

HB

108

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Ford
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SENATE CS FOR CS FOR HOUSE BILL NO. 108(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES HUDSON, Halcro, Phillips, Kerttula, Cowdery, Murkowski, Bunde, Cissna, Joule

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14 will also be repealed when those provisions take effect.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 AS 05.25.010 is repealed and reenacted to read: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 of Public Safety may require, by regulation, that a boat
22 or class of boats carry additional equipment that is necessary for the safety of persons
23 and property.

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 AS 05.25.010 is repealed and reenacted to read:

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

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

1 one life preserver approved by the United States Coast Guard for passenger-carrying
2 watercraft for each person on board.

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

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

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

11 **Sec. 05.25.020. Use of boat with water [WATER] skis and surfboards.** (a)

12 A person may not operate a boat [WATERCRAFT] on water [THE INLAND
13 WATERS] of the [THIS] state for towing a person on water skis, [OR] a surfboard,
14 or a similar device [DEVICES] unless

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

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

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

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

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

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

28 (B) for a device that contains a reference to an owner's
29 manual, if the Type V personal flotation device is used in accordance with
30 the requirements in the owner's manual [. IN THIS SUBSECTION,

31 "PERSONAL FLOTATION DEVICE" DOES NOT INCLUDE A LIFE BELT

1 OR LIFE RING].

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

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

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

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

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

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

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

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

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

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

1 (c) In response to a request from an authorized official or agency of the United
2 States, a law enforcement agency, or in compliance with United States Coast Guard
3 regulations, the Department of Public Safety shall provide statistical information
4 compiled or otherwise available to the Department of Public Safety from the reports
5 required under (b) of this section.

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

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

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

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

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

1 or damage actually incurred.

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

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

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

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

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

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

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

26 **Sec. 05.25.053. Boating safety program.** (a) Except as provided in this
27 section, the department shall administer a statewide boating safety program. The
28 program must, to the extent consistent with state law,

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

30 - 13110; and

31 (2) take additional actions necessary to gain initial and ongoing federal

1 acceptance of the boating safety program and to qualify and apply for federal money
2 under 46 U.S.C. 13102.

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

5 (1) a statewide boating safety education program; the program must

6 (A) develop educational materials relevant to the unique needs
7 of urban and rural boaters in this state;

8 (B) support statewide boating safety training programs;

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

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

12 (E) evaluate, on an ongoing basis, the effectiveness of programs
13 funded under this chapter; and

14 (2) a boating safety advisory council as described in AS 05.25.057; and

15 (3) a boat registration and numbering system through the Department
16 of Administration.

17 (c) The Department of Public Safety shall cooperate with local, state, and
18 federal agencies, private and public organizations, and individuals to provide for

19 (1) a boating collisions, accidents, and casualties reporting system; and

20 (2) boating safety patrol and law enforcement activity.

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

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

28 (2) uses a size-appropriate decal for a boat that is not equipped with
29 mechanical propulsion, that is exclusively paddled, poled, rowed, or powered by wind,
30 and that is 10 feet or greater in length.

31 (b) In adopting a boat registration system under (a) of this section, the

1 Department of Administration shall authorize agents, including boat dealers, to register
2 boats.

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

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

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

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

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

27 (h) All records of ownership of boats that are kept by the Department of
28 Administration under this section are public records. The Department of
29 Administration shall provide records of ownership and registration expense reports to
30 the Department of Public Safety for the purposes of meeting the federal requirements
31 for state programs and implementing this chapter.

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

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

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

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

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

13 (A) under 10 feet in length; or

14 (B) operated in this state for a period not exceeding ³⁰90 days in
15 a calendar year by a person who has not established residency as described
16 under AS 01.10.055;

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

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

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

30 (c) The purpose of the council is to

31 (1) recommend to the department boating safety educational materials;

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

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

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

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

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

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

16 (2) that is not equipped as required under this chapter and regulations
17 adopted under this chapter.

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

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

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

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

27 **Sec. 05.25.070. Exemptions.** Boats [WATERCRAFT] and persons operating
28 boats [WATERCRAFT] are exempt from this chapter [, EXCEPT AS 05.25.060(b),]
29 when participating in the area set aside for a public regatta, race, marine parade,
30 tournament, or exhibition on inland water; for purposes of this section, "inland
31 water" means water of the state that is not offshore water [WATERS].

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

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

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

7 **Sec. 05.25.080. Enforcement.** (a) The Department of Public Safety has
8 authority for enforcement of this chapter and the regulations adopted under this
9 chapter.

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

15 (c) A person employed by the Department of Natural Resources, or a person
16 authorized by the commissioner under AS 41.21.955(a), acting as a peace officer, may
17 enforce this chapter and regulations adopted under this chapter only in units of the
18 state park system.

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

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

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

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

26 (b) A person who violates

27 (1) AS 05.25.010, 05.25.020, 05.25.030(b), 05.25.060(2), or a regulation
28 adopted under this chapter relating to AS 05.25.010 or 05.25.020 is guilty of a
29 violation as defined in AS 11.81.900 and may be fined up to \$500;

30 (2) AS 05.25.055 is guilty of a violation as defined in AS 11.81.900
31 and may be fined up to \$50.

1 (c) The supreme court shall establish by order or rule a schedule of bail
2 amounts for violations under (b) of this section that allow the disposition of a citation
3 without a court appearance.

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

5 **Sec. 05.25.090. Penalties.** (a) Except as provided in (b) of this section, a
6 person who violates a provision of this chapter is guilty of a misdemeanor and is
7 punishable by a fine of not more than \$500, or by imprisonment of not more than six
8 months, or by both, for each violation unless that person is convicted of a violation of
9 AS 28.35.030, in which case the sentence shall be in accordance with AS 28.35.030.

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

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

13 **Sec. 05.25.095. Regulations.** (a) Except as provided in (c) - (e) of this
14 section, the department may adopt regulations regarding requirements for certification
15 of programs on boating safety education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (A) a ship's lifeboat;

25 (B) a seaplane;

26 (C) an inspected passenger vessel; and

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

28 (3) "boat dealer" means a person engaged wholly or in part in the
29 business of selling or offering for sale, buying or taking in trade for the purpose of
30 resale, or exchanging, displaying, demonstrating, or offering for sale three or more
31 boats within 12 consecutive months and who receives or expects to receive money,

1 profit, or any other thing of value;

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

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

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

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

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

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

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

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

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

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

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

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

30 (D) there are no rips, tears, or open seams in fabric or coatings
31 that are large enough to allow the loss of buoyant material;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (3) "watercraft" means every description of vessel, other than a
31 seaplane on the water, used or capable of being used as a means of transportation on

1 water and devoted to recreational pursuits unless otherwise expressly provided in this
2 chapter; and excepting vessels having a valid marine document issued by the United
3 States or foreign governments;

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

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

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

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

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

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

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

30 * Sec. 27. AS 05.25.053, 05.25.055, 05.25.057, 05.25.095, 05.25.096, and
31 AS 09.25.120(a)(9) are repealed.

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

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

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

9 * **Sec. 30.** Sections 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27 of this Act take effect on
10 the earlier of the following dates:

11 (1) July 1, 2005; or

12 (2) 90 days after the date the chair of the Alaska Legislative Council notifies
13 the revisor of statutes that in the previous state fiscal year the state did not receive and does
14 not anticipate receiving federal funding for a statewide boating and safety education program;
15 the director of the division of legislative finance shall notify the chair of the Alaska
16 Legislative Council when the state, in the previous fiscal year, did not receive federal funding
17 for a statewide boating and safety program; the chair of the Alaska Legislative Council may
18 not give the notice described in this paragraph unless the notice is approved by a vote of a
19 majority of the members of the Alaska Legislative Council.

FISCAL NOTE No. 7

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL No. SCS 05HB 108 (RES)
(S) Publish Date: 4-19-00

Revision Date <u>4/18/00</u>	Dept. Affected <u>Public Safety</u>
Title <u>An Act relating to boat safety, registration, fees, enforcement and waterway marking system</u>	BRU <u>Fish And Wildlife Protection</u>
Sponsor <u>Representative Hudson</u>	Component <u>Enforcement and Investigative Services Unit</u>
Requester <u>Senate Resources</u>	Component No. <u>490</u>

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						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

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 (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill is not expected to have a budgetary impact.

Prepared by: <u>Royce Weller, Special Assistant</u>	Phone <u>465-2649</u>
Division <u>Office of the Commissioner</u>	Date/Time <u>4/18/00 12:00 AM</u>
Approved by Commissioner <u>Ronald L. Olte</u>	Date <u>4-19-00</u>
Agency <u>Department of Public Safety</u>	

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FISCAL NOTE

No. 8

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BIL Bill Version: SES CSHB 108 (RES)
 (S) Publish Date: 4-20-00

Revision Date: 19-Apr-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: (S) 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
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

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%
Public Access/Nav Aids	30.0	5%
Education	564.0	85%

(annotated on next page)

Prepared by: Jim Stratton, Director *[Signature]* Phone: 269-8701
 Division: Parks Date: 19-Apr-00
 Approved by Commissioner: John Shively *[Signature]* Date: 19-Apr-00
 Agency: Natural Resources

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Continuation of fiscal note for: SCSHB108 (RES)

Education expenditures annotated:

Alaska Boaters Guide revision and reprinting	\$ 70.0
Kid's Don't Float Program (life jackets)	20.0
AK Boating Safety Course Curriculum, and Instructor Course Development	30.0
Statewide Instructor Training (contracts and scholarships)	300.0
Educational materials (instructor guides, brochures, teaching kits)	50.0
Coastie the Safety Boat program (USCG auxiliary)	10.0
Media (PSA's, radio and television)	24.0
School Programs	50.0
Education program evaluation	10.0
Total	\$564.0

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

No. 9
BILL NO. : Bill Version: SCS CSHB 108 (RES)
(S) Publish Date: 4-20-00

Revision Date/Time (Note if correction) <u>4/19/00</u>	Dept. Affect <u>Administration</u>
Title <u>An act relating to boat registration.....</u>	BRU <u>Motor Vehicles</u>
	Component <u>Motor Vehicles</u>
Sponsor <u>Rep Hudson</u>	
Requester <u>S (FIN)</u>	Component Serial No. <u>2348</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include initiation 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						
Equipment	80.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	471.2	401.1	378.6	378.6	378.6	378.6

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

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

Estimate of any current year (FY00) cost: _____

POSITIONS

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

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 <u>Charles R. Hosack</u>	Phone <u>269-5559</u>
Division <u>Motor Vehicles</u>	Date/Time _____
Approved by Commissioner -- <u>Robert Poe, Jr.</u> <i>Robert Poe, Jr.</i>	Date <u>4/19/00</u> <i>4/19/00</i>
Agency <u>Department of Administration</u>	

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Revision Date: April 19, 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 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-perm 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 (rng 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.

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 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: SCSHB 108(RES)

Revision Date: April 19, 2000

Dept. Affected: Administration

Cost Detail

	<u>FY 01</u>	<u>FY 02</u>
1 PFT MVCSR III (rng 14) lead worker	\$35.7	\$47.6
4 PFT MVCSR Is (rng 10)	\$135.0	\$180.0
2 PFT (Seas) MVCSR Is (rng10)	\$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.

I-LS0445C
Ford
4/5/00

**SENATE CS FOR CS FOR HOUSE BILL NO. 108(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION**

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

**Sponsor(s): REPRESENTATIVES HUDSON, Halcro, Phillips, Kerttula, Cowdery, Murkowski, Bunde,
Cissna, Joule**

**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:

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

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

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

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

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

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

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

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

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

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

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

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

(1) a statewide boating safety education program; the program must

(A) develop educational materials relevant to the unique needs of urban and rural boaters in this state;

(B) support statewide boating safety training programs;

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

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

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

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

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

(4) boating access;

(5) boating safety patrol and law enforcement activity;

(6) a uniform state waterway marking system; and

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

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

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

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

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

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

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

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

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

(g) A certificate of number issued for registration under this chapter is valid until the owner of the boat sells or transfers ownership to another person unless terminated or discontinued earlier as required by this chapter and regulations adopted under this chapter. The certificate expires on the last day of the month following the month in which ownership in the boat is sold or transferred.

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

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the Department of Public Safety for the purposes of meeting the federal requirements for state programs and implementing this chapter.

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

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

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

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

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

Sec. 05.25.057. Alaska Boating Safety Advisory Council established. (a)

The Alaska Boating Safety Advisory Council is established in the department.

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

(c) The purpose of the council is to

- (1) recommend to the department boating safety educational materials;
- (2) review and make recommendations to the department on proposed regulations;
- (3) consider regional boating safety needs and promote boating safety education programs throughout the state; and

1 (4) advise the department on state, regional, and national boating issues.

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

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

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

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

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

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

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

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

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

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

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

26 **Sec. 05.25.070. Exemptions.** Boats [WATERCRAFT] and persons operating
27 boats [WATERCRAFT] are exempt from this chapter [, EXCEPT AS 05.25.060(b).]
28 when participating in the area set aside for a public regatta, race, marine parade,
29 tournament, or exhibition on inland water; for purposes of this section, "inland
30 water" means water of the state that is not offshore water [WATERS].

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

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

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

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

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

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

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

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

19 (b) A person who violates AS 05.25.010, 05.25.020, 05.25.030(b), 05.25.055,
20 05.25.060(2) or (3), or a regulation adopted under this chapter relating to AS 05.25.010
21 or 05.25.020 is guilty of a violation as defined in AS 11.81.900 and may be fined up
22 to \$500. The supreme court shall establish by order or rule a schedule of bail amounts
23 for violations under this subsection that allow the disposition of a citation without a
24 court appearance.

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

26 **Sec. 05.25.090. Penalties.** (a) Except as provided in (b) of this section, a
27 person who violates a provision of this chapter is guilty of a misdemeanor and is
28 punishable by a fine of not more than \$500, or by imprisonment of not more than six
29 months, or by both, for each violation unless that person is convicted of a violation of
30 AS 28.35.030, in which case the sentence shall be in accordance with AS 28.35.030.

31 (b) A person who violates AS 05.25.010(d) or 05.25.020(b) is guilty of a

1 violation, as defined in AS 11.81.900, and may be fined up to \$50.

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

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

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

8 (2) uniform waterway markers;

9 (3) boat operation and safety requirements; and

10 (4) requirements for certification of programs on boating safety
11 education.

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

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

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

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

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

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

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

- 1 (1) motorized boat registration and transfer of registration, \$24;
- 2 (2) nonmotorized boat registration and transfer of registration, \$10;
- 3 (3) replacement of lost registration, \$5;
- 4 (4) replacement of lost registration validation decals, \$5.

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

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

11 **Sec. 05.25.100. Definitions.** In this chapter, unless the context requires
12 otherwise,

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

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

18 (A) a ship's lifeboat;

19 (B) a seaplane;

20 (C) an inspected passenger vessel; and

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

22 (3) "boat dealer" means a person engaged wholly or in part in the
23 business of selling or offering for sale, buying or taking in trade for the purpose of
24 resale, or exchanging, displaying, demonstrating, or offering for sale three or more
25 boats within 12 consecutive months and who receives or expects to receive money,
26 profit, or any other thing of value;

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

31 (5) "commissioner" means the commissioner of public safety;

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

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

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

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

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

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

16 (12) "serviceable condition" as applied to personal flotation devices
17 means

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

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

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

24 (D) there are no rips, tears, or open seams in fabric or coatings
25 that are large enough to allow the loss of buoyant material;

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

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

31 (G) there is a properly armed inflation mechanism, complete

- 1 with a full inflation medium cartridge and all status indicators showing that the
2 inflation mechanism is properly armed, unless the PFD is worn inflated;
3 (H) inflatable chambers are all capable of holding air;
4 (I) oral inflation tubes are not blocked, detached, or broken;
5 (J) the manual inflation lanyard or lever is not inaccessible,
6 broken, or missing;
7 (K) inflator status indicators are not broken or otherwise non-
8 functional;

9 (13) "undocumented boat" means a boat that does not possess a valid
10 certificate of documentation issued by the United States Coast Guard under 46 U.S.C.
11 12101 - 12123;

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

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

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

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

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

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

24 (3) "watercraft" means every description of vessel, other than a
25 seaplane on the water, used or capable of being used as a means of transportation on
26 water and devoted to recreational pursuits unless otherwise expressly provided in this
27 chapter; and excepting vessels having a valid marine document issued by the United
28 States or foreign governments;

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

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

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

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

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

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

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

24 * Sec. 27. AS 05.25.052, 05.25.053, 05.25.055, 05.25.057, 05.25.095, 05.25.096, and
25 AS 09.25.120(a)(9) are repealed.

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

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

1 ~~AND 25 OF THIS ACT.~~

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

3 * Sec. 30. Sections 1, 2, 4, 6, 8, 10, 12, 13, 15, 17, 19, 21, 22, 24, and 25 of this Act take
4 effect the day after the United States Coast Guard provides written notice to the commissioner
5 of public safety that the statewide boating regulation and safety program created by this Act
6 has been approved. The commissioner of public safety shall immediately notify the revisor
7 of statutes if the commissioner receives notice from the United States Coast Guard as
8 described in this section.

9 * Sec. 31. Sections 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27 of this Act take effect 90
10 days after the date the chair of the Alaska Legislative Council notifies the revisor of statutes
11 that in the previous state fiscal year the state did not receive and does not anticipate receiving
12 federal funding for a statewide boating and safety education program. The director of the
13 division of legislative finance shall notify the chair of the Alaska Legislative Council when
14 the state, in the previous fiscal year, did not receive federal funding for a statewide boating
15 and safety program. The chair of the Alaska Legislative Council may not give the notice
16 described in this section unless the notice is approved by a vote of a majority of the members
17 of the Alaska Legislative Council.

**THE FOLLOWING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**

Boat Registration Information

State/Territory (56 Total)	# Pleasure Boats (1998)	Renewal Period
Alabama	265,592	1 year
Alaska	26,230	3 years
American Samoa	145	No Info
Arizona	158,726	1 year
Arkansas	210,599	3 years
California	895,132	2 years
Colorado	98,190	1 year
Connecticut	102,630	1 year
Delaware	44,458	1 or 3 years
District of Columbia	1,811	1 year
Florida	805,581	1 year
Georgia	303,129	3 years
Guam	3,000	3 years
Hawaii	15,290	1 year
Idaho	83,501	1 year
Illinois	396,945	3 years
Indiana	214,474	1 year
Iowa	211,972	2 years
Kansas	101,306	3 years
Kentucky	162,780	1 year
Louisiana	305,386	3 years
Maine	117,706	1 year
Maryland	192,946	2 years
Massachusetts	146,957	2 years
Michigan	980,378	3 years
Minnesota	780,097	3 years
Mississippi	270,868	2 years
Missouri	326,879	3 years
Montana	49,336	1 year
N. Marianas	1,052	1 year
Nebraska	72,649	3 years
Nevada	59,404	1 year
New Hampshire	92,168	1 year
New Jersey	197,672	1 year
New Mexico	72,456	3 years
New York	514,749	3 years
North Carolina	334,862	1 or 3 years
North Dakota	48,523	3 years
Ohio	407,686	1-3 years
Oklahoma	227,826	1 year
Oregon	197,634	1 year
Pennsylvania	348,727	2 years
Puerto Rico	49,595	1 year
Rhode Island	35,378	2 years
South Carolina	394,842	3 years
South Dakota	47,465	1 or 3 years
Tennessee	312,030	1-3 years
Texas	625,754	2 years
Utah	76,346	1 year
Vermont	78,105	1 year
Virgin Islands	4,106	1 year
Virginia	232,409	3 years
Washington	249,968	1 year
West Virginia	67,382	3 years
Wisconsin	559,321	2 years
Wyoming	25,828	1 or 3 years

Total Numbered Boats

12,565,981

State/Territory Summary
1 Year Period: 23
2 Year Period: 9
3 Year Period: 23

*Boat registration has been required since 1918. Operators were required to carry certificates onboard as of 1938, and authorization for registration programs was transferred to the states in 1958.

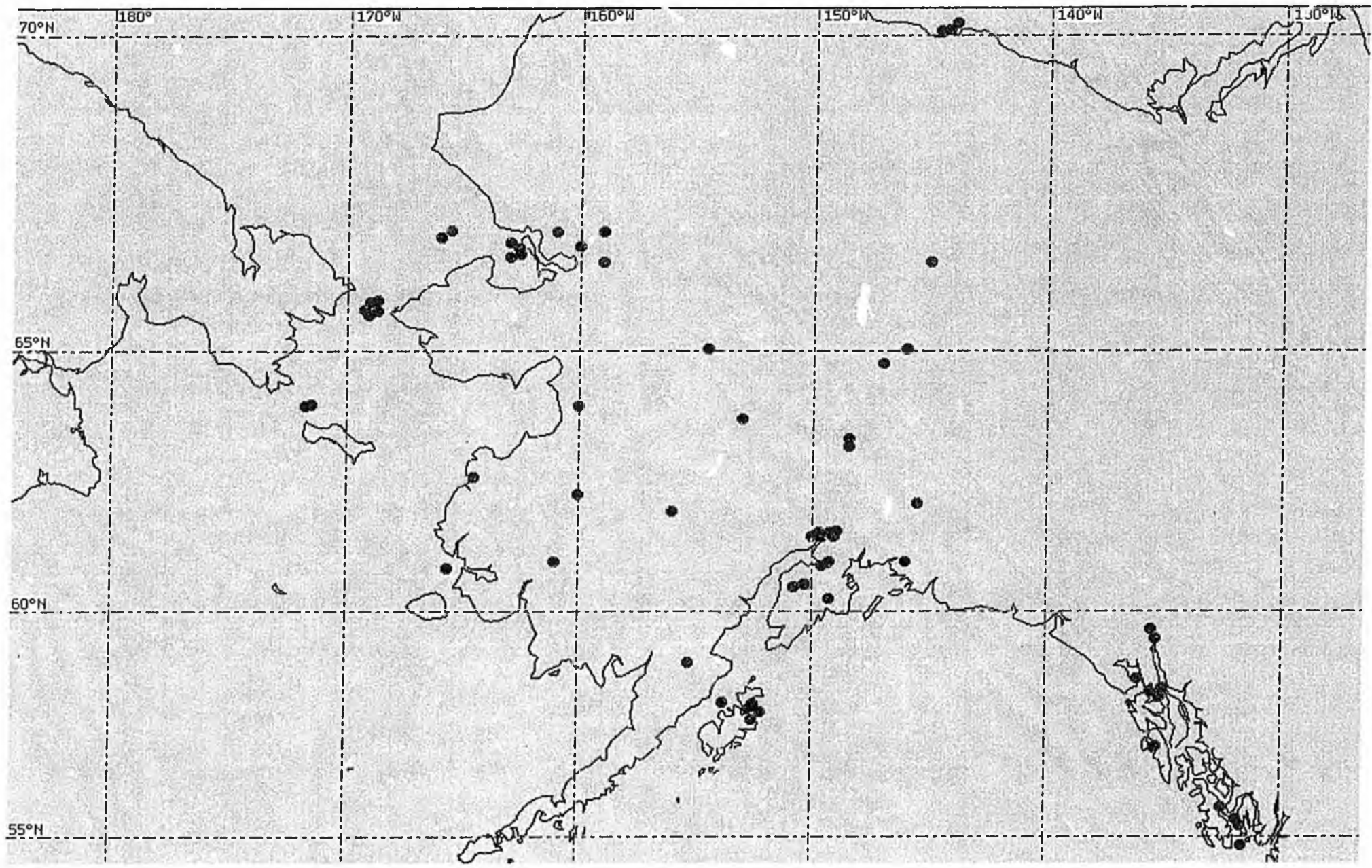
*Public Law 85-911 in 1958 established a maximum period of 3 years for vessel registration renewal. States have various registration periods, as noted on this page.

*The 3-year vessel registration period is a balance between the need for current owner information with the inconvenience of registration to the public. The system provides current information for purposes such as search and rescue, as well as the identification of lost and stolen vessels.

*Note Alaska currently has 35,325 total registered vessels. This chart reflects only pleasure vessels, as this is the only information available for all states and territories.

Alaska Boating Fatalities

Total: 67 Fatalities in Past 2 Years (1998-1999)



Alaska State Legislature



Representative Bill Hudson

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Juneau, Alaska
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Committees:
Chair
Fisheries
Utilities Restructuring
Member
Transportation
State Affairs

HB 108, SPONSOR STATEMENT

HB 108, if enacted, would establish a comprehensive recreational boating safety program in Alaska.

HB 108 proposes to transfer the responsibilities and regulatory authority over boat safety equipment requirements from the Coast Guard to the State of Alaska. Additionally, the State would assume vessel registration that is currently being managed by the Coast Guard. The Department of Motor Vehicles will conduct the registration process, utilizing their current systems (mail, on-line, and in person registration at any DMV office) In addition, new boat dealers will also be authorized to register boats at the point of sale for the convenience of the boating public.

In 1998, 38 Alaskans lost their lives in recreational boating accidents; and in 1999, 29 recreational boaters died. Alaska continues to experience boating fatalities at nearly ten times the national rate. Currently Alaska's boating safety programs are a combination of Coast Guard, State of Alaska, and private and public efforts, which are not centrally coordinated. Passage of HB 108 will assure that the State manages and controls it's own boating safety laws and programs.

HB 108 would mandate that boats placed on state waters be equipped with some or all of the following: fire extinguishers, personal flotation devices, a sound producing device, back-fire flame protectors, ventilation, and visual distress signals. The actual carriage requirements will be identical to the Coast Guard requirements for the size and type of vessel being licensed. Currently, the Coast Guard requirements call for this safety equipment to be carried on vessels when on navigable waters within the state. This legislation would expand the current Coast Guard requirement to carry this safety equipment to all waters within the state (the addition of some small streams and small lakes.)

Alaska is the only state in the nation that does not have an approved Boating Safety Program. Because Alaska does not comply with the Federal Safe Boating Act of 1971, our share of federal marine fuel taxes that Alaskans pay is not redistributed back to Alaska, as it is in all other states. Passage of HB 108 will assure we are included in the redistribution of these taxes, bringing an excess of \$500,000 annually back to the State, along with approximately \$500,000 annually in program receipts being added into the state coffers. These dollars will allow the State to make a major push to educate the boating public about boating safety, thereby lowering the rate of accidents and death on Alaska's waterways.

Under this proposal, the charge for new registrations will be identical to the charges established by the Coast Guard and will replace those now assessed by the Coast Guard.

FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. CSHB 108(FIN) AM

Revision Date/Time (Note if correction) 3/22/00 Dept. Affected Administration
 Title "An Act relating to the use, operation, and BRU Motor Vehicles
regulation of boats ... Component Motor Vehicles
 Sponsor Representative Hudson
 Requester (S) RES Component 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	181.9	182.6	160.1	160.1	160.1	160.1
Travel	10.0	7.0	7.0	7.0	7.0	7.0
Contractual	85.0	52.5	52.5	52.5	52.5	52.5
Supplies						
Equipment	60.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	336.9	242.1	219.6	219.6	219.6	219.6

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1004)	300.0	600.0	600.0	600.0	600.0	600.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	336.9	242.1	219.6	219.6	219.6	219.6
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	336.9	242.1	219.6	219.6	219.6	219.6

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time	3	3	3	3	3	3
Part-time	2	1	1	1	1	1
Temporary	2	2				

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 _____
 Approved by Commissioner -- Robert Poe, Jr. Alison M. Egan Date 3/23/00
 Agency Department of Administration

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Revision Date: March 22, 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 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 registration period for boats will be three years resulting in an annual registration workload of 25,000 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 the public, 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 database 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-perm 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 (rng 10) for 12 months	\$67.5	\$22.5
300 hours contract programming @ \$125/	\$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.

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 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 25,000 boats. The operating costs also include funds to train all boat dealers and monitor compliance of point-of sale registration.

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO: CSHB 108(FIN) AM

Revision Date: March 22, 2000

Dept. Affected: Administration

Cost Detail

	<u>FY 01</u>	<u>FY 02</u>
1 PFT MVCSR III (mg 14) lead worker	\$35.7	\$47.6
2 PFT MVCSR Is (mg 10)	\$67.5	\$90.0
1 PFT (Seas) MVCSR Is (mg10)	\$11.2	\$22.5
Postage costs (postage envelopes)	\$10.0	\$20.0
Forms cost (applications and registrations)	\$5.0	\$5.0
Validation Decals (45,000 @ \$0.50 ea.)	\$22.5	\$22.5
Training and Auditing Costs (for Boat Dealers)	\$10.0	\$5.0
Travel & Per Diem cost for training and auditing	\$10.0	\$17.0
Equipment (computer workstations)	\$40.0	
Total	\$211.9	\$219.6

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. 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

No: 5

Bill Version: CSHB 103 (FIN)

BI (II) Publish Date: 2/9/00

STATE OF ALASKA 2000 LEGISLATIVE SESSION

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

Bill Version: CSHB 108 (FIN)
 (H) Publish Date: 2/9/00

STATE OF ALASKA
 2000 LEGISLATIVE SESSION

Revision Date 1/27/00 Dept. Affected Public Safety
 Title Act relating to boat safety, registration, fees, enforcement and waterway marking system BRU Fish and Wildlife Protection
 Component: Detachments
 Sponsor Rep. Hudson
 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 ()						
------------------------	--	--	--	--	--	--

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 (FY2000) cost: 0.0

POSITIONS

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: [Signature] Date 1-31-00
 Agency Commissioner Ronald L. Otte, Department of Public Safety

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State Capitol
Juneau, Alaska 99801-1182
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MEMORANDUM

April 6, 2000

SUBJECT: Sectional Summary of CSHB 108(FIN) am

TO: Representative Bill Hudson
Attn: Melinda

FROM: Michael F. Ford *M.F.F.*
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.

Representative Bill Hudson

April 6, 2000

Page 2

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

April 6, 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:glc

00-162.glc

Alaska State Legislature



Representative Bill Hudson

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

Committees:
Co-Chair, House Resources
Committee
Chair, Utilities Restructuring
Committee
Member, House State Affairs
Committee
Member, House Transportation
Committee
Member, Special Committee on
Fisheries

Alaska Boating Safety Program Endorsements

Safe Kids Coalition
Rural Alaska Community Action Program
Fairbanks Paddlers
Knik Canoers and Kyakers
American Society of Safety Engineers, Alaska Chapter
Alaska Wilderness Recreation and Tourism Association
Alaska Marine Dealers Association
The Guppy Fleet
Alaska Municipal League
United States Coast Guard
United States Coast Guard Auxiliary
City of Kodiak
Valdez Harbor Users Association, Fairbanks
Whittier Boat Owners Association
Alaska Marine Dealers Association
Alaska Harbormaster's Association
Trails and Recreational Access for Alaskans Board (TRAAK)
Alaska Safety Advisory Council
Kenai River Special Management Area Citizen's Advisory Board
Alaska Boating Safety Advisory Council (ABSAC)
Big Lake Community Council
Denali Safety Council
Alaska Department of Public Safety
Alaska Wildland Adventures
National Transportation Safety Board
Western State's Boating Administrator's Association
Alaska Recreation & Parks Association
National Association of State Boating Law Administrators
Kodiak, Fairbanks, Mat-Su, Sitka, and South Peninsula, Katchemak Bay, South Kenai,
State Parks Citizen's Advisory Councils.
Hovercraft Club of Alaska

FAIRBANKS PADDLERS

Phone: 479-6790

Box 33329 Fairbanks, AK 99708

JAN 21 2000

The Honorable
Representative Bill Hudson
Room 108
State Capitol
Juneau, Alaska 99801-1182

January 12, 2000

Re: HB 108, Boater Safety

Dear Representative Hudson:

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

P.S. Thanks for all your efforts, Bill!

FAIRBANKS PADDLERS

479-6790

Box 83328 Fairbanks, AK 99708

A Resolution Pertaining to an Alaska Boating Safety Act

Whereas during the past ten years, more than 330 Alaskans have lost their lives in non-commercial boating accidents, more than those who have lost their lives in commercial boating accidents; and

Whereas drowning is among the leading cause of accidental death in Alaska; and

Whereas Alaska has a non-commercial boating-related fatality rate that is ten times the national average; and

Whereas Alaska is the only state that has no Boating Safety act at this time; and

Whereas the Alaska legislature has previously tried nine times to pass a Boating Safety law and failed, in part because of lack of support from the paddling community; and

Whereas a third of the boating fatalities are non-powered boaters; and

Whereas one of the primary purposes of Fairbanks Paddlers is to save lives; and

Whereas statistics show that states who pass a Boating Safety bill reduce their fatality rate by as much as forty percent; and

Whereas a Boating Safety act will provide Alaska with funds needed to implement a vigorous Boating Safety program,

Therefore, be it so resolved that Fairbanks Paddlers wishes to go on 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.

Passed by the Fairbanks Paddlers Executive Board on this 1st day of December, 1999 and signed:



Brad Snow, President

Anchorage Daily News



Michael Carey
Editorial Page Editor

Patrick Dougherty
Editor

Foley A. Cowell, Publisher, 1893-1908
Gerald E. Gray, Publisher, 1954-1993
Katherine Fanning, Editor and Publisher, 1871-1953
Lawrence Fanning, Editor and Publisher, 1967-1971
Founded in 1948 by Norman C. Brown

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

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.



Rep. Bill Hudson

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 many boating 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.

YOU

Anchorage Daily News

Tuesday, February 8, 2000

Bill targets boating safety

Education, small-vessel registration part of proposal

By MARTHA BELLISLE
Daily News Juneau Bureau

JUNEAU - Alaska has one kayak, canoe or boat for about every three residents, yet it's the only state that has not implemented a safe-boating law designed to lower its waterway fatality rate - the nation's highest.

Rep. Bill Hudson, R-Juneau, wants to reverse that statistic with a bill, approved by the House Finance Committee on Monday, that establishes a boating safety program and requires all vessels, with or without a motor, to be registered.

"We're introducing a program we hope will save lives and give us identifications on all boats," said Hudson, who served 20 years with the U.S. Coast Guard. Establishing this safety law will open the door for federal funds to pay for educating recreational boaters and paddlers, he said.

But some lawmakers oppose requiring every canoe and kayak that is 10 feet or longer to be registered - at a fee of \$10 every three years.

"Let me see, you're going to tax them to save them," said Rep. Eldon Mulder, R-Anchorage, the panel's co-chairman. "We could do a program without including them under the umbrella."

Rep. Ben Grussendorf, D-Sitka, agreed.

"(Including) the paddle boats bothers me." Grussendorf said, adding he had a few collecting dust under patios and in garages that likely won't get stickers.

But Rep. Con Bunde, R-Anchorage, figured that safety education could save money eventually, because boating rescues end up costing the state.

"If they're in trouble, they're going to yell for help." Bunde said. "This will help keep them out of trouble."

Rep. John Davies, D-Fairbanks, said at Friday's hearing that this bill is one of the most important being considered this session "because of the lives it will save."

Under the Federal Boat Safety Act of 1971, states with safety programs can tap funds collected through the gasoline tax - money Alaska pays out but can't get back without this law.

"That money flows out of the state to fund boating safety in other states," Hudson said. "We're taxing ourselves to save someone in California."

The bill requires that 75 percent of the \$400,000 to \$600,000 in federal money recouped by the act must fund a boating safety and education program.

Having numbers or decals on all vessels will speed up search and rescue efforts, Hudson said. Registration fees will cover the cost of the numbering program, making the bill fiscally painless, Melinda Hofstad, Hudson's chief of staff, told the panel.

About a dozen people from paddling, boating and diving groups testified in favor of the bill during last week's hearing. Many told horror stories of boating mishaps that could have been avoided with safety training.

Before safety programs were in place nationwide, boating fatalities numbered 29 for every 100,000 boats, said Sue Hargis, safety specialist with the U.S. Coast Guard. After the programs started, that number dropped to 6.5 per 100,000 boats.

In Alaska, however, boating fatalities run about 64.5 for every 100,000 boats, she said. Last year, 17 of the 29 boating deaths occurred on vessels shorter than 20 feet. Hargis said.

The Finance Committee was the bill's last stop before heading to the full House. It then must make a similar journey through the Senate, where it faces a tough fight, Hudson said. Several lawmakers have tried to pass such legislation since 1969.

* Reporter Martha Bellisle can be reached at mbellisle@adn.com

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There's no excuse not to pass safe boating bill

By MIKE FOLKERTS

Like many Alaskans, I was lured here by Alaska's beauty, its scale and the seemingly infinite possibilities of what could be. In my case, I was particularly drawn to the elements of air and water. In the Alaska tradition, I explored both by plane and by boat. Eventually, I chose the water as the setting for spending, with friends and family, that time of my life that matters the most to me. Like many boaters, it is on the water that I experience both adventure and serenity. I even catch my breath from time to time. I have been fortunate enough to go to places where four wheels would never take me. And like many of us, I have experienced the price of misadventure.

I guess you could say that I am a survivor in a sense, having escaped a few close calls, lucky enough to be living to tell about them over a campfire. This is also called learning the hard way, which is not the best way in an environment that doesn't always give second chances. I believe in learning boating safety the

COMPASS

easy way, which is why I am a boating safety instructor for the U.S. Coast Guard Auxiliary.

Some of my closest friends didn't survive similar situations. One, a paddler. Another, a powerboater. Most of us who have lived here a while also know someone who died in a boating accident, which I guess is not surprising in a state that has a boating fatality rate 10 times the national average and the highest in the nation.

What is difficult to understand is why we are the only state that has never been able to pass the boating safety legislation necessary to provide for a state boating safety program. Even Guam and American Samoa have passed boating safety acts. As a result, we are the only state that doesn't receive our full share of the rising fuel taxes that we have been paying to the federal govern-



Folkerts

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ment for more than 25 years and that are given back to those states that have boating programs.

Instead, we send our share to the other states for their programs. We are also the only state that doesn't register our boats. We pay the federal government about \$250,000 a year to do it. This just doesn't make any sense. Since the Federal Boat Safety Act passed in 1971 and state programs began receiving federal funding, boating fatalities dropped by more than 50 percent nationwide even though boat ownership doubled. But not in Alaska. I don't mind pointing out to Lower 48 folks the superlatives we enjoy in Alaska, but this statistic is a terrible embarrassment. Sounds like we're learning the hard way.

Rep. Bill Hudson, during his career with the U.S. Coast Guard, saw firsthand the face of boating tragedy. He introduced House Bill 108, the Alaska Boating Safety Act, last year. This bill is fairly simple. It updates antiquated state laws to make them consistent with the basic federal boating safety requirements that most Alaskan boaters are already required to follow. It transfers powerboat registration from the U.S. Coast Guard to the state, so we can keep the registration revenue in Alaska for boating pro-

grams instead of sending it to Washington, D.C. It includes the registration of nonmotorized boats longer than 10 feet, because nonmotorized boats account for an average of 30 percent of the fatality total each year. At a whopping \$3.33 per year, it's less than a penny a day. The bill also provides a program that would be financially self-supporting. There is no additional burden on the state budget, because the registration revenue and the federal funds completely pay for the program.

But there are some legislators who balk at the idea of a state boating program. They cite the public perception of an increasing bureaucracy, an increase in total state spending that would increase the burden on the state budget (they're not the same thing), that nonpowered boats should not pay their share, and other reasons. None of these, however, is a good enough excuse to upstage the effort to reduce Alaska's boating fatality rate. Cutting government will never be more important than saving lives. Legislators who

think otherwise are in the wrong business. I, for one, would never have the courage to look the person who has lost a family member in the eye and tell them that it is not worth the effort to work toward preventing boating deaths.

In the world of boating safety, the spotlight is now on Alaska. This effort has attracted a lot of state and national attention. The bill has the backing of a long list of supporters from the boating community to municipal, state, and national safety and health organizations. I encourage every Alaska boater to phone or write their legislators to tell them you support HB 108, and tell them soon. Then, watch carefully to see who votes for and against this act. I have never met anyone who lost a friend or loved one to a boating fatality that didn't think a boating safety program in Alaska is long overdue.

Mike Folkerts is boating safety instructor for the U.S. Coast Guard Auxiliary.



Anchorage Daily News

Tuesday, February 15, 2000

There's no excuse not to pass safe boating bill

Cutting government will never be more important than saving lives. Legislators who think otherwise are in the wrong business.

By MIKE FOLKERTS

Like many Alaskans, I was lured here by Alaska's beauty, it's scale, and the seemingly infinite possibilities of what could be. In my case, I was particularly drawn to the elements of air and water. In the Alaska tradition, I explored both by plane and by boat. Eventually, I chose the water as the setting for spending, with friends and family, that time of my life that matters the most to me. Like many boaters, it is on the water that I experience both adventure and serenity. I even catch a fish from time to time. I have been fortunate enough to go to places where four wheels would never take me. And like many of us, I have experienced the price of misadventure.

I guess you could say that I am survivor in a sense, having escaped a few close calls, lucky enough to be living to tell about them over a campfire. This is also called learning the hard way, which is not the best way in an environment that doesn't always give second chances. I believe in learning boating safety the easy way, which is why I am a boating safety instructor for the U.S. Coast Guard Auxiliary.

Some of my closest friends didn't survive similar situations. One, a paddler. Another, a powerboater. Most of us who have lived here a while also know someone who died in a boating accident, which I guess is not surprising in a state that has a boating fatality rate 10 times the national average and the highest in the nation.

What I find difficult to understand, is why we are the only state that has never been able to pass the boating safety legislation necessary to provide for a state boating safety program. Even Guam and American Samoa have passed boating safety acts. As a result, we are the only state that doesn't receive our full share of the marine fuel taxes that we have been paying to the federal government for more than 25 years and that are given back to those states that have boating programs.

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are also the only state that doesn't register our own boats. We pay the federal government about \$250,000 a year to do it. This just doesn't make any sense. Since the Federal Boat Safety Act passed in 1971 and state programs began receiving federal funding, boating fatalities dropped by more than 50 percent nationwide even though boat ownership doubled. But not in Alaska. I don't mind pointing out to Lower 48 folks the superlatives we enjoy in Alaska, but this statistic is a terrible embarrassment. Sounds like we're learning the hard way.

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* Mike Folkerts is boating safety instructor for the U.S. Coast Guard Auxiliary

Kids don't Float Give them something that will

Alaska's drowning rate for children and teenagers is almost two and half times the national average.

The Homer Volunteer Fire Department created "Kids Don't Float," a personal flotation device loaner and water safety education program for children. A Grant from the Community Health and Emergency Medical Service section of the Alaska Department of Health and Social Services fund the program. This program has been adapted for statewide use.

Maniilaq Health Center's Office of Injury Prevention participated in the program. After Alfred Gregg completed the construction of the display boards, the Kids Don't Float program kicked off June 13, 1998 in Kotzebue, Alaska. Because of the heavy boat traffic in the two areas, The display boards are in front of Swan Lake and Hansons Eagle Quality Center. There were hot dogs, soda, and candy complements of Maniilaq Health Association and Hansons Eagle Quality Center. Games and raffles were also conducted. One of the games was a relay race where participants had to properly don a vest, run a short distance, remove the vest and hand it off to a teammate who did the same. The event was a huge success. Throughout the day many residents commented on what a "great idea" the program is.

And a great idea at that: The Kids Don't Float program is credited with saving a Child's life. Second creek, a popular swimming area for local kids, was the location of the save. On June 22, around 8:00 PM, 10 year old Radar Lambert and a few friends were enjoying a sunny day by swimming at second creek. Fortunately, the day before, Chris Kittrel buzzed by Hansons Eagle Hardware and grabbed a few PFDs from the Kids Don't Float display, and stashed them under a boat so kids could use them while swimming out there. Chris said " the current is fast out there. We need the vests so we can swim there."

While playing around on the beach, Radar heard Robin Mitchell yelling. Looking into the direction of the voice he saw his friend 12 year old Pamela Smith going under the water and being taken out by the current. Radar, who is a non-swimmer, grabbed a Kids Don't Float PFD, quickly put it on and doggie paddled about 35 yards grabbed his friend, who by this time had gone under for the second time and started back to shore. As they struggled to fight the current Radar said, "I used every muscle in my body to get to shore." Once on shore a boater was flagged down and Pamela was rushed to the Maniilaq Health Center where she was treated and released.

When Radar was asked why he put the vest on before you went out, Radar replied: "I knew it would keep me afloat." Radar is an admirable kid, one who doesn't talk much, especially about himself. When asked, "what were you thinking as you struggled out to Pamela, " He just shrugged his shoulders and said, "she's my friend. I have to help her."

Acknowledgments:

Homer Volunteer Fire Department
Communities of Kachemak bay
Alaska Safe Kids
Alaska Department of Health and Social Services
US Coast Guard
US Coast Guard Auxiliary
Alfred Gregg, for the construction of the Kids Don't Float display boards
Hansons Eagle Quality Center
Lynden Transport

About Radar

Located 35 miles above the Arctic Circle in the Northwest region of Alaska, is where you will find Kotzebue, the home of Radar Lambert. In this region temperatures reach -70 below to a cool 70 above zero. Radar is 10 years old, and his personality is infectious. He works hard to improve the small community where he lives by doing various volunteer work. For the past two years he has volunteered at the Nana Museum sharing his culture with tourists in the form of dance. He helps raise money for various organizations; he doesn't even know most of their names he just wants to help. He helped paint the Mural at the Alaono building, a sobriety community center for teenagers to go as an alternative to less desirable areas; areas known to be vulnerable to drug and alcohol peddlers. The organizer of the mural painting said Radar was a tremendous help. All this from a ten year old, but there's more, Radar saved the life of Pamela Smith.

The Save

There is a strip of gravel beach leading north out of Kotzebue. This area can narrow to only a few feet and disappear altogether when the tide moves in. Several creeks meet up with the ocean in thin lines of current that cut deep channels into the beach as it stretches past Kotzebue. Residents often swim in the relative calm of the protected waters inside the beach. On June 22nd, Radar Lambert and a few friends decided to go swimming. Once they successfully crossed second creek, they began to enjoy the warm, 55 °F arctic evening. Two more friends, Pam Smith and Robin Mitchell attempted to join the crew. As they crossed the mouth of second creek, Pam and Robin began to cross over a drop-off. As they did this Pam got caught in the current quickly pulling her from shore and out of the grasp of her friend Robin. Terrified Robin began to yell for help.

Fortunately, earlier in the day another youngster, Chris Kitrell went to the Kid's Don't Float display board, *(where anyone can come and borrow a PFD for a day or two, then return it)* and borrowed a few PFD's. Chris knew other kids would be swimming there and that they would need the PFD's. Chris secured the PFD's in a safe place, (under a near by boat).

As Radar and his friends played and swam, Radar heard the yell for help. He looked up and saw Pam being taken out Kotzebue Sound. As others froze in fear, Radar reacted immediately; taking off his shoes and pants he instinctively put on the PFD and being a non-swimmer he doggie paddled out to Pam, who had gone under for the second time. Radar grabbed Pam around her neck and under her armpit and struggled back to shore. Pam who suffers from asthma was having difficulty breathing from the shock of nearly drowning and the chill of the 48-degree water. Aware that Pam needed help the youths flagged down Ed Eaton, who happened to be passing by in his motor boat. Eaton took the three to the Maniilaq health center where Pam was treated for hypothermia and hyperventilation due to near drowning.

At 10 years of age, Radar is truly an exceptional kid; one deserving of recognition for his courageous act. If asked about his heroic deed he will surly shrug it off as "No big deal". I am sure this award is deserving of many, many people who put their lives on the line everyday, ones who readily accept the risk and dangers associated with their profession. I believe if the award is given to another, Radar should be recognized anyway, we must consider he is 10 years old and deserving of recognition. Below are facts regarding the incident.

Eye witnesses:

Radar Lambert age, 10, rescuer

Pamela Smith, age 13, victim

Robin Mitchell Age, 13

Billy Reich

Chris Reich

Christine Garoutte

Leah Gallahorn

Clinton Sheidt

Brian Laws

Ed Eaton, Boat driver who was flagged down to drive Pam and Radar to the hospital

Sources

High tide was at 6:17pm 2.1 feet above norm. Water temperature in this area averages 48.2 f

The high for the day was 55 low 46; the average temperature for June was 51

Russell Page. (Water Temps) National Oceanic and Atmospheric Administration National Weather service, Alaska Region

National: Weather Service Kotzebue, Tides and Air Temps

Paulette Lambert, Radar's Mom, story clarification and witness names.

Eugene Smith, Pam's father for story clarification and witnesses names.

LT. Tom Fazzini, RS, USPHS

Injury Prevention Coordinator

Maniilaq Health Center

Coordinator:

Sharron Lobaugh
(781-1128)

Lead Agency:

Dave Thomson, Injury
Prevention, CHEMS
(465-8632)

**Participating
Members:**

Alaska Department of Health
& Social Services:
Division of Public Health;
Community Health & Emergency
Medical Services, Public Health
Nursing; Division of Medicaid
Healthy Families, Early Learning
Program, Division of Family &
Youth Services: Foster Care
Licensing, Department of
Education: Head Start,
Department of Transportation:
Bicycle Safety & Planning.

Federal Agencies

United States Coast Guard 17th
District: Office of Recreational
Boating Safety

City (Borough of Juneau:
Assemotywoman Pillafont,
Juneau School District:
Community Schools Program,
JDHS Health Classes, Juneau
Parks & Recreation Dept., &
Juneau Police Department.

Local Organizations:

National Association for the
Education of Young Children,
Alaska Health Fairs, Juneau
Free Wheelers, Vista Volunteers,
Big Brothers & Big Sisters,
REACH, Boy Scout, Tlingit
Hiada Central Council,
Juneau Joey's, & Parents

Juneau Safe Kids Coalition

Box 110616, Juneau, Alaska 99811-0616

February 17, 2000

Dear Representative:

The members of the Juneau Safe Kids Coalition urge you to vote for passage of **HB 108** the **Alaska Safe Boating Act** which will come before the House in the near future. We are strongly in favor of this bill for a number of reasons, most importantly it will help to save the lives of many Alaskan children each year. Boat identification can be an effective means of locating passengers in small overturned vessels. It is estimated that between 1/3 and 1/2 of all drownings occur from small boats. While drowning deaths from commercial fishing has declined overall in Alaska the past ten years, recreational drowning has increased. Deaths by drowning is second to motor vehicle crash deaths among unintentional injuries for youth.

Juneau Safe Kids, as a member of the Alaska Safe Kids Coalition, has participated actively in a program called the **Kids Don't Float**. Originating in the Kenai, and sponsored by the State of Alaska, this program has provided over 5,000 loaner PFD at over 200 separate sites in Alaska during the past three years.

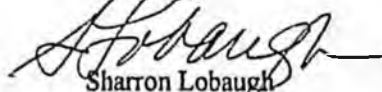
Boaters can pickup a life jacket from a display board in their harbor if they have passengers on board who do not already have one. To date, **five children's lives have been saved** with loaner PFDs from this program. Three of these were on the Kenai Peninsula. (One in a lake, and two from the same family on a river.) One girl who lives in Kotzebue, was being swept out to sea and was saved because a boy standing on shore swam out with a PFD to save her. A boy in Kake was saved after falling from the dock when his friends tossed a PFD in the water for him.

Other important water safety programs are also effective, particularly those sponsored by **AMSEA** (Alaska Marine Safety Education Assoc.) in Sitka. The US Coast Guard Office of Recreational Boating Safety has been very active the past few years especially enforcing alcohol laws among recreational boaters. *of Alaska Native Corporations!*

This bill will not only turn control over from the Federal government to Alaska but would bring in additional money to fund such programs. Alaska is the only state without a Safe Boating Act.

I would be happy to be available to discuss this bill at your convenience.

Sincerely,



Sharron Lobaugh



Are no accident!

Local Donors: *KMart, Lewis Motors Chevrolet, Alaska Marine Lines, Bartlett Hospital, KINY Radio, Sign Pro, McDonalds, Fred Meyers, Nugget Mall, Mark Choate Law Firm, Pizza Hut, StateFarm, United Insurance, Shattuck & Grummet, Good Hardware, & Alaska Highway Safety Planning Agency*

Anchorage Daily News

Wednesday, April 7, 1999

Safety boating

Tragedy spurs changes in the law

By Daily News editorial staff

The 38 Alaskans who drowned last year are missed at the usual milestone events - the holidays and birthdays and family gatherings where faces are memorized and memories are nurtured.

But they're also missed during odd moments in a given day. When a punchline is delivered but the loudest laughter is absent. When the scent of an infant's neck brings on a fierce longing for a baby now gone.

The 38 - and the dozens and dozens who have drowned in the past 10 years - are remembered best among those who loved them most.

There is the newborn lost in June off the Kodiak coast with three adults whose body, no doubt lovingly wrapped for the boat ride home, washed ashore several days later. There are the six, including a young boy, presumed to have drowned in August while crossing in an open boat from the mainland to Little Diomed Island.

There is the 42-year-old capsized canoeist who drowned in an Interior gravel pit even as his wife and preschool daughter, who were wearing personal flotation devices, unsuspectingly headed for shore. There is the young man, also without a life jacket, who went down so fast in an Anchorage lake that onlookers could barely comprehend his death - let alone try to help.

With more than three dozen drownings on the books, 1998 was indeed a killing year in Alaska waters. These deaths should reverberate in Juneau, where lawmakers are debating whether to pass a statewide safe-boating law.

Alaska is the only state or territory in the nation without such a statute, which would require new safety measures and boater registration. Not surprisingly, the 49th state also leads the nation in drowning rates.

Supporters of a law say that its passage will translate to fewer people drowning because more people will be educated about safety and boating rules. Rep. Bill Hudson, who is leading the legislative charge to pass a safe-boating law, says, "I'm absolutely convinced that (a bill) will save lives and prevent accidents."

Once a bill is passed, he envisions that initial state emphasis will be on education rather than enforcement efforts. "The current sum of the bill principally deals with educating the boating public to prevent accidents from happening. We want to use the first year or two or three to really concentrate on working in the schools, in the communities, and down at the boat docks to educate the public on how to avoid marine accidents in boats and at the water's edge."

That's a hefty goal - but it's doable if the Legislature leads the way.

In a welcome sign of progress, the House Transportation Committee, chaired by Rep. Beverly Masek of Willow, unanimously voted last week to pass a safe-boating law out of committee. The measure is scheduled to be taken up by the House Judiciary Committee today. From there, it's on to the Finance Committee.

The measure has gained widespread support in recent weeks.

Even critics generally say that while they may have a problem or two with specific provisions, they want to see a comprehensive safe-boating bill pass the Legislature. People ranging from parents of drowning victims to representatives of powerboat and sportsmen's associations have favorably weighed in on the Committee Substitute for House Bill 108, or CSHB108.

As for the parents, "Their testimony has been powerful," says Rep. Hudson. "One of the reasons we're driving so hard to get this program into effect is the testimony of parents who have lost either a son or daughter to a marine accident... (Their testimony) really drives home the need for this state to do more to prevent accidental deaths and injury in boating accidents."

As he sees it, his job is to shepherd a safe-boating bill through a Legislature preoccupied with the state budget crisis. Ideally, he'd like to see passage of CSHB108 this session, but not if it's poorly crafted or the product of a poor public process. This seasoned politician and Coast Guard retiree welcomes public input. "Every time you have a public hearing, you learn a little bit more," he says.

Tempting as it may be to put off passage of a safe-boating law, legislators should aim to get legislation on the books by May. That way, state employees and volunteers can begin to educate the public about how to boat safely in Alaska waters. As the 38 drowning deaths in 1998 remind us, coordinated education efforts cannot begin too soon.

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Saving Lives or Avoiding Inconvenience
By Brad Snow

Over the past three years Alaska has had seventy-five fatalities from boating accidents. Of these, twenty-four have been in non-powered boats. The data from the past thirty years shows that states who have passed boating safety laws have reduced their fatality rate by one-third to one-half or more. Alaska, which is the only state that doesn't have a boating safety law, has a fatality rate that is ten times the national average. The Alaska Legislature has tried nine times before to pass a boating safety law. Each time it has been defeated by the "any government is bad government" crowd. Are you one of these? Or, do you want to help reduce Alaska's deplorable fatality rate? The state registration and safety program's cost would be borne entirely by the registration fees and the \$300 - \$500,000 that the state would be eligible for from the Federal Government's boating safety funds if a boating safety bill is passed. Not one penny would come out of Alaska's general fund.

The present HB 108 would require no more of power boat owners than the Coast Guard now requires plus a small fee increase. Non-powered boats ten feet and over in length would also require registration, with a cost per boat of ten dollars for three years. The rates have been scaled to reflect the relative expense of enforcement, and the fact that many paddlesport enthusiasts own as many as six or seven different types of craft, but are at risk in only one at a time. So, for non-powered boats, that's three dollars and thirty three cents for each of two years, with a balloon payment of three dollars and thirty four cents for the third year. Is this too much to pay for a proven program that saves lives? Can non-power boaters really feel comfortable reasoning that since sixty-six percent of fatalities aren't paddlesport people, they have no interest in reducing the fatality rate?

I have been assured by Jeff Johnson, director of DNR's Office of Boating Safety, that, like some other states, non-powered boats will not be required to display numbers. This leaves, for the paddlesport boat owner, the inconvenience of registering their boat and then responding to a renewal notice every three years as the only argument against supporting HB 108. Is performing this inconvenience worth saving lives?

I've been told that without Fairbanks Paddlers' support, state power boat interests will not support HB 108 and it will likely fail. Fairbanks Paddlers' Statement of Purpose includes this line: "... encourage water safety on rivers and lakes through training, instruction, and the assimilation and dissemination of information pertaining to waters of Alaska." Supporting HB 108 is the single most important move anyone can make to accomplish this goal. Contact Representative Bill Hudson now at: House of Representatives; State Capitol, Room 108; Juneau, AK 99801-1182 Phone: (907) 465-3744; Fax: (907) 465-2773; Email, Representative_Bill_Hudson@legis.state.ak.us. Tell him that you are a boater and that you support HB 108. If you delay, HB 108 may not be returned to committee this year, and will likely not be introduced next year. How many fatalities must we face before the next boating safety bill will surface? Act now!

Brad Snow is President of Fairbanks Paddlers and a member of the interim Alaska Boating Safety Advisory Council.

Revenue and Finance

ALASKA MUNICIPAL LEAGUE RESOLUTION

1997 Policy Statement

harbor facilities to a reasonable standard prior to transfer to municipalities. Thereafter, the funds will be distributed in the form of grants to maintain harbors statewide with special emphasis on harbor facilities that do not receive substantial marine fuel tax revenues.

b. Motor Vehicle Fuel Tax The League supports the increase of the motor vehicle fuel tax to a rate not higher than the national average of \$.22 per gallon to fund state and municipal highway and road operation, maintenance, and improvements. Such legislation should authorize payment of that increase to the municipality where the fuel was sold or by an equitable formula based on actual maintenance costs and maintenance needs of state and local roads.

6. State Fisheries Business and Fisheries Landing Taxes: The League supports the continued funding of the statutory 50-50 sharing of the State Fisheries Business and Fisheries Landing Tax revenues between the state and municipalities. The League urges the state to strengthen its enforcement and collection efforts in this program. (am 11/95) The state is urged to take over the management of the licensing of documented and personal vessels.

7. Matching Grants: If a state program requires municipal match to receive funds, the matching requirement should be imposed on all grantees, and not just municipalities (in that program).

C. STABILIZATION OF MUNICIPAL REVENUE SHARING

1. Consolidation of the Municipal Assistance and State Revenue Sharing Programs: The League supports a consolidation of the two current Municipal Assistance and State Revenue Sharing programs into one that provides long-term stability for revenue sharing and considers population, local resources (assessed value), and local effort in providing municipal basic services (such as police, road maintenance, and education). The municipal revenue sharing distribution philosophy is to provide a portion of the wealth from Alaska's commonly owned resources (oil revenue) to ensure a basic level of public services to all Alaskans. The new program should include a minimum level of funding for a municipality adequate to support a basic level of public services. The revenue sharing payment should be made on July 1.

Most important, the League supports a stable revenue relationship for municipalities with the state to promote local fiscal planning and to promote local economic and community development.

Post-It® Fax Note	7671	Date	12-16	# of pages	1
To	SHE HARRIS	From	AK Municipal League		
Co. Dupy	Count Line 1	Co.	See last sentence		
Phone #		Phone #	11 paragraph 6		
Fax #	463-2299	Fax #	01 01		

Subject: Fw: alaska safe boating legislation

Date: Thu, 25 Mar 1999 08:53:04 -0900

From: Jim Stratton <stratto@dnr.state.ak.us>

To: Melinda Hofstad <Melinda_Hofstad@legis.state.ak.us>

Melinda - this is a good letter from the Seward Harbormaster and former Assistant Chief of the Coast Guard's Search and Rescue operation in Seattle.

From: Harbor Department <swdhbr@arctic.net>

Subject: Fw: alaska safe boating legislation

Date: Thu, 25 Mar 1999 07:06:40 -0900

To: john torgerson <john_torgerson@legis.state.ak.us>

—Original Message—

From: James Beckham <swdhbr@arctic.net >

To: gary davis <gary_davis@legis.state.ak.us >

Date: Thursday, March 25, 1999 7:02 AM

Subject: alaska safe boating legislation

i am not able to make it to juneau to testify but please accept this email in support of alaska's safe boating legislation.

i was asst chief of the coast guard's search and rescue branch in seattle wa for four years. i supervised the command center and was responsible for the implementation of the coast guard's search and rescue program for the thirteenth coast guard district, which includes or, wa, id, mt. i was there during the lean yrs of washington's boating safety program. i was also a ship captain and spent most of my sea time here in alaska.

it is always a contentious issue, adding legislation and government oversight. washington almost scrapped their program when i was there, but with the dedication of a few key people, it survived and is a large, growing and very successful program. the recreational boating deaths in that state have continued to decline since the program was adopted. in this area, i think we the people of alaska have proven we are not willing to take it upon ourselves to be better educated, better trained and better equipped when it comes to recreational boating. it took federal legislation to get the required effort in the commercial fleet, and the deaths have declined every year since the implementation of the commercial fishing vessel safety act. similarly, every state that has adopted a proactive recreational boating safety program has seen their death rate decrease dramatically, except alaska.

as a harbormaster in probably one of the busiest harbors in the state, i see people every day departing the harbor that are not prepared in some form or another. i see children under the age of thirteen without pfd's. i have towed people in at 2:00am from south of fox island who didn't have a vhf radio and didn't have a chart; his cellular telephone was all he had. this would have been a tragic case had the wx been a little worse and had he been a little further out, his cellular would not have worked. i see overloaded boats, unskilled operators, overpowered boats. i may make a video to assist dnr in identifying 'things not to do'.

the main focus should be on education and training and dnr's desire is to provide that focus. a program designed to change bad habits cannot be successful if we rely on willful compliance. if that were the case, we wouldn't need the legislation. an

appropriate enforcement mechanism with penalties to ensure compliance is necessary in all compliance type programs. i personally feel the bill as drafted doesn't go far enough. pfd's will save your life. period. if you're in a boat, you should wear one. i do, and i personally owe my life to mine. i think anyone not outfitting a child with a properly fitted pfd should be treated like a criminal. i don't like to think of the many rescue cases where we lost children and the parents survived their own stupidity. i don't care if you're in the big water or in the salcha river or lake louise; large boat or 14ft canoe. a properly worn and fitted pfd will keep you afloat and may save your life. sometimes keeping afloat is all you need in order to make some decisions about your survival. we had two people die in an overturned canoe in a river last year. no pfd's. how tragic and unnecessary.

we have the largest concentration of recreational in the state here on the kenai peninsula. we have the most incidents as well. the state has the highest death per 100,000 incidents in the country by a factor of ten. many of those deaths occur here on the kenai and are preventable.

please support bill hudson's effort in boating safety. it is not just another layer of government and control. it is about saving lives and teaming up with other state and federal agencies to save lives through education and training. it is important and it is necessary to reduce the number of preventable boating deaths throughout the state.

thank you for listening.

james b. beckham

po box 1298

seward, ak 99664

--- End of Original Message

Name: Jeff Johnson
E-mail: jeffj@dnr.state.ak.us
Date: 03/25/99
Time: 07:52:08

--- End of Original Message

Name: Jim Stratton
E-mail: stratto@dnr.state.ak.us
Date: 03/25/99
Time: 08:53:03



Fairbanks Area Alaska State Parks Citizen Advisory Board

3700 Airport Way Fairbanks, Alaska 99709-4613 (907) 451-2695

H.
MH

FEB 10 2000

February 9, 2000

Re: HB108

Dear Representative Bill Hudson,

I am writing to you on behalf of the Alaska State Parks Northern Area Citizen's Advisory Board to express our support for HB108, the boating safety bill. We passed the attached resolution on April 28th, 1999 by unanimous vote and are now sending it to you in the hope that you will agree with us that Alaska needs this boating safety bill and will vote to pass it when it comes to the floor.

There are three main reasons why we think that you should take this step:

- A boating safety law and program will implement and foster the tools that groups like the native corporations, schools, churches, boating and other clubs and state organizations require to reach Alaskan citizens with the safe boating information they need.
- A boating safety law and program will not add to the state budget.
- A boating safety law and program will save Alaskan lives.

Please consider these points carefully, and then keep federal boating fuel taxes and present boat registration fees within Alaska and save Alaskan lives by passing HB108.

Thank you for your public service.

Sincerely,

Brad Snow, Member
Northern Area Alaska State Parks Citizen Advisory Board



Fairbanks Area Alaska State Parks Citizen Advisory Board

3700 Airport Way Fairbanks, Alaska 99709-4613 (907) 451-2695

Resolution #99-03: A resolution in support of Alaska's Safe Boating Bill, HB 108

Whereas,

- Alaska's cold waters require extra diligence and training in safe boating skills and equipment;
- Each year an average of 21 Alaskans lose their lives while boating;
- In 1998, 38 Alaskans lost their lives in boating accidents;
- Approximately 90 percent of those who died in boating-related drownings were not wearing a life jacket;
- Each year, 30 to 60 percent of those fatalities occur in freshwater lakes and rivers;
- Approximately 30 percent of those fatalities occurred in or near state parks; and

Whereas,

- Drowning is the second leading cause of accidental death in Alaska;
- Our state has the highest boating fatality ratio per registered boater in the nation, 10 times the national average;
- During the past 10 years, more than 330 Alaskans have lost their lives in non-commercial boating accidents, more than those who have lost their lives in commercial boating accidents; and

Whereas,

- The state and federal government carry a tremendous financial impact and risk in providing for boating related search and rescue and body recovery, and cost to Alaskan families in lost income and the medical costs associated with boating accidents;
- During the last 10 years, even though boat ownership has doubled nationwide, the other states and territories have seen significant reductions in boating fatalities;
- Commercial fishing fatalities in Alaska have dropped following the implementation of marine safety education programs and equipment requirements for commercial vessels; and

Whereas;

- The Federal Safe Boat Act of 1971 provided funding to all states and territories with boating safety programs;
- Alaska is the only state of the 56 states and territories that has not yet passed a boating safety act, and is therefore not receiving Alaska's share of federal funds;
- Alaska is the only state that does not keep its own boating registration fees and, instead, pays fees to the federal government; and

Resolution 99-03
April 19, 1999
Page 3

Passed and approved on April 28, 1999, by David Musgrave, Board Chairman.

David Musgrave

4/28/99
Date

Cc: Interior Alaska Legislative Delegation
Rep. Bill Hudson
Rep. Joe Green
Rep. Brian Porter

AMERICAN SOCIETY OF SAFETY ENGINEERS

ALASKA CHAPTER



MAR 30 1999

March 19, 1999

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

Dear Representative Hudson:

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,

Michael Klatt
President, Alaska Chapter
American Society of Safety Engineers

DISTRICT COMMODORE, UNITED STATES COAST GUARD AUXILIARY



4 February, 2000

Barbara E. Sands
4837 Knights Way
Anchorage, AK 99508-4805
H: 907-333-6275
Fax: 907-338-3781
e-mail: bsands@alaska.net

SUBJ: HB 108 - Safe Boating Bill Testimony

Good Afternoon Co-Chairs Mulder, Theriault 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



**ALASKA
WILDLAND**

ADVENTURES

to fax 465-2273

Printed On Recycled Paper ♻️

April 7, 1999

Dear Representative Hudson,

This is just a short letter to express our support of the Boating Safety Bill.

As a commercial operator with over 25 motorized and non-motorized boats, I wanted to state that we would be in favor of reasonable fees to contribute to an overall water safety program for Alaskans.

Each year we contribute staff time and company resources to search and rescue efforts on the Kenai River, most of which involve the un-guided public taking unnecessary risks. If the reasonable fees we pay help contribute to safer boaters, it would be much less costly than scrambling our resources at a moment's notice to search for or rescue unsafe boaters.

Respectfully,

Kirk Hoessle
President

PS. And it would save LIVES!

Seward Boat Owners Association, Inc.

March 24, 1999

[Click here and type recipient's address]

Dear Sir or Madam:

The Seward Boat Owner's Association represents the interests of all boat owners (power, sail, commercial, and recreational) in Seward. The Association has over 100 members.

We have been following the progress of the State of Alaska's "Safe Boating Act" (SB 86 & HB 108) and the actions of the United States Coast Guard (USCG) with respect to increasing registration fees. Representatives from our Board of Directors attended the organizational meeting of DNR's Alaska Boating Safety Advisory Council. At our request, Jeff Johnson, the State Boating Law Administrator made a presentation at our last general membership meeting concerning Alaska's boating safety program and the proposed changes in the boating safety law and vessel registration.

The Association supports the proposed changes in the boating safety law and supports registration of vessels by the State of Alaska. The proposed fee schedule appears reasonable and is consistent with the USCG audit of actual costs. The Association urges the legislature to hold the hearing as soon as possible so that this program can be in place for the upcoming boating season. The Association would also appreciate the opportunity to participate in the hearings.

The Association urges the Division of Motor Vehicles to retain the same numbering system as is currently used by the USCG. Registered vessels currently have the numbers painted or otherwise permanently applied to their vessels bow both port and starboard. Any change in numbers upon transfer from the federal to state system would be costly to boaters and an unnecessary burden to harbor officials, lenders and others who currently track vessels using the registration number.

March 24, 1999

Page 2

The Association is also concerned that funding for boating safety continue to come from the federal portion of the marine motor fuel tax and other resources. The State portion of the marine motor fuel tax should continue to support infrastructure maintenance and expansion for those harbors that generate the fuel tax.

Sincerely,

James Collman
President



Sitka State Parks Citizens Advisory Board, Box 142, Sitka, AK. 99835

March 26, 1999

Representative Bill Hudson
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

RE: Boating Safety Act

Dear Representative Hudson:

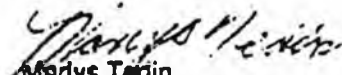
The Sitka State Parks Citizens Advisory Board strongly supports passage of the Alaska Boating Safety Act. The Alaska Boating Safety Act will be a great benefit to the State and residents of Alaska.

Passage of this act is imperative. In a typical year, Alaska has 10 times the national average of drownings from recreational boating. In 1988, 38 people died in recreational boating accidents; 9 were children.

The Boating Safety Act will keep registration money in Alaska for investment in boating safety and educational programs. Currently, boats are registered by the US Coast Guard and all fees go to Washington D.C. The Boating Safety Act will allow Alaska to be eligible for \$400,000 in federal boating safety funds from motor fuel tax paid by boaters. At this time, Alaska is the only state that does not qualify for these funds.

We strongly urge you to pass the Boating Safety Act and hope for your support on this important legislation.

Sincerely,


Marlys Tadin
Chairwoman

CC: Jim Stratton, Director Alaska State Parks



RESOLUTION
March 17, 1999

WHEREAS, Alaska has some 33,000 miles of coastline, over 3,000 streams and rivers, and as 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,

NOW BE IT RESOLVED, Whittier Boat Owners 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.

WBOA RESOLUTION #4, March 17, 1999

Vote: Ayes, 29
Nays, .0

Attest:

Bernard L. Marsh, President
Whittier Boat Owners Association

.....

Seward Boat Owners Association, Inc.

March 24, 1999

[Click here and type recipient's address]

Dear Sir or Madam:

The Seward Boat Owner's Association represents the interests of all boat owners (power, sail, commercial, and recreational) in Seward. The Association has over 100 members.

We have been following the progress of the State of Alaska's "Safe Boating Act" (SB 86 & HB 108) and the actions of the United States Coast Guard (USCG) with respect to increasing registration fees. Representatives from our Board of Directors attended the organizational meeting of DNR's Alaska Boating Safety Advisory Council. At our request, Jeff Johnson, the State Boating Law Administrator made a presentation at our last general membership meeting concerning Alaska's boating safety program and the proposed changes in the boating safety law and vessel registration.

The Association supports the proposed changes in the boating safety law and supports registration of vessels by the State of Alaska. The proposed fee schedule appears reasonable and is consistent with the USCG audit of actual costs. The Association urges the legislature to hold the hearing as soon as possible so that this program can be in place for the upcoming boating season. The Association would also appreciate the opportunity to participate in the hearings.

The Association urges the Division of Motor Vehicles to retain the same numbering system as is currently used by the USCG. Registered vessels currently have the numbers painted or otherwise permanently applied to their vessels bow both port and starboard. Any change in numbers upon transfer from the federal to state system would be costly to boaters and an unnecessary burden to harbor officials, lenders and others who currently track vessels using the registration number.

March 24, 1999

Page 2

The Association is also concerned that funding for boating safety continue to come from the federal portion of the marine motor fuel tax and other resources. The State portion of the marine motor fuel tax should continue to support infrastructure maintenance and expansion for those harbors that generate the fuel tax.

Sincerely,

James Collman
President

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 00-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, SUPPORTING ALASKA'S BOATING SAFETY ACT AND THE STATE BOATING SAFETY PROGRAM

WHEREAS, Alaska has over 33,000 miles of shoreline, 3,000 rivers, and 3,000,000 lakes; and

WHEREAS, Alaskans use boats for transportation, for subsistence, and for recreation; and more Alaskans own boats than either snow machines or ATVs; and

WHEREAS, drowning is a leading cause of accidental death in Alaska, and over the last ten years, Alaska has experienced the highest non-commercial boating fatality rate in the nation; and

WHEREAS, there is tremendous financial impact and risk to the state and the federal government in providing for boating-related search and rescue and body recovery operations, as well as costs to Alaskan families for lost income and medical expenses; and

WHEREAS, the Federal Boat Safety Act of 1971 provides funding to all states and territories with boating safety programs, and Alaska is the only state that has not yet passed a boating safety act and therefore is not receiving Alaska's share of federal funds; and

WHEREAS, Alaska is the only state that does not keep its own boating registration fees and instead pays fees to the federal government.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that the City of Valdez supports both the state's boating safety program and the passage of a boating safety act that is necessary for the state to qualify for Alaska's full share of the federal funding available to states with boating safety programs.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 7th day of February, 2000.

CITY OF VALDEZ, ALASKA

David C. Cobb
David C. Cobb, Mayor

ATTEST:

Sheri L. Pierce
Sheri L. Pierce, CMC/AAE, City Clerk



**CITY OF KODIAK
RESOLUTION NUMBER 2000-6**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK SUPPORTING ALASKA'S
BOATING SAFETY ACT AND THE STATE BOATING SAFETY PROGRAM**

WHEREAS, Alaska has over 33,000 miles of shoreline, 3,000 rivers, and 3,000,000 lakes; and

WHEREAS, Alaskans use boats for transportation, for subsistence, and for recreation; and more Alaskans own boats than either snow machines or ATVs ; and

WHEREAS, drowning is a leading cause of accidental death in Alaska, and over the last ten years, Alaska has experienced the highest non-commercial boating fatality rate in the nation; and

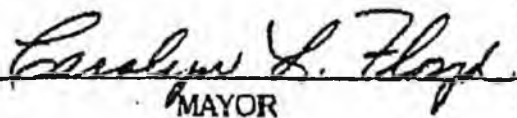
WHEREAS, there is tremendous financial impact and risk to the state and the federal government in providing for boating-related search and rescue and body recovery operations, as well as costs to Alaskan families for lost income and medical expenses; and

WHEREAS, the Federal Boat Safety Act of 1971 provides funding to all states and territories with boating safety programs, and Alaska is the only state that has not yet passed a boating safety act and therefore is not receiving Alaska's share of federal funds; and

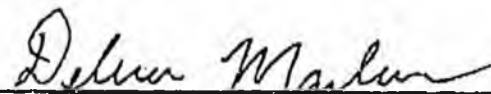
WHEREAS, Alaska is the only state that does not keep its own boating registration fees and instead pays fees to the federal government;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Kodiak, Alaska, supports both the state's boating safety program and the passage of a boating safety act that is necessary for the state to qualify for Alaska's full share of the federal funding available to states with boating safety programs.

CITY OF KODIAK


MAYOR

ATTEST:


CITY CLERK

Passed and approved: January 27, 2000



RESOLUTION 00-01
In Support of Alaska's Boating Safety Act
and the
State Boating Safety Program

Whereas: Alaska has over 33,000 miles of shoreline, more than 3,000 rivers and 3 million lakes;

Whereas: Alaskans use boats for transportation, for subsistence, and for recreation, and more Alaskans own boats than either snow machines or ATV's;

Whereas: Drowning is a leading cause of accidental death in Alaska;

Whereas; Over the last 10 years, Alaska has experienced the highest non-commercial boating fatality rate in the nation. Alaska's non-commercial boating fatality rate over the last 10 years is 10 times the national average and is even higher the commercial marine fatality rate;

Whereas: There is tremendous financial impact and risk to the state and the federal government in providing for boating related search and rescue and body recovery, and cost to Alaskan families in lost income and the medical costs associated with boating accidents;

Whereas: The Federal Safe Boat Act of 1971 provided funding to all states and territories with boating safety programs;

Whereas: Alaska is the only state of the 56 states and territories that has not yet passed a boating safety act, and is therefore not receiving Alaska's share of federal funds;

Whereas: Alaska is the only state that does not keep its own boating registration fees and, instead, pays fees to the federal government;

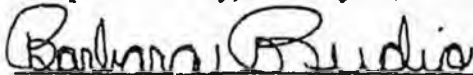
Whereas: Over the last 10 years, even though boat ownership has doubled nationwide, the other states and territories have seen significant reductions in boating fatalities;

Whereas: Commercial fishing fatalities in Alaska have dropped following the implementation of marine safety education programs and equipment requirements for commercial vessels;

Whereas; The Kodiak State Parks Citizen's Advisory Board is an organization that supports safety programs for water-based activities, especially those representing outdoor recreation in a marine-oriented community such as Kodiak;

Therefore: The Kodiak State Parks Citizen's Advisory Board supports both the state's boating safety program and the passage of a boating safety act that is necessary for the state to qualify for Alaska's full share of the federal funding available to states with boating safety programs.

Adopted this day, January 10, 2000.



Barbara Rudio, Chair

Kodiak State Park's Citizens Advisory Board

Kachemak Bay State Parks Citizen Advisory Board

Resolution 00-1

In support of Alaska's Boating Safety Act and the State Boating Safety Program

Whereas: Alaska has over 33,000 miles of shoreline, more than 3,000 rivers and 3 million lakes and;

Whereas: Alaskans use boats for transportation, for subsistence, and for recreation, and more Alaskans own boats than either snow machines or ATVs and;

Whereas: Over the last 10 years, Alaska has experienced the highest non-commercial boating fatality rate in the nation. Alaska's non-commercial boating fatality rate over the last 10 years is 10 times the national average and the commercial marine fatality rate is even higher and;

Whereas: There is tremendous financial impact and risk to the state and the federal government in providing for boating related search and rescue and body recovery, and cost to Alaskan families in lost income and the medical costs associated with boating accidents and;

Whereas: The Federal Safe Boat Act of 1971 provided funding to all states and territories with boating safety programs and;

Whereas: Alaska is the only state that does not keep its own boating registration fees and, instead, pays fees to the federal government and;

Whereas: Over the last 10 years, even though boat ownership has doubled nationwide, the other states and territories have seen significant reductions in boating fatalities and;

Whereas: Commercial fishing fatalities in Alaska have dropped following the implementation of marine safety education programs and equipment requirements for commercial vessels and;

Whereas: Passage of the Alaska Boating Safety Act (HB108) is necessary for Alaska to qualify for its full share of federal funding available to states with boating safety programs.

Therefore: The Kachemak Bay State Parks Citizens Advisory Board supports both the state's boating safety program and the passage of the Alaska Boating Safety Act (HB108).

Adopted 12 January 2000

Mako Haggerty
Advisory Board Chair

MAKO HAGGERTY

Alaska Recreation & Parks Association

RESOLUTION

In Support of Alaska's Boating Safety Act and the State
Boating Safety Program

Whereas: Alaska has over 33,000 miles of shoreline, more than 3,000 rivers and 3 million lakes;

Whereas: Alaskans use boats for transportation, for subsistence, and for recreation, and more Alaskans own boats than either snow machines or ATV's;

Whereas: Drowning is a leading cause of accidental death in Alaska;

Whereas; Over the last 10 years, Alaska has experienced the highest non-commercial boating fatality rate in the nation. Alaska's non-commercial boating fatality rate over the last 10 years is 10 times the national average and is even higher the commercial marine fatality rate;

Whereas: There is tremendous financial impact and risk to the state and the federal government in providing for boating related search and rescue and body recovery, and cost to Alaskan families in lost income and the medical costs associated with boating accidents;

Whereas: The Federal Safe Boat Act of 1971 provided funding to all states and territories with boating safety programs;

Whereas: Alaska is the only state of the 56 states and territories that has not yet passed a boating safety act, and is therefore not receiving Alaska's share of federal funds;

Whereas: Alaska is the only state that does not keep its own boating registration fees and, instead, pays fees to the federal government;

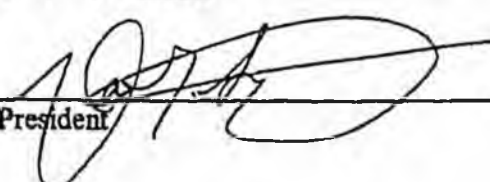
Whereas: Over the last 10 years, even though boat ownership has doubled nationwide, the other states and territories have seen significant reductions in boating fatalities;

Whereas: Commercial fishing fatalities in Alaska have dropped following the implementation of marine safety education programs and equipment requirements for commercial vessels;

Therefore: The Alaska Recreation and Parks Association supports both the state's boating safety program and the passage of a boating safety act. Passage of the Alaska Boating Safety Act (HB 108) is necessary for Alaska to qualify for its full share of federal funding available to states with boating safety programs.

Adopted 1-7-2000

ARPA President


Karin J. Sturdy

**South Kenai Peninsula State Parks
Citizen's Advisory Board
PO Box 575
Anchor Point, AK 99556**

Resolution 2000-01

In Support of Alaska's Boating Safety Act and the State Boating Safety Program

Whereas: Alaska has over 33,000 miles of shoreline, more than 3,000 rivers and 3 million lakes;

Whereas: Alaskans use boats for transportation, for subsistence and for recreation, and more Alaskans own boats than either snow machines or ATV's;

Whereas: Drowning is a leading cause of accidental death in Alaska;

Whereas: Over the last 10 years, Alaska has experienced the highest non-commercial boating fatality rate in the nation. Alaska's non-commercial boating fatality rate over the last 10 years is 10 times the national average and is even higher than the commercial marine fatality rate;

Whereas: There is tremendous financial impact and risk to the state and the federal government in providing for boating related search and rescue and body recovery, and cost to Alaskan families in lost income and the medical costs associated with boating accidents;

Whereas: The Federal Safe Boat Act of 1971 provided funding to all states and territories with boating safety programs;

Whereas: Alaska is the only state of the 56 states and territories that has not yet passed a boating safety act, and is therefore not receiving Alaska's share of federal funds;

Whereas: Alaska is the only state that does not keep its own boating registration fees and, instead, pays fees to the federal government;

Whereas: Over the last 10 years, even though boat ownership has doubled nationwide, the other states and territories have seen significant reductions in boating fatalities;

Whereas: Commercial fishing fatalities in Alaska have dropped following the implementation of marine safety education programs and equipment requirements for commercial vessels;

South Kenai Peninsula State Parks Citizen's Advisory Board
Resolution 2000-01
Page 2 of 2

Whereas: Alaska citizens will greatly benefit from increased educational opportunities designed to promote safer boating practices:

Therefore: The South Kenai Peninsula State Parks Citizen's Advisory Board supports both the state's boating safety programs and the passage of a boating safety act. Passage of the Alaska Boating Safety Act (HB 108) is necessary for Alaska to qualify for its full share of federal funding available to states with boating safety programs.

Adopted January 20, 2000



Ann Bayes, Chair, South Kenai Peninsula State Parks Citizen's Advisory Board

A. Evelyn Stevens
1310 G Street
Anchorage, AK 99501-4355
(907) 277-3101

February 20, 2000

The Honorable *Representative Bill Hudson*

State Capital
Attn: Mail Distribution
Juneau, AK 99801-1182

Subject: CSHB 108 (JUD) Boating Safety Acts

I have been a property owner on Nancy Lake since 1964 (Mat-Su Valley) and a member of the Nancy Lake Home Owners' Association (NLHO) since its inception in the early 1970s. Throughout the years, we have tried to keep the home owners aware of problems which could be detrimental to the overall protection of this family lake. At the top of our agenda has been unsafe boating practices. As the population increases, the boat and personal watercraft activities are becoming extremely dangerous. Add the element of float planes and it is an accident ready to happen.

Speaking as an individual, boat safety and education **MUST BE A HIGH PRIORITY**. This is not just an issue for populated areas, but all of this great State of ours, rural and urban. Please consider the following as my input for both the Federal Boating Act (Item 1), and the Alaska State Boating Act (Item 2).

Item 1. Federal Boat Safety Act: PASS AS IS. as a precursor to the Alaska Boating Safety Act, the Federal Statute should be accepted as is. It has been thoroughly tested by many states and proven to be well planned and highly successful. As such, it opens the door for boat safety rules and is a solid foundation for individual state boating safety acts throughout the nation.

Item 2. Alaska Boating Safety Act: PASS. This statute needs a closer look as it may be too constrictive. Saying that, I do have some thoughts and questions to be considered. A direct response is not expected.

1. Since there are not enough Coast Guard personnel available to educate, patrol, etc., who will do it? Private contractors? ADF&G? (any connection?) AK State Troopers?
2. Would Park Rangers be increased as they are woefully understaffed to take on additional responsibilities?

Rural Alaska Community Action Program, Inc.

March 16, 2000

Fax: 465-2652

Honorable Georgianna Lincoln
Senator, Alaska State Legislature
State Capital (MS3100)
Juneau, Alaska 99801

Dear Senator Lincoln,

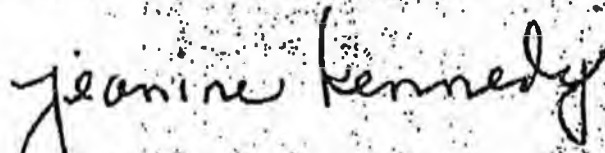
The House has passed HB 105, Safety Boating Bill, and this bill is now on its way to the Senate.

The Rural Alaska Community Action Program, Inc., writes to support efforts to move the registration regulation from the federal government to the State of Alaska. Currently, all fees for registration of power boats and all motor fuel taxes purchased for the boats goes to Washington DC. If Alaska were to regulate these registrations and fuel taxes, have these funds a new program to start a Boating Safety Program could be started in Alaska's communities.

Currently, Alaska has ten times more boating fatalities than any other state in the nation. Last year thirty people in Alaska died from boating fatalities. There is a need for Boating Safety Programs. The funds derived from Alaska's managing its own boater registration could fund such programs.

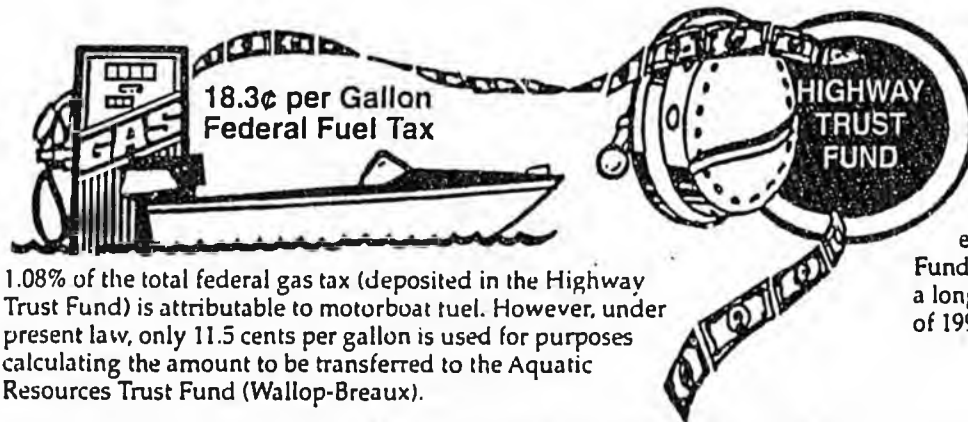
Thanks for your help in this matter.

Sincerely,



Jeanine Kennedy, Executive Director
Rural Alaska Community Action Program, Inc

Aquatic Resources Trust Fund (Wallop/Breaux) Flow Chart



1.08% of the total federal gas tax (deposited in the Highway Trust Fund) is attributable to motorboat fuel. However, under present law, only 11.5 cents per gallon is used for purposes calculating the amount to be transferred to the Aquatic Resources Trust Fund (Wallop-Breaux).

S1519
A compromise bill. The bill was a temporary measure that extends the Wallop-Breaux Trust Funds until Congress comes up with a long-term bill (6 years) in the spring of 1998.

Land and Water Conservation Fund
\$1,000,000

WALLOP/BREAUX



The Aquatic Resources Trust Fund (Wallop-Breaux) consists of excise taxes attributable to motorboat fuels and fishing equipment along with import duties on fishing equipment, yachts and pleasure boats, interest earned on the funds and excise taxes attributable to gasoline used in small engines.

Boat Safety Account Authorization

State Program 1, 2, 3

U.S. Coast Guard 1

FY 97 \$35 million
99 \$70 million

FY 97 \$33 million

S1519 extended present authorization until a long-term bill is passed in the spring of 1998. State program received \$35 million appropriation for FY 1998.

1. Funds used to defray costs of services to the recreational boater.
2. 1-2 percent used to defray costs to C.G. administrative program.
3. Up to 5% authorized to be used by nonprofit organizations through C.G. grants.

Sport Fish Restoration Account 1997 Gross Receipts

1) Motorboat Fuel Tax	\$142 million
2) Small Engine Gas Tax	\$57 million
3) Fishing Equipment Tax	\$90 million
4) Sonar Tax	\$3 million
5) Import Duties	\$33 million
6) Interest	\$48 million

Total \$373 million

CLEAN VESSEL ACT OF 1992

This Act authorized Wallop-Breaux Trust Funds for Boating Safety and a competitive grant program for states to construct/renovate pumpout and dump stations to dispose of vessel sewage from recreational boaters.

	Boating Safety	Pumpout
FY 93	\$5 million	FY 93 \$5 million
FY 94	\$7.5 million	FY 94 \$7.5 million
FY 95	\$7.5 million	FY 95 \$7.5 million
FY 96	\$10 million	FY 96 \$10 million
FY 97	\$10 million	FY 97 \$10 million
FY 98	\$20 million	FY 98 -0-

Clean Vessel Act subject to reauthorization for FY 1999 and beyond.



Aquatic Resources (Wallop-Breaux) Trust Fund Information Recreational Boating Safety Program

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

- Receipts in the Aquatic Resources (Wallop-Breaux) Trust Fund are derived from Federal excise taxes attributable to motorboat and small-engine fuel use and on sport fishing equipment, along with import duties on fishing equipment, yachts and pleasure craft. Total Wallop-Breaux Trust Fund receipts average about \$450 million per year. Of that amount, nearly \$180 million is derived from motorboat fuel taxes. Up to \$70 million per year of the motorboat fuel tax receipts is authorized for the Boat Safety Account of Wallop-Breaux. The balance of motorboat fuel taxes and all other Wallop-Breaux receipts are transferred into the Sport Fish Restoration Account. Funds in the Boat Safety Account are subject to annual discretionary appropriation by Congress, while the Sport Fish Restoration Account is a mandatory appropriation.
- In 1998, several amendments were enacted to the statutes governing the Wallop-Breaux programs. The most significant of these for the Boating Safety Program ensures a minimum level of funding each year for grants to the States. If the full discretionary amount is appropriated, total funds available for State grants would be \$71.6 million. If there is no discretionary appropriation from the Boat Safety Account, States are guaranteed a minimum of \$59 million in funding through a transfer from the Sport Fish Restoration Account. The Coast Guard is authorized to retain not more than 2% of the amount available for State grants to cover costs of administering the funds, and 5% for grants to national non-profit public service organizations for boating safety programs.
- The allocation formula for distribution of boating safety funds to the States is based on:
 - 1/3 – Distributed equally among States;
 - 1/3 – Distributed 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 boating safety funds, depending on the number of boats registered and amount of State funds Alaska is able to claim as boating safety-related expenditures.
- States must provide matching funds; and Federal reimbursement of a State's RBS expenditures cannot exceed one-half of its total program costs during a fiscal year. 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, boating safety education and enforcement costs, boating access and facility costs, and other relevant State expenditures.

Recreational Boating Safety State Grant Program (Wallop-Breaux Funds)

State Eligibility Criteria for Federal Funds

- 1. A designated State authority or agency to administer the program;**
- 2. A cooperative boating assistance program (MOA) with the Coast Guard;**
- 3. Patrol and other activity to ensure enforcement of State boating safety laws and regulations;**
- 4. Include in general the substantive content of Model State Boat Act (minimum vessel safety equipment carriage requirements—same as U.S. Coast Guard requirements);**
- 5. Boating safety education programs;**
- 6. A marine casualty reporting system; and**
- 7. A State vessel numbering system.**

Allocation of Federal Funds (FY 1998: \$55 Million)

Not more than 2% of available funds is withheld for costs to administer the State grant program, and 5% is withheld for grants to national nonprofit public service organizations for boating safety programs.

1/3: Allocated equally among participating States;

1/3: Allocated according to the ratio of the number of vessels numbered in the State;

1/3: Allocated according to the ratio of State funds expended for boating safety.

Authorized Uses of Federal Funds

- 1. Provide facilities, equipment, and supplies for boating safety education and law enforcement.**
- 2. Train personnel in skills related to boating safety and enforcement of boating safety laws and regulations.**
- 3. Provide public boating safety education.**
- 4. Acquire, construct, or repair public access sites used primarily by recreational boaters.**
- 5. Conduct boating safety inspections and marine casualty investigations.**
- 6. Establish and maintain emergency or search and rescue facilities and provide assistance.**
- 7. Establish and maintain waterway markers and other appropriate aids to navigation.**
- 8. Provide State recreational vessel numbering and titling programs.**

HB 108 Boating Safety Bill Funding

Powerboat registrations:

1st Year

\$600K Revenue/Wallop-Breaux Funds
\$300K Registration Revenue
(301.2K) Registration Costs

Net Fiscal Impact:

\$600K Boating (W-B) Funding (DNR)
\$(1.2) General Fund Revenues

Following Years

\$600K Revenue/Wallop-Breaux Funds
\$600K Registration Revenues
(186.6) Registration Costs

Net Fiscal Impact:

\$600K Boating (W-B) Funds (DNR)
\$413.4 General Fund Revenues

Current USCG Funding

Federal FY 1999: \$325,000
Federal FY 2000: \$385,000

*Funding is temporary/pilot authorization in order to assist Alaska in set-up of a full state program

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 or 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
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Director
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John Shively
Commissioner
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Tony Knowles
Governor
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

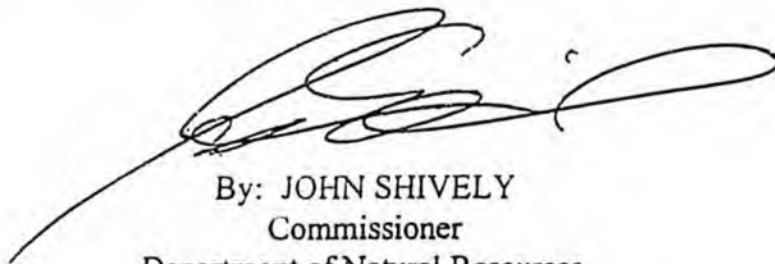
FOR THE UNITED STATES:

Susan D. Hargis
Boating Safety Specialist
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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

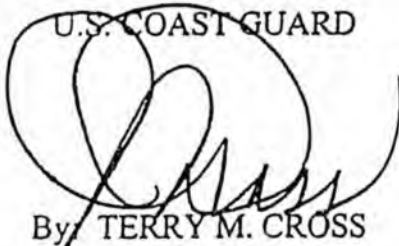


By: JOHN SHIVELY
Commissioner

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



UNITED STATES CODE ANNOTATED

1999

Title 46

SHIPPING

[Partial Revision]

Subtitle II—Vessels and Seamen
Subtitle III—Maritime Liability
Chap. 301—General
Chap. 313—Commercial Instruments
and Maritime Liens

TEXT—AMENDMENT NOTES—JUDICIAL
CONSTRUCTIONS—LEGISLATIVE
HISTORY—TABLES—INDEX

[Replaces the 1998 Pamphlet]



46 § 12303

SHIPPING Subtitle II

Ch. 123 IDENTIFICATION

exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

LIBRARY REFERENCES

70 Am Jur 2d, Shipping §§ 30-39.

§ 12304. Certificates of numbers

(a) A certificate of number is granted for a number issued under this chapter. The certificate shall be pocket-sized, shall be at all times available for inspection on the vessel for which issued when the vessel is in operation, and may be valid for not more than 3 years. The certificate of number for a vessel less than 26 feet in length and leased or rented to another for the latter's noncommercial operation of less than 7 days may be retained on shore by the vessel's owner or representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative. A vessel that does not have the certificate of number on board shall be identified when in operation, and comply with requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this chapter shall provide—

(1) the issuing authority notice of the transfer of any part of the owner's interest in the vessel or of the destruction or abandonment of the vessel, within a reasonable time after the transfer, destruction, or abandonment; and

(2) notice of a change of address within a reasonable time of the change, as prescribed by regulation.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

CODE OF FEDERAL REGULATIONS

Issuance of certificate. see 33 CFR §§ 173.71 to 173.85.

LIBRARY REFERENCES

70 Am Jur 2d, Shipping §§ 30-39.

§ 12305. Displaying numbers

A number required by this chapter shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

LIBRA

70 Am Jur 2d, Shipping §§ 30-39

§ 12306. Safety certificate

When a State is the authority it may require that the individual have a valid safety certificate issued by the issuing authority, except as otherwise provided in the requirements under part F of this chapter. (Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

LIBR

70 Am Jur 2d, Shipping §§ 30-39

§ 12307. Regulations

The authority issuing a certificate shall promulgate regulations and establish fees. The fees shall apply equally to all States. A State issuing a certificate shall promulgate vessel numbering that are—

(1) prescribed by the authority;

(2) related to proof of ownership.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 591.)

LIB

70 Am Jur 2d, Shipping §§ 30-39

NO

1. Construction with Administrative Procedure Act

Regulation, promulgated by the Department of Coast Guard stating that "block characters of good proportion" within former section 527a of the Act which required small boats to display such characters on their hulls.

§ 12308. Providing information

A person may request information under this chapter the number of which that is retrievable from the issuing authority. When the request is reasonable and the information is available, the issuing authority shall provide the information.