

HB

108

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 12, 1999

FURTHER REFERRALS:

Date of Committee Action: 2/7/00

The FINANCE Committee considered:

HB 108

HOUSE BILL NO. 108

USE, REGULATION, AND OPERATION OF BOATS

"An Act relating to the use, operation, and regulation of boats; establishing a uniform state waterway marking system; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 108 (FIN) the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S):	(Dept)	APPROVES PREVIOUS:	(Dept/Date)
<input checked="" type="checkbox"/> fiscal note(s)	<u>FIN</u>	<input type="checkbox"/> fiscal note(s)	_____
	<u>DOA</u>		
<input checked="" type="checkbox"/> zero fiscal note(s)	<u>DPS</u>	<input type="checkbox"/> zero fiscal note(s)	_____
	<u>DNR</u>		

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Therriault			X	
	Mulder				✓
	Bunde	✓			
	Foster	X			
	Austinman	X			
	Grussendorf			X	
	Moses			X	
	Gault	X			
	Williams	X			

CO-CHAIR'S SIGNATURE
Therriault Mulder

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB108 (JUD)

Revision Date: 02-Feb-00 Dept Affected: Natural Resources
 Title: An Act relating to the use, operation, and BRU: Parks & Recreation Management
regulation of boats; establishing a uniform state waterway... Component: Parks Access
 Sponsor: Rep. Hudson
 Requestor: (H) FIN Component Serial No. #2136

Expenditures/Revenues (Inflation not included unless otherwise noted below) (Thousands of Dollars)

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	* 0.0	* 0.0	* 0.0	* 0.0	* 0.0	* 0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY00) cost: \$ none

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The Division of Parks included \$660,000 in federal funding to support this legislation in the FY01 Governor's capital budget request, therefore no fiscal note for additional authorization is required.

Administration	\$66.0	10%
Law Enforcement	64.0	9%
Public Access/Nav Aids	30.0	5%
Education	500.0	76%

(annotated on next page)

Prepared by: Jim Stratton, Director *[Signature]* Phone: 269-8701
 Division: Parks Date: 02-Feb-00
 Approved by Commissioner: John Shively *[Signature]* Date: 2-2-2000
 Agency: Natural Resources

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Continuation of fiscal note for: CSHB108 (JUD)

Education expenditures annotated:

Alaska Boaters Guide revision and reprinting	\$ 50.0
Kid's Don't Float Program	20.0
Boating Safety Course Development, Volunteer Instructor Training, Scholarships to attend (contract)	200.0
Rural Instructor Training Program (contract)	100.0
Media (Posters, TV and Radio PSAs)	35.0
Educational Material (free items for public)	25.0
Coastie the Safety Boat (kids education program)	10.0
Teaching Kits Boating Safety Instructors	20.0
School Programs	40.0
Total	\$500.0

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 108(JUD)

Revision Date/Time 1/31/00 Dept. Affect Administration
 Title An act relating to boat registration . . . BRU Motor Vehicles
 Component _____
 Sponsor Representative Hudson
 Requester H (FIN) Component Serial No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	260.7	295.1	272.6	272.6	272.6	272.6
Travel	15.0	15.0	15.0	15.0	15.0	15.0
Contractual	115.5	91.0	91.0	91.0	91.0	91.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	80.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	471.2	401.1	378.6	378.6	378.6	378.6

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	466.5	933.0	933.0	933.0	933.0	933.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	471.2	401.1	378.6	378.6	378.6	378.6
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	471.2	401.1	378.6	378.6	378.6	378.6

Estimate of any current year (FY00) cost: 0.0

POSITIONS

Full-time	5	5	5	5	5	5
Part-time	2	2	2	2	2	2
Temporary	2	2	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The analysis will assume that the program will start on January 1, 2001. The positions that will be needed to administer the program will be hired on October 1, 2000, to allow time for training and establishing the program. Costs shown for FY 01 will only reflect partial year costs for 9 months of personal services costs and 6 months of registration activity.

(Continued on the attached sheet)

Prepared by Charles R. Hosack Phone 269-5559
 Division Motor Vehicles Date/Time 1/31/00
 Approved by Commissioner Bob Poe *Alison M. Egan* Date 1/31/00 1/31/00
 Agency Department of Administration

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STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO: CSHB 108(JUD)

Revision Date: January 31, 2000

Dept. Affected: Administration

ANALYSIS CONTINUED:

Discussions and Assumptions

The Coast Guard currently requires registration of powered boats used on navigable waterways and has approximately 33,000 registered boats. Assuming that an equal number of registrations expire in each year, this results in a registration workload of 11,000 boats per year. To process this workload the Coast Guard has 1.5 positions (1 dedicated full time and 1 which assists in administration and during the peak season) and has requested an additional full time position to prevent backlogs. These registrations are maintained on a stand alone computer system using specially developed software known as SABRE (State of Alaska Boat Registration). This system is a windows based system that is not networked or available to other users.

Under the proposed law all powered boats would be registered by DMV not just those on navigable waterways. Increased enforcement by law enforcement agencies and Division of Parks would increase the number of registered boats. There is no accurate number of the total number of powered boats in the state, however estimates from the various sources place the number between 50,000 to 100,000. This figure is mainly based on boat sales of 10,000 per year. For purpose of this fiscal note, it is assumed that there will be 75,000 registered powered boats. The bill also requires the registration of non-powered boats over 10 feet in length which were not previously required to be registered by the Coast Guard. The estimate of non-powered boats in the state is 100,000 boats. This estimate is based on the experience of other states which register non-powered boats. The registration period for all boats will be three years resulting in an annual registration workload of 58,300 boat registrations.

The Coast Guard has offered to give the SABRE registration system to the state, however there are problems with using it. The rationale for having DMV register boats is the fact that there are offices located throughout the state and there is an information system available to these offices, to law enforcement, and to other agencies as required. The DMV system has an integrated accounting module to properly account for state revenues. The SABRE system is not compatible with the current DMV system and would require extensive modification to make it so. It would be more cost effective and efficient to create a new application on the DMV system by modifying the vehicle registration system to accommodate boat registration.

Initial Start-up Costs

During the first year there will be additional costs to modify the DMV information system for the boat registration program and to convert the existing boat registration data base to the DMV system. The programming needs will be done by contract programmers and the conversion of the data base will require either manual data entry or manual verification of each entry due to the differences between the two operating systems. The data entry will be done by non-permanent project employees. These costs will be incurred in the first calendar year of the program, which will cross fiscal years. With an assumed start date of Jan 1, 2001, all employees will start on Oct 1, 2000, so that they can receive initial training, test the computer systems, and provide training for both the boat dealers and DMV employees:

The costs associated with the start-up are as follows:

	<u>FY 01</u>	<u>FY 02</u>
2 non-perm employees MVCSR* I (range 10) for 12 months	\$67.5	\$22.5
300 hours contract programming @ \$125/hr	\$37.5	
Equipment (computer workstations)	\$20.0	
Total	\$125.0	\$22.5

These costs will be incurred only in the first year of the program.

*Motor Vehicle Customer Service Representative

On-going Operating Budget Costs

In addition to the initial costs to establish the system and to convert the data from the SABRE system to the DMV system, there will be the regular costs to renew registrations of boats that are expiring and to register boats as they are sold by the dealers. Dealers are required to have a customer complete an application for any boat sold at retail and then send the registration application along with the appropriate fees to DMV. Boats due for registration renewal will be incorporated into the normal renewal system the same as a vehicle. This will include an initial renewal notice and the opportunity to renew by mail, by phone, by internet, or in person at any DMV office. The on-going costs will be based on an annual registration workload for 58,300 boats.

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO: CSHB 108(JUD)

Revision Date: January 31, 2000

Dept. Affected: Administration

Cost Detail

	<u>FY 01</u>	<u>FY 02</u>
1 PFT MVCSR III (range 14) lead worker	\$35.7	\$47.6
4 PFT MVCSR Is (range 10)	\$135.0	\$180.0
2 PFT (Seasonal) MVCSR Is (range10)	\$22.5	\$45.0
Postage costs (postage envelopes)	\$13.0	\$26.0
Forms cost (applications and registrations)	\$10.0	\$10.0
Validation Decals (90,000* @ \$0.50 ea.)	\$45.0	\$45.0
Training Costs (for Boat Dealers and DMV employees)	\$10.0	\$10.0
Travel & Per Diem cost for training and auditing	\$15.0	\$15.0
Equipment (computer workstations)	\$60.0	
Total	\$346.2	\$378.6

Revenue

There will be 25,000 powered boat registrations processed each year at \$24 for the three year period generating \$600.0 in GF revenue annually. There will 33,300 non-powered boat registrations processed each year at \$10 generating \$333.0 in GF revenue annually. The total GF revenue for all registrations will be \$933.0. The revenue estimate is based on the assumption that all boat owners will comply with the law. The enforcement efforts will have an impact on the revenue generated.

FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. CSHB 108(JUD)

Revision Date	1/27/00	Dept. Affected	Public Safety
Title	An Act relating to boat safety, registration, fees, enforcement and waterway marking system	BRU	Fish and Wildlife Protection
Sponsor	Rep. Hudson	Component:	Detachments
Requester	House Finance	Component No.	490/493

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0


Estimate of any current year (FY2000) cost: 0.0

POSITIONS

POSITIONS	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

This bill is consistent with the Department's program objectives and does not significantly impact our budget.

Prepared by:	Lieutenant Howard Starbard	Phone	746-9107
Division	Fish and Wildlife Protection	Date/Time	1/28/00 12:00 AM
Approved by:		Date	1-31-00
Agency	Commissioner Ronald L. Otte, Department of Public Safety		

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DISTRICT COMMODORE, UNITED STATES COAST GUARD AUXILIARY



4 February, 2000

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e-mail: bsands@alaska.net

SUBJ: HB 108 - Safe Boating Bill Testimony

Good Afternoon Co-Chairs Mulder, Therriault and Members of House Finance Committee.

My name is Barbara Sands and I have lived in Alaska for 26 years. I have three daughters aged 16, 18 and 23, that were born here, gone through the Alaska's schools system and still reside in Alaska. Recreational boating has been a very important part of our family time spent together. Most of the last twenty summers have been spent either on the Kenai River or in Prince William Sound, so boating safety has been not only been important for us but a way of life.

As District Commodore for the Coast Guard Auxiliary, a volunteer organization that works directly in support of the U.S. Coast Guard, I also represent approximately 400 other Alaskans that volunteer their time to promote and educate fellow Alaskans on boating safety. Not only do our members contribute over 30,000 hours of their time each year, but they also invest their personal finances and resources in these efforts.

While the Auxiliary in Alaska continues to grow, no matter how hard we work to promote boating safety, it is not enough. Each year it seems the boating season starts with boating fatalities and accidents that could have been prevented with some basic understanding of the importance of cold water survival and wearing a life jacket.

Two critical issues will be addressed with the passage of this bill. One, additional funding will be available to the State for education programs and two, it makes it a law that there be some basic safety equipment on boats such as life jackets. You would be stunned at the number of people we have talked to when offering free vessel safety checks that state, "well we don't need that equipment", or "the law doesn't require it and nobody checks us anyway".

With your help, HB108 will bring more revenue to the State of Alaska to promote boating safety. This bill carries a positive fiscal note and returns to Alaskans federal fuel taxes that they already pay, and keeps our boating registration fees within Alaska. This revenue will go a long way towards helping expand boating safety education in Alaska. Cold Water Survival should be something that our children are taught at a young age as it is a way of life here. The cost of prevention is small compared to the cost to the State in emergency response, and to Alaskan's in lost income due to accidents or worse, the loss of a loved one.

With your help in passing HB108, we can work together to make Alaska's waterways safer. The lives we save in the future, may be someone dear to us.

Respectfully Submitted

A handwritten signature in cursive script that reads "Barbara E. Sands".

Barbara E. Sands

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 108(FIN)
Version "U" 2/3/00

Pending
- C

Page 18, line 11:

After "date"

Delete "the director of the division of legislative finance notifies"

Insert "a motion is passed by the legislative council notifying"

Page 18, line 13:

After "program"

Insert "and does not expect to receive such funding in the current fiscal
year"

2/7/00

1-LS0445\U.1

Ford

2/7/00

adopted N/O

AMENDMENT #1

OFFERED IN THE HOUSE

TO: CSHB 108(FIN); Draft Version "U"

- 1 Page 10, line 17, following "year":
- 2 Insert "by a person who has not established residency as described under
- 3 AS 01.10.055"

adopted N/O 2/7/00

AMENDMENT #2

OFFERED IN THE HOUSE

TO: CSHB 108(FIN); Draft Version "U"

- 1 Page 18, line 11:
- 2 Delete "director of the division of legislative finance"
- 3 Insert "chair of the Alaska Legislative Council"

- 4 Page 18, line 12, following "receive":
- 5 Insert "and does not anticipate receiving"

- 6 Page 18, line 13, following "program.":
- 7 Insert "The director of the division of legislative finance shall notify the chair of the
- 8 Alaska Legislative Council when the state, in the previous fiscal year, did not receive federal
- 9 funding for a statewide boating and safety program. The chair of the Alaska Legislative
- 10 Council may not give the notice described in this section unless the notice is approved by a
- 11 vote of a majority of the members of the Alaska Legislative Council."

1-LS0445\U
Ford
2/3/00

Adopted 2/4/00

CS FOR HOUSE BILL NO. 108(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): **REPRESENTATIVES HUDSON, Halcro, Phillips, Kerttula**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the use, operation, and regulation of boats; establishing a
2 uniform state waterway marking system; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new
5 section to read:

6 **INTENT.** It is the intent of the legislature that

7 (1) at least 75 percent of any federal funds generated as a result of this Act
8 be used to fund a statewide boating safety and education program, and that the state program
9 operate in conjunction with the United States Coast Guard Auxiliary boating safety program
10 and other marine education organizations; and

11 (2) any amendment made on or after the effective date of this section and
12 before the date the delayed repeal and reenactment provisions of this Act take effect that is
13 made to existing law affected by the delayed repeal and reenactment provisions of this Act
14 will also be repealed when those provisions take effect.

1 * Sec. 2. AS 05.25.010 is repealed and reenacted to read:

2 **Sec. 05.25.010. Safety requirements.** (a) Except as otherwise provided by
3 law, a boat placed on the water of the state

4 (1) must be equipped with and use the sound producing devices and
5 visual distress signals of the same number, type, and specifications as required by the
6 United States Coast Guard;

7 (2) that is equipped with a gasoline engine for electrical generation,
8 mechanical power, or mechanical propulsion must also be equipped with the
9 ventilation systems and backfire flame control devices of the same type and
10 specifications as required by the United States Coast Guard; and

11 (3) that is equipped with an engine for electrical generation, mechanical
12 power, or mechanical propulsion must also be equipped with the fire extinguishers of
13 the same number, type, and specifications as required by the United States Coast
14 Guard.

15 (b) The provisions of (a) of this section apply regardless of whether the boat
16 is placed or operated on water of the state subject to federal jurisdiction.

17 (c) During the period of time extending from sunset to sunrise and during
18 periods of restricted visibility, a boat placed on water of the state must display lights
19 of the same number, type, and specifications as required by the United States Coast
20 Guard under 33 U.S.C. 1602 and 33 U.S.C. 2002.

21 (d) A boat on water of the state must carry one United States Coast Guard
22 approved Type I, Type II, or Type III personal flotation device in serviceable condition
23 for each person on board the boat. A Type V personal flotation device may be carried
24 in lieu of a personal flotation device required in this subsection if the Type V personal
25 flotation device is in serviceable condition and

26 (1) if the approval label on the Type V personal flotation device
27 indicates that the device is approved for the activity in which the boat is being used,
28 or that the device is approved as a substitute for a personal flotation device of the type
29 required on the boat; and

30 (2) for a device that contains a reference to an owner's manual, if the
31 Type V personal flotation device is used in accordance with the requirements in the

1 owner's manual.

2 (e) In addition to the requirements in (d) of this section, a boat that is 16 feet
3 or longer, other than a kayak or canoe, must carry one Type IV personal flotation
4 device that can be thrown and that is approved by the United States Coast Guard.

5 (f) A person may not use a flashing or revolving red or blue emergency light
6 on a boat unless the boat is operated by a peace officer or emergency professional in
7 the performance of official duties.

8 (g) The operator of a boat on water of the state may not transport a person
9 under 13 years of age on the deck of a boat or in an open boat unless the person is
10 wearing a United States Coast Guard approved Type I, Type II, or Type III personal
11 flotation device. A Type V personal flotation device may be worn in lieu of a
12 personal flotation device required in this subsection if the Type V personal flotation
13 device is in serviceable condition and

14 (1) if the approval label on the Type V personal flotation device
15 indicates that the device is approved for the activity in which the boat is being used,
16 or that the device is approved as a substitute for a personal flotation device of the type
17 required on the boat; and

18 (2) for a device that contains a reference to an owner's manual, if the
19 Type V personal flotation device is used in accordance with the requirements in the
20 owner's manual.

21 (h) The department may require, by regulation, that a boat or class of boats
22 carry additional equipment that is necessary for the safety of persons and property.

23 * Sec. 3. AS 05.25.010 is repealed and reenacted to read:

24 **Sec. 05.25.010. Safety requirements.** (a) A watercraft operated on inland
25 water must carry and exhibit between sunset and sunrise at least one white light to
26 show all around the horizon.

27 (b) A watercraft operated on inland water must carry at least one life
28 preserver, lifebelt, ring buoy, or other device approved by the United States Coast
29 Guard for each person on board, so placed as to be readily accessible. A watercraft
30 carrying passengers for hire must carry, so placed as to be readily accessible, at least
31 one life preserver approved by the United States Coast Guard for passenger-carrying

1 watercraft for each person on board.

2 (c) A motor-driven watercraft operated for hire must carry a fire extinguisher
3 capable of promptly and effectually extinguishing burning gasoline.

4 (d) The operator of a watercraft on the water of the state may not transport a
5 person under 13 years of age on the deck of a watercraft or in an open watercraft
6 unless the person is wearing a United States Coast Guard approved Type I, Type II,
7 or Type III flotation device. In this subsection, "personal flotation device" does not
8 include a life belt or life ring.

9 * Sec. 4. AS 05.25.020 is amended to read:

10 **Sec. 05.25.020. Use of boat with water [WATER] skis and surfboards.** (a)
11 A person may not operate a boat [WATERCRAFT] on water [THE INLAND
12 WATERS] of the [THIS] state for towing a person on water skis, [OR] a surfboard,
13 or a similar device [DEVICES] unless

14 (1) the boat [WATERCRAFT] is equipped with a rearview mirror in
15 which the person being towed can be viewed; [,] or

16 (2) there is, in the boat, [WATERCRAFT] a person of 12 years of age
17 or older in addition to the operator [,] in a position to observe the progress of the
18 person being towed.

19 (b) A person may not operate a boat [WATERCRAFT] on [THE] water of the
20 state to tow a person under 13 years of age on water skis, a surfboard, or a similar
21 device unless the person being towed is wearing a United States Coast Guard approved

22 (1) Type I, Type II, or Type III personal flotation device; or

23 (2) Type V personal flotation device if the Type V personal
24 flotation device is in serviceable condition and

25 (A) if the approval label on the Type V personal flotation
26 device indicates that the device is approved for the activity;

27 (B) for a device that contains a reference to an owner's
28 manual, if the Type V personal flotation device is used in accordance with
29 the requirements in the owner's manual [. IN THIS SUBSECTION,
30 "PERSONAL FLOTATION DEVICE" DOES NOT INCLUDE A LIFE BELT
31 OR LIFE RING].

1 * **Sec. 5.** AS 05.25.020 is repealed and reenacted to read:

2 **Sec. 05.25.020. Water skis and surfboards.** (a) A person may not operate
3 a watercraft on inland water of the state for towing a person on water skis, a surfboard,
4 or similar devices unless

5 (1) the watercraft is equipped with a rearview mirror in which the
6 person being towed can be viewed; or

7 (2) there is in the watercraft a person of 12 years of age or older in
8 addition to the operator in a position to observe the progress of the person being
9 towed.

10 (b) A person may not operate a watercraft on water of the state to tow a
11 person under 13 years of age on water skis, a surfboard, or a similar device unless the
12 person being towed is wearing a United States Coast Guard approved Type I, Type II,
13 or Type III personal flotation device. In this subsection, "personal flotation device"
14 does not include a life belt or life ring.

15 * **Sec. 6.** AS 05.25.030 is repealed and reenacted to read:

16 **Sec. 05.25.030. Boat collisions, accidents, and casualties.** (a) The operator
17 of a boat involved in a collision, accident, or casualty shall

18 (1) render assistance as is practicable and necessary to save other
19 persons from danger or to minimize the danger to other persons to the extent that the
20 operator can do so without serious danger to the operator's boat, crew, and passengers;
21 and

22 (2) give the operator's name, address, and identification number of the
23 operator's boat in writing to each person injured in the collision, accident, or casualty
24 and to the owner of property damaged in the collision, accident, or casualty.

25 (b) For the purpose of gathering boating accident statistics, the operator of a
26 boat involved in a collision, accident, or casualty that results in death or injury to a
27 person, or damage to property in excess of \$500 for each incident, shall file a report
28 with the department on or before the 20th day after the incident. The department shall
29 prepare a form for the report and make the form available to other agencies and to the
30 public.

31 (c) In response to a request from an authorized official or agency of the United

1 States, a law enforcement agency, or in compliance with United States Coast Guard
2 regulations, the department shall provide statistical information compiled or otherwise
3 available to the department from the reports required under (b) of this section.

4 * Sec. 7. AS 05.25.030 is repealed and reenacted to read:

5 **Sec. 05.25.030. Collisions, accidents, and casualties.** (a) The operator of a
6 watercraft involved in a collision, accident, or casualty shall give to other persons
7 affected by the collision, accident, or casualty assistance that is necessary to save them
8 from or minimize any danger caused by the collision, accident, or casualty, and shall
9 give the operator's name, address, and identification of the operator's watercraft in
10 writing to any person injured and to the owner of any property damaged in the
11 collision, accident, or casualty.

12 (b) In the case of collision, accident, or casualty involving a watercraft, the
13 operator of the watercraft, if the collision, accident, or casualty results in death or
14 injury to a person or damage to property in excess of \$100, shall file with the
15 department a full description of the collision, accident, or casualty, including
16 information the department, by regulation, requires.

17 * Sec. 8. AS 05.25.040 is amended to read:

18 **Sec. 05.25.040. Owner's civil liability.** The owner of a boat
19 [WATERCRAFT] is liable for injury or damage caused by the negligent operation of
20 the owner's boat [WATERCRAFT] whether the negligence consists of a violation of
21 a state statute [,] or the failure [NEGLECTING] to exercise [OBSERVE] ordinary
22 care in the operation of the boat [WATERCRAFT] as the rules of the common law
23 require. The owner is not liable, however, unless the boat [WATERCRAFT] is used
24 with the owner's express or implied consent. It is presumed that the boat
25 [WATERCRAFT] is being operated with the knowledge and consent of the owner [,]
26 if, at the time of the injury or damage, it is under the control of the owner's spouse,
27 father, mother, brother, sister, son, daughter, or other member of the owner's immediate
28 family. This chapter does not relieve any other person from a liability that the person
29 would otherwise incur [,] and does not authorize or permit recovery in excess of injury
30 or damage actually incurred.

31 * Sec. 9. AS 05.25.040 is repealed and reenacted to read:

1 **Sec. 05.25.040. Owner's civil liability.** The owner of a watercraft is liable
2 for injury or damage caused by the negligent operation of the owner's watercraft
3 whether the negligence consists of a violation of a state statute or neglecting to observe
4 ordinary care in the operation of the watercraft as the rules of the common law require.
5 The owner is not liable, however, unless the watercraft is used with the owner's
6 express or implied consent. It is presumed that the watercraft is being operated with
7 the knowledge and consent of the owner if, at the time of the injury or damage, it is
8 under the control of the owner's spouse, father, mother, brother, sister, son, daughter,
9 or other member of the owner's immediate family. This chapter does not relieve any
10 other person from a liability that the person would otherwise incur and does not
11 authorize or permit recovery in excess of injury or damage actually incurred.

12 * **Sec. 10.** AS 05.25.050 is amended to read:

13 **Sec. 05.25.050. Declaration of policy.** It is the policy of the [THIS] state to
14 promote safety for persons and property in and connected with the use, operation, and
15 equipment of boats on water of the state [VESSELS IN RECREATIONAL
16 PURSUITS IN INLAND WATERS] and to promote uniformity of laws relating to
17 boat safety [THERE TO].

18 * **Sec. 11.** AS 05.25.050 is repealed and reenacted to read:

19 **Sec. 05.25.050. Declaration of policy.** It is the policy of this state to promote
20 safety for persons and property in and connected with the use, operation, and
21 equipment of vessels in recreational pursuits in inland water and to promote uniformity
22 of laws relating thereto.

23 * **Sec. 12.** AS 05.25 is amended by adding new sections to read:

24 **Sec. 05.25.052. Uniform state waterway marking system.** The department
25 shall develop and adopt regulations establishing a uniform state waterway marking
26 system for the placement of regulatory markers. The regulations must be compatible
27 with the system of aids to navigation prescribed by the United States Coast Guard.

28 **Sec. 05.25.053. Boating safety program.** (a) The department shall administer
29 a statewide boating safety program. The program must, to the extent consistent with
30 state law,

31 (1) secure the full benefits available to the state under 46 U.S.C. 13101

1 - 13110 (Federal Boat Safety Act of 1971); and

2 (2) take additional actions necessary to gain initial and ongoing federal
3 acceptance of the boating safety program and to qualify and apply for federal money
4 under 46 U.S.C. 13102.

5 (b) The department shall cooperate with local, state, and federal agencies,
6 private and public organizations, and individuals to provide for

7 (1) a statewide boating safety education program; the program must
8 (A) develop educational materials relevant to the unique needs
9 of urban and rural boaters in this state;

10 (B) support statewide boating safety training programs;

11 (C) support boating safety education and training programs for
12 children and other high risk groups;

13 (D) train, certify, and support boating safety instructors;

14 (E) evaluate, on an ongoing basis, the effectiveness of programs
15 funded under this chapter;

16 (2) a boat registration and numbering system through the Department
17 of Administration;

18 (3) a boating collisions, accidents, and casualties reporting system;

19 (4) boating access;

20 (5) boating safety patrol and law enforcement activity;

21 (6) a uniform state waterway marking system; and

22 (7) a boating safety advisory council as described in AS 05.25.057.

23 **Sec. 05.25.055. Registration and numbering of boats.** (a) An
24 undocumented boat placed on water of the state must be registered and numbered as
25 required by this chapter. The Department of Administration shall adopt by regulation
26 a boat registration and numbering system that

27 (1) except as provided in (2) of this subsection, is consistent with the
28 national standard for state numbering systems established by the United States Coast
29 Guard; and

30 (2) uses a size-appropriate decal for a boat that is not equipped with
31 mechanical propulsion, that is exclusively paddled, poled, rowed, or powered by wind,

1 and that is 10 feet or greater in length.

2 (b) In adopting a boat registration system under (a) of this section, the
3 Department of Administration shall authorize agents, including boat dealers, to register
4 boats.

5 (c) A boat dealer shall require a purchaser of a new or used boat sold at retail
6 to complete a registration application and pay the registration fee before the boat
7 leaves the dealer's premises unless the boat is exempt from registration and numbering
8 under this chapter or regulations adopted under this chapter.

9 (d) A person may not operate a boat on water of the state unless a valid
10 certificate of number has been awarded by the Department of Administration to the
11 boat and the identification number and any required validation decals are properly
12 displayed on the boat.

13 (e) The Department of Administration shall authorize agents to accept an
14 application and registration fee for registration, to issue a registration, and to forward
15 the application and registration fee to the Department of Administration.

16 (f) Unless otherwise provided by this chapter, or unless the owner has been
17 awarded a current, valid Alaska certificate of number from the United States Coast
18 Guard, the owner of a boat for which a current certificate of number has been awarded
19 under federal law or a federally approved numbering system of another state shall
20 apply for a certificate of number in this state as required by this chapter if the boat is
21 operated on water of the state for more than 90 consecutive days. If a boat has an
22 existing number, the owner may request that the department issue the same number for
23 purposes of this section, and the department shall comply with the request unless
24 compliance would result in a duplication of numbers.

25 (g) A certificate of number issued under this chapter is valid for three years
26 unless terminated or discontinued earlier as required by this chapter and regulations
27 adopted under this chapter. The certificate expires on the last day of the month at the
28 end of the three-year period. The expiration date shall be indicated on the certificate.

29 (h) All records of ownership of boats that are kept by the Department of
30 Administration under this section are public records. The Department of
31 Administration shall provide records of ownership and registration expense reports to

1 the Department of Natural Resources for the purposes of meeting the federal
2 requirements for state programs and implementing this chapter.

3 (i) The following boats are exempt from the numbering and registration
4 provisions of this section:

5 (1) a boat that is operated in this state for a period not exceeding 90
6 consecutive days and that has a current, valid certificate of number issued by another
7 state having a federally approved numbering system;

8 (2) a foreign boat operated in water of the state for a period not
9 exceeding 90 consecutive days;

10 (3) a boat owned by the United States or an entity or political
11 subdivision of the United States, or a boat owned by a state or an entity or political
12 subdivision of a state;

13 (4) a boat that is not equipped with mechanical propulsion, that is
14 exclusively paddled, poled, rowed, or powered by wind, and that is

15 (A) under 10 feet in length; or

16 (B) operated in this state for a period not exceeding 90 days in
17 a calendar year;

18 (5) a boat with a valid document to operate the boat that is issued by
19 the United States or a foreign government.

20 **Sec. 05.25.057. Alaska Boating Safety Advisory Council established.** (a)
21 The Alaska Boating Safety Advisory Council is established in the department.

22 (b) The council consists of seven members appointed by the governor. The
23 governor shall appoint each member on the basis of interest in public affairs,
24 knowledge of boating issues as they relate to both safety and water of the state, and
25 good judgment and ability concerning boating safety. At least four members of the
26 council shall represent boat owner interests, including owners of boats powered by
27 engines and owners of boats that are paddled, poled, rowed, or powered by wind. The
28 appointed members shall be residents of the state and shall be appointed without regard
29 to political affiliation or geographical location of residence. The commissioner is not
30 a member of the council, but shall be ex officio secretary.

31 (c) The purpose of the council is to

- 1 (1) recommend to the department boating safety educational materials;
 2 (2) review and make recommendations to the department on proposed
 3 regulations;
 4 (3) consider regional boating safety needs and promote boating safety
 5 education programs throughout the state; and
 6 (4) advise the department on state, regional, and national boating issues.

7 (d) The council may not meet more than two times in each calendar year.
 8 Members of the council receive no compensation for services on the council, but are
 9 entitled to per diem and travel expenses authorized for boards under AS 39.20.180.

10 (e) In this section, "council" means the Alaska Boating Safety Advisory
 11 Council.

12 * Sec. 13. AS 05.25.060 is repealed and reenacted to read:

13 **Sec. 05.25.060. Prohibited operation.** A person may not operate a boat on
 14 water of the state

15 (1) for a recreational purpose or another purpose, or tow water skis, a
 16 surfboard, or a similar device, in a reckless or negligent manner so as to endanger the
 17 life or property of another person;

18 (2) that is not equipped as required under this chapter and regulations
 19 adopted under this chapter; or

20 (3) in a manner that is inconsistent with a regulatory marker authorized
 21 under regulations adopted by the department under this chapter.

22 * Sec. 14. AS 05.25.060 is repealed and reenacted to read:

23 **Sec. 05.25.060. Prohibited operation.** (a) A person may not operate a
 24 watercraft, whether for recreational purposes or any other purpose, or manipulate water
 25 skis, a surfboard, or a similar device on the water of the state in a reckless or negligent
 26 manner so as to endanger the life or property of another person.

27 (b) A person may not operate a watercraft, whether for recreational purposes
 28 or any other purpose, in violation of AS 28.35.030 on the water of the state while
 29 under the influence of any intoxicating liquor, narcotic drug, barbiturate, or marijuana.

30 * Sec. 15. AS 05.25.070 is amended to read:

31 **Sec. 05.25.070. Exemptions.** Boats [WATERCRAFT] and persons operating

1 boats [WATERCRAFT] are exempt from this chapter [, EXCEPT AS 05.25.060(b),]
2 when participating in the area set aside for a public regatta, race, marine parade,
3 tournament, or exhibition on inland water; for purposes of this section, "inland
4 water" means water of the state that is not offshore water [WATERS].

5 * **Sec. 16.** AS 05.25.070 is repealed and reenacted to read:

6 **Sec. 05.25.070. Exemptions.** Watercraft and persons operating watercraft are
7 exempt from this chapter, except AS 05.25.060(b), when participating in the area set
8 aside for a public regatta, race, marine parade, tournament, or exhibition on inland
9 water.

10 * **Sec. 17.** AS 05.25.080 is repealed and reenacted to read:

11 **Sec. 05.25.080. Enforcement.** A peace officer may enforce this chapter and
12 regulations adopted under this chapter and in the exercise of enforcement may stop
13 and, if the peace officer has probable cause to believe a violation of this chapter has
14 occurred, may board a boat subject to this chapter. A peace officer may issue a
15 citation as provided in AS 12.25.180 to a person who violates a provision of this
16 chapter.

17 * **Sec. 18.** AS 05.25.080 is repealed and reenacted to read:

18 **Sec. 05.25.080. Enforcement.** A peace officer may enforce this chapter and,
19 in the exercise of enforcement, may stop and board watercraft subject to this chapter.

20 * **Sec. 19.** AS 05.25.090 is repealed and reenacted to read:

21 **Sec. 05.25.090. Penalties.** (a) Except as provided in (b) of this section, a
22 person who violates a provision of this chapter or regulations adopted under this
23 chapter is guilty of a class A misdemeanor.

24 (b) A person who violates AS 05.25.010, 05.25.020, 05.25.030(b), 05.25.055,
25 05.25.060(2) or (3), or a regulation adopted under this chapter relating to AS 05.25.010
26 or 05.25.020 is guilty of a violation as defined in AS 11.81.900 and may be fined up
27 to \$500. The supreme court shall establish by order or rule a schedule of bail amounts
28 for violations under this subsection that allow the disposition of a citation without a
29 court appearance.

30 * **Sec. 20.** AS 05.25.090 is repealed and reenacted to read:

31 **Sec. 05.25.090. Penalties.** (a) Except as provided in (b) of this section, a

1 person who violates a provision of this chapter is guilty of a misdemeanor and is
2 punishable by a fine of not more than \$500, or by imprisonment of not more than six
3 months, or by both, for each violation unless that person is convicted of a violation of
4 AS 28.35.030, in which case the sentence shall be in accordance with AS 28.35.030.

5 (b) A person who violates AS 05.25.010(d) or 05.25.020(b) is guilty of a
6 violation, as defined in AS 11.81.900, and may be fined up to \$50.

7 * Sec. 21. AS 05.25 is amended by adding new sections to read:

8 **Sec. 05.25.095. Regulations.** (a) Except as provided in (c) - (e) of this
9 section, the department may adopt regulations to implement this chapter, including
10 regulations regarding

11 (1) boat and associated safety equipment requirements, including
12 additional equipment as described in AS 05.25.010;

13 (2) uniform waterway markers;

14 (3) boat operation and safety requirements; and

15 (4) requirements for certification of programs on boating safety
16 education.

17 (b) In consultation with the department, the Department of Administration may
18 adopt regulations to implement this chapter with respect to the numbering, marking,
19 and titling of undocumented boats.

20 (c) Regulations adopted under this chapter may not be less stringent than
21 applicable minimum requirements of regulations governing recreational boat safety of
22 the United States Coast Guard.

23 (d) The department may not adopt a regulation under this section regarding
24 boating safety if, before or during the period for public comment on the proposed
25 regulation provided by AS 44.62.190, the Alaska Boating Safety Advisory Council
26 provides the department with a written objection regarding the regulation, unless the
27 department modifies the proposed regulation to satisfy the objection. The prohibition
28 of this subsection does not apply if modification of the proposed regulation to satisfy
29 the council's objection would result in

30 (1) failure to meet a federal stringency requirement described under (c)
31 of this section; or

1 (2) a regulation that is not consistent with another provision of law.

2 (e) Nothing in this section authorizes the department to prohibit a use of or
3 access to the water of the state by a person or user group.

4 **Sec. 05.25.096. Fees.** (a) The Department of Administration shall assess the
5 following fees:

6 (1) motorized boat registration, registration renewal, and transfer of
7 registration, \$24 for a three-year period;

8 (2) nonmotorized boat registration, registration renewal, and transfer of
9 registration, \$10 for a three-year period;

10 (3) replacement of lost registration, \$5;

11 (4) replacement of lost registration validation decals, \$5.

12 (b) The Department of Administration shall separately account for fees
13 collected under (a) of this section for boat registration that are deposited in the general
14 fund. The annual estimated balance in that account may be used by the legislature to
15 make appropriations to the department and the Department of Administration to carry
16 out the purposes of this chapter.

17 * **Sec. 22.** AS 05.25.100 is repealed and reenacted to read:

18 **Sec. 05.25.100. Definitions.** In this chapter, unless the context requires
19 otherwise,

20 (1) "aids to navigation" means buoys, beacons, or other fixed objects
21 in the water that are used to mark obstructions to navigation or to direct navigation
22 through safe channels;

23 (2) "boat" means watercraft used or capable of being used as a means
24 of transportation on water, except for

25 (A) a ship's lifeboat;

26 (B) a seaplane;

27 (C) an inspected passenger vessel; and

28 (D) a single air mattress, single inner tube, or other water toy;

29 (3) "boat dealer" means a person engaged wholly or in part in the
30 business of selling or offering for sale, buying or taking in trade for the purpose of
31 resale, or exchanging, displaying, demonstrating, or offering for sale three or more

1 boats within 12 consecutive months and who receives or expects to receive money,
2 profit, or any other thing of value;

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

7 (5) "commissioner" means the commissioner of natural resources;

8 (6) "department" means the Department of Natural Resources;

9 (7) "operate" means to navigate or to be in actual physical control of
10 a boat used or capable of being used as a means of transportation on water of the state;

11 (8) "owner" means a person who has a property interest other than a
12 security interest in a boat and the right of use or possession of the boat; "owner" does
13 not include a lessee unless the lease is intended as security;

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

15 (10) "passenger" means a person on board a boat who is not the master,
16 operator, crew member, or other person engaged in a capacity in the business of the
17 boat;

18 (11) "regulatory marker" means an anchored or fixed marker in or on
19 the water, or sign on the shore or on a bridge over the water, other than aids to
20 navigation; "regulatory marker" includes swimming markers, bathing markers, speed
21 zone markers, identification markers, danger zone markers, boat keep out areas, special
22 anchorage areas, and mooring buoys;

23 (12) "serviceable condition" as applied to personal flotation devices
24 means

25 (A) metal or plastic hardware is not broken, deformed, or
26 weakened by corrosion;

27 (B) webbings or straps are not ripped, torn, or separated from
28 an attachment point;

29 (C) there are no rotted or deteriorated structural components that
30 fail when tugged;

31 (D) there are no rips, tears, or open seams in fabric or coatings

1 that are large enough to allow the loss of buoyant material;

2 (E) buoyant material has not become hardened, nonresilient,
3 permanently compressed, waterlogged, or oil-soaked, and does not show
4 evidence of fungus or mildew;

5 (F) there is no loss of buoyant material or evidence of buoyant
6 material that is not securely held in position;

7 (G) there is a properly armed inflation mechanism, complete
8 with a full inflation medium cartridge and all status indicators showing that the
9 inflation mechanism is properly armed, unless the PFD is worn inflated;

10 (H) inflatable chambers are all capable of holding air;

11 (I) oral inflation tubes are not blocked, detached, or broken;

12 (J) the manual inflation lanyard or lever is not inaccessible,
13 broken, or missing;

14 (K) inflator status indicators are not broken or otherwise non-
15 functional;

16 (13) "undocumented boat" means a boat that does not possess a valid
17 certificate of documentation issued by the United States Coast Guard under 46 U.S.C.
18 12101 - 12123;

19 (14) "validation decal" means a decal that has the state of registration
20 and registration expiration year clearly marked;

21 (15) "water of the state" has the meaning given in the term "navigable
22 water" in AS 38.05.965; "water of the state" also includes the marginal sea adjacent
23 to the state and the high seas within the territorial limits of the state, irrespective of
24 the ownership of the land underlying those waters.

25 * Sec. 23. AS 05.25.100 is repealed and reenacted to read:

26 **Sec. 05.25.100. Definitions.** In this chapter, unless the context otherwise
27 requires,

28 (1) "department" means the Department of Public Safety;

29 (2) "operate" means to navigate or otherwise use a watercraft for
30 recreational purposes as opposed to business, subsistence, or commercial purposes;

31 (3) "watercraft" means every description of vessel, other than a

1 seaplane on the water, used or capable of being used as a means of transportation on
2 water and devoted to recreational pursuits unless otherwise expressly provided in this
3 chapter; and excepting vessels having a valid marine document issued by the United
4 States or foreign governments;

5 (4) "water of the state" means all water, fresh or salt, inland or coastal,
6 within the territorial limits or under the jurisdiction of the state.

7 * Sec. 24. AS 09.25.120(a) is amended by adding a new paragraph to read:

8 (9) reports submitted under AS 05.25.030 concerning certain collisions,
9 accidents, or other casualties involving boats.

10 * Sec. 25. AS 12.25.190(c) is amended to read:

11 (c) The person cited for the crime shall give a written promise to appear in
12 court by signing at least one copy of the written citation prepared by the peace officer,
13 and the officer shall deliver a copy of the citation to the person. The written promise
14 requirement of this subsection does not apply to boating citations for which a bail
15 schedule has been established under AS 05.25.090(b), motor vehicle and traffic
16 citations for which a bail or fine schedule has been established under AS 28.05.151,
17 fish and game citations for which a bail schedule has been established under
18 AS 16.05.165, citations issued under AS 04.21.065, citations issued under
19 AS 18.35.341, citations issued in state park and recreational facilities under
20 AS 41.21.960, or littering citations issued under AS 46.06.080.

21 * Sec. 26. AS 12.25.190(c) is repealed and reenacted to read:

22 (c) The person cited for the crime shall give a written promise to appear in
23 court by signing at least one copy of the written citation prepared by the peace officer,
24 and the officer shall deliver a copy of the citation to the person. The written promise
25 requirement of this subsection does not apply to motor vehicle and traffic citations for
26 which a bail or fine schedule has been established under AS 28.05.151, fish and game
27 citations for which a bail schedule has been established under AS 16.05.165, citations
28 issued under AS 04.21.065, citations issued under AS 18.35.341, citations issued in
29 state park and recreational facilities under AS 41.21.960, or littering citations issued
30 under AS 46.06.080.

31 * Sec. 27. AS 05.25.052, 05.25.053, 05.25.055, 05.25.057, 05.25.095, 05.25.096, and

1 AS 09.25.120(a)(9) are repealed.

2 * Sec. 28. The uncodified law of the State of Alaska is amended by adding a new section
3 to read:

4 TRANSITION: REGULATIONS. The Department of Natural Resources and
5 Department of Administration may immediately proceed to adopt regulations to implement
6 their respective provisions of this Act. The regulations take effect under AS 44.62
7 (Administrative Procedure Act), but not before the effective date of secs. 1, 2, 4, 6, 8, 10, 12,
8 13, 15, 17, 19, 21 - 22, 24, and 25 of this Act.

9 * Sec. 29. Section 28 of this Act takes effect immediately under AS 01.10.070(c).

10 * Sec. 30. Sections 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27 of this Act take effect 90
11 days after the date the director of the division of legislative finance notifies the revisor of
12 statutes that in the previous state fiscal year the state did not receive federal funding for a
13 statewide boating and safety education program.

Prince William Sound Books
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e-mail: awss@alaska.net

Publishers of the Cruising Guide to Prince William Sound

The Honorable Eldon Mulder
State Legislature
Alaska State Capitol
Juneau, AK 99801

April 14, 1999

RE: Support for passage of HB 108 Boating Safety Bill

Requesting some changes

Dear Mr. Mulder,

My name is Nancy Lethcoe. Please include this letter in the packets for House Finance Committee Members.

As you may know, Jim and I have long promoted boating safety in Prince William Sound through our *Cruising Guide to Prince William Sound*. We have been most concerned about Alaska's heartbreaking statistics on boating safety — 20 times the national average in drownings; 10 times more drownings from recreational boats.

HB 108 is an excellent first step to solving this problem. The Coast Guard really is no longer in the business nationwide of promoting recreational boating safety. Other states with the assistance of federal funding have taken on the job. This, I believe, is one of the causes of the high accident rate in Alaska. We are no longer benefiting from the help of an agency with a large, well-trained personnel department working on recreational boating safety. It is time Alaska develops its own boating safety program to face our unique situations.

Although we estimate it will cost our business about \$300 in license fees for our kayaks, we nevertheless strongly support the inclusion of kayaks and other non-motorized boats in this bill. Alaskans are dying in non-motorized boating accidents as well as motorized boating accidents. As motorized and non-motorized boating activities increase, the opportunities for dangerous situations developing also increases. Last year, the Alaska Wilderness Recreation and Tourism Association worked with the Coast Guard to develop an educational flier seeking to reduce the risks of boating accidents between vessels and kayaks. The boating safety program should be aimed at improving the safety of boating for all Alaskan boaters, not just power boaters.

We also support the lower licensing fee for non-motorized boats. Many families and companies own several non-motorized boats. Even with the reduced licensing fees, they will be contributing more to the program than motorized boats, just as our company with its fleet of kayaks will contribute more than a fishing charter company with only one or a few boats.

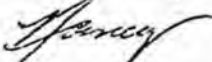
We have one concern with Rep. Hudson's bill. It does not require the reporting of accidents involving less than \$500 damage and no personal injury. This excludes accidents

involving many smaller boats, such as kayaks, dinghies, skiffs, etc. However, in Alaska unlike other states, we use many smaller boats.

According to Lt. Sue Hargis of the U.S. Coast Guard, these accident report forms provide those developing boating safety programs with information on the most likely types of accidents to occur. In turn, they can develop educational programs to help prevent these accidents. By excluding reporting of accidents with less than \$500 damage, important information that could lead to better boating safety programs for both motorized and non-motorized boats is being lost. It defeats the purpose of this bill. I encourage you to amend the act to encourage the reporting of accidents where no dollar damage has occurred. People can die rolling a kayak or falling out of a dinghy just as easily as from off a power boat.

I hope you will support this bill and the change we recommend. If there is anything Jim and I can do to help you, please let us know.

Best Wishes,



Nancy R. Lethcoe
cc: Senator Georgiana Lincoln



Valdez Harbors Users Association
P.O. Box 74801
Fairbanks, Alaska 99707
907 457-7033

RESOLUTION

April 19, 1999

WHEREAS, Alaska has some 33,000 miles of coastline, over 3,000 streams and rivers, and an estimated two million lakes, and

WHEREAS, Alaska citizens own an estimated 60,000 non-commercial and commercial boats, and

WHEREAS, Alaska has the highest rate of boating fatalities in the nation (38 per 100,000 population in 1997), and

WHEREAS, Alaska is the only state in the Nation with no boating safety statute, no uniform safety rules for the several classes of boats, and no system of registration for boats, and

WHEREAS, House Bill 108 and Senate Bill 86, companion bills, have been introduced in the 21st legislature of the State of Alaska,

NOW BE IT RESOLVED, that the Fairbanks Anchor of the Valdez Harbor Users Association supports and urges passage of HB 108 and/or SB 86, and that a copy of this **RESOLUTION** be furnished to the appropriate committee chairman.

Dated in Fairbanks, Alaska this 19th day of April 1999.

Attest:

Paul C. Costello, President
Fairbanks Anchor
Valdez Harbor Users Association

3211 Montclair Ct.
Anchorage, Alaska 99503
(907)562-0746
March 29, 1999

Representative Bill Hudson
House of Representatives
State Capitol, Room 108
Juneau, Alaska 99801-1182

Re: HB 108, Safe Boating Act

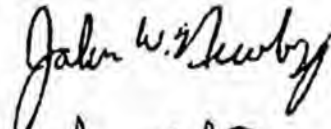
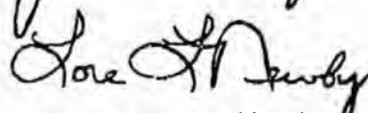
Dear Representative Hudson:

As eleven year boat owners in the State of Alaska, we would like to extend our support of the above referenced bill currently before the Alaska Legislature. Our frequent boating trips, primarily in the Skilak Lake and Lake Louise areas, have convinced us that boating safety can best be obtained through education and this bill promises to promote such education through federal funding.

Alaska is a premier recreational and commercial boating paradise; we must keep it as safe as possible for everyone.

Thank you for any assistance you can give to make this bill a reality.

Sincerely,



John and Lora Newby

cc: Representative Beverly Masek
Representative Pete Kott
Representative Eldon Mulder
Representative Gene Therriault

FAIRBANKS PADDLERS

Phone: 479-6790

Box 83329 Fairbanks, AK 99708

The Honorable
Representative Gene Therriault
Room 511
State Capitol
Juneau, Alaska 99801-1182

January 12, 2000

Re: HB 108, Boater Safety

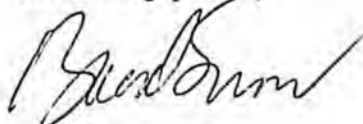
Dear Representative Therriault:

Fairbanks Paddlers wishes to go on the record as supporting the Boating Safety Bill. We have reviewed the draft version of the bill prepared for introduction to the House Finance Committee, and we are particularly supportive of several of the new provisions:

- a. A registration decal for non-motorized boats.
- b. Registration by mail.
- c. A fee cap of \$30 per individual boat owner for non-motorized boats. (This provision recognizes that the primary cost of registration is the interface with each individual. It also recognizes that though someone may have a number of older canoes or rafts in his or her garage, they rarely use more than one or two of them each year.)
- d. A modification of the sunset provision that extinguishes the law if less than 75% of federal funds and Alaska boating registration fees are used for boating safety and education programs.

These provisions give us considerable encouragement that the burden of registering will be justified by the safety and education programs created as a result of the bill. Fairbanks Paddlers recognizes that a significant number of the individuals who are involved in boating accidents in Alaska are non-motorized boaters. We are willing to do our share to help reduce the number of these tragedies in Alaska.

Sincerely yours,



Brad Snow,
President

Alaska State Legislature



Representative Bill Hudson

State Capitol
Juneau, Alaska
99801-1182
Phone: (907) 465-3744
Fax: (907) 465-2273

Committees:
Chair
Fisheries
Utilities Restructuring

Member
Transportation
State Affairs

Alaska Boating Safety Program Endorsements

Alaska Boating Association
Safe Kids Coalition
Knik Canoers and Kyakers
Alaska Municipal League
Big Lake Community Council
Alaska Wildland Adventures
Valdez Harbor Users (Fbx)
American Society of Safety Engineers, Alaska Chapter
Alaska Wilderness Recreation and Tourism Association
Alaska Marine Dealers Association
Kenai River Special Management Area Advisory Board
Alaska Boating Safety Advisory Council
National Transportation Safety Board
Mat-Su State Parks Citizens Advisory Board
Sitka State Parks Citizens Advisory Board
The Guppy Fleet
Whittier Boat Owners Association

AMERICAN SOCIETY OF SAFETY ENGINEERS

ALASKA CHAPTER



March 19, 1999

Representative Therriault
House of Representatives
State Capitol, Room 511
Juneau, AK 99801-1182

Dear Representative Therriault:

The Alaska Chapter of the American Society of Safety Engineers (ASSE) represents 200 safety and health professionals in Alaska. A representative from our Executive Board attended the organizational meeting of the Alaska Boating Safety Advisory Council and we invited Jeff Johnson, the Safe Boating Law Administrator, to make a presentation at our February luncheon meeting regarding Alaska's boating safety program to learn more about this important issue.

We have discovered that Alaska has a drowning rate that is 10 times the national average! Even though boat ownership has doubled nationwide, other states have seen significant reductions in drowning fatalities since implementing a safe boating program. Yet, Alaska is the only state that has not yet passed a boating safety act and is therefore not receiving over \$300,000 in federal funds to support such a program.

The ASSE Alaska Chapter supports the proposed boating safety law and encourages your support of the proposed bill. We ask that hearings on these bills be scheduled as soon as possible so that more lives can be saved.

Sincerely,

A handwritten signature in cursive script that reads "Michael Klatt". The signature is written in dark ink and is positioned above the typed name.

Michael Klatt
President, Alaska Chapter
American Society of Safety Engineers



Wallop-Breaux Aquatic Resources Trust Fund Information

ALASKA COAST GUARD OFFICE

Seventeenth Coast Guard District

P.O. Box 25517

Juneau, AK 99802-5517

PRINCIPAL CONTACT

Sue Hargis

Boating Safety Coordinator

(907) 463-2297

PROGRAM SUMMARY

- The Wallop-Breaux Aquatic Resources Trust Fund is derived from federal gasoline taxes paid into the federal Highway Trust Fund (HTF). Allocation of Wallop-Breaux funding from the federal HTF is complex. Currently, 11.5 cents per gallon of 1.08% of the total federal gas tax in the HTF is transferred to the Wallop-Breaux fund. This fund is then divided into Sport Fish Restoration and Boat Safety Accounts.
- Each year, Congress makes an appropriation to the Wallop-Breaux fund. In 1998, the annual overall appropriation was increased to \$70 million. \$55 million of that amount is designated for distribution to states with approved boating safety programs on a formula basis. Of this \$55 million, the Coast Guard retains 2% to cover costs of administering the funds, and 5% for grants to national non-profit public service organizations for boating safety programs.
- The state distribution formula is based on:
 - 1/3: Distributed equally among states;
 - 1/3: According to the ratio of the number of vessels registered in the state; and
 - 1/3: Distributed according to the ratio of state funds expended for boating safety.
- The Coast Guard estimates that Alaska will be eligible for \$420,000-460,000 in Wallop-Breaux funds, depending on the number of boats registered and amount of state funds the state is able to claim as boating safety-related expenditures.
- Wallop-Breaux funds are distributed on a matching basis. In order to receive all allocated federal funds, the State of Alaska must document an equal amount of state expenditures. Approved expenditures may include costs of the state to register boats, related education and enforcement costs, boating access and facility costs, and other relevant state expenditures.

Revision date: 13 Aug, 1998

NAVIGABLE WATERS OF THE U.S. WITHIN THE SEVENTEENTH

COAST GUARD DISTRICT (STATE OF ALASKA)

SECTION I. NAVIGABLE WATERS OF THE U.S. BY DEFINITION UNDER 33 CFR 2.05-25(A) (1) OR (2): These waters include the territorial seas of the U.S. and all internal waters of the U.S. that are subject to tidal influence. Internal waters that are subject to tidal influence are too numerous to list by name.

SECTION II. INTERNAL WATERS DETERMINED TO BE NAVIGABLE WATERS OF THE U.S.:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	DECISION BASIS:	LIMIT OF NAVIGABILITY:	CLARIFYING REMARKS:
Alexander Creek !!!	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Anchorage Area
Big Lake	Administrative Determination	1975	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Anchorage Area
Buskin River	Administrative Determination	1994	33 CFR 2.05-25 (a) (2)	Mouth upstream to 0.25 miles	Kodiak Island
Chena River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Fairbanks	Fairbanks Area
Chulitna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)		Near Talkeetna
Colville River	Administrative Determination	1975	33 CFR 2.05-25 (a) (3) (i)	Mouth to Killik River	Harrison Bay Area
Copper River	Administrative Decision	1995	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway Gulf of Alaska	Northeast of Anchorage

SECTION II. INTERNAL WATERS DETERMINED TO BE NAVIGABLE WATERS OF THE U.S.:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	DECISION BASIS:	LIMIT OF NAVIGABILITY:	CLARIFYING REMARKS:
Deshka River (Kroto Creek)	Administrative Decision	1998	33 CFR 2.05-25 (a) (3) (i)		Anchorage Area
English Bay River	Administrative Decision	1994	33 CFR 2.05-25 (a) (3) (i)	Tidal Portion	Southwest of Homer
Gulkana River	Judicial Determination	1989		Mouth to Mile 33.5 (Sourdough)	9TH Cir. Court of Appeals
Iliamna Lake	Administrative Determination	1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	
Kahilitna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	
Kashwitna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Nav 2 Miles Below It's Confluence	Anchorage Area
Kenai Lake	Administrative Determination	1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Kenai Area
Kenai River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to and including Kenai Lake	Kenai Area
Klehini River	Administrative Determination	1994	33 CFR 2.05-25 (a) (3) (i)	Mouth to entry of Porcupine Creek	Northwest of Haines
Kobuk River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Kobuk	Hotham Inlet Area
Kuskokwim River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to McGrath	Kuskokwim Bay Area

SECTION II. INTERNAL WATERS DETERMINED TO BE NAVIGABLE WATERS OF THE U.S.:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	DECISION BASIS:	LIMIT OF NAVIGABILITY:	CLARIFYING REMARKS:
Little Susitna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Talkeetna Mount.
Little Willow Creek	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	North of Anchorage
Kvichak River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Kvichak Bay Area
Matanuska River	Administrative Determination	1994	33 CFR 2.05-25 (a) (3) (i)	Caribou Creek to Knik Arm	North of Anchorage
Mendenhall River	Administrative Determination	1983	33 CFR 2.05-25 (a) (2)	Mouth to Montana Creek	Juneau Area
Naknek River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (2)	Mouth to Mile 25	Kvichak Bay Area
Nancy Lake (Lake Creek)	Administrative Determination	1998 1998	33 CFR 2.05-25 (a) (2) (i)	Entire Lake	Next to Big Lake
Nenana River	Administrative Determination	1994	33 CFR 2.05-25 (a) (3) (i)	Mile 121 to Tanana River	North of Anchorage
Noatak River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Noatak	Kotzebue Sound Area
Nushagak River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Koliganek	Dillingham Area
Porcupine River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Yukon Tributary

SECTION II. INTERNAL WATERS DETERMINED TO BE NAVIGABLE WATERS OF THE U.S. :

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	DECISION BASIS:	LIMIT OF NAVIGABILITY:	CLARIFYING REMARKS:
Portage Lake	Administrative Determination	1995	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Turnagain Arm
Skilak Lake	Administrative Determination	1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Kenai Area
Susitna River	Administrative Determination	1970	33 CFR 2.05-25 (a) (2)	Mouth to Gold Creek	
Talkeetna River	Administrative	1998	33 CFR 2.05-25		
Tanana River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Chena River	Yukon Tributary
Tokositna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Parallels Parks
Willow Creek	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Bald Mountain Ridge
Wood River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (2) & (3) (i)	Entire Waterway	Dillingham Area
Yentna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (2) (i)	Entire Waterway	
Yukon River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	

SECTION III. INTERNAL WATERS FOR WHICH RECORDS OF NEGATIVE DETERMINATIONS EXIST:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	LIMIT OF NON-NAVIGABILITY:	CLARIFYING REMARKS:
Big Boulder Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Billion Slough	Administrative Determination	1993	Non-Tidal Portion	Talkeetna Area
Buskin River	Administrative Determination	1994	Non-Tidal Portion	Kodiak Island
Canyon Creek	Administrative Determination	1993	Non-Tidal Portion	Chugach National Forest Area
Chilkoot Lake	Administrative Determination	1987	Non-Tidal Portion	Skagway Area
English Bay River	Administrative Determination	1994	Non-Tidal Portion	Homer Area
Glacier Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Herman Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Hood Lake	Administrative Determination	1963	Non-Tidal Portion	
Jarvis Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Jean Creek	Administrative Determination	1993	Entire Waterway	Kenia Area

SECTION III. INTERNAL WATERS FOR WHICH RECORDS OF NEGATIVE DETERMINATIONS EXIST:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	LIMIT OF NON-NAVIGABILITY:	CLARIFYING REMARKS:
Knik River	Administrative Determination	1986	From Old Glen Hwy Bridge to Knik Glacier	Anchorage Area
Little Boulder Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Little Salmon River	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Louise Lake	Administrative Determination	1970	Non-Tidal Portion	Gulkana Area
Porcupine Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Scottie Creek	Administrative Determination	1995	Non-Tidal Portion	Eastern Alaska
Spenard Lake	Administrative Determination	1963	Non-Tidal Portion	Anchorage Area
Susitna Lake	Administrative Determination	1970	Non-Tidal Portion	
Susitna River	Administrative Determination	1970	Above Gold Creek	
Tyone Lake	Administrative Determination	1970	Non-Tidal Portion	Gulkana Area
Tyone River	Administrative Determination	1970	Non-Tidal Portion	

NUMBERING & TITLING

[Table 3.8]

State	Require Non-powered Vessels to Be Numbered	Require Non-powered Vessels to Be Titled	Require Non-powered Vessels to Be Registered
Alabama	Yes	No	Yes
Alaska	No	No	No
American Samoa	No	No	No
Arizona	Yes	No	Yes
Arkansas	No	No	No
California	Yes	Yes	Yes
Colorado	Yes	No	Yes
Connecticut	Yes	No	Yes
Delaware	No	No	No
Distrc of Columbia	Yes	Yes	Yes
Florida	No	Yes	No
Georgia	Yes	No	Yes
Guam	Yes	Yes	Yes
Hawaii	No	No	No
Idaho	Yes	No	Yes
Illinois	Yes	Yes	Yes
Indiana	No	No	No
Iowa	Yes	Yes	Yes
Kansas	Yes	No	Yes
Kentucky	No	No	No
Louisiana	Yes	No	Yes
Maine	No	No	No
Maryland	No	No	No
Massachusetts	No	No	No
Michigan	Yes	No	Yes
Minnesota	Yes	Yes	Yes
Mississippi	Yes	No	Yes
Missouri	Yes	Yes	Yes
Montana	No	No	No
N. Mariana Islands	No	No	No
Nebraska	No	No	No
Nevada	No	No	No
New Hampshire	Yes	No	Yes
New Jersey	Yes	Yes	Yes
New Mexico	No	No	No
New York	No	No	No
North Carolina	No	No	Yes
North Dakota	No	No	No
Ohio	Yes	Yes	Yes
Oklahoma	Yes	Yes	Yes
Oregon	Yes	Yes	Yes
Pennsylvania	No	No	No
Puerto Rico	Yes	No	No
Rhode Island	Yes	Yes	Yes
South Carolina	No	No	No
South Dakota	Yes	Yes	Yes
Tennessee	No	No	No
Texas	Yes	Yes	Yes
Utah	Yes	Yes	Yes
Vermont	No	No	No
Virgin Islands	Yes	No	Yes
Virginia	No	Yes	No
Washington	No	No	No
West Virginia	No	No	No
Wisconsin	Yes	No	Yes
Wyoming	No	No	No

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 2, 2000

SUBJECT: Sectional Summary of CSHB 108() (Draft version "B")

TO: Representative Bill Hudson
Attn: Melinda

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Intent section.

Section 2. Imposes safety equipment requirements on boats. Imposes restrictions on when a boat must be operated with lights and imposes requirements for carrying life jackets. Prohibits use of emergency lights except for police or emergency services. Allows the department to require additional safety equipment, by regulation.

Section 3. Sunset clause that reenacts existing law.

Section 4. Imposes restrictions on using boats to tow another person.

Section 5. Sunset clause that reenacts existing law.

Section 6. Requires a person involved in a boat accident to render assistance and to exchange information. Requires the boat operator to file certain accident information with the department. Requires the department to provide certain statistical information.

Section 7. Sunset clause that reenacts existing law.

Section 8. Technical amendment regarding a boat owner's civil liability.

Section 9. Sunset clause that reenacts existing law.

Section 10. Technical amendment.

Section 11. Sunset clause that reenacts existing law.

Section 12. Requires the department to establish a uniform state waterway marking system and to administer a statewide boating safety program. Requires the boating safety program to be structured to qualify for federal funding. Requires an undocumented boat to be registered and numbered by the Department of Administration. Provides that a registration number is valid for three years and that records of boat ownership are public records. Exempts certain boats from the numbering and registration provisions of this section. Establishes the Alaska Boating Safety Advisory Council and provides for seven members appointed by the governor.

Section 13. Prohibits a person from operating a boat in a reckless or negligent manner, while not equipped as required by law, or in a manner inconsistent with a regulatory marker.

Section 14. Sunset clause that reenacts existing law.

Section 15. Exempts certain boats from AS 05.25.

Section 16. Sunset clause that reenacts existing law.

Section 17. Provides for enforcement of AS 05.25 by a peace officer and for issuance of citations.

Section 18. Sunset clause that reenacts existing law.

Section 19. Establishes penalties for violating provisions of AS 05.25. Requires the supreme court to establish a bail schedule for disposition of a citation without a court appearance.

Section 20. Sunset clause that reenacts existing law.

Section 21. Provides that the department may adopt regulations, except as provided in this section. Provides certain restrictions on department regulatory authority. Imposes certain fees for services performed by the department.

Section 22. Definitions.

Section 23. Sunset clause that reenacts existing law.

Section 24. Provides that boating accident reports are not public documents.

Section 25. Provides that a person receiving a boating citation does not have to provide a written promise to appear in court.

Section 26. Sunset clause that reenacts existing law.

Representative Bill Hudson
February 2, 2000
Page 3

Section 27. Repealers for sections enacted in this Act.

Section 28. Authorizes the Department of Natural Resources to adopt regulations.

Section 29. Effective date for section 28.

Section 30. Contingent effective date clause.

MFF:jdr
00-055.jdr

1997 BOAT ACCIDENT DATA BY CENSUS REGION

Wednesday, December 09, 1998

Page 1

County	# Accidents	# Fatalities	# Inj.	# Acc/Inj	#Acc. Inv. PWC	#PWC Involved	One Boat	Two Boat	Three Boat	Four Boat	Five Boat	Total Vessels
Aleutians East	0	0	0	0	0	0	0	0	0	0	0	0
Aleutians West	0	0	0	0	0	0	0	0	0	0	0	0
Anchorage	3	3	2	1	0	0	2	1	0	0	0	4
Bethel	4	3	1	1	0	0	3	1	0	0	0	5
Bristol Bay	1	1	0	0	0	0	1	0	0	0	0	1
Dillingham	2	0	3	2	0	0	0	2	0	0	0	4
Fairbanks	1	1	0	0	1	1	1	0	0	0	0	1
Haines	1	0	1	1	0	0	1	0	0	0	0	1
Juneau	13	0	0	0	0	0	13	0	0	0	0	13
Kenai	18	4	2	2	0	0	18	0	0	0	0	18
Ketchikan	16	0	2	2	0	0	14	1	0	0	0	16
Kodiak Island	2	1	0	0	0	0	2	0	0	0	0	2
Lake & Penin	2	0	4	2	0	0	1	1	0	0	0	3
Matanuska	7	1	5	3	5	7	1	6	0	0	0	13
Nome Census	0	0	0	0	0	0	0	0	0	0	0	0
North Slope	0	0	0	0	0	0	0	0	0	0	0	0
Northwest	2	2	0	0	0	0	2	0	0	0	0	2
Prince of Wales	3	3	0	0	0	0	3	0	0	0	0	3
SE Fairbanks	0	0	0	0	0	0	0	0	0	0	0	0
Sitka Borough	5	2	0	0	0	0	5	0	0	0	0	5
Skagway/Yak	1	0	0	0	0	0	1	0	0	0	0	1
Valdez/Cord	8	2	1	1	0	0	8	0	0	0	0	8
Wade Hampt	0	0	0	0	0	0	0	0	0	0	0	0
Wrangell/Pet	2	0	0	0	0	0	1	1	0	0	0	3
Yukon/Koy	0	0	0	0	0	0	0	0	0	0	0	0

91 23 21 15 6 8 77 13 0 0 0 103

Life Jackets (Personal Floatation Devices PFD'S)

Nationwide, over 82% of those killed in boating accidents were not wearing PFD's.

Type	Buoyancy	Description	Comments
I "Offshore" PFD	22 lbs. min	Horse collar, and some vests with collars.	Tends to float an unconscious person face up. Uncomfortable. Very little hypothermia protection.
II "Near Shore" PFD	15.5 lbs. min	Horse collar design.	Tends to float an unconscious person face up. Very little hypothermia protection. Best used in locations where a quick rescue is available.
III "Floatation Aid"	15.5 lbs. min	Vests, float coats, some Inflatables	Comfortable. Not adequate for rough water. Some hypothermia protection. Best used in locations where a quick rescue is available.
IV "Throw able"	16.5 lbs. min	Cushions and rings	Should have floating line and reflective tape attached. Dependent on conscious person that is able to hold on. No hypothermia protection. Does not count as a wearable PFD.
V Restricted Use	Variable	Work type flotation coveralls, some white water paddling vests.	Approved only for specific uses. Expensive. Comfortable. Hypothermia protection - variable.
V Hybrid	7.5 lbs. inherent, 22 lbs. inflated	Some float coats, and jackets with both inherent buoyancy and inflation capability,	Mix of inherent and inflatable buoyancy. Very comfortable. Expensive. Mechanism dependent, so not as reliable as some other PFD's. Directions on label and owner's manual must be followed to count legally as a PFD. Hypothermia protection - variable. NOT for persons under 90 lbs.
Immersion Suits	22 lbs min	Several brands of similar design.	Also called survival suits, these have the BEST hypothermia protection.

The best PFD? It's the one you wear!

**Alaska Recreational Boating Accident Statistics
1998 Update (As of 12/9/98)**

**Point of Contact: Sue Hargis, Boating Safety Specialist
(907) 463-2297 or shargis@cgalaska.uscg.mil**

<u>Year</u>	<u># of Total Alaska Accidents</u>	<u># of Alaska Fatalities</u>	<u># of Total U.S. Fatalities</u>	<u># of Boats Numbered In Alaska</u>	<u>AK Fatality Rate*</u>	<u>U.S. Fatality Rate*</u>
1987	47	46	1036	27,717	165.0	10.4
1988	42	34	946	28,278	120.2	9.1
1989	35	37	896	29,014	127.5	8.3
1990	34	27	865	30,911	87.3	7.8
1991	44	29	924	31,822	91.1	8.3
1992	30	32	816	32,331	99.0	7.3
1993	18	24	800	31,340	76.6	7.09
1994	31	24	784	31,909	75.2	6.86
1995	24	19	829	32,467	58.5	7.06
1996	91	14	709	33,767	41.5	5.97
1997	90	23	819	25,819	89.1	6.65
1998	105	38 (As of 12/9/98)				

Multi-Year Fatality Rates:	Alaska	U.S.
10 Years (1988-1997):	84.8	7.83 (1987-1996)
5 Years (1993-1997):	64.5	6.8 (1992-1996)
1 Year (1997):	70.9	5.9 (1996)

Fishing Vessel vs Non-Commercial (recreational) fatalities:

1989 – Present (10 years): 266 recreational vs. 225 fishing vessel fatalities

*Rate is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods.

*Accident statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states.

Statistics are also affected by reporting rates, which are low in Alaska. Summary Alaska Effect:

(1) Fewer registered boats = Higher Rate, (2) Fewer reported accidents = Lower rate.

1997 Alaska Non-Commercial/Recreational Boating Accident Information

Point of Contact: Sue Hargis, Boating Safety Specialist, USCG

(907) 463-2297 or shargis@cgalaska.uscg.mil

**In 1997, Alaska had 90 reported boating accidents, with 23 fatalities. Of the 23 fatalities, 4 were 16 or under, and another was 18. This means that 22% of accidents were 18 or younger.

**In overall non-commercial ("recreational") boating accidents, Alaska has approximately 10 times the national average. The 5-year national average per 100,000 registered boats is 6.8, and for Alaska it is 64.5 (1993-1997). The 1-year rate for Alaska in 1997 is 70.9 fatalities per 100,000 registered boats, based on Alaska's 32,418 registered vessels.

**Of the 23 fatalities, 10 (43%) occurred in salt water, and 13 (57%) occurred in fresh water.

**PWC accidents (remember "Jet Ski" is a name brand): 6 of the 90 reported accidents were on personal watercraft, involving 8 total personal watercraft. 5 of the 6 accidents involved 2 vessels, which means that 83% of 1997 pwc accidents were 2 vessel accidents. In contrast, of the other 84 accidents, only 7 other accidents involved 2 vessels, for a rate of 8% versus 83%.

**Alcohol was a factor in at least 7 of the 23 fatalities, although it may have a factor in up to 16 of the fatalities. Most reports did not address whether or not alcohol was a factor, and it is impossible to tell from many victims who disappeared or were found days after the accident.

**PFD Use: PFD use was confirmed for only 4 of the 23 fatalities. Indications are that the other 19 (83%) of victims were not wearing a personal flotation device.

**In the fifteen years 1980-1994, 100 children and adolescents (0-14) died in Alaska due to drowning. This includes both boating and non-boating fatalities. (Alaska Trauma Registry)

**The drowning rate for children and teenagers in Alaska is almost 2 1/2 times the national average. (Serious and Fatal Child and Adolescent Injuries in Alaska 1991-1994)

Multi-Year Fatality Rates:	Alaska	U.S.
10 Years (1988-1997):	84.8	7.83 (1987-1996)
5 Years (1993-1997):	64.5	6.8 (1992-1996)
1 Year (1997):	70.9	5.9 (1996)

*Rate is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods, although our rate is slowly dropping.

*Statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states. Statistics are also affected by reporting rates, which are low in Alaska. Summary Alaska Effect: (1) Fewer registered boats = Higher Rate, (2) Fewer reported accidents = Lower rate.

Alaska Recreational Boating Fatal Accident Statistics
Point of Contact: Sue Hargis, Boating Safety Coordinator
(907) 463-2297 or shargis@cgalaska.uscg.mil

<u>Year</u>	<u># of Total Alaska Accidents</u>	<u># of Alaska Fatalities</u>	<u># of Total U.S. Fatalities</u>	<u># of Boats Numbered In Alaska</u>	<u>AK Fatality Rate*</u>	<u>U.S. Fatality Rate*</u>
1987	47	46	1036	27,717	165.0	10.4
1988	42	34	946	28,278	120.2	9.1
1989	35	37	896	29,014	127.5	8.3
1990	34	27	865	30,911	87.3	7.8
1991	44	29	924	31,822	91.1	8.3
1992	30	32	816	32,331	99.0	7.3
1993	18	24	800	31,340	76.6	7.09
1994	31	24	784	31,909	75.2	6.86
1995	24	19	829	32,467	58.5	7.06
1996	91	16	709	33,767	41.5	5.97
1997	90	23	819	25,819	89.1	6.65
1998	105	38	793	23,689	160.4	6.5
1999	69	29	734	34,965	82.9	6.4

Average Alaska Fatalities Per Year:

5 Years (1995-1999):	25
1 Year (1998):	38
1 Year (1999):	29

Non-Commercial (recreational) vs. Fishing Vessel fatalities:

1989 – 1998 (10 years): 266 non-commercial (recreational) vs. 225 fishing vessel fatalities

*Rate is in chart above is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods.

*Accident statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states. This low compliance rate is not enough to equalize the fatality rate—Alaska continues to be significantly higher than all other states in the nation.

Fatal Accident Breakdown by Various Categories/Factors

Year	1996		1997		1998		1999	
							As of 11/15/99	
Navigable	13	79%	16	70%	27	71%	24	83%
Non-Navigable	3	21%	7	30%	11	29%	5	17%
Salt Water	8	43%	10	43%	23	61%	14	48%
Fresh Water	8	57%	13	57%	15	39%	15	52%
Alcohol Involved	6	43%	7	30%	20	53%	4	14%
No Alcohol	10	57%	16	70%	18	47%	25	86%
Motorized	12	71%	13	57%	28	74%	22	76%
Non-Motorized	4	29%	10	43%	10	26%	7	24%
PFD Use Confirmed for Only:	5	36%	5	22%	3	1%	3	10%
Non-PFD Use Confirmed for at Least "x" of Victims	4	29%	16	70%	21	55%	20	69%
Unknown PFD Use	5	36%	2	8%	14	37%	6	21%
Open Vessels	9		22	96%	38	100%	18	62%
Cabin Vessels	5		1	4%	0	0	5	17%
PWC Fatalities	0		1	4%	0		3	10%
Primary Activity: Boating	8		9	39%	6	16%	11	38%
Transportation	2		6	26%	23	61%	5	17%
Fishing	1		3	13%	5	13%	5	17%
Hunting	0		1	4%	0		2	7%
Type of Accident								
Falls Overboard	3		6	26%	6	16%	10	34%
Capsizing	4		13	57%	29	76%	17	59%
Other	9		4	17%	3	8%	2	6%
Boat Length: Under 16 Ft							16	55%
16-20 Ft							1	3%
20-26 Ft							4	14%
Over 26 Ft							2	7%
# of Vessels w/ Fatalities	14	15%	19	21%	24	23%	23	33%
Total Reported Accidents	91		90		105		69	
Total Fatalities	16	100%	23	100%	38	100%	29	100%

1999 Alaska Non-Commercial/Recreational Boating Accident Bullets

Point of Contact: Sue Hargis, Boating Safety Specialist, USCG
(907) 463-2297 or shargis@cgalaska.uscg.mil

**In 1999, Alaska had 105 reported boating accidents, with 29 fatalities. Of the 29 fatalities, 3 were 16 or under (10%).

**In overall non-commercial ("recreational") boating accidents, Alaska has approximately 10 times the national average. The 5-year national average per 100,000 registered boats is 6.7, and for Alaska it is 64.5 (1993-1997). The 1-year rate for Alaska in 1998 is 160.4 fatalities per 100,000 registered boats, based on Alaska's 23,689 non-commercial registered vessels.

**Of the 29 fatalities, 14 (48%) occurred in salt water, and 15 (52%) occurred in fresh water. Of these fatalities, 22 (76%) involved motorized vessels, while 7 (24%) involved non-motorized craft.

**PWC accidents (remember "Jet Ski" is a name brand): 3 of the 29 fatalities were on personal watercraft.

**Alcohol was a factor in at least 4 of the 29 fatalities. Most reports did not address whether or not alcohol was a factor, and it is impossible to tell from many victims who disappeared or were found days after the accident.

**PFD Use: PFD use was confirmed for only 3 of the 29 fatalities. Indications are that the other 26 (90%) of victims were not wearing a personal flotation device.

**Type of Accident: Falls overboard accounted for 10 of the 29 fatalities (34%), while capsizing accounted for another 17 of the fatalities (59%), for a total of 93% of all fatalities.

**Size Vessel: 17 of the fatalities (58%) occurred on boats under 20 feet in length.

Multi-Year Fatality Rates:	Alaska	U.S.
10 Years (1988-1997):	84.8	7.8
5 Years (1993-1997):	64.5	6.7
1 Year (1998):	160.4	6.65 (1997)

*Rate is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods, although our rate is slowly dropping.

*Statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states. Statistics are also affected by reporting rates, which are low in Alaska. Summary Alaska Effect:

(1) Fewer registered boats = Higher Rate, (2) Fewer reported accidents = Lower rate.

1998 Alaska Non-Commercial/Recreational Boating Accident Bullets

Point of Contact: Sue Hargis, Boating Safety Specialist, USCG
(907) 463-2297 or shargis@cgalaska.uscg.mil

**In 1998, Alaska had 105 reported boating accidents, with 38 fatalities. Of the 38 fatalities, 8 were 16 or under, and 1 was 18. This means that 24% of accidents were 18 or younger.

**In overall non-commercial ("recreational") boating accidents, Alaska has approximately 10 times the national average. The 5-year national average per 100,000 registered boats is 6.7, and for Alaska it is 64.5 (1993-1997). The 1-year rate for Alaska in 1998 is 160.4 fatalities per 100,000 registered boats, based on Alaska's 23,689 non-commercial registered vessels.

**Of the 38 fatalities, 23 (61%) occurred in salt water, and 15 (39%) occurred in fresh water. Of these fatalities, 28 (74%) involved motorized vessels, while 10 (26%) involved non-motorized craft.

**PWC accidents (remember "Jet Ski" is a name brand): 6 of the 105 reported accidents were on personal watercraft, involving 6 total personal watercraft. 4 of the 6 accidents involved 2 vessels, which means that 67% of 1998 PWC accidents were 2 vessel accidents. In contrast, of the other 99 accidents, only 7 other accidents involved 2 vessels, for a rate of 7% versus 67%.

**Alcohol was a factor in at least 20 of the 38 fatalities. Most reports did not address whether or not alcohol was a factor, and it is impossible to tell from many victims who disappeared or were found days after the accident.

**PFD Use: PFD use was confirmed for only 3 of the 38 fatalities. Indications are that the other 35 (92%) of victims were not wearing a personal flotation device.

**Type Vessel: All 38 fatalities occurred in open vessels without a cabin, such as skiffs and canoes.

**The drowning rate for children and teenagers in Alaska is almost 2 1/2 times the national average. (Serious and Fatal Child and Adolescent Injuries in Alaska 1991-1994)

Multi-Year Fatality Rates:	Alaska	U.S.
10 Years (1988-1997):	84.8	7.8
5 Years (1993-1997):	64.5	6.7
1 Year (1998):	160.4	6.65 (1997)

*Rate is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods, although our rate is slowly dropping.

*Statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states. Statistics are also affected by reporting rates, which are low in Alaska. Summary Alaska Effect:

(1) Fewer registered boats = Higher Rate, (2) Fewer reported accidents = Lower rate.

STATEMENT OF UNDERSTANDING
BETWEEN THE
STATE OF ALASKA
AND THE
UNITED STATES COAST GUARD

1. **PURPOSE.** To define the relationship between the State of Alaska and the Commander, Seventeenth Coast Guard District, United States Coast Guard, in the conduct of recreational boating safety programs, including the mutual enforcement of laws relating to boating safety on waters within the concurrent jurisdiction of the State of Alaska and the United States.

2. **BASIC GUIDELINES.**
 - a. The Commander, Seventeenth Coast Guard District, hereinafter referred to as the District Commander, has the final authority to perform the functions of the United States Coast Guard, hereinafter referred to as the Coast Guard, that are within the geographical jurisdiction for all matters covered by this agreement. The District Commander has, or may in the future, further delegate their authority to carry out the functions addressed by this agreement. The responsibility by the State to carry out this Cooperative Agreement exists with the State of Alaska, Department of Natural Resources, Division of Parks and Outdoor Recreation, here after referred to as the Office of Boating Safety. Primary operational interface on waters of concurrent jurisdiction occurs between the Coast Guard and the State of Alaska Office of Boating Safety. Portions of this statement may be delegated by the State to other State agencies under various State laws which define their respective jurisdictions or the appropriate local authority, should it have jurisdiction. This statement neither expands nor reduces any such jurisdiction for any such agency or local authority. Where the word "State" is used, therefore, it shall mean the appropriate State of Alaska agency or State of Alaska local authority having jurisdiction over the matter. Where a specific agency is cited, that agency has clear jurisdiction to carry out the provisions of that section.

 - b. The State and the United States exercise concurrent jurisdiction over those waters within the jurisdiction of the State that are also waters subject to the jurisdiction of the United States, except as to matters preempted by Federal law.

 - c. The State has exclusive jurisdiction over those waters within the State that are not waters subject to the jurisdiction of the United States.

 - d. This understanding does not abrogate or limit the jurisdiction of the State or the United States. Nothing in this agreement supplants duly established Coast Guard policy or state law governing the state, and any such conflicting terms contained in this agreement shall be void.

- e. All vessels equipped with propulsion machinery, except vessels exempt under the provisions of 33 CFR part 173.11 or vessels documented or required to be documented under Federal law, that are principally operated on waters subject to the jurisdiction of the State of Alaska are subject to the numbering laws of that State.
- f. The State shall, to the fullest extent practicable, endeavor to conform its laws, rules and regulations with Federal law, subject to the Federal preemption provisions contained in 46 U.S.C. 4306. The Coast Guard and the Office of Boating Safety shall promptly furnish to each other the text of any proposed or enacted law, rule or regulation having to do with numbering, titling, equipping or operating vessels that are the subject of this agreement and any administrative interpretations thereof.
- g. The Coast Guard and the Office of Boating Safety will provide to each other a copy of statistical and other data pertinent to the matters agreed to herein.

3. TERMS OF UNDERSTANDING.

a. Law Enforcement.

- (1) The State has primary law enforcement responsibility concerning recreational vessels on waters subject to concurrent jurisdiction of the State and the United States. In these waters the United States has primary responsibility for the enforcement of vessel inspection and other Federal statutes applicable to non-recreational vessels. The State may enforce State laws applicable to numbered non-recreational vessels not required to be inspected by the Coast Guard and operating on waters subject to the concurrent jurisdiction of the State and the United States. The Coast Guard has authority to enforce Federal statutes and regulations applicable to recreational vessels on all waters subject to the jurisdiction of the United States.
- (2) In order to provide the most effective law enforcement possible with the vessels and personnel available and to avoid duplication of efforts in a given area at a given time, the Boating Law Administrator and the District Commander shall coordinate or arrange for coordination of law enforcement patrols on waters subject to concurrent jurisdiction of the State and the United States.
- (3) Joint safety patrols for the monitoring of program effectiveness by Coast Guard and State marine law enforcement officers may be conducted periodically on all waters subject to concurrent jurisdiction of the State and the United States. The use of either Federal or State vessels is authorized, however, actual enforcement shall namely be by the agency with primary responsibility as identified in the document or if not identified in the document then as agreed to among the participants.
- (4) The Office of Boating Safety may be notified of any numbering violations observed by Coast Guard boarding officers. In addition, other recreational boating violations

may be referred to the Office of Boating Safety at the discretion of the District Commander.

- (5) Violations of Federal safety standards including those applicable to manufacturers of boats and associated equipment detected by State marine law enforcement officers will be reported to the Coast Guard Boating Safety Infoline (1-800-368-5647) for investigation and disposition.
- (6) Violations of vessel safety requirements or other marine safety laws by non-recreational vessels that are observed by State marine law enforcement officers will be reported to the Coast Guard Marine Safety Infoline (1-800-521-9219) for disposition.
- (7) When a complaint is made to the Coast Guard alleging an offense that is a violation of the State recreational boating laws or regulations, the Coast Guard will normally refer the complaint to the proper State or local authority. Similarly, when a complaint is made to the State of a violation of any vessel laws or regulations within the exclusive jurisdiction of the United States, the State will normally refer the complaint to the Coast Guard.
- (8) State marine law enforcement officers and Coast Guard boarding officers are encouraged to consider the need for a boating safety inspection if the operator produces evidence of a recent satisfactory State or Coast Guard examination or the vessel displays a current Coast Guard Auxiliary Courtesy Marine Examination (CME) or State inspection decal. However, notwithstanding a recent satisfactory examination, boarding will be undertaken when there are indications of a violation of numbering, loading, equipment or operating requirements, or as part of a special local enforcement operation. Additionally, if there is reasonable suspicion that a vessel or any person on board is, or has been, involved in illegal activity, or if the vessel appears to be manifestly unsafe, the law enforcement officer or boarding officer may investigate as necessary to confirm or refute that suspicion.
- (9) State marine law enforcement officers who observe violations of vessel safety laws or other regulations of the United States, will generally be made available to testify for the State or Federal prosecution related to the violation. Coast Guard personnel will be made available to provide evidence at state judicial proceedings or administrative forums to the extent authorized by Title 49, part 9 of the Code of Federal Regulations.
- (10) Nothing contained within this agreement will prohibit field personnel from making temporary arrangements for joint or cooperative action in emergencies to cover a local situation involving reckless or negligent operation or other conditions involving safety of life, property, or serious violations of the law.

b. Boating While Intoxicated.

- (1) A common goal of the Coast Guard and the Office of Boating Safety is to eliminate the risk posed to the boating public and the marine environment by an intoxicated boat operator. To this end, the Office of Boating Safety and the Coast Guard agree to coordinate their operating a vessel under the influence (OUI) enforcement efforts so that the most effective enforcement option is prosecuted in each case, and each will encourage the establishment of mutual assistance and cooperative agreements between Coast Guard and State marine law enforcement officials operating in the same area.

c. Public Education and Training.

- (1) The parties will cooperate in public educational and safety information programs. The Office of Boating Safety will distribute the pamphlet *Federal Requirements and Safety Tips for Recreational Boats*, and other Federal boating publications as agreed upon, through its home and field offices. The Coast Guard will distribute the pamphlet *Alaska Boater's Handbook* through offices and field units.
- (2) The Coast Guard will furnish to the Office of Boating Safety information concerning the time and place of public education courses within the state that are sponsored by the U.S. Coast Guard Auxiliary. The parties will cooperate in providing NASBLA approved public boating safety education programs to be used within the state.
- (3) The Coast Guard will provide boating safety instructor training for state law enforcement personnel through the National Boating Safety Course located at the Reserve Training Center, Yorktown, VA. Commandant (G-OPB-2), United States Coast Guard is responsible for providing billets, administration and enrollment into the course. Similarly, the State will provide the Coast Guard, on an "as available" basis, instructors and facilities for the training of Coast Guard personnel. In addition, safe boating and/or boat handling programs may be arranged with Coast Guard Auxiliary resources.

d. Vessel Numbering.

- (1) Until such time as a State Boating Safety Bill is passed, the Coast Guard will continue to issue Certificates of Number to vessels equipped with machinery propulsion in Alaska which are operated on navigable waters of the United States. The Office of Boating Safety agrees to assist in distribution of Coast Guard applications and other forms for motorboat numbering, vessel casualty report forms, and such boating

pamphlets as are made available for that purpose by the Coast Guard.

- (2) Following the passage of a State Boating Safety Bill, the State will assume authority for issuance of Certificates of Number to vessels equipped with machinery propulsion operated within the state. The Coast Guard will distribute State applications and other forms for motorboat numbering, state vessel casualty report forms, and such boating pamphlets as are made available for that purpose by the State.

e. Boating Casualty Reports and Investigative Reports

- (1) For the purposes of this agreement a "boating casualty" is defined as an accident involving a fatality, a disappearance, or a personal injury that requires medical treatment beyond first aid. An "accident" is defined as an accident involving damage to a vessel and other property totaling more than \$500.00, or the total loss of a vessel.
- (2) Until such time as a State Boating Safety Bill is passed, the Coast Guard will continue to serve as the lead agency for reporting of boating casualties. Following the passage of a State Boating Safety Bill, the Office of Boating Safety will assume lead agency responsibility for investigation and reporting of boating casualties.
- (3) The Coast Guard will notify the State of all reportable boating accidents where Coast Guard resources are used. Both parties will cooperate in sharing accident data to ensure that overall state boating accident statistics are as accurate as possible.
- (4) The State agrees to investigate all recreational boating fatalities within the jurisdiction of the State. The Coast Guard may investigate accidents involving fatalities on vessels used on waters of concurrent jurisdiction, including the high seas, if the case warrants further investigation.
- (5) The State shall review for accuracy and completeness all accident reports and shall determine the cause and circumstances surrounding each reportable accident, including whether or not alcohol or drugs were a factor.
- (6) The State shall abstract accident data from each boating accident report form and enter such data into the boating accident report database (BARD), which was developed in cooperation with the National Association of State Boating Law Administrators (NASBLA). The State agrees to ensure the quality of data entry is accurate and complete providing for a successful data transfer into the national BARD located at Coast Guard Headquarters.
- (7) An electronic copy of each State's accident and investigative report data, including any alcohol/drug test results, shall be forwarded to the Office of Command and Control Architecture (G-OCC-2) at Coast Guard Headquarters within 30 days receipt of the initial casualty or accident report. States that lack electronic data transfer

technology may forward copies of the accident and investigative reports to G-OCC-2. The Coast Guard will review the reports and investigations received for appropriate action. A copy of this report will be provided to the District Commander for use in Coast Guard boating safety efforts.

f. Search and Rescue.

- (1) On State waters that are not within the jurisdiction of the United States, the State has exclusive responsibility for providing search and rescue service. On waters subject to the concurrent jurisdiction of the United States and the State, the partners have joint responsibility. The Coast Guard will concentrate its activity primarily on coastal waters, harbor areas, and inland water areas in the vicinity of Coast Guard facilities. On other inland waters subject to concurrent jurisdiction, the Coast Guard will look primarily to search and rescue facilities provided by the State and its political subdivisions.
- (2) The State and the Coast Guard agree to coordinate their search and rescue operations so that the most effective assistance will be rendered to those in distress on waters of concurrent jurisdiction. Each party will encourage the establishment of mutual assistance and cooperative arrangements between Coast Guard and State facilities that are established in the same area. The local authority for providing federal search and rescue assistance on Federal waters within the State is Commander, Seventeenth Coast Guard District, P.O. Box 25517, Juneau AK 99802-5517. This authority is exercised through the Coast Guard Command Center, telephone number (907) 463-2000, or (800) 478-5555. The competent authority for exercising coordination of State search and rescue activities on state waters is the State of Alaska, Department of Public Safety, 5700 Tudor Road, Anchorage, Alaska 99507, telephone number (907) 428-7200.
- (3) The State and the Coast Guard agree to actively support and participate in local search and rescue workshops, water safety councils and other such organizations to foster closer cooperation and coordination among State and local agencies, Federal agencies and others who have an interest or responsibility in search and rescue matters.

g. Coast Guard Auxiliary.

- (1) Under Section 141 of Title 14 United States Code, the services of the Coast Guard Auxiliary may be used to assist the State in the promotion of boating safety and other activities for which Auxiliarists are especially qualified, when requested by proper State authority. The State fully supports the Coast Guard Auxiliary's programs, in particular, those to do with vessel safety checks, safety patrols and public education. The State welcomes the presence of the Auxiliary on all waters for these purposes.

- (2) On those occasions when assistance by the Coast Guard Auxiliary is expressly desired by the State for a specific purpose, a competent authority within a state agency will initiate such requests for assistance. Requests will usually be submitted at least 14 days in advance to allow sufficient time for processing and coordination. The Coast Guard reserves the right to require reimbursement for use of the Coast Guard Auxiliary to support a specific event or activity.

h. Regattas and Marine Parades.

- (1) The authorization and regulation of regattas or marine parades upon navigable waters of the United States that are subject to the concurrent jurisdiction of the United States and State shall be within the province of the State when, in the opinion of the District Commander, the State is able to regulate in such a manner as to ensure safety of life. However, the regulations issued by the Office of Boating Safety may not impede the operation of other vessels, commercial or recreational, operating on waters subject to the jurisdiction of the United States.
- (2) For the purposes of this agreement, the terms "regatta" or "marine parade" both mean an organized water event of limited duration that is conducted according to a prearranged schedule.
- (3) Regattas and marine parades shall be administered in accordance with 33 CFR Part 100. The Coast Guard and the Office of Boating Safety will provide each other copies of all permits issued for events to occur on waters of concurrent jurisdiction.
- (4) The District Commander reserves the right to assume primary responsibility for any regatta or marine parade on navigable waters of the Seventeenth Coast Guard District when he deems such action to be in the public interest. Events of this type may include, but are not limited to:
 - (a) Regattas of marine parades of such size as to require patrols that the District Commander knows to be in excess of the resources available to the State, or
 - (b) Those events on waterways where commercial or other traffic will be disrupted significantly.

4. LIAISON:

For the State of Alaska:

Jeffrey S. Johnson
Boating Law Administrator
State of Alaska, DNR
Division of Parks & Outdoor Recreation
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Tony Knowles
Governor
State of Alaska
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Juneau, AK 99811-0001

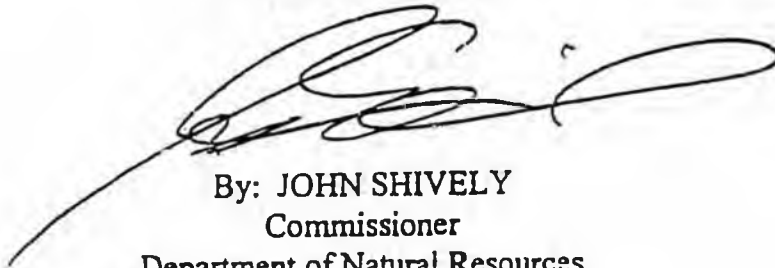
FOR THE UNITED STATES:

Susan D. Hargis
Boating Safety Specialist
Seventeenth Coast Guard District (moc)
P.O. Box 25517
Juneau, AK 99802-5517
(907) 463-2297

RADM Terry M. Cross
Commander
Seventeenth Coast Guard District
P.O. Box 25517
Juneau, AK 99802-5517
(907) 463-2050

5. DURATION OF AGREEMENT: This agreement is effective upon the signatures of all parties and may be terminated by any party upon notice to all parties. The terminating party will provide the other party with at least 30 days notice. A representative of each party will review the agreement at least every four years to ascertain whether any revisions are necessary. A copy of the review will be appended to each party's copy of the agreement, and a copy will be provided to Commandant (G-OPB-2).

STATE OF ALASKA



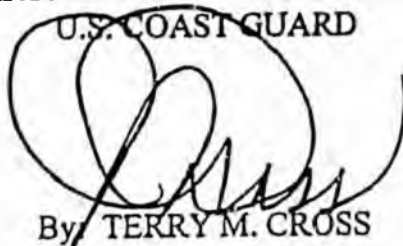
By: JOHN SHIVELY

Commissioner

Department of Natural Resources

Date: 1/5/99

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD



By: TERRY M. CROSS

Rear Admiral

Commander, Seventeenth Coast Guard District

Date: 1/6/99

Anchorage Daily News



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Safer boaters

How do we get there from here?

A safe-boating law won't bring back the 67 recreational boaters who drowned in Alaska waters since 1998. But well-written legislation passed this session will save future boaters from a similar fate. That's the prediction of



Rep. Bill Hudson

experts who saw other states drowning rates fall after enacting safe-boating laws that passed federal muster.

Ours is the last state holdout — and it shows.

While the annual number of drownings may seem low to some — 29, for example, in 1999 — the tally is deceptive. Recreational boaters in Alaska drown at much higher rates than other Americans.

This shameful distinction can be fixed by this Legislature.

To that end, Rep. Bill Hudson is pushing ahead with House Bill 108, which would finally bring Alaska in line with the federal Boating Safety Act of 1971. The law allows states that have enacted a broad safe boating law to tap into federal funds and tailor boating programs to meet their needs.

The retired Coast Guardsman has made a state safe-boating law a priority. "I view this as one of the most important things I can do," he said.

As now written, Rep. Hudson's bill encourages better boating practices, which will save lives. "The emphasis, as we've said before, is to educate, not regulate," he explained Tuesday. That's an important distinction, since eight of 10 boating fatalities in this country take place on boats where the operator was not educated about boating safety.

Rep. Hudson's education message resonates with safety-conscious user groups like the state boating association. They've responded by joining the debate and making valuable suggestions. "I've worked (in Juneau) for a lot of years," says Melinda Hofstad, chief of staff for the Juneau Republican. "I would say this is the most public input that I've ever seen on any legislation I've ever worked on."

HB 108 has been on hold since last spring, when representatives adjourned after passing it through two committees. It is now the job of House Finance Committee Co-chairmen Eldon Mulder and Gene Therriault to shepherd the measure through committee and pass it on to the full House. After meeting one-on-one with the co-chairmen and other committee members, Rep. Hudson said Tuesday he expects a hearing will be later this month.

By session's end, if all goes well, legislators should have in hand an effective safe-boating bill. If they succeed, more Alaskans will live to enjoy the new millennium. If they fail, Alaskans will keep drowning at rates unacceptable in every other corner of America.

In that light, failure is no option.

Alaska Recreational Boating Fatal Accident Statistics

Point of Contact: Sue Hargis, Boating Safety Coordinator

(907) 463-2297 or shargis@cgalaska.uscg.mil

<u>Year</u>	<u># of Total Alaska Accidents</u>	<u># of Alaska Fatalities</u>	<u># of Total U.S. Fatalities</u>	<u># of Boats Numbered In Alaska</u>	<u>AK Fatality Rate*</u>	<u>U.S. Fatality Rate*</u>
1987	47	46	1036	27,717	165.0	10.4
1988	42	34	946	28,278	120.2	9.1
1989	35	37	896	29,014	127.5	8.3
1990	34	27	865	30,911	87.3	7.8
1991	44	29	924	31,822	91.1	8.3
1992	30	32	816	32,331	99.0	7.3
1993	18	24	800	31,340	76.6	7.09
1994	31	24	784	31,909	75.2	6.86
1995	24	19	829	32,467	58.5	7.06
1996	91	16	709	33,767	41.5	5.97
1997	90	23	819	25,819	89.1	6.65
1998	105	38	793	23,689	160.4	6.5
1999	69	29	734	34,965	82.9	6.4

Average Alaska Fatalities Per Year:

5 Years (1995-1999):	25
1 Year (1998):	38
1 Year (1999):	29

Non-Commercial (recreational) vs. Fishing Vessel fatalities:

1989 – 1998 (10 years): 266 non-commercial (recreational) vs. 225 fishing vessel fatalities

*Rate is in chart above is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods.

*Accident statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states. This low compliance rate is not enough to equalize the fatality rate—Alaska continues to be significantly higher than all other states in the nation.

Fatal Accident Breakdown by Various Categories/Factors

Year	1996		1997		1998		1999	
							As of 11/15/99	
Navigable	13	79%	16	70%	27	71%	24	83%
Non-Navigable	3	21%	7	30%	11	29%	5	17%
Salt Water	8	43%	10	43%	23	61%	14	48%
Fresh Water	8	57%	13	57%	15	39%	15	52%
Alcohol Involved	6	43%	7	30%	20	53%	4	14%
No Alcohol	10	57%	16	70%	18	47%	25	86%
Motorized	12	71%	13	57%	28	74%	22	76%
Non-Motorized	4	29%	10	43%	10	26%	7	24%
PFD Use Confirmed for Only:	5	36%	5	22%	3	1%	3	10%
Non-PFD Use Confirmed for at Least "x" of Victims	4	29%	16	70%	21	55%	20	69%
Unknown PFD Use	5	36%	2	8%	14	37%	6	21%
Open Vessels	9		22	96%	38	100%	18	62%
Cabin Vessels	5		1	4%	0	0	5	17%
PWC Fatalities	0		1	4%	0		3	10%
Primary Activity: Boating	8		9	39%	6	16%	11	38%
Transportation	2		6	26%	23	61%	5	17%
Fishing	1		3	13%	5	13%	5	17%
Hunting	0		1	4%	0		2	7%
Type of Accident								
Falls Overboard	3		6	26%	6	16%	10	34%
Capsizing	4		13	57%	29	76%	17	59%
Other	9		4	17%	3	8%	2	6%
Boat Length: Under 16 Ft							16	55%
16-20 Ft							1	3%
20-26 Ft							4	14%
Over 26 Ft							2	7%
# of Vessels w/ Fatalities	14	15%	19	21%	24	23%	23	33%
Total Reported Accidents	91		90		105		69	
Total Fatalities	16	100%	23	100%	38	100%	29	100%

1999 Alaska Non-Commercial/Recreational Boating Accident Bullets

**Point of Contact: Sue Hargis, Boating Safety Specialist, USCG
(907) 463-2297 or shargis@cgalaska.uscg.mil**

**In 1999, Alaska had 105 reported boating accidents, with 29 fatalities. Of the 29 fatalities, 3 were 16 or under (10%).

**In overall non-commercial ("recreational") boating accidents, Alaska has approximately 10 times the national average. The 5-year national average per 100,000 registered boats is 6.7, and for Alaska it is 64.5 (1993-1997). The 1-year rate for Alaska in 1998 is 160.4 fatalities per 100,000 registered boats, based on Alaska's 23,689 non-commercial registered vessels.

**Of the 29 fatalities, 14 (48%) occurred in salt water, and 15 (52%) occurred in fresh water. Of these fatalities, 22 (76%) involved motorized vessels, while 7 (24%) involved non-motorized craft.

**PWC accidents (remember "Jet Ski" is a name brand): 3 of the 29 fatalities were on personal watercraft.

**Alcohol was a factor in at least 4 of the 29 fatalities. Most reports did not address whether or not alcohol was a factor, and it is impossible to tell from many victims who disappeared or were found days after the accident.

**PFD Use: PFD use was confirmed for only 3 of the 29 fatalities. Indications are that the other 26 (90%) of victims were not wearing a personal flotation device.

**Type of Accident: Falls overboard accounted for 10 of the 29 fatalities (34%), while capsizing accounted for another 17 of the fatalities (59%), for a total of 93% of all fatalities.

**Size Vessel: 17 of the fatalities (58%) occurred on boats under 20 feet in length.

Multi-Year Fatality Rates:	Alaska	U.S.
10 Years (1988-1997):	84.8	7.8
5 Years (1993-1997):	64.5	6.7
1 Year (1998):	160.4	6.65 (1997)

*Rate is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods, although our rate is slowly dropping.

*Statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states. Statistics are also affected by reporting rates, which are low in Alaska. Summary Alaska Effect:

(1) Fewer registered boats = Higher Rate, (2) Fewer reported accidents = Lower rate.

1998 Alaska Non-Commercial/Recreational Boating Accident Bullets

Point of Contact: Sue Hargis, Boating Safety Specialist, USCG
(907) 463-2297 or shargis@cgalaska.uscg.mil

**In 1998, Alaska had 105 reported boating accidents, with 38 fatalities. Of the 38 fatalities, 8 were 16 or under, and 1 was 18. This means that 24% of accidents were 18 or younger.

**In overall non-commercial ("recreational") boating accidents, Alaska has approximately 10 times the national average. The 5-year national average per 100,000 registered boats is 6.7, and for Alaska it is 64.5 (1993-1997). The 1-year rate for Alaska in 1998 is 160.4 fatalities per 100,000 registered boats, based on Alaska's 23,689 non-commercial registered vessels.

**Of the 38 fatalities, 23 (61%) occurred in salt water, and 15 (39%) occurred in fresh water. Of these fatalities, 28 (74%) involved motorized vessels, while 10 (26%) involved non-motorized craft.

**PWC accidents (remember "Jet Ski" is a name brand): 6 of the 105 reported accidents were on personal watercraft, involving 6 total personal watercraft. 4 of the 6 accidents involved 2 vessels, which means that 67% of 1998 PWC accidents were 2 vessel accidents. In contrast, of the other 99 accidents, only 7 other accidents involved 2 vessels, for a rate of 7% versus 67%.

**Alcohol was a factor in at least 20 of the 38 fatalities. Most reports did not address whether or not alcohol was a factor, and it is impossible to tell from many victims who disappeared or were found days after the accident.

**PFD Use: PFD use was confirmed for only 3 of the 38 fatalities. Indications are that the other 35 (92%) of victims were not wearing a personal flotation device.

**Type Vessel: All 38 fatalities occurred in open vessels without a cabin, such as skiffs and canoes.

**The drowning rate for children and teenagers in Alaska is almost 2 1/2 times the national average. (Serious and Fatal Child and Adolescent Injuries in Alaska 1991-1994)

Multi-Year Fatality Rates:	Alaska	U.S.
10 Years (1988-1997):	84.8	7.8
5 Years (1993-1997):	64.5	6.7
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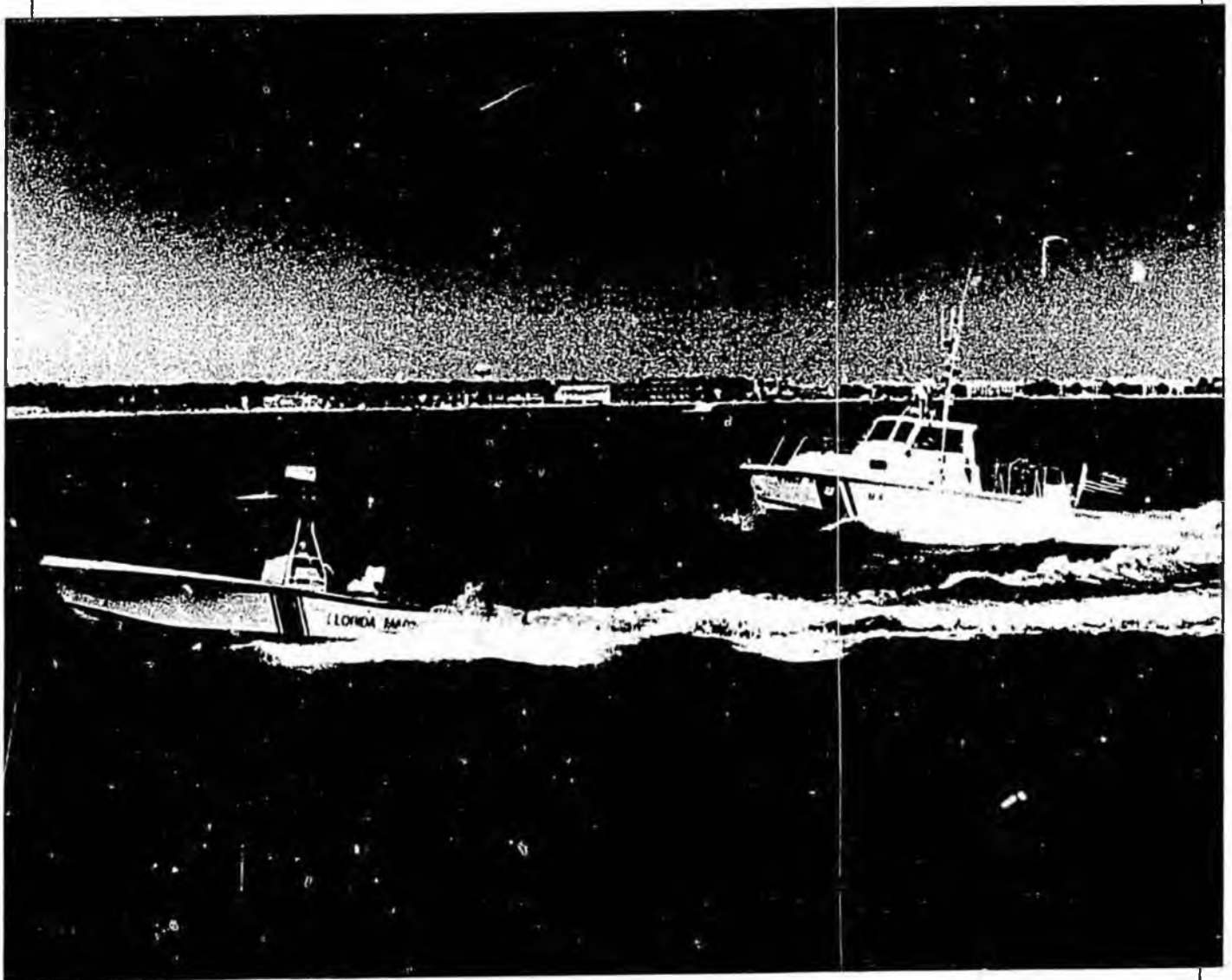
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BEEN FILMED BUT IS AVAILABLE IN THE
ORIGINAL FILE.

BOATING SAFETY DOLLARS AT WORK



The State-Federal
Partnership

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Alaska

Boater's Handbook



January 1999