

**ALASKA LEGISLATURE**

**1958**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000**

**HB**

**108**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/00

FURTHER: REPORTED OUT OF SFC 4/19/00

DATE TURNED IN TO OFFICE: 20 April 00

Finance Committee considered CS FOR HOUSE BILL NO. 108(FIN) am

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

and recommends:

- be replaced with S CS CSHB 108 (FIN)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s) CS forthcoming
- adopt Letter of Intent by \_\_\_\_\_
- further referral to the \_\_\_\_\_

- Senate Bill:  same title
- House Bill:  new title
- Senate Bill:  same title
- House Bill:  technical title
- new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<del>Bob E. Hill</del>	✓	<del>Lyle Green</del>	✓		
<del>Lee Clark</del>	X	<del>Pat Kelly</del>	✓		
<del>Wendy Doney</del>	X				
		Gary Wells	✓		
		Loren D. Simon	✓		
Co-Chair: <del>Johnson</del>	✓	Co-Chair:			
Co-Chair: <del>Alan P. Parnell</del>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
Public Safety	4/19/00	✓	
Natural Res.	4/19/00	✓	
Adm.	4/19/00		471.2

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
Admin	1/31/00		471.2
DNR	7/2/00	✓	*

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

REPORTED OUT OF  
SFC 9/19/00

**FISCAL NOTE** No. 7

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL No. 7 Bill Version: SCS CSHB 108 (RES)  
(S) Publish Date: 4-19-00

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

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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**FISCAL NOTE** No. 8

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

BIL Bill Version: SCS 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						
<b>TOTAL OPERATING</b>	<b>* 0.0</b>	<b>* 0.0</b>	<b>* 0.0</b>	<b>* 0.0</b>	<b>* 0.0</b>	<b>* 0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES (fund code)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 Phone: 269-8701  
Division: Parks Date: 19-Apr-00  
Approved by Commissioner: John Shively 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

No. 9

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

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

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

**Expenditures/Revenues** (Thousands of Dollars)

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

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

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

1002 Federal Receipts						
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)						
<b>TOTAL</b>	<b>471.2</b>	<b>401.1</b>	<b>378.6</b>	<b>378.6</b>	<b>378.6</b>	<b>378.6</b>

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

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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 15 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.

SENATE FINANCE  
COMMITTEE  
Amendment Number: #1  
Bill Number: CSHB 108  
Sponsor: Parnell Date: 4/19/00  
Logged In By: Jamie

1-LS0445\O.1  
Ford  
4/19/00

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 108(RES)

1 Page 7, following line 25:

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

6 Page 8, line 14:

7 Delete "and"

8 Page 8, following line 14:

9 Insert a new paragraph to read:

10 "(3) a uniform state waterway marking system; and"

11 Renu nber the following paragraph accordingly.

12 Page 17, line 30:

13 Delete "AS 05.25.053"

14 Insert "AS 05.25.052, 05.25.053"



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 19 April 00 TIME: 10:50 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: Final Please

w/ attached amendments

9:00 am Thurs

Thx

Mindy

HB 108 1-LS0445\0

\_\_\_\_\_

Green COMMITTEE  
2000 COMMITTEE ACTION

Bill Number	HB 108		
Amendment	# 1		
Motion	adpt		
<u>Motion by</u>	P		
<u>Objection by</u>	none		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Lyda Green			
Senator Randy Phillips			
Senator Dave Donley			
Senator Loren Leman			
Senator Al Adams			
Senator Gary Wilken			
Senator Pete Kelly			
Co-Chair Sean Parnell			
Co-Chair John Torgerson			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u> PERS			



**The United States Coast Guard Auxiliary 17<sup>th</sup> District**  
District Vice Commodore, P.O. Box 15261 Homer, Alaska 99603

19 April, 2000

SUBJ: HB 108 - Safe Boating Bill Testimony

Honorable John Torgerson, Chair Senate Finance and Members of the Senate Finance Committee,

Mr. Chairman and Members of the Senate Finance Committee,

My name is Craig Forrest and I was born in, and have lived in Alaska for more than 52 years. I have a son 22, and a daughter 21, who were born, raised, educated in, and call Alaska home. For the record, I am representing the Coast Guard Auxiliary and myself. I have boated in and around most of the waters of the State of Alaska, as a recreational boater, merchant seaman, and commercial fisherman since I can remember. Recreational boating has been a very important part of our family's time spent together. Much of the last twenty-two summers have been spent on Kachemak Bay, so boating safety has been not only been important for us, but a way of life.

As District Vice 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 who state, "well we don't need that equipment", or "the law doesn't require it and nobody checks us anyway".

I am proud to tell you that the U.S. Coast Guard Auxiliary in Alaska, is already working in partnership with the Office Of Boating Safety on boating safety initiatives. One of the more visible initiatives is the Coastie Program. Coastie is a robotic tugboat that interacts with our youth to teach them about boating safety. Coastie is not only a magnet to our children, but the media as well which helps to draw additional attention to boating safety in Alaska.

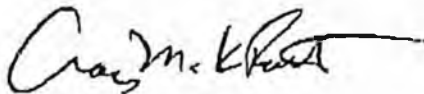
Another program that we in the Coast Guard Auxiliary have worked with and support strongly is the "Kids Don't Float" program. This program was started in Homer by the current City Fire Chief, Bob Painter, has been spread all over the State, and is currently being promoted in the rest of the United States. To date, this program has saved at least 8 lives, and with the education and funding that could come as a result of House Bill 108, who knows how many more lives will be saved.

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 black ink, appearing to read "Craig M.K. Forrest". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Craig M.K. Forrest

# Alaska State Legislature



## Representative Bill Hudson

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

Committees:  
Chair  
Fisheries  
Utilities Restructuring  
Member  
Transportation  
State Affairs

### 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.

# 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  
Bristol Bay Area Health Corporation  
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

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

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

Average Alaska Fatalities Per Year:

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

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

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

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

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

## Fatal Accident Breakdown by Various Categories/Factors

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

## 1999 Alaska Non-Commercial/Recreational Boating Accident Bullets

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

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

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

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

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

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

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

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

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

\*\*\*\*\*

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

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

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

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

## 1998 Alaska Non-Commercial/Recreational Boating Accident Bullets

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

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

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

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

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

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

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

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

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

\*\*\*\*\*

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

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

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

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

# 1998 BOAT ACCIDENT DATA BY CENSUS REGION

Wednesday, December 09, 1998

Page 1

County	# Accidents	# Fatalities	# Inj.	# Acc/Inj	# Acc. Inv. PWC	# PWC Involved	One Boat	Two Boat	Three Boat	Four Boat	Five Boat	Total Vessels
Aleutians East	0	0	0	0	0	0	0	0	0	0	0	0
Aleutians West	0	0	0	0	0	0	0	0	0	0	0	0
Anchorage	4	2	1	1	0	0	3	1	0	0	0	5
Bethel	2	2	0	0	0	0	2	0	0	0	0	2
Bristol Bay	2	1	2	1	0	0	2	0	0	0	0	2
Dillingham	1	0	1	1	0	0	1	0	0	0	0	1
Fairbanks	2	2	0	0	0	0	2	0	0	0	0	2
Haines	0	0	0	0	0	0	0	0	0	0	0	0
Juneau	19	3	6	5	0	0	18	1	0	0	0	20
Kenai	15	2	7	6	1	1	10	5	0	0	0	20
Ketchikan	18	1	1	1	1	2	16	2	0	0	0	20
Kodiak Island	8	4	4	2	0	0	8	0	0	0	0	8
Lake & Penin	0	0	0	0	0	0	0	0	0	0	0	0
Matanuska	7	2	3	3	2	2	3	4	0	0	0	11
Nome Census	1	6	0	0	0	0	1	0	0	0	0	1
North Slope	0	0	0	0	0	0	0	0	0	0	0	0
Northwest	4	6	0	0	0	0	3	0	0	0	0	3
Prince of Wales	0	0	0	0	0	0	0	0	0	0	0	0
SE Fairbanks	1	0	0	0	0	0	1	0	0	0	0	1
Sitka Borough	5	2	0	0	0	0	5	0	0	0	0	5
Skagway/Yak	4	3	4	1	0	0	3	1	0	0	0	5
Valdez/Cord	10	1	1	1	0	0	10	0	0	0	0	10
Wade Hampt	0	0	0	0	0	0	0	0	0	0	0	0
Wrangell/Pet	1	0	0	0	0	0	0	1	0	0	0	2
Yukon/Koy	1	1	0	0	0	0	1	0	0	0	0	1

105      38      30      22      4      5      89      15      0      0      0      119

# 1997 BOAT ACCIDENT DATA BY CENSUS REGION

Wednesday, December 09, 1998

Page 1

County	# Accidents	# Fatalities	# Inj.	# Acc/Inj	# Acc. Inv. PWC	# PWC Involved	One Boat	Two Boat	Three Boat	Four Boat	Five Boat	Total Vessels
Aleutians East	0	0	0	0	0	0	0	0	0	0	0	0
Aleutians West	0	0	0	0	0	0	0	0	0	0	0	0
Anchorage	3	3	2	1	0	0	2	1	0	0	0	4
Bethel	4	3	1	1	0	0	3	1	0	0	0	5
Bristol Bay	1	1	0	0	0	0	1	0	0	0	0	1
Dillingham	2	0	3	2	0	0	0	2	0	0	0	4
Fairbanks	1	1	0	0	1	1	1	0	0	0	0	1
Haines	1	0	1	1	0	0	1	0	0	0	0	1
Juneau	13	0	0	0	0	0	13	0	0	0	0	13
Kenai	18	4	2	2	0	0	18	0	0	0	0	18
Ketchikan	16	0	2	2	0	0	14	1	0	0	0	16
Kodiak Island	2	1	0	0	0	0	2	0	0	0	0	2
Lake & Penin	2	0	4	2	0	0	1	1	0	0	0	3
Matanuska	7	1	5	3	5	7	1	6	0	0	0	13
Nome Census	0	0	0	0	0	0	0	0	0	0	0	0
North Slope	0	0	0	0	0	0	0	0	0	0	0	0
Northwest	2	2	0	0	0	0	2	0	0	0	0	2
Prince of Wales	3	3	0	0	0	0	3	0	0	0	0	3
SE Fairbanks	0	0	0	0	0	0	0	0	0	0	0	0
Sitka Borough	5	2	0	0	0	0	5	0	0	0	0	5
Skagway/Yak	1	0	0	0	0	0	1	0	0	0	0	1
Valdez/Cord	8	2	1	1	0	0	8	0	0	0	0	8
Wade Hampt	0	0	0	0	0	0	0	0	0	0	0	0
Wrangell/Pet	2	0	0	0	0	0	1	1	0	0	0	3
Yukon/Koy	0	0	0	0	0	0	0	0	0	0	0	0
	91	23	21	15	6	8	77	13	0	0	0	103

## ALASKA RECREATIONAL BOATING SAFETY PROGRAM

### QUESTIONS AND ANSWERS

**Q: Why should Alaska implement a boating safety program?**

A: Because Alaska is the only State (including U.S. Territories) remaining without a boating safety bill. Boating safety programs were passed to the states by the Federal Safe Boat Act of 1971. Alaska is the only state which still has federal management of its program.

Because Alaska has the highest fatality rate of any state or territory. The national fatality rate for non-commercial boating deaths is approximately 6/100,000 registered boats, whereas Alaska's rate averages 65/100,000 registered boats. Even if low boat registration compliance is taken into account, Alaska still has 5-10 times the national rate.

Because the State can receive federal grant funds to assist in boating safety programs. Alaska's share of funds are currently being given to other states (estimated \$300K/year). The State is currently not reimbursed for any funds spent on boating safety efforts. Additionally, Alaska will receive revenue from boating registration, which currently go to the federal treasury.

Because the Coast Guard has very limited resources, which are located in coastal locations. The Coast Guard is not staffed to educate and enforce boating safety laws throughout Alaskan waters. State-based enforcement and education efforts could be conducted statewide, and increase consistency on waterways throughout Alaska.

Because a law forms the basis from which to educate people on a local level, on how they should equip their boats for their own safety. You can't legislate safety, but you can educate people regarding the need for safety. Boating laws currently do not cover individuals who operate on many inland waterways.

**Q: What is the Boating Safety Initiative proposed for Alaska to adopt?**

A: The goal of a boating safety initiative is to make Alaska eligible for federal boating safety grant funds which will in turn support a state boating safety program. In order to be eligible for funds, the initiative must include:

1. Incorporation of a state vessel numbering (registration) system;
2. Include in general the content of the Model State Boat Act (primarily safety equipment carriage requirements);
3. Provide for boating safety education programs;
4. Provide for activity to ensure enforcement of boating safety laws and regulations;
5. Designate the State authority/agency to administer program; and
6. Include a marine casualty (accident) reporting system.

**Q: Would the State use this law and immediately start strict enforcement of boating safety laws?**

A: While the Coast Guard cannot speak for the State of Alaska, the State has indicated that they realize that the first few years of a new boating safety program will need to focus on education of boaters, and how to comply with the new regulations.

**Q: If the State passes a boating safety law, will the Coast Guard reduce their presence and boating safety efforts in Alaska?**

A: The Coast Guard has a dedicated commitment to boating safety in Alaska. The Coast Guard would continue present efforts while also assisting the State to establish its own program, and work hand in hand with the State on boating safety efforts. Quite simply, there is not a big enough Coast Guard presence in Alaska to ensure safe boating, and a State program would dramatically increase boating safety efforts.

**Q: What barriers are there which prevent adoption of a boating safety program?**

A: Currently many boaters do not understand that a boating safety program does not mean new laws, but that state law would just reflect federal law. Many boaters are afraid that a program would mean more laws, more taxes, and increased "hassle."

**Q: Is the Coast Guard happy with Alaska's current boating safety program?**

A: No. The Coast Guard does not have sufficient personnel to manage a successful boating safety program. Over the past 10 years, 283 Alaskans have lost their lives in non-commercial boating accidents. This fatality rate could be dramatically reduced with a successful state program that could educate boaters and enforce boating safety regulations.

**Q: Where can answers be obtained to questions not listed here?**

A: Contact:

**Sue Hargis**  
Boating Safety Specialist  
Seventeenth Coast Guard District  
P.O. Box 25517  
Juneau, AK 99802-5517

Phone: (907)463-2297 or (800)478-6381  
Email: shargis@cgalaska.uscg.mil

**Jeff Johnson**  
Alaska Dept. of Natural Resources  
Div. Of Parks and Outdoor Recreation  
3601 C Street  
Anchorage, Alaska 99503-5921

(907)269-8705  
jeffj@dnr.state.ak.us

**Q: Why is the adoption of an Alaska Boating Safety Program more beneficial than having the Coast Guard continue to run the program?**

A: Because Alaska is the only State (including U.S. Territories) remaining without a boating safety bill, and has the highest fatality rate in the nation. There has been a significant decrease in fatalities in every state where a program has been established. Nationally, the boating fatality rate has decreased by 30%. This is not true in Alaska, where we currently average 28 deaths each year.

The Coast Guard is located in coastal areas around Alaska, and is not staffed to provide boating safety education and enforcement statewide. Since the program was passed to states in 1971, the Coast Guard has been reducing resources in this area.

Boating safety programs are more appropriate at the state level, as states can implement regulations and initiatives which reflect regional concerns, and have personnel distributed on a statewide basis. Overall, the state has the ability to do a much more effective job than the Coast Guard.

**Q: Who is the Coast Guard working with to get a boating safety program implemented?**

A: The Coast Guard has been working with the Alaska Department of Public Safety, Division of Fish and Wildlife Protection over the past several years. Recently, the Department of Natural Resources, Division of Parks and Outdoor Recreation has taken over the lead agency role in order to pursue a state program and serve Alaska's boaters.

**Q: What has prevented a program from being implemented sooner?**

A: Several attempts have been made since 1969 to implement a boating safety initiative. One major issue is the fear that many Alaskans have that the state would build a costly bureaucracy around a boating safety program. Although most Alaskans don't want federal involvement in most state issues, many mistakenly believe that the Coast Guard will continue to support boating safety. This is not entirely true. We will continue to provide search and rescue operations, but cannot provide nearly the quality that the state could in areas of boating safety education, prevention, and enforcement.

**Q: Do you think a boating safety program has a reasonable chance of being adopted?**

A: In order for this initiative to be successful, it must have the support of boaters. Our burden is to educate boaters that a boating safety program does not mean new laws, but rather opens the door for federal grant funding, while at the same time getting the federal government out of the business of regulating Alaskan boaters.

**Q: Why is Alaska the only state not to have a State Boating Safety Law?**

A: A myriad of reasons. The Federal Boating Safety Act of 1971 encouraged all states to take over boating safety programs. All states have done so with the exception of Alaska.

Some individuals cite the independent spirit of Alaskans as resistance to new laws. Others cite the fear of the state building a bureaucracy around a new program, which will cost Alaskans money. Yet others believe that the Coast Guard is doing a successful job in boating safety, and is the appropriate agency to head a program.

First, a State Boating Safety Program does not mean new laws, but rather state laws which reflect current federal requirements. Alaskans are already required to comply with federal laws regarding boating safety.

Second, it is not too likely that the state will build a bureaucracy around boating safety, due to current limitations in state funding.

Third, the Coast Guard is located in coastal areas around Alaska, and is not staffed to provide boating safety education and enforcement statewide.

Last, some boaters fear that boating registration fees will increase. This is currently in progress through the Coast Guard, as current fees do not reflect the program cost of issuing Certificates of Number. The Coast Guard anticipates implementation of a new vessel registration fee in January 1999.

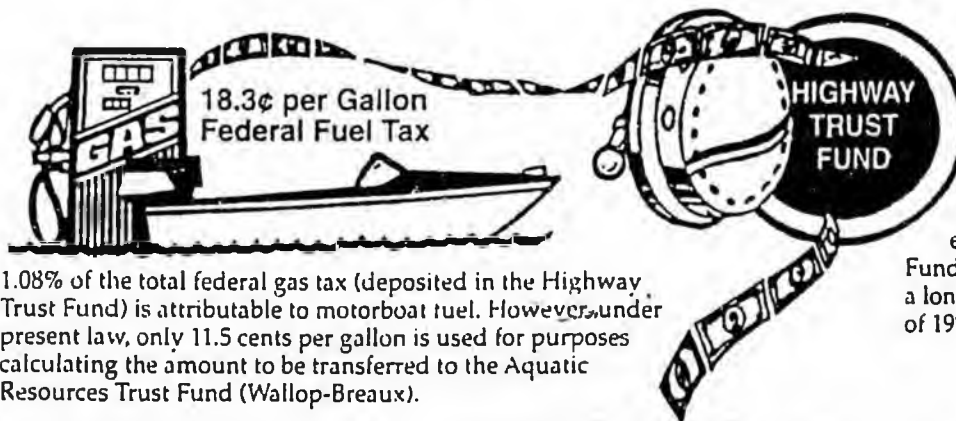
**Q: What are the economics involved; how much will it cost the State to implement a boating safety program?**

A: The advantage of this program is that it should not cost Alaska significantly to implement a boating safety program. There are two sources of funding which support this. First, all boat registration funds will stay in Alaska's coffers once the state takes over the program (funds currently go the federal treasury). Estimated income to the state from this source is approximately \$420K. Second, the state's share of federal grant funds (Wallop-Breaux boater fuel tax money) is estimated at \$300K. Alaska's share of this money is currently given to other states. These two sources should provide sufficient resources to cover all program costs.

**Q: Will new regulations cost individual boaters a lot of money for safety equipment?**

A: No. Currently all vessels in Alaska which operate in federal or joint federal/state waters are required to carry minimal safety equipment. This law would not increase requirements, but would simply make the law apply equally to waters which are under sole state jurisdiction.

# 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 m.

FY 97 \$35 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
<b>Total</b>	<b>\$373 million</b>

### 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.

4-6-00

Ward - FYI  
-Ralph A.



Bristol Bay Area  
Health Corporation  
8000 Kanakanok Road  
P.O. Box 130  
Dillingham, AK 99576  
(907) 842-5201  
800-478-5201  
FAX (907) 842-9354

Bristol Bay Area  
Health Corporation is  
a tribal organization  
representing 34  
villages in  
Southwest Alaska:

- Akknagik
- Chignik Bay
- Chignik Lagoon
- Chignik Lake
- Clark's Point
- Dillingham
- Egegik
- Etuk
- Ekwok
- Goodnews Bay
- Igiugig
- Iliamna
- Ivanof Bay
- Kanotak
- King Salmon
- Kokhanok
- Kollganek
- Levelock
- Menakotak
- Naknek
- New Stuyahok
- Newhalen
- Nondalton
- Olsonville
- Pedro Bay
- Perryville
- Pilot Point
- Platinum
- Port Halden
- Portage Creek
- South Naknek
- Tagiak
- Twin Hills
- Ugashik

April 6, 2000

Senator Georgianna Lincoln  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

COPY

PHONE: (907) 465-3732  
FAX: (907) 465-2652

Dear Senator Lincoln:

I am writing you to urge your support for House Bill 108: USE, REGULATION, AND OPERATION OF BOATS.

Language in the bill makes reference to the potential for the generation of funds that could be used for a statewide boating safety and education program. I understand that the current stream of funding does not accrue to the State for such a program.

Drowning is one of the leading injuries and causes of death in rural Alaska. Boating safety programs with sufficient financial support could help save lives every year in our waters.

We request your support on House Bill 108.

Respectfully,

Ralph F. Andrew  
Director, Division of Community Health Services  
Bristol Bay Area Health Corporation

## DISTRICT COMMODORE, UNITED STATES COAST GUARD AUXILIARY



14 April, 2000

SUBJ: HB 108 - Safe Boating Bill Testimony

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

Honorable Rick Halford, Chair Senate Resources and Members of the Senate Resource 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".

I am proud to tell you that the U.S. Coast Guard Auxiliary in Alaska, is already working in partnership with the Office Of Boating Safety on boating safety initiatives. One of the more visible initiatives is the Coastie Program. Coastie is a robotic tugboat that interacts with our youth to teach them about boating safety. Coastie is not only a magnet to our children, but the media as well which helps to draw additional attention to boating safety in Alaska.

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

Barbara E. Sands

# FAIRBANKS PADDLERS

Phone: 479-6790

Box 83329 Fairbanks, AK 99708

JAN 20 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

Fuller A. Jewell, Publisher, 1900-1990  
Gerald E. Orly, Publisher, 1964-1990  
Katherine Fanning, Editor and Publisher, 1971-1983  
Lawrence Fanning, Editor and Publisher, 1987-1971  
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.



Rep. Bill Hudson

To that end, Rep. Bill Hudson is pushing ahead with House Bill 108, which would finally

bring Alaska in line with the federal Boating Safety Act of 1971. The law allows states that have enacted a broad safe-boating law to tap into federal funds and tailor boating programs to meet their needs.

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

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

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

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

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

In that light, failure is no option.

# 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,

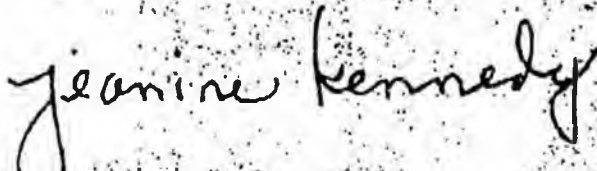
The House has passed HB 108, Safety Boating Bill, and this bill is now on its way to the Senate.

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

**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](mailto: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 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 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 the usual learning the hard way, which is not the best way in an environment that doesn't always give second chances. I believe in

COMPASS



Folkerts

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 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 pay-

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

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 those, however, is a good enough excuse to upbraid 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

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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.

Instead, we send our share to the other states for their programs. We

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.

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 programs 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 oppose 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

### **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 22<sup>nd</sup>, 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  
(781-928)

**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 17<sup>th</sup>  
District: Office of Recreational  
Boating Safety

**City: Borough of Juneau:**

Assemtiywoman 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.

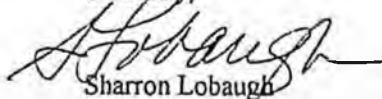
Boaters can pickup a life jacket from a display board in their harbor if they have passengers on board who do not already have one. To date, **five children's lives have been saved** with loaner PFDs from this program. Three of these were on the Kenai Peninsula. (One in a lake, and two from the same 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

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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) 465-273; Email, [Representative\\_Bill\\_Hudson@legis.state.ak.us](mailto: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	AL Municipal League		
Co/Dup	Coast Guard	Co.	See last sentence		
Phone #		Phone #	17 paragraph 6.		
Fax #	463-2299	Fax #	01 0		

**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

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

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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

W.  
MH

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 28<sup>th</sup>, 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 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 Klat  
President, Alaska Chapter  
American Society of Safety Engineers

DISTRICT COMMODORE, UNITED STATES COAST GUARD AUXILIARY



4 February, 2000

SUBJ: HB 108 - Safe Boating Bill Testimony

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

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

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

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March 26, 1999

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

RE: Boating Safety Act

Dear Representative Hudson:

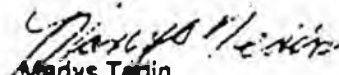
The Sitka State Parks Citizens Advisory Board strongly supports passage of the Alaska Boating Safety Act. The Alaska Boating Safety Act will be a great benefit to the State and residents of Alaska.

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 \$450,000 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,

  
Mariys Tedin  
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 21<sup>st</sup> 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.

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.....

*Seward Boat Owners Association, Inc.*

*March 24, 1999*

*Page 2*

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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/AEE, 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

*Carolee L. Floyd*  
MAYOR

ATTEST:

*Debra Maslen*

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;

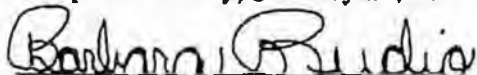
Whereas: Over the last 10 years, even though boat ownership has doubled nationwide, the other states and territories have seen significant reductions in boating fatalities;

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**

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**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;

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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;

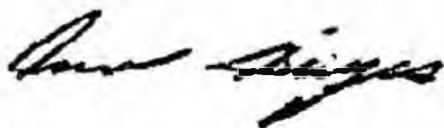
Whereas: Commercial fishing fatalities in Alaska have dropped following the implementation of marine safety education programs and equipment requirements for commercial vessels;

South Kenai Peninsula State Parks Citizen's Advisory Board  
Resolution 2000-61  
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



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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?

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.

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- 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.

- c. 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

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- (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.

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- (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

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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

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.
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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.

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- (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  
State of Alaska, DNR  
Division of Parks & Outdoor Recreation  
3601 C Street, Suite 1280

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