

HB

151

<target><bill>HB 151</bill><subject>HB
151</subject><comm>HFIN26</comm></target>

ALASKA STATE LEGISLATURE

Co-Chair:
House Committee on Natural Resources

Vice Chair
House Committee on Labor and Commerce

Member:
House Committee on Rules, House Special
Committee on Economic Development, Trade,
and Tourism, and Legislative Budget & Audit
Committee



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-2679
Fax: (907) 465-4822
Toll Free (800) 505-2678

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600 E. Railroad Ave
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REPRESENTATIVE MARK NEUMAN

Rep.Mark.Neuman@legis.state.ak.us

Sponsor Statement

HB 151

USE, REGULATION, AND OPERATION OF BOATS

House Bill 151 extends the sunset dates of the Statewide Boating Safety and Education program.

This program has been successful as more boaters follow safety rules and boating fatalities have steadily decreased during the tenure of the law while bringing Alaskan law into compliance with federal regulations. Under this program, boating deaths in Alaska have decreased by 20% and the lives of at least 17 Alaskan children have been saved by a Kids Don't Float life jacket.

Furthermore, the Statewide Boating Safety and Education Act has allowed the State of Alaska to consistently receive over one million dollars a year in federal funds. To receive full funding for the federal FY 10 this sunset must either be extended or repealed during the 2009 legislative session.

Passage of HB 151 will ensure that a successful program will continue to save lives and that the State of Alaska will continue to have clear and consistent boating safety regulations with ample federal funds to administer safety and educational programs.

I ask for your support extending an effective program that has successfully saved lives.

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Sectional Analysis of House Bill 151:

Section 1 of the bill repeals temporary law sections and amendments to sections of temporary law from ch. 28, SLA 2000. Chapter 28, SLA 2000, created the state boating safety and education program, including boating safety equipment requirements, boating operating restrictions, accident reporting requirements, and provisions related to civil liability for boating accidents. The sections repealed in sec. 1 of the bill provide that the state boating and safety education program will not be amended to remove the program.

Section 2 of the bill provides for an effective date by repealing the effective dates of the temporary law sections listed in sec. 1 of the bill.

Section 3 of the bill provides for an immediate effective date.

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Explanation of Changes

HB 151

USE, REGULATION, AND OPERATION OF BOATS

The committee substitute for HB 151 introduced in House Labor & Commerce extends the sunset date for eight years. In its original version HB 151 would have repealed the sunset date instead of extending it as the current version does.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS HB 151 (FIN)
 () Publish Date: _____

Identifier (file name): HB151CS(FIN)-DNR-Park-04-16-09 Dept. Affected: Natural Resources
 Title Repeal of Boating Safety Sunset Provision RDU Parks & Outdoor Recreation
 Component Parks and Recreation Access
 Sponsor Rules Committee
 Requester House Finance Committee Component Number 2136

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services		364.5	364.5					
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	364.5	364.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	1,085.5	1,085.5	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()							
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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 Interagency Receipts/CIP		364.5	364.5				
TOTAL	0.0	364.5	364.5	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time		4	4				
Part-time		1	1				
Temporary							

ANALYSIS: (Attach a separate page if necessary)

CS HB 151 (FIN) extends the sunset provisions in AS 05.25 for the Boating Safety Program through July 1, 2011 (FY 2011).
 This program is funded exclusively by a federal grant and vehicle receipts. Continuance of the program will not result in fiscal impacts to the Department.

Prepared by: James King, Director
 Division: Parks & Outdoor Recreation
 Approved by: Tom Irwin, Commissioner
Natural Resources

Phone (907)269-8705
 Date/Time April 16, 2009
 Date April 16, 2009

White Paper

Alaska's Boating Safety Dollars at Work

Alaska Division of Parks and Outdoor Recreation Office of Boating Safety

BACKGROUND

While Congressional attention to recreational boating safety began as early as 1910, the Federal Boat Safety Act of 1971 (46 U.S.C. 13101) provided the first federal funding to the states to "encourage greater state participation and uniformity in boating safety efforts, and particularly to permit the states to assume the greater share of boating safety education, assistance, and enforcement activities." Since this act was passed, the U.S. Coast Guard estimates that more than 27,000 lives have been saved. Nationally, the number of non-commercial boating fatalities has been cut in half; even though boat ownership more than doubled over the same period. Even so, recreational boating safety remains on the National Transportation Safety Board's "12 Most Wanted List" for needed transportation safety improvements.

Boats are an integral part of the lifestyle of many Alaskans. Alaskans use boats to enjoy the state's world-class recreational opportunities, but also as a primary means of transportation and subsistence. Unfortunately, Alaska's boating fatality rate is nearly 10 times the national average and among the nation's highest. In Alaska, only highway accidents account for more unintentional death than does drowning. Most of these fatalities could have been prevented. However, from 1987 to 1998, Alaska was the *only* state without a boating program. As a result, Alaska's share of federal funding available for boating safety was divided among all the other states. At the same time, because U.S. Coast Guard registered our boats, Alaska's registration fees went into the U.S. Treasury instead of remaining in the state. Alaska became the last state to establish a boating safety program when the State Office of Boating Safety was established by Department Order within the Division of Parks and Outdoor Recreation in June 1998. The Alaska Boating Safety Act (AS 05.25) was drafted and introduced in the 1999 legislative session. The act was signed into law on May 11, 2000, and Alaska qualified for the state's full share of federal grant money for state boating programs. The Alaska Boating Safety Program relies almost entirely on this federal grant. Federal funding now contributes more that \$1,000,000 a year to Alaska's economy.

**Alaska's investment in boating safety is small when compared
to the lives saved**

PROGRAM MISSION AND OBJECTIVES

Mission:

It is the policy of the state to promote the safety of persons and property in and connected with the use, operation, and equipment of boats on the water of the state and to promote the uniformity of laws relating to boat safety (AS 05.25.050) with the intended purpose of reducing boating deaths, injuries and property damage, and enhancing enjoyment on Alaska's waterways.

Objectives:

1. Cooperate with other state and federal agencies and organizations to provide for statewide boating safety programs in Alaska.
2. Secure the benefits available to the state under 46 U.S.C. 13101 - 13110; and take the actions necessary to continue to qualify for federal grant funding under 46 U.S.C. 13102, and the U.S. Coast Guard / State of Alaska Memorandum of Understanding.
3. Provide and expand the boating safety education program to increase public awareness of boating risks and the knowledge, skills, and abilities of Alaska's boaters, including:
 - The production of educational materials relevant to the needs of Alaska's urban and rural boaters.
 - Support for statewide boating safety education programs for children 1 and other high - risk groups.
 - Training, certification, and support of boating safety instructors.
 - Evaluation, on an ongoing basis, of the effectiveness of programs.
4. Support the Alaska Boating Safety Advisory Council.
5. Provide for a uniform state waterway marking system.
6. Provide for boating accident and casualties reporting.
7. Serve as liaison between the U.S. Coast Guard and the Division of Motor Vehicles as necessary on state boat registration issues.
8. Provide for boating law enforcement training.
9. Promote the uniformity of laws relating to boating safety.

Alaska faces significant challenges in meeting these goals:

- Less than one third of the state is served by the road system, and many communities are difficult to reach.
- Alaska's population is the second most culturally diverse in the nation. Over 56 different cultural groups, including about 102,000 Eskimo, Athabaskan, Aleut, Tlingit, Tsimshian, and Haida natives, are represented. Learning and communication styles differ widely between these groups.
- Alaska's cold water presents a significant risk to boaters and our vast distances often make a timely rescue impossible, significantly reducing the odds of surviving a boating emergency in Alaska.

Because the Alaska Boating Safety program is small compared to most other states, maintaining dynamic and productive partnerships is critical if we are to meet these goals. To that end, the program works closely with the U.S. Coast Guard, the U.S Coast Guard Auxiliary, other agencies, and boating organizations, to make the most out of limited resources and avoid duplication of effort. Alaska also maintains relationships with other states and participates in regional and national boating organizations to identify and adopt best practices of other boating programs, maximize resources, and increase program quality, productivity, and effectiveness.

² According to data published by the State of Alaska, Dept. of Health and Social Services, drowning was the second leading cause of unintentional death for children and youth under 20 between 1991 and 1998, with an average of 9.2 lives lost per year. From 1994 - 1998 the drowning death rate of Alaska's children, per 100,000, was 4.8 as compared to the national rate of 1.8 per 100,000.

PROGRAM HIGHLIGHTS

The *Kids Don't Float* life jacket loaner program is a collaborative effort between the Alaska Department of Health and Social Services, the Alaska Boating Safety Program, the U.S. Coast Guard, and local sponsors. A total of **514** life jacket loaner board stations in **153** communities have been established statewide. The Alaska Boating Safety Program is the primary supplier for the program, and has thus far provided **20,133** life jackets for *Kids Don't Float*.

Kids Don't Float has an educational component that provides boating safety programs for Alaska's students. To date, classes provided by the program have reached more than **56,235**.

The program offers *Alaska Water Wise (AWW)*, Alaska's nationally approved and Alaska – relevant, boating safety course.

- A total of **1,400** boaters (representing all of Alaska's census areas) have completed an *AWW* course to date.
- The program also trains Alaskans to teach *Alaska Water Wise* courses and supports their efforts to teach boating safety in and around their communities. **250** potential instructors from more than **52** Alaska communities in **24** of the state's 27 census areas have completed the *Alaska Water Wise Instructor* course thus far.
- Those who meet program requirements for state instructor certification are placed on the state boating safety instructor registry and authorized to teach *Alaska Water Wise (AWW)*. As of the end of 2008, there were **104** instructors on the state's instructor registry.

The program conducts an ongoing social marketing campaign using variety of boating safety messages on radio and television, and produces publications and articles (including the popular *Alaska Boater's Handbook*, an award - winning boating safety poster series), and instructional films such as *Cold Water Boating*.

The program provides marine law enforcement training for the Alaska State Troopers and other Alaska law enforcement officers

The program provides support for the U.S. Coast Guard Auxiliary Vessel Safety Check program.

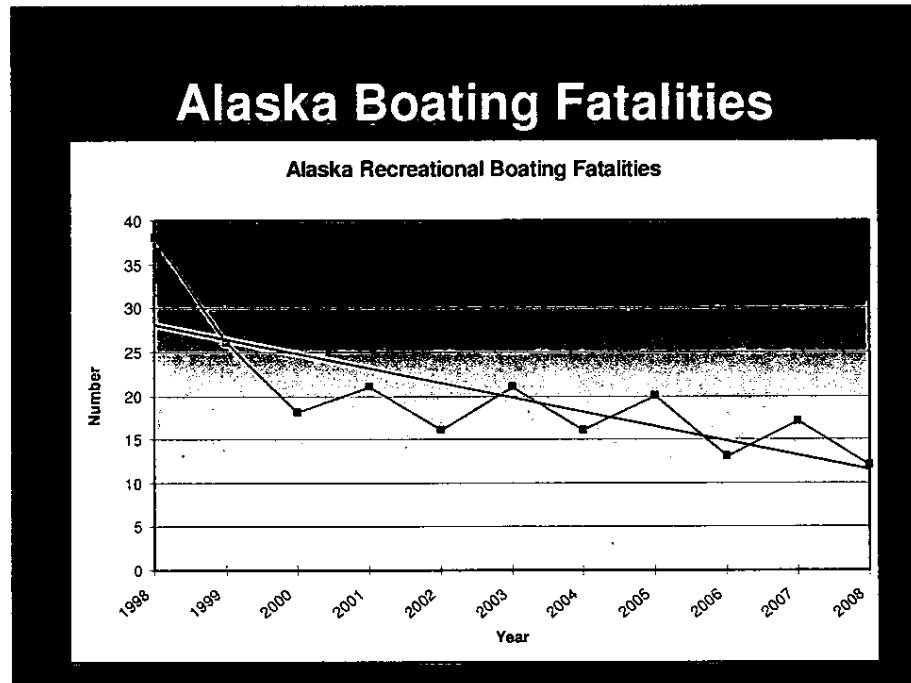
The Alaska Boating Safety Program is entirely user – funded, through the federal *Sport Fish Restoration and Boating Trust Fund* and a portion of Alaska's state boat registration receipts.

Observational behavior studies, statewide boater surveys, instructor and course evaluations, student testing, and U.S Coast Guard statistics are examples of sources used to evaluate program performance.

The Alaska Boating Safety Program and its staff have received multiple awards, including the U.S. Coast Guard *Public Service Commendation*, and the U.S. Department of Transportation's *Partnering for Excellence Award*. The *Kids Don't Float Peer Educator Program* was the 2002 regional winner of the National Safe Boating Council's *Boating Education Advancement Award*.

IS THE PROGRAM IS MAKING PROGRESS?

Alaska's recreational boating fatality rate (fatalities per 100,000 boats) has dropped steadily from 144 in 1998 (when the state's Alaska Office of Boating Safety was established) to 34 in 2007. In comparing the number of fatalities during each of the two five - year periods within the previous 10 years, fatalities have dropped 20% between the two periods.



At least 17 Alaskan children have survived a water emergency thanks to a *Kids Don't Float* loaner life jacket.

Alaska Boater Survey Results:

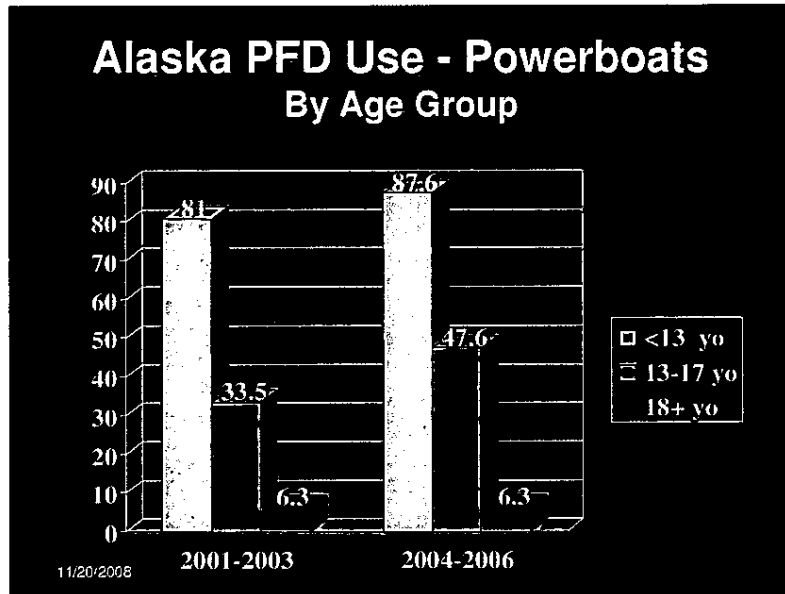
25% of Alaskan boaters say they wear a life jacket more often today than they did five years ago

12% of Alaskan boaters say a life jacket saved the life of someone in their household

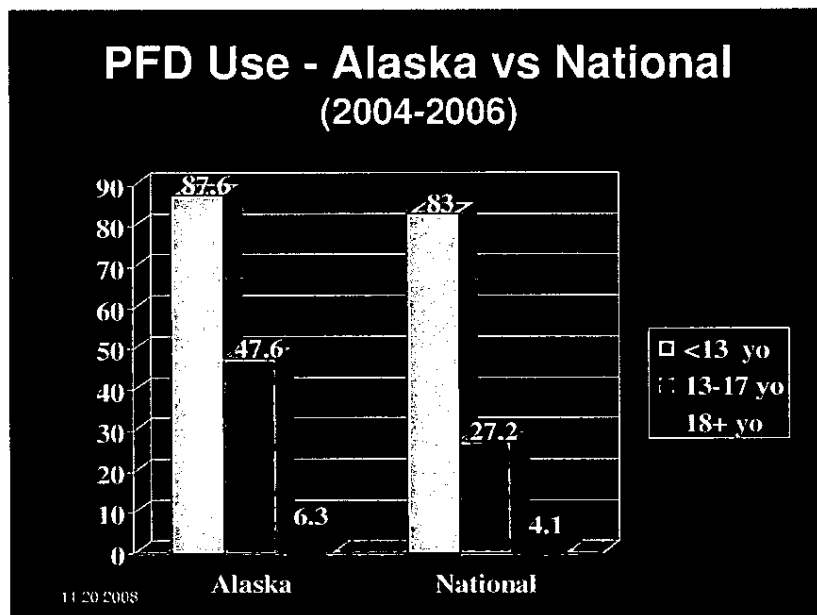
77% of Alaskan boaters believe everyone should be required to wear life jackets when in open boats

72% of Alaskan boaters say they have taken a boating safety course, compared to 46% five years ago

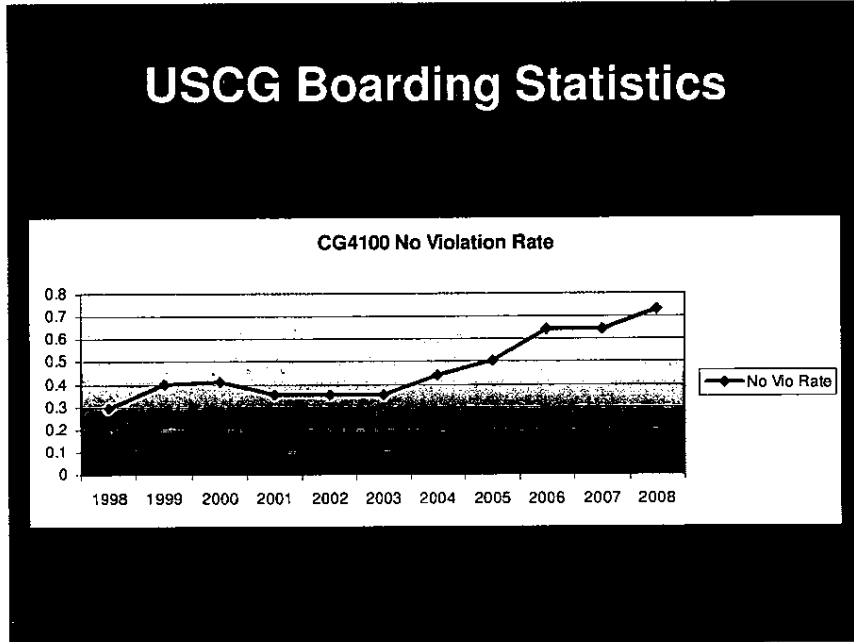
Observational life jacket wear rate studies show increased life jacket wear in ages 17 and younger.



Alaska's life jacket wear rates are above the national average in all age groups.



USCG law enforcement boarding statistics show increasing compliance rate.



STAFFING DETAIL

The Alaska Boating Safety Program has four full time staff. Three were pre – existing positions within the Division of Parks that were moved to the boating safety program.

Boating Law Administrator – (Natural Resource Mgr. I, PCN 10-5101)

Each state's Boating Law Administrator plans, implements, and directs the functions of their state's boating program. This position formulates and revises the program's budget, policies, and management strategies, coordinates with other state agencies that provide Alaska's program elements, assures maximum utilization of financial and human resources, identifies and adopts the best practices of other state boating programs, designs ways to evaluate performance of the program, and leads the analysis of boating related issues affecting the State. The position serves as the state's official representative on local, regional, and national levels with regard to recreational boating issues, policy development, and program funding and also provides regulatory interpretive assistance to agencies and the public.

Boating Education Coordinator – (Park Ranger I, PCN 10-5257)

The Boating Education Coordinator plans, develops, and coordinates the delivery of a variety of educational programs statewide. This position's duties include curriculum development, professional training, and overseeing paid and volunteer boating safety instructors, overseeing all *Kid's Don't Float* schools programs, providing a variety of seminars and presentations, managing the Alaska Boating Safety Instructor Registry, and assisting and supporting boating safety instructors statewide. This position also trains law enforcement officers in boating law and marine law enforcement, and is a law enforcement field - training officer.

Boating Education Specialist – (Park Specialist, PCN 10-5260)

This position independently provides a variety of high quality and Alaska - relevant public boating education and interpretive programs that promote safe, enjoyable boating experiences, for children and adults, performs outreach and schedules programs, develops, prepares for, and executes boating education programs including *Alaska Water Wise* and *Kids Don't Float* classes, workshops, and presentations. Ensures all programs satisfy the standards and policies of the Division of Parks and Outdoor Recreation, Alaska Office of Boating Safety.

Administrative Assistant – (PCN 10-5062)

Administrative support functions in the areas of budget preparation and financial monitoring/reporting, purchasing, inventory, travel, training, personnel, and information dissemination. Duties include gathering information for and preparing budgets, federal grant applications and reports, fiscal and financial tracking of expenditures, procurement of equipment, supplies, and professional services, preparing and tracking reimbursable services agreements, executing payments, processing time sheets, arranging travel, preparing and processing travel authorizations, coding, certifying, and reconciling invoices, attending meetings and drafting meeting minutes, handling public and agency inquiries, assisting unit staff with boating safety program activities, preparing advertising orders, organizing media campaigns, developing and maintaining web pages, and setting up and maintaining a highly organized system of electronic databases, files and records.

The program also funds several other pre-existing Division staff. Currently, 13 seasonal park rangers and other Division staff work on specific boating education projects during a portion of their off season, particularly in the delivery of *Kids Don't Float* school programs.

**ENDORSEMENTS FOR
THE ALASKA BOATING SAFETY ACT OF 2000**

- Alaska Municipal League
- United States Coast Guard
- United States Coast Guard Auxiliary
- Valdez Harbor Users Association
- Seward Boat Owners Association
- Whittier Boat Owners Association
- Alaska Wilderness Recreation and Tourism Association
- Alaska Marine Dealer'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)
- Mat-Su State Parks Citizen's Advisory Board
- Big Lake Community Council
- Sitka State Parks Citizen's Advisory Board
- Denali Safety Council (members: National Bank of Alaska, University of Alaska, Teamsters local 302, Carr's, Anchorage Daily News, VECO, Alyeska Pipeline, ARCO, NANA/Marriott, Federal and State OSHA, Anchorage Safe Communities)
- Alaska Department of Public Safety
- Alaska Wildland Adventures
- National Transportation Safety Board
- Alaska Department of Health and Social Services - Community Health and EMS Section
- Western States Boating Administrator's Association
- National Association of State Boating Law Administrators
- South Peninsula State Parks Citizen's Advisory Board
- Alaska Recreation and Park Association
- Kodiak State Parks Citizen's Advisory Board
- Fairbanks Paddlers
- Valdez City Council
- Kachemak Bay State Park Citizen's Advisory Board
- Alaska Harbormaster's Association
- Fairbanks Area Alaska State Parks Citizen's Advisory Board
- Kodiak City Council
- Bristol Bay Area Health Corporation
- Valdez State Parks Citizens Advisory Board
- River Management Society - Alaska Chapter

*Called
in
4-16-09*

adopted 4-16-09

26-LS0422P
Kane
4/14/09

CS FOR HOUSE BILL NO. 151()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES NEUMAN, Austerman, Kerttula, Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act amending the termination date of the statewide boating safety and education**
2 **program; providing for an effective date by amending the effective date of secs. 3, 5, 7, 9,**
3 **11, 14, 16, 18, 20, 23, 26, and 27, ch. 28, SLA 2000, as amended; and providing for an**
4 **effective date."**

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

6 *** Section 1.** Section 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, is
7 amended to read:

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

10 (1) July 1, 2011 [2010]; or

11 (2) 90 days after the date the chair of the Alaska Legislative Council
12 notifies the revisor of statutes that in the previous state fiscal year the state did not
13 receive and does not anticipate receiving federal funding for a statewide boating and
14 safety education program; the director of the division of legislative finance shall notify

1 the chair of the Alaska Legislative Council when the state, in the previous fiscal year,
2 did not receive federal funding for a statewide boating and safety program; the chair of
3 the Alaska Legislative Council may not give the notice described in this paragraph
4 unless the notice is approved by a vote of a majority of the members of the Alaska
5 Legislative Council.

6 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 151(L&C)
 (H) Publish Date: 4/1/09

Identifier (file name): HB151CS(L&C)-DNR-PARKS-03-27-09 Dept. Affected: Natural Resources
 Title: Repeal of Boating Safety Sunset Provision RDU: Parks & Outdoor Recreation
 Component: Parks and Recreation Access
 Sponsor: Rules Committee
 Requester: House Labor and Commerce Committee Component Number: 2136

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services		364.5					
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING		364.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES		1,085.5					
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CHANGE IN REVENUES ()							
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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 Interagency Receipts/CIP		364.5					
TOTAL		364.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 364.5

POSITIONS

Full-time		4					
Part-time		1					
Temporary							

ANALYSIS: (Attach a separate page if necessary)

CS HB 151 (L&C) extends the sunset provisions in AS.05.25 for the Alaska Boating Safety Program.

This program is funded exclusively by a federal grant and vehicle receipts. Implementation and continuance of the program will not result in fiscal impacts to the Department.

Prepared by: Jeff Johnson
 Division: Parks & Outdoor Recreation
 Approved by: Tom Irwin, Commissioner
Natural Resources

Phone (907)269-8705
 Date/Time March 27, 2009
 Date March 27, 2009

Kenai Peninsula EMS Council
35605 K Beach Road
Kenai, AK 99611
907-283-9322
jschultz@sremsc.org

April 7, 2009

Representative Bill Stoltze, Co-Chairman
House Finance Committee
State Capitol, Room 515
Juneau, AK 99801

Dear Representative Stoltze,

Thank you for taking the time to read my testimony on behalf of HB 151, The Use, Regulation, and Operations of Boats.

My name is Jane Schultz and I am the Kenai Peninsula EMS Coordinator. I am a volunteer EMT and while I have been fortunate to have never been on a call for a drowning victim, medics who have always walk away with the same thought; "what a senseless and preventable accident."

Statistics reveal that 3 out of 4 boating fatalities are the result of capsizing or falling overboard into cold water, where the boater was not wearing a life jacket.

The Kids Don't Float School Program has reached over 60 thousand children and has proven itself time and again. Boating Safety and Kids Don't Float has been involved with the Safe Kids Fair for the past 8 or 9 years in Kenai and the message they share has helped to save countless lives. It always makes me think of when our son was in school and was taught the importance of seat belts. Ryan and his friends would get in the car and buckle up. It took my husband and me a while longer to learn that important lesson. It is the same for boat safety and life jackets. We can get to the parents by teaching the kids but we also need to have boat safety classes and information available to people of all ages.

The first boating safety class I have ever taken was last fall at the EMS Symposium and was taught by Joe McCullough. It made a tremendous impression on me. I can't tell you how many times I have been out with family and friends and the weather has turned and I thought to myself, "I sure would feel better if I was wearing a life jacket, but no one else was wearing one so I didn't either. Believe me, after taking that class, I will never be out on the water again without a life jacket! The boat safety class taught me that the chance of survival increases tenfold with the simple step of putting on a life vest.

The Boat Safety Program is nearly 10 years old and even though very small has more than proven itself. Nearly all boating mishaps involve operator controllable risk factors. Most are predictable and preventable. With proper attitude, knowledge, skill and sound unimpaired judgment, and enjoyable boating experience can be shared by family and friends and this is what the Boat Safety Program teaches.

The Alaska Boating Safety Program teaches the skills to enjoy that great day on the water. It also trains, certifies, and supports a statewide network of registered boating safety instructors who teach Alaska Water Wise Courses and other boating education programs in their communities.

It truly is a program that saves lives and saves families.

Thank you for allowing me the time to testify for a program that is so vital to our state.

Sincerely,

Jane Schultz,
Kenai Peninsula EMS Coordinator