

HB

294

<target><bill>HB 294</bill><subject>HB
294</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:
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REPRESENTATIVE MARK NEUMAN

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

Sponsor Statement

HB 294

USE, REGULATION, AND OPERATION OF BOATS

House Bill 294 extends the sunset dates of the Statewide Boating Safety and Education program for six years. In 2009 HB 151 was passed which extended the program for one year, allowing funding to continue to 2010.

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 To receive full funding for the federal FY 2011 this sunset must either be extended or repealed during the 2010 legislative session.

Passage of HB 294 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.

For bill version 26-LS1282R

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Sectional Analysis of House Bill 294:

Section 1 of the bill extends the termination date from 2011 to 2016 for certain statutes relating to the use, operation, and regulation of boats, a uniform state waterway marking system, and civil liability for boat owners.

Section 2 of the bill provides for an immediate effective date for the Act.

For bill version 26-LS1282R

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SE

Fiscal Note Number: 1
Bill Version: HB 294
(H) Publish Date: 2/3/2010

Identifier (file name): HB294A-DNR-Parks-2-01-10 Dept. Affected: Natural Resources
Title: Amend the Termination Date of Statewide Boating Safety Act RDU: Parks and Recreation Management
and education program Component: Parks and Recreation Access
Sponsor: Representative Neuman
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 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services		380.0	380.0	380.0	380.0	380.0	380.0	380.0
Travel		84.0	84.0	84.0	84.0	84.0	84.0	84.0
Contractual		443.7	443.7	443.7	443.7	443.7	443.7	443.7
Supplies		53.3	53.3	53.3	53.3	53.3	53.3	53.3
Equipment								
Land & Structures								
Grants & Claims								
Capital Outlay		489.0	489.0	489.0	489.0	489.0	489.0	489.0
TOTAL OPERATING	0.0	1,450.0	1,450.0	1,450.0	1,450.0	1,450.0	1,450.0	1,450.0

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

1002 Federal Receipts		1,250.0	1,250.0	1,250.0	1,250.0	1,250.0	1,250.0
1003 GF Match							
1004 GF (VehRnt/tax)		200.0	200.0	200.0	200.0	200.0	200.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	1,450.0	1,450.0	1,450.0	1,450.0	1,450.0	1,450.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time		4	4	4	4	4	4
Part-time		1	1	1	1	1	1
Temporary							

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is associated with this bill. The project is included in the governor's operating budget.

The primary purpose of this bill is to extend the sunset date of the Alaska Boating Safety Act.

The program is funded primarily by a federal grant.

Prepared by: Karlyn Herrera
Division: Parks and Outdoor Recreation
Approved by: Tom Irwin
Natural Resources

Phone: 269-8703
Date/Time: 2/1/10 12:00 AM
Date: 2/1/2010

Adopted 4/12/10

26-LS1282\E
Kane
4/9/10

CS FOR HOUSE BILL NO. 294(FIN)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES NEUMAN, Buch, Olson, Chenault, Holmes, Tammie Wilson, Austerman

A BILL

FOR AN ACT ENTITLED

1 **"An Act amending the termination date of certain statutes relating to the use, operation,**
2 **and regulation of boats, a uniform state waterway marking system, and civil liability for**
3 **boat owners by extending the termination date by two years; providing for an effective**
4 **date by amending the effective date of secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27, ch.**
5 **28, SLA 2000, as amended; and providing for an effective date."**

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

7 *** Section 1.** Section 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, and by
8 sec. 1, ch. 19, SLA 2009, is amended to read:

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

11 (1) July 1, 2013 [2011]; or

12 (2) 90 days after the date the chair of the Alaska Legislative Council
13 notifies the revisor of statutes that in the previous state fiscal year the state did not

1 receive and does not anticipate receiving federal funding for a statewide boating and
2 safety education program; the director of the division of legislative finance shall notify
3 the chair of the Alaska Legislative Council when the state, in the previous fiscal year,
4 did not receive federal funding for a statewide boating and safety program; the chair of
5 the Alaska Legislative Council may not give the notice described in this paragraph
6 unless the notice is approved by a vote of a majority of the members of the Alaska
7 Legislative Council.

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

People to Testify:

Mike Folkerts, U.S. Coast Guard Recreational Boating Safety Specialist.

Jane Schultz, EMS Coordinator – Kenai Peninsula, and Safe Kids supervisor.

Director James King, AK Division of Parks and Outdoor Recreation

Joe McCullough, Education Coordinator, AK Division of Parks and Outdoor Recreation

Jeff Johnson, Boating Law Administrator, AK Division of Parks and Outdoor Recreation

NOT BACKUP



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. In June 1998 Alaska became the last state to establish a boating safety program when the Office of Boating Safety was established by Department Order. 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 funds for boating safety now contribute more than \$1,000,000 a year to Alaska's economy.

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

9/22/09

PROGRAM MISSION AND OBJECTIVES

Mission

The mission and objectives of the Alaska Boating Safety Program are identified by Alaska statute: *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).* The program implements this mission 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 objectives:

- 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 objectives. 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.

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PROGRAM HIGHLIGHTS

The *Kids Don't Float* life jacket loaner program is a collaborative partnership 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 of life jackets for the program, 30,287 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, attendance numbers total over 71,000.

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

- A total of 1,672 boaters (representing all of Alaska's census areas) have completed an *AWW* course.
- The program also trains Alaskans to teach *Alaska Water Wise* courses and supports their efforts to teach boating safety in and around their communities. 279 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.
- 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)*. There are 110 instructors on the registry.

The program conducts an ongoing social marketing campaign on radio and television, produces publications and articles including the popular *Alaska Boater's Handbook*, and the handbook supplement series, award - winning posters, interpretive panels for display at boat launches, presents seminars, and produces instructional films such as *Boating Alaska* and *Cold Water Boating*.

The program develops curriculum and provides marine law enforcement training for the Alaska State Troopers and other Alaska law enforcement officers including instruction in boating laws at the Alaska Law Enforcement Training Academy, the 40 hr Alaska Boating Law Enforcement (ABLE) course, and financial support for officers attending NASBLA Boating Under the Influence and Boat Accident Investigation courses.

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.

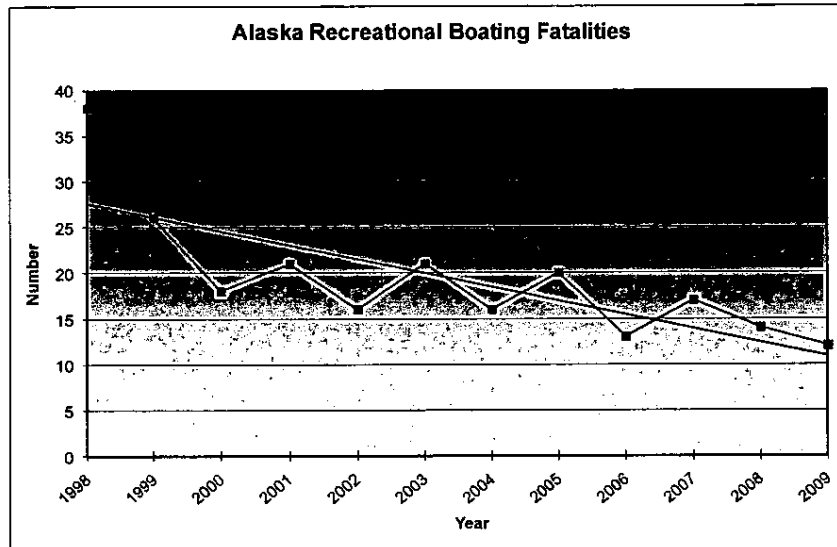
Observational behavior studies, statewide boater surveys, instructor and course evaluations, student testing, and U.S Coast Guard statistics are examples of sources used to evaluate program performance.

The Alaska Boating Safety Program and its staff have received numerous awards, including the prestigious *NASBLA Bonner Award*, 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 a 2002 regional winner of the National Safe Boating Council's *Boating Education Advancement Award*. The *Kids Don't Float* schools program was the 2009 national winner of the Council's *Boating Safety Youth Program Award*.

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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

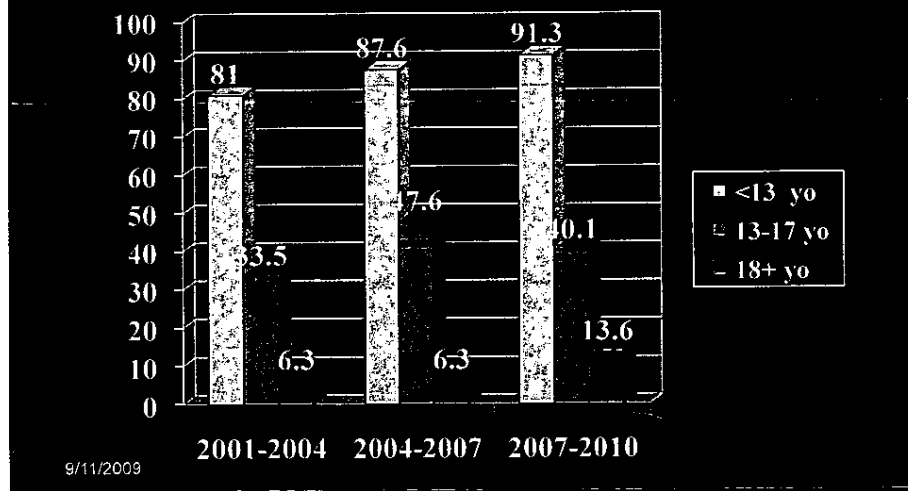
77% of Alaskan boaters believe everyone should be required to wear life jackets when in open boats

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

U.S. Coast Guard observational life jacket wear rate studies show increases in life jacket wear.

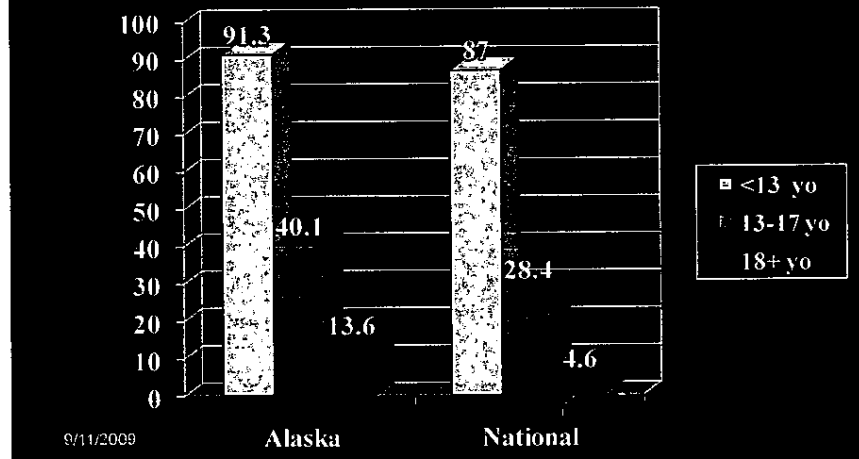
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Alaska PFD Wear - Powerboats By Age Group



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

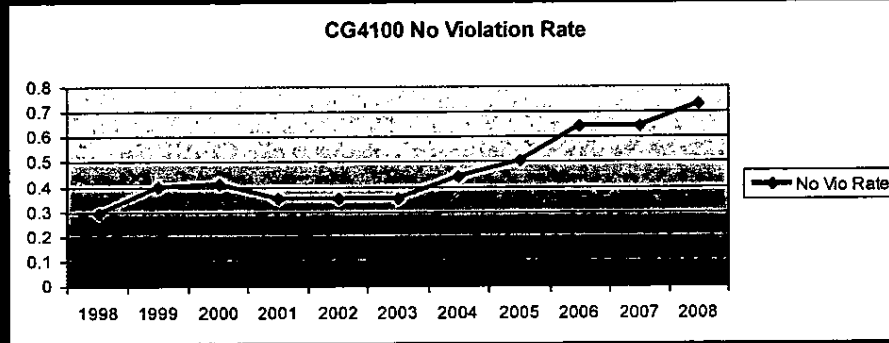
PFD Wear - Alaska vs National (2007-2010)



USCG law enforcement boarding statistics show increasing compliance.

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USCG Boarding Statistics



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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 – (Program Coordinator II, 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.

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**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

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