for Senate Bill 274.

Alaska State Legislature

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2828



During Interim
3111 C Street, Suite 540
Anchorage, Alaska 99503
(907) 561-2040

Senator Virginia Collins

CSSB 274 (5/16/91)

Operation of Personal Watercraft and Specialty Prop-Craft

The "Jet Ski" Bill

CSSB 274 (5/16/91) sets guidelines for the operation of personal watercraft and specialty prop-craft in order to promote safety and to protect wildlife and habitat from the misuse of this craft. The bill requires operators:

- * to wear life jackets;
- * to be 16 years of age or over;
- * to be accompanied by an adult when under the age of 16;
- * to use an engine cut-off switch where provided; and,
- * to not knowingly harass wildlife; tow a person on water skis; operate through floating vegetation faster than no-wake speed; and operate between 9:00 a.m. and 9:00 p.m.

Compared with the version the committee addressed last year, CSSB 274 (5/16/91) responds to the concerns expressed in committee by:

- * replacing the section on the manner in which the craft is operated (page 2, lines 8 - 15, CSSB 274 (5/7/91)) with a section prohibiting the operator to travel at a speed faster than no-wake speed when within a posted shoreline erosion area, a posted fish spawning area, or a posted swimming area (page 2, lines 9 -11);
- * prohibiting the damaging of wildlife nesting sites (page 2, lines 7 - 8);
- * requiring a passenger to wear a life jacket (page 1, line 8); and,
- * prohibiting an owner or one having control of a craft to allow anyone under the age of 16 to operate the craft unless accompanied by an adult (page 2, lines 12 - 16).



1990

er action



...PACIFIC STATES MARSHAL SCHWITZ...
 ...Pilot, but dropped the next two, including Sunday...

Wasilla toys with jet ski ban on lake

By **ROBERT HOWK**
Frontierman staff

Motorboats and jet skis on Lake Lucille may become distant memories, or at least come under new regulations, if some members of the Wasilla City Council have their way.

Noise, lakeside erosion and harassment of wildlife are emerging as major gripes from lakeside residents. And some of those homeowners are in positions of power.

"These jet skis have been running and ripping around here and they suck close to the shoreline and they put on a show for their friends on the public access. There have been eggs disturbed, loons' eggs out on the island have been disturbed and ruined," complained city councilman Mike Carson.

Carson and fellow councilman Pat Carter are also concerned about the grebe population on the lake. The birds nest in shallow water on the lake edge, and they said motorized vessels — especially jet skis — have been kicking up so much wave action that grebes have been abandoning their eggs.

"I wouldn't want to see them stop motorized traffic. But darn, basically that 60 foot wide right-of-way (on the east shore of Lake Lucille) is only about 100 feet long. And there's no toilet facility there or anything and it's just

the wrong place to have something like that," Carson said.

The Mt-Su Borough has a larger, more appropriate public access site on the south shore of the lake, Carson said. But he said the area lacks a boat ramp, and that makes it unattractive for people who want to launch jet skis and other watercraft.

Like his two colleagues, councilman Nick Carney is also a lakeside resident. Carney has proposed a seasonal, part-time ban of motorized traffic on the east end of the lake.

"It's possible we might be doing something (such as) restricting jetskis until the first of July. I'm looking for some way to protect the bird nesting during that critical time when they're sitting on the eggs. We've seen people going out there with jet skis and harassing the birds, and in some cases even chasing the birds, trying to run them down," Carney said.

Whether the city has authority to enact any ban remains to be seen. As Carter pointed out, "The state owns the land at the bottom of the lake. The state owns the water in the lake."

The Wasilla utility and planning commission was scheduled to look at ways of reducing impact on the lake at a public hearing Tuesday evening at Wasilla City Hall.

ears head again

The assembly needs to look at rules on foreclosures, sales, severance taxes and fees, more said. These things should be done in a comprehensive fashion.

The Assembly must approve the vote to decide on a tax at least 60 days prior to election, in order to have the question included on the Oct. 2

lot. Mayo said he has grave concerns for FY92, when the borough will need to find up to \$9 million to support the current

level of services.

"The question that has to be asked this year is: What programs do the constituents of the borough want the borough to do?" Mayo said. "If they want all of them we'll have to propose a balanced budget. If not we need a mill rate based upon that."

The \$9 million figure represents \$5 million in reserves used in the FY 1991 budget to subsidize the mill rate and \$4 million in cuts. Mayo said the \$4 million should be included in the discussion.

(See Tax Back Page)

in argue ethics policy

on education issues and law, added. The board is requesting a judge's opinion, based on state and the Alaska Constitution,

guidelines for school district employees. The definition of which political body has the authority to administer an ethics policy overseeing the district's employees

Alys Vickaryous dies

By **ANNE H. PURDY**
Frontierman staff

Alys Hope, Saundis Vickaryous, 80, was as much a part of the Valley's landscape as the range of mountains behind her Colony farm on the Palmer-Wasilla Highway. Her passing on Monday brings to a close another chapter in the story of Palmer's colonization period begun as Franklin Delano Roosevelt's experiment in relocating farm families devastated by the depression in 1935.

A visitation for Alys will be held at St. Michael's Catholic Church in Palmer at 6 p.m. Thursday, June 14. A funeral mass will be held at 7 p.m., and a



Alys Vickaryous

depression-torn Minnesota along with 285 other men, women and children more than 50 years ago. She had two more children while living on farms.

New rules afloat for Valley boaters

By ROBERT HOWK

Frontiersman staff

Any cautious mariner knows conditions in a given area can change from year to year.

And as this boating season gets underway, there is much more to watch for than shifting shoals in Mat-Su Valley waters.

One big change will be an increased level of public safety enforcement, especially at Big Lake and other popular waterways.

Alaska State Troopers, Alaska State Park Rangers, Department of Fish and Game officers and the U.S. Coast Guard will be on patrol at Big Lake during the Memorial Day weekend and other times during the summer. They'll be on the lookout for obvious trouble and "accidents waiting to happen."

"Primarily; just major problems they have with the boating out there. DWI, reckless operation of boats. Our 'problem children' that we have," Lt. John Glass, commander of the Palmer state trooper post said.

Of particular interest to author-

ities are the increasingly popular jet-skis — the aquatic equivalent of a motorcycle. Two deaths involving jet-skiers occurred last summer at Big Lake. Glass said they won't be picking on jet-skiers, but will be watching them along with everyone else on the water.

"We're not going to target any one select group, we're just going to try to make a safe and sane boating season where we don't have any fatalities on Big Lake this year.

"We don't want to spoil anybody's weekend, but we damn sure don't want it spoiled, ei-

ther," Glass said.

The Coast Guard has the same attitude, Ensign Brian Mosley said.

"This is really a public education focus. We're not there to be a bunch of hardcases or anything like that. We're really there just to have a presence and hope that will quell some of the rowdy behavior that has led to some injuries. (But) we'll do enforcement when necessary," Mosley said.

The Coast Guard has an official sounding term — "Termination Criteria" — for ordering someone to pull their craft out of the water. Mosley said there are four basic conditions they will prompt a "termination." They are:

- Insufficient or non-servicable life preservers. One is required for every person aboard a boat.
- Overloading of passengers or equipment beyond a vessel's safe carrying capacity.
- Boating while intoxicated.
- Negligent or reckless operation.

(See Boating Page 13)

Safety inspections free

By ROBERT HOWK

Frontiersman staff

Before you get your boat wet this summer, you might want to take a few minutes to get it stuck.

With a Coast Guard Auxiliary Safety Decal, that is.

Members of the Mat-Su Flotilla of the Coast Guard Auxiliary are gearing up for another season of "Courtesy Marine Examinations," and they say the brief time it takes to check a boat for required safety equipment can save a lot of grief later if an emergency should arise.

"People should have their boats (examined) before they put them in the water, really, because then they don't want to take the time," Carrol Palmer, public education officer with the Mat-Su Flotilla said.

(See Inspect Page 13)

NEWS PAPER

ARTICLE

Boating

(Continued from Front Page)
Get registered

Another thing officials will be checking for is legally required state registration numbers which must be prominently displayed on any craft that produces more than 10 horsepower. And that includes jet-skis.

If your boat or jet-ski is not registered there are numerous places in the Valley where the needed paperwork can be obtained. Those include: Big Lake

Marina; Big Lake Post Office; Burkesboro Marina; Power Sports; Homesteader's Hardware; Wasilla Post Office; Wasilla City Hall; Outdoors and More; Chimo Guns; NAFA Auto Parts in Wasilla; the Department of Motor Vehicles office and the Alaska State Troopers' headquarters in Palmer.

The registration fee is \$6 and the paperwork takes about four weeks to process. Mosley said if boaters plan to be in the water before their registrations are

complete, they should make a photocopy of the registration form and the check used to pay for it, and keep that paperwork with their watercraft.

Radio static

Anyone fooling around the wrong way with a marine radio-telephone can expect trouble this summer. Authorities including the Federal Communications Commission are running a crackdown on improper usage of

Channel 16.

Stick to the required procedure — using 16 as a hailing frequency only to bump conversations to another channel — and keep 16 clear for emergency communications, and you won't have the feds on your case.

New rules

Anyone boating or jet-skiing on lakes within the Wasilla city limits — all of Lake Lucille and the western end of Wasilla Lake

"We're not there to be a bunch of hard-cases or anything..."

-Ensign Brian Mosley

near downtown — should also be aware of some new rules.

An ordinance passed by the city last summer puts a "no-wake" speed limit into effect near the shores of Lake Lucille and imposes noise restrictions on boaters after 11 p.m.

Wasilla Deputy City Administrator Bob Harris said the city has received a large supply of small floating buoys which will be strung around the perimeter of Lake Lucille 100 feet from the shoreline.

"We hope people will comply with that and try to avoid running over them or (creating) wakes in that zone," Harris said.

"We're not planning on any active patrol or pursuit out there ... but people will be able to prosecute, if they wish," for noise violations and reckless or intoxicated boaters, Harris said.

Lt. Glass said while the main focus will be on Big Lake during the Memorial Day and Fourth of July weekends, officials are also planning a "surprise, unannounced weekend," of enforcement patrols.

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. DRAFT CSSB 274(SA)

Revision Date: _____ Department Affected: Public Safety
 Title: "Operation of personal watercraft and specialty prop-craft" BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Collins
 Requestor: Senate State Affairs COMPONENT SERIAL NO.

	7	9	9
--	---	---	---

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

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
----------------	------------	------------	------------	------------	------------	------------

REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
-----------------------------	------------	------------	------------	------------	------------	------------

FUNDING: (Thousands of Dollars)

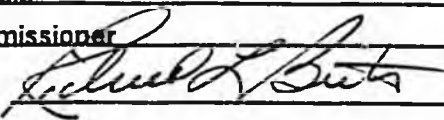
GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 Enforcement of this legislation would be provided through the normal course of duties, and would be prioritized with other requests for service. Thus, no significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Gayle A. Horetski Phone: 465-4322
 Division: Office of the Commissioner Date: 03/02/92
 Approved by Commissioner:  Richard L. Burton
 Agency: Department of Public Safety 03/02/92

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. Proposed CSSB 274(SA)

Revision Date: _____
Title: "Operation of personal water-craft and specialty prop-craft"
Sponsor: Senator Collins
Requestor: Senate State Affairs

Department Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments

COMPONENT SERIAL NO.

	7	9	9
--	---	---	---

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

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
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)

No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared by: Gavle A. Horvath Phone: 465-4322
Division: Office of the Commissioner Date: 5/9/91
Approved by Commissioner: Richard L. Burton Richard L. Burton
Agency: Department of Public Safety Date: 5/9/91

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

BILL NO: DRAFT CSSB 274(SA)

DATE: March 2, 1992

TITLE: "Operation of personal watercraft and specialty prop-craft"

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

MAR 03 1992

POSITION PAPER - Department of Public Safety

The draft State Affairs CS for SB 274 creates a new section in AS 05.25 regulating the use and operation of "personal watercraft" such as jet skis. Under the general penalty provisions of AS 05.25, violation of this new section would be a misdemeanor offense punishable by a fine of up to \$500, or by imprisonment for up to six months, or both. (AS 05.25.090).

The Department of Public Safety shares the public's concern about noise, nuisance, and danger caused by thoughtless or careless jet ski operators. The Department supports this bill, but cautions the legislature and the public that there are practical limits to the degree that it can be successfully enforced. Any enforcement activity likely would be after the fact, and would be based on the statements of witnesses or victims. Examination of the "crime scene" would not produce useful evidence in most cases.

The bill prohibits operation of a jet ski by persons under 16 unless accompanied by a person over 18. It might be difficult to verify the age of a person operating a jet ski. Swimming attire is commonly worn for that activity, and a driver's license or other proof of age is not likely to be carried at the time. The bill also prohibits operation of a jet ski "through emergent or floating vegetation at a speed faster than a no-wake speed". After the fact, it may be difficult to prove "beyond a reasonable doubt" what path a jet ski took over a given water area, and the speed at which the ski was operated.

Enforcement of this bill, should it become law, would be prioritized with other demands for law enforcement services statewide. Response to citizen's complaints would depend on the limited personnel and resources available.



Richard L. Burton
Commissioner



National Audubon Society

ALASKA-HAWAII REGIONAL OFFICE

308 G STREET, SUITE 219, ANCHORAGE, ALASKA 99501 (907) 276-7034

May 10, 1991

Senator Pat Rodey
Chairman
Senate State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Dear Senator Rodey,

Thank-you for scheduling a hearing on SB 274 which addresses the operation of personal watercraft.

We commend Senator Collins for introducing this legislation which will minimize conflicts between personal watercraft operators, other recreationists, and fish and wildlife values. We support CSSB 274 in concept and recommend one additional amendment, language that would establish a "no wake" zone within 100 feet of the shoreline. This would avoid destruction of shoreline nests of waterbirds such as loons and grebes, reduce shoreline erosion and minimize conflicts with swimmers, canoeists and other recreationists.

Thank-you for your consideration..

Sincerely,

David R. Cline
Regional Vice President



DUCKS
UNLIMITED
INC.

CLARK SPRINGER
SENIOR VICE PRESIDENT
NORTH PACIFIC FLYWAY

1407 Bay Avenue
Homer, Alaska 99603
(907) 235-7121

May 10, 1991

Senator Collins
Juneau, Alaska

RE: Senate Bill CSSB 274

Dear Senator Collins:

I am in agreement with the subject bill with the exception of two parts.

Section 05.25.017 (A) The manufacturers recommendation is a minimum of 14 years of age. I feel that since a person can obtain a driving learners permit at 14, the minimum age for this bill should be 14 years old.

(D) (1) This is outrageous, we live in the land of the midnight sun. We have three short months of summer. The hours of permitted use of these machines should be governed by sunrise and sunset. If you are going to regulate these hours of operation, how about the the percentage of people that run power mowers or boats on lakes and rivers at 2:00 a.m.

Let's enjoy Alaska, not over regulate our life styles.

Sincerely yours,

Clark R. Springer



Alaska Center for the Environment

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501 • (907) 274-3621

May 10, 1991

Senator Pat Rodey
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: Operation of Personal Watercraft

Dear Senator Rodey:

We would like to convey to you our strong interest in and support for CS for Senate Bill 274. The operation of personal watercraft has raised substantial concerns in a number of other states as well as in Alaska. Those concerns include the safety of both personal watercraft operators and others in the area; the impact on the recreational experience of other recreationists; and the impact on aquatic vegetation and fish and wildlife.

These are valid concerns. The legislatures of 12 other states agree and have enacted similar legislation. We feel confident that Alaskans support this bill. For example, in spite of substantial controversy concerning motorized vehicle use during the Recreation Rivers planning process, a measure concerning personal watercraft that was more restrictive than this bill was included in the plan with virtually no opposition. The measure was included for reasons of safety, the protection of the recreational experience, and the protection of shore nesting birds.

The proposed legislation is a fair and reasonable way to begin to deal with the problems raised by personal watercraft operation. Dealing with these craft now before their numbers greatly increase, and before people buy them believing that there will be no limits on their use, is far better than waiting until the problem is even more severe, and after people have purchased them in reliance on our non-action.

We would like to comment on two specific subjects. First, we believe the lakeshore no-wake measure suggested by others should be added to the bill. This could be accomplished by adding the following as (d)(5): "operate a personal watercraft or speciality prop-craft within 100 feet of lakeshores at a speed faster than no-wake speed."

Second, we strongly support the prohibition on personal watercraft use between the hours of 9 pm and 9 am. These craft are toys, and very noisy ones; unlike other motorboats, they are not generally used to transport their operators from one place to another for the purposes of fishing, etc. They create a

continuous, loud noise that can be extremely bothersome in the evening and early morning to people who are trying not just to sleep, although that is of course of primary importance, but also to relax and enjoy some quiet during at least a portion of the day. Twelve hours provides more than enough time to operate these craft. Furthermore, there is a precedent for this type of regulation in the very common quiet hours that are routinely enforced in campgrounds.

Thank you for your consideration of these thoughts.

Sincerely,

Cliff Eames

Cliff Eames
Issues Director