

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5586 STRA SB 265 - SB 277

REQUEST FOR
NEW POSITION

Agency Public Safety
BRU
DPS Administration
Component Boating & Watercraft Safety

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Revised Date

FY 89

Position Title	Compliance Officers	Staff Months	Time Status	6.0 months	Location	No. of Positions	Range/Step	Barg. Unit
			5		Soldotna	2	12A	Election District
Justification								
Type of Expenditure					Amount			
1					3			
Salary					26.5			
Benefits					9.9			
Premium Pay					4.0			
Other					////////////////////////////////////			
Other Personal Services					////////////////////////////////////			
Travel					4.0			
Contractual					10.3			
Commodities					7.0			
Equipment					25.0			
Other					////////////////////////////////////			
Total Cost					86.7			
////////////////////////////////////								
Funding Source for Total Cost					////////////////////////////////////			
Federal Receipts					1002			
G.F. Match					1003			
General Fund					1004			
GF Program Receipts					1005			
Other					////////////////////////////////////			
Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of 5 18-21' Boston Whaler type boats to be used by Compliance Officers (one-time expense).								
These positions will be responsible for the seasonal enforcement of the statutes modified by CSSB 265 (Trsp). These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports; investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operations; and, cite suspected violators.								
Approximately 10 hours of overtime for each month of position funding will be required.								

Position Title Publication Specialist I			No. of Positions 1	Range/Step 13A	Barg. Unit CGU		
Time Status PPT		Staff Months 6.0	Location Juneau		Election District 4		
////////////////////////////////////			Justification				
Type of Expenditure		Amount		<p>This position would be responsible for assisting in designing a boating safety printed program in coordination with Federal, State and local authorities, as well as with private organizations. Contractual costs include funds needed for video and printed material for the boating safety program. Additional minimal support costs are included.</p>			
1	2	3					
Salary	17.2	////////////////////////////////////					
Benefits	4.3	////////////////////////////////////					
Premium Pay		////////////////////////////////////					
Other		////////////////////////////////////					
Other Personal Services	////////////////////////////////////	17.5					
Travel							
Contractual		31.0					
Commodities		3.0					
Equipment		1.0					
Other							
Total Cost		52.5					
////////////////////////////////////			Funding Source for Total Cost				
Federal Receipts	1002	25.9					
G.F. Match	1003						
General Fund	1004	26.6					
CF Program Receipts	1005						
Other							
////////////////////////////////////			////////////////////////////////////				
////////////////////////////////////			////////////////////////////////////				
////////////////////////////////////			////////////////////////////////////				
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REQUEST FOR
NEW POSITION

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REQUEST FOR
NEW POSITION

Agency Department of Public Safety
BRU DPS Administration
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Position Title	Accounting Clerk III	No. of Positions	Range/Step	Barg. Unit
Time Status	PPT	1	9A	CGU
Staff Months	6.0	1		
Location	Juneau			Election District 4
Justification				
Type of Expenditure	Amount			
Salary	10.4			
Benefits	3.4			
Premium Pay				
Other				
Other Personal Services	//////////			
Travel				
Contractual	1.0			
Commodities	2.0			
Equipment	1.0			
Other				
Total Cost	17.8			
//////////				
Funding Source for Total Cost				
Federal Receipts	1002	8.7		
G.F. Match	1003			
General Fund	1004	9.1		
Gf Program Receipts	1005			
Other				
//////////				

This part-time position will perform all accounting duties for the boating safety unit. Duties will include vendor payments, research and communications, document filing, petty cash, reconciliation of statements, travel payments, record keeping and reports required for adequate administrative controls.

FISCAL NOTE

REQUEST

Revision Date: 2/4/88
Title: "An Act relating to boat numbering..."
Sponsor: Senator Sturgulewski
Requestor: _____

Agency Affected: Public Safety
BRU: DPS Administration
Components: Boating & Water Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		192.2	384.3	384.3	384.3	384.3
TRAVEL		19.9	39.8	39.8	39.8	39.8
CONTRACTUAL		113.5	113.5	113.5	113.5	113.5
SUPPLIES		49.5	49.5	49.5	49.5	49.5
EQUIPMENT		132.0	7.0	7.0	7.0	7.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		507.1	594.1	594.1	594.1	594.1
CAPITAL						
REVENUE		515.0	515.0	515.0	515.0	515.0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		257.1	304.1	304.1	304.1	304.1
FEDERAL FUNDS		250.0	290.0	290.0	290.0	290.0
OTHER						
TOTAL		507.1	594.1	594.1	594.1	594.1

POSITIONS:

FULL-TIME		4	4	4	4	4
PART-TIME		13	13	13	13	13
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No inflation factors are included in these cost calculations. Assume start-up date of January 1, 1989. Equipment costs are one-time costs and will not continue beyond FY 89.

Prepared by: Gretchen Derr, Special Assistant Phone: 455-4322
Division: Commissioner's Office Date: _____

Approved by Commissioner: [Signature] Date: 2-8-88
Agency: Public Safety

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Fiscal Note

*KSB
JMR
2/5/88*

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 265

* FY 89- with program implementation effective on January 1, 1989- budget estimates include start-up costs for equipment: 5 boats, \$125.0; 5 vehicles, \$41.4; enforcement and training position costs, \$192.2. FY 90 (and each fiscal year continuing) salary and benefit costs are summarized: Administrative Officer, Accounting Clerk, Education Specialist, Publication Specialist, 2 Data Processing Clerks, Clerk Typist; and 10 Compliance Officers (Seasonal): \$384.3. Space will come from currently available facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

I. Restricted

Federal grant award funds up to 50 percent of total appropriation. Anticipate \$250.0 in federal funds for the first year, and approximately \$290.0 for subsequent years.

II. Unrestricted Revenues (see chart pg. 3)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 265

Revenue estimates:

II. Unrestricted

	Registered Boats 30,000	Boats Currently Not Registered Carried Through the Triennial Cycle					Fines Aprox. \$17.0 Year	TOTAL REVENUE
		6,600 1st Yr \$30 X	6,600 2nd Yr \$30 X	6,600 3rd Yr \$30 X	6,600 4th Yr \$30 X	6,600 5th Yr \$30 X		
Number of Boats to Register By Year	\$30 X							
1st Year (89) 10000+6600	\$300.0	\$198.0	- - -	- - -	- - -	- - -	\$17.0	\$515.0
2nd Year (90) 10000+6600	300.0	- - -	\$198.0	- - -	- - -	- - -	17.0	515.0
3rd Year (91) 10000+6600	300.0	- - -	- - -	\$198.0	- - -	- - -	17.0	515.0
4th Year (92) 10000+6600	300.0	- - -	- - -	- - -	\$198.0	- - -	17.0	515.0
5th Year (93) 10000+6600	300.0	- - -	- - -	- - -	- - -	\$198.0	17.0	515.0

Notes:

1. Boat registration fee, average, is \$30 triennial.
2. According to our estimates, by the fourth year there will be approximately 50,000 boats registered.
3. Of the 30,000 boats already registered, we estimate 33 1/3% (or 10000 boats) will register during the 1st year, 10000 in the 2nd year, and the remainder (10000) in the 3rd year.
4. Register 6,600 boats currently not registered during each year for three years (Coast Guard estimates 20,000 boats not registered). Anticipate three-year period before majority of citizens would be in compliance.
5. Estimate \$17.0 in fines levied per year.

Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit GGU
Time Status S	Staff Months 6.0 months		Location Palmer		Election District 1G
////////////////////////////////////			Justification		
Type of Expenditure		Amount		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 265. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for 5 HWCF pickup expenses. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of 5 18-21' Boston Whaler type boats to be used by Compliance Officers (one-time expense).</p>	
1	2	3			
Salary	25.6	////////////////////////////////////			
Benefits	8.3	////////////////////////////////////			
Premium Pay	4.0	////////////////////////////////////			
Other		////////////////////////////////////			
Other Personal Services	////////////////////////////////////	37.9			
Travel		4.0			
Contractual		10.3			
Commodities		7.0			
Equipment		25.0			
Other					
Total Cost		84.2			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	41.5		<p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for 5 HWCF pickup expenses. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of 5 18-21' Boston Whaler type boats to be used by Compliance Officers (one-time expense).</p>	
G.F. Match	1003				
General Fund	1004	42.7			
GF Program Receipts	1005				
Other					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					

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Position Title Publication Specialist I		No. of Positions 1	Range/Step 13A	Barg. Unit CCU
Time Status PPT	Staff Months 6.0	Location Juneau		Election District 4
////////////////////////////////////		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	13.2	////////////////////////////////////		
Benefits	4.3	////////////////////////////////////		
Premium Pay		////////////////////////////////////		
Other		////////////////////////////////////		
Other Personal Services	////////////////////////////////////	17.5		
Travel				
Contractual		31.0		
Commodities		3.0		
Equipment		1.0		
Other				
Total Cost		52.5		
////////////////////////////////////		Funding Source for Total Cost		
Federal Receipts	1002	25.9		
G.F. Match	1003			
General Fund	1004	26.6		
GF Program Receipts	1005			
Other				
////////////////////////////////////		This position would be responsible for assisting in designing a boating safety printed program in coordination with Federal, State and local authorities, as well as with private organizations. Contractual costs include funds needed for video and printed material for the boating safety program. Additional minimal support costs are included.		
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Position Title Education Specialist I		No. of Positions 1	Range/Step 19A	Barg. Unit CCU
Time Status PFT	Staff Months 12.0	Location Juneau		Election District 4
////////////////////////////////////			Justification	
Type of Expenditure		Amount		
1	2	3		
Salary	40.0	////////////////////////////////////		
Benefits	13.0	////////////////////////////////////		
Premium Pay		////////////////////////////////////		
Other		////////////////////////////////////		
Other Personal Services	////////////////////////////////////	53.0		
Travel		15.0		
Contractual		15.0		
Commodities		3.0		
Equipment		1.0		
Other				
Total Cost		87.0		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	42.9		
G.F. Match	1003			
General Fund	1004	44.1		
GF Program Receipts	1005			
Other				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				

The Education Specialist would be responsible for designing a boating safety program in coordination with Federal, State, and local authorities, as well as with private organizations. This position would be responsible for traveling to many of the cities throughout the state in order to put on training classes each year.

This position will train other departmental employees on how to conduct boating safety education training. This individual will be the unit supervisor.

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Position Title Accounting Clerk III			No. of Positions 1	Range/Step 9A	Barg. Unit GGU
Time Status PPT	Staff Months 6.0		Location Juneau		Election District 4
////////////////////////////////////			Justification		
Type of Expenditure		Amount			
1	2	3			
Salary	10.4	////////////////////////////////////			
Benefits	3.4	////////////////////////////////////			
Premium Pay		////////////////////////////////////			
Other		////////////////////////////////////			
Other Personal Services	////////////////////////////////////	13.8			
Travel					
Contractual		1.0			
Commodities		2.0			
Equipment		1.0			
Other					
Total Cost		17.8			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	8.7			
G.F. Match	1003				
General Fund	1004	9.1			
GF Program Receipts	1005				
Other					
////////////////////////////////////					
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////////////////////////////////////					

This part-time position will perform all accounting duties for the boating safety unit. Duties will include vendor payments, research and communications, document filing, petty cash, reconciliation of statements, travel payments, record keeping and reports required for adequate administrative controls.

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5-1017L
Hein
3/1/88

Original sponsor: Sturgulewski

1 IN THE SENATE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR SENATE BILL NO. 265 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE -- SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boat numbering, accidents, and
7 safety; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 05.25 is amended by adding new sections to read:

10 ARTICLE 1. NUMBERING AND REGISTRATION.

11 Sec. 05.25.200. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A
12 person may not operate a boat on state water, and an owner of a boat
13 may not knowingly allow another to operate the owner's boat on state
14 water, unless

15 (1) the owner of the boat holds a current, valid certifi-
16 cate of number issued in the owner's name as owner

17 (A) under this chapter;

18 (B) by an agency of the federal government; or

19 (C) by the state of principal use that issued the
20 certificate of number under a federally approved numbering sys-
21 tem; and

22 (2) the certificate of number is carried on the boat in a
23 manner that protects the certificate from the elements, and is avail-
24 able for inspection by a state, federal, or municipal law enforcement
25 officer.

26 (b) A certificate of number for a boat less than 26 feet in
27 length and leased or rented to another for the latter's noncommercial
28 operation of fewer than seven days may be retained on shore by the
29 boat's owner or representative at the place from which the boat

1 departs or returns to the possession of the owner or the owner's rep-
2 resentative. If the certificate of number is retained on shore, then
3 a copy of the lease or rental agreement must be carried on the boat.
4 The lease or rental agreement must

5 (1) be signed by the owner of the boat or the owner's
6 representative, and by the person leasing or renting the boat; and

7 (2) specify the period for which the boat is leased or
8 rented.

9 Sec. 05.25.205. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)
10 A person may not operate a boat on state water unless there is painted
11 on or permanently attached to each side of the forward half of the
12 boat a current, valid identifying number awarded to the boat

13 (1) under this chapter;

14 (2) by an agency of the federal government; or

15 (3) subject to the provisions of AS 05.25.215, by another
16 state that awards identifying numbers under a federally approved
17 numbering system.

18 (b) An identifying number shall be painted on or permanently
19 attached to each side of the forward half of the vessel in a position
20 that provides clear legibility for identification. Each number must
21 read from left to right and must be in plain vertical block characters
22 of good proportion not less than three inches in height. The number
23 must be of a color that contrasts with the color of the background and
24 shall be maintained so that it is clearly visible and legible. Each
25 number must have spaces or hyphens that are equal to the width of a
26 letter other than "I" or a number other than "1" between the letter
27 and number groupings.

28 (c) On boats so configured that a number on the hull or super-
29 structure would not be easily visible, the number shall be painted on

1 or attached to a backing plate that is attached to the forward half of
2 the boat so that the number is visible from each side of the boat.

3 (d) A number other than the identifying number may not appear on
4 the forward half of the boat.

5 (e) A decal issued under AS 05.25.225 shall be placed three
6 inches to the rear of the identifying number.

7 Sec. 05.25.210. APPLICATION FOR CERTIFICATE OF NUMBER. (a) The
8 owner of a boat that is operated principally on state water, or a
9 dealer who wishes to demonstrate one or more boats on state water,
10 shall apply to the department for a certificate of number. The appli-
11 cation must include

12 (1) the true name of the owner;

13 (2) the residence or business address of the owner;

14 (3) a description of the boat, or in the case of a dealer a
15 description of the lengths and types of boats, to be operated under
16 the certificate; and

17 (4) other information required by the department or under
18 United States Coast Guard regulations.

19 (b) The application shall be signed by the owner and must be
20 accompanied by the prescribed fee.

21 (c) A certificate of number may be issued to a dealer for use on
22 more than one boat.

23 Sec. 05.25.215. APPLICATION BY OWNER HAVING NUMBER AWARDED BY
24 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat covered by a
25 certificate of number that is still in effect and that has been issued
26 under federal law or a federally approved numbering system of another
27 state shall apply to the department for an identifying number within
28 10 days after the expiration of the applicable reciprocity period
29 provided in AS 05.25.240(6) or (7).

1 Sec. 05.25.220. CERTIFICATE OF NUMBER FEES. (a) The commis-
 2 sioner shall adopt regulations establishing fees for original, renew-
 3 al, and duplicate certificates of number, and for dealer demonstration
 4 certificates of number.

5 (b) The fee for a certificate of number shall be prorated ac-
 6 cording to the number of months the certificate will be in effect.

7 (c) The fees in this section are in addition to any other tax or
 8 license fee for a boat.

9 Sec. 05.25.225. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION
 10 DECALS. (a) If the application is in order, the department shall
 11 issue to the owner a certificate of number that shall state the iden-
 12 tifying number awarded to the boat, the name and address of the owner,
 13 the state of principal use, the normal use of the boat, the descrip-
 14 tion of the boat, the manufacturer's hull identification number if one
 15 exists, make, year, length, type of hull material, type of propulsion
 16 and type of fuel, the issue date, and the expiration date of the
 17 certificate of number. The certificate of number must be wallet size.

18 (b) The department shall issue a set of validation decals bear-
 19 ing the year in which the certificate of number expires. The year
 20 shall also be indicated by the color blue, international orange,
 21 green, or or red, in rotation beginning with red for stickers that
 22 expire in 1992. A validation decal must be approximately three inches
 23 square.

24 Sec. 05.25.230. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF
 25 CERTIFICATE AND DECALS. (a) A certificate of number expires three
 26 years after the last day of the month in which the certificate is
 27 issued.

28 (b) The department may require the surrender of the expired cer-
 29 tificate of number before issuing a new certificate of number.

1 (c) The identifying number awarded to a boat by the department
2 remains the same.

3 (d) An application for renewal of a certificate of number shall
4 be made in the same manner as provided in AS 05.25.210. The applica-
5 tion shall be accompanied by the fee required under AS 05.25.220. The
6 department shall renew certificates of number and issue validation
7 decals in the same manner as provided in AS 05.25.225.

8 (e) A certificate of number issued under this chapter is invali-
9 dated if

10 (1) the boat is subsequently documented or required to be
11 documented;

12 (2) the boat is sold, destroyed, or abandoned;

13 (3) the applicant supplies false information in the appli-
14 cation for the certificate;

15 (4) the fees for issuance or renewal of the certificate are
16 not paid;

17 (5) 60 days have passed since the boat ceased to be used
18 principally in the state; or

19 (6) the owner, through legal process, involuntarily loses
20 the ownership interest in the boat for which the certificate is is-
21 sued.

22 Sec. 05.25.235. REPORT OF TRANSFER, ABANDONMENT OR DESTRUCTION
23 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) The owner of a boat for
24 which a certificate of number has been issued under this chapter shall
25 notify the department of any of the following events within 15 days
26 after the event occurs:

27 (1) the transfer of all or a part of the ownership interest
28 in the boat;

29 (2) the theft or recovery of the boat;

1 (3) the destruction of the certificate of number; or

2 (4) an event described in AS 05.25.230(e).

3 (b) Within 15 days after a change of address, the owner of a
4 boat for which a certificate of number has been awarded under this
5 chapter shall report the change to the department.

6 Sec. 05.25.240. EXEMPTIONS. The following classes of boats are
7 exempt from the provisions of AS 05.25.200 - 05.25.235:

8 (1) a boat that has a valid marine document issued by the
9 United States Coast Guard;

10 (2) a foreign boat operated only temporarily in state
11 water;

12 (3) a boat, other than a recreational type public boat,
13 owned and operated by the United States or an entity or political
14 subdivision of the United States, or owned and operated for government
15 purposes by a state or an entity or political subdivision of a state;

16 (4) a ship's lifeboat;

17 (5) a boat belonging to a class of boats that has been
18 exempted from the provisions of AS 05.25.200 - 05.25.235 by the de-
19 partment under AS 05.25.910;

20 (6) a boat with a certificate of number issued by the
21 United States Coast Guard, for a period of three years after the date
22 of issuance;

23 (7) a boat with a current, valid certificate of number
24 issued by another state having a federally approved numbering system,
25 for a period of 60 days after arriving in the state; and

26 (8) a boat that is not propelled by machinery.

27 ARTICLE 2. BOATING ACCIDENTS.

28 Sec. 05.25.300. DUTIES OF OPERATORS AND WITNESSES AT ACCIDENTS.

29 (a) The operator of a boat involved in an accident that results in

1 injury or death to a person or causes damage to property immediately
2 shall stop the boat as close as possible to the scene of the accident
3 and shall remain at the scene of the accident until the operator has
4 fulfilled the requirements of (b) of this section.

5 (b) The operator of a boat involved in an accident resulting in
6 injury or death to a person or damage to property shall

7 (1) give to the other operator, to the owner or a surviving
8 occupant of the other boat or damaged property, or to another appro-
9 priate person, the name, address, and identifying number of the boat
10 that the operator is operating, and the name and address of any other
11 occupants of the boat; and

12 (2) render reasonable assistance to every person injured in
13 the accident, including the conveying or the making of arrangements
14 for the conveying of the person to a physician, surgeon, or hospital
15 for medical or surgical treatment, if it is apparent that treatment is
16 necessary or if conveyance is requested by an injured person.

17 (c) A witness to the accident shall furnish to the operator,
18 occupant, or injured person, the name and address of the witness.

19 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-
20 PPEARANCE; DUTIES OF PASSENGERS. (a) When, as a result of an occur-
21 rence that involves a boat or its equipment, a person dies or disap-
22 pears from a boat, the operator shall, without delay, by the quickest
23 means available, notify the department of the

24 (1) date, time, and exact location of the occurrence;

25 (2) name of each person who died or disappeared;

26 (3) number and name of the boat; and

27 (4) names and addresses of the owner and operator.

28 (b) When the operator of a boat cannot give the notice required
29 under (a) of this section, each person on board the boat shall notify

1 the department or determine that the notice has been given.

2 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of
3 a boat involved in an accident shall submit a report of the accident
4 to the department in the form and manner the department prescribes if
5 the accident results in

6 (1) the death of a person;

7 (2) injury to a person requiring medical treatment beyond
8 first aid;

9 (3) the disappearance from the boat of a person under
10 circumstances indicating death or injury;

11 (4) damage to the boat or other property in an aggregate
12 amount of more than \$200; or

13 (5) complete loss of the boat.

14 (b) The department may require a person who submits an insuffi-
15 cient report under this section to file a supplemental report, and may
16 require a witness to the accident to submit a report to the depart-
17 ment.

18 (c) If the operator of a boat is incapable of submitting a
19 required accident report, the owner of the boat, if different from the
20 operator, shall submit the report or cause the report to be submitted.

21 (d) A report required under this section shall be submitted

22 (1) within 48 hours after the accident if a person dies
23 within 24 hours after the accident;

24 (2) within 48 hours after the accident if a person is
25 injured and requires medical treatment beyond first aid, or disappears
26 from a boat; and

27 (3) within 10 days after the accident or death if an earli-
28 er report is not required under this subsection.

29 Sec. 05.25.315. FORM OF REPORT; SENDING DEATH CERTIFICATE TO

1 DEPARTMENT. (a) The department shall prepare and make available to
2 the public forms for accident reports required under AS 05.25.310.
3 The report form must call for the information required in casualty and
4 accident reports under United States Coast Guard regulations and other
5 information the department may require. The form must provide that
6 the person who completes the form shall sign and date it upon com-
7 pletion.

8 (b) The state registrar of vital statistics shall, on or before
9 the 15th day of each month, forward to the department a copy of the
10 death certificate covering each death that occurred during the second
11 preceding calendar month and that resulted from a boat accident in
12 state water.

13 Sec. 05.25.320. CONFIDENTIAL NATURE OF REPORT. (a) An accident
14 report submitted to the department shall be without prejudice to the
15 individual reporting and shall be for the confidential use of adminis-
16 trative and enforcement agencies only.

17 (b) The department upon written request, shall, if available,
18 disclose the following information to a party involved in the acci-
19 dent, or, in the event of the party's death, to a member of the par-
20 ty's family, or to the party's personal representatives:

21 (1) the identity of the owner, operator, and occupants, and
22 the identifying number of a boat involved in an accident;

23 (2) the names of companies insuring the owner or operator;
24 and

25 (3) the identity of witnesses to the accident.

26 (c) A report under AS 05.25.310 - 05.25.320 may not be used as
27 evidence in a civil or criminal trial arising out of the accident.
28 The department shall furnish, upon demand of a person who has or
29 claims to have made a report or upon demand of a court, a certificate

1 showing that a specified accident report has or has not been made to
2 the department, solely to prove a compliance or a failure to comply
3 with the requirement that a report be submitted to the department.

4 (d) The department shall compile and may analyze all accident
5 reports and shall publish annually, or at more frequent intervals,
6 statistical information relating to boat accidents.

7 (e) In response to a request from an authorized official or
8 agency of the United States, or in compliance with United States Coast
9 Guard regulations or any require under 46 U.S.C. 6101 - 6103, the
10 department shall transmit information compiled or otherwise available
11 to the department from the accident reports required under AS 05.-
12 25.310.

13 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)
14 Except as otherwise provided in this section or under AS 05.25.910,
15 the provisions of AS 05.25.300 - 05.25.320 apply to all boats operated
16 in state water, except when inconsistent with an applicable law or
17 regulation of an agency of the United States, in which case the fed-
18 eral law or regulation shall prevail.

19 (b) The provisions of AS 05.25.300 - 05.25.320 do not apply to
20 (1) a boat that has a valid document issued by the United
21 States Coast Guard and that is operated only for nonrecreational
22 purposes;

23 (2) foreign boats operated temporarily in state water only
24 for nonrecreational purposes;

25 (3) a boat owned and operated for government purposes by
26 the United States or by an entity of the United States; or

27 (4) a ship's lifeboat.

28 ARTICLE 3. BOATING SAFETY.

29 Sec. 05.25.400. BOATING SAFETY EDUCATION. The department, in

1 cooperation with the Department of Education, shall offer public
2 education programs designed to reduce boating accidents.

3 Sec. 05.25.405. SAFETY EQUIPMENT. (a) A boat operated on
4 nonnavigable water shall carry and exhibit between sunset and sunrise
5 at least one white light to show all around the horizon.

6 (b) A boat operated on inland water shall carry at least one
7 readily accessible life preserver, lifebelt, ring buoy, or other
8 device of the type approved by the United States Coast Guard for each
9 person on board. A boat carrying passengers for hire shall carry at
10 least one readily accessible life preserver of the type approved by
11 the United States Coast Guard for passenger-carrying boats for each
12 person on board.

13 Sec. 05.25.410. ADDITIONAL EQUIPMENT. The commissioner may
14 require by regulation that a boat or class of boats when operated on
15 inland water shall carry additional equipment necessary for the safety
16 of persons and property. To the extent considered by the commissioner
17 to be consistent with the safety of persons and property, the regula-
18 tions must conform to the regulations of the United States Coast Guard
19 for water subject to the jurisdiction of the United States.

20 Sec. 05.25.415. DIVER'S FLAG. (a) A person who is in the water
21 using an underwater breathing device may display a diver's flag con-
22 structed of rigidly supported material at least 12 inches by 12 inches
23 in area of red background with a white diagonal stripe. The diver's
24 flag may be displayed on a boat or surface float and must extend a
25 minimum distance of three feet from the surface of the water. The
26 diver's flag shall be placed at or near the point of submergence and
27 constitutes a warning that a diver is submerged and may be within 100
28 feet of the flag. A diver shall remain within 100 feet of the diver's
29 flag while at or near the surface. A diver's flag shall be displayed

1 only while diving operations are underway.

2 (b) A boat operator within sight of a diver's flag shall proceed
3 with caution, steering clear of the flag by a distance of at least 100
4 feet. If, because of the location of the diver's flag, it is impossi-
5 ble to steer clear of the flag by at least 100 feet, then the boat
6 operator shall proceed at no-wake speeds or five miles per hour,
7 whichever is necessary to maintain steerage in the seaway.

8 (c) A diver's flag under this section may be used with, but not
9 in place of, an International Code flag "A" if required under 33
10 U.S.C. following 1602 (Rule 27, International Regulations for Prevent-
11 ing Collisions at Sea, 1972).

12 Sec. 05.25.420. PROHIBITED OPERATION. (a) A person may not
13 operate a boat or manipulate water skis, a surfboard, or a similar
14 device on state water in a reckless or negligent manner so as to
15 endanger the life or property of another person.

16 (b) A person may not operate or give permission for another
17 person to operate a boat that is not equipped as required under this
18 chapter and regulations adopted under this chapter.

19 ARTICLE 4. GENERAL PROVISIONS.

20 Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES. The commis-
21 sioner of administration shall separately account for fees collected
22 under this chapter that the department deposits in the general fund.
23 The annual estimated balance in the account may be used by the legis-
24 lature to make appropriations to the department to carry out the
25 purposes of this chapter.

26 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with
27 federal laws and regulations, the commissioner may exempt from a
28 provision of this chapter a class of boats if the commissioner deter-
29 mines that the safety of persons and property will not be materially

1 promoted by the applicability of the provision to the class of boats.
2 The commissioner may not exempt a class of boats from the numbering
3 requirements of this chapter unless the commissioner determines that
4 the numbering will not materially aid in their identification and
5 unless the United States Secretary of Transportation has exempted from
6 numbering the same boats or class of boats.

7 Sec. 05.25.920. ENFORCEMENT. A peace officer may enforce this
8 chapter and in the exercise of enforcement may stop and board boats
9 that the officer reasonably believes are or may be subject to this
10 chapter.

11 Sec. 05.25.930. PENALTIES. A person who violates a provision of
12 this chapter is guilty of a misdemeanor and is punishable by a fine of
13 not more than \$500, or by imprisonment of not more than six months, or
14 by both.

15 Sec. 05.25.940. REGULATIONS. The commissioner shall adopt
16 regulations necessary for the implementation of this chapter.

17 Sec. 05.25.990. DEFINITIONS. In this chapter, unless the con-
18 text requires otherwise,

19 (1) "boat" means every type of watercraft used or capable
20 of being used as a means of transportation on water, but does not
21 include aircraft equipped to land on water;

22 (2) "commissioner" means the commissioner of the Department
23 of Public Safety;

24 (3) "dealer" means a person who engages wholly or in part
25 in the business of buying, selling, or exchanging boats, either out-
26 right or on conditional sale, bailment lease, chattel mortgage, or
27 otherwise;

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

29 (5) "inland water" means water that is inland of the

1 territorial sea baseline and not subject to the jurisdiction of the
2 United States;

3 (6) "length" means the length of a boat measured from end
4 to end over the deck excluding sheer;

5 (7) "motorboat" means a boat propelled in whole or in part
6 by machinery, including boats temporarily equipped with detachable
7 motors;

8 (8) "nonnavigable water" means lakes, rivers, and other
9 waterways in the state that are not classified under federal law or
10 regulation as navigable water of the United States and to which
11 33 U.S.C. 1601-1608 do not apply;

12 (9) "operate" means to navigate or otherwise use a boat on
13 water;

14 (10) "owner" means a person who has a property interest
15 other than a security interest in a boat and the right of use or
16 possession of the boat, but does not include a lessee unless the lease
17 is intended as security;

18 (11) "ownership" means a property interest other than a
19 security interest;

20 (12) "passenger" means a person on board a boat who is not
21 the master, operator, crew member, or other person engaged in a capac-
22 ity in the business of the boat;

23 (13) "state of principal use" means the state on whose water
24 a boat is used or is to be used during most of a calendar year;

25 (14) "state water" means water within the territorial limits
26 of the state.

27 * Sec. 2. AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040,
28 05.25.050, 05.25.060, 05.25.070, 05.25.080, 05.25.090, and 05.25.100 are
29 repealed.

* Sec. 3. This Act takes effect January 1, 1989.

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Position Paper

SB 265

For an Act entitled: "An Act relating to boat numbering, accidents, and safety; and providing for an effective date."

This Act amends AS 05.25 by adding sections requiring boats to register with the Department of Public Safety, to display registration numbers on the boat, and to maintain a current registration on the boat when in operation. This bill also contains provisions for boating safety requirements and the reporting of accidents.

Background

Traumatic injuries are the leading cause of death in Alaska. Among the causes of unintentional injuries, water transport-related deaths are second only to deaths from motor vehicle accidents. In 1985, 94 deaths related to water transport accidents were reported, and 25 additional deaths due to drowning were recorded.

This bill includes the provision of boating safety education programs. The Department of Health and Social Services has developed a water safety curriculum for children ("Cold Water Winners"). In cooperation with the Department of Public Safety, the University of Alaska's Marine Advisory Program, and various private agencies, the department has also developed an extensive marine safety and survival curriculum. The continuation of these activities should be supported by the passage of this bill. Appropriations made to carry out the purposes of this bill should specifically include the provision of boating safety training as well as the administration of registration and accident reporting functions.

Position

The Department of Health & Social Services supports passage of SB 265 and its intent to reduce boating accidents and their associated deaths and injuries.

POSITION PAPER/Department of Health & Social Services

Position Paper, SB 265, pg. 2

Recommended by:

Elizabeth Ward

Elizabeth Ward, M.N.

Director

Division of Public Health

Date:

February 26, 1988

Approved by:

Myra M. Munson

Myra M. Munson

Commissioner

Department of Health and

Social Services

Date:

Feb 29, 1988

FISCAL NOTE

REQUEST:

Revision Date: 4/21/87
Title: An Act relating to boat numbering, accidents, and...
Sponsor: _____
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: EMS Certification and Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of SB 265 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director Phone: 465-3090
Division: Public Health Date: 2-26-88

Approved by Commissioner: Mona Keenan Date: 2-29-88
Agency: Department of Health & Social Services

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



**STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS**

DEPARTMENT Health & Social Svcs.	DIVISION Public Health Emergency Medical Svcs.	BILL NUMBER SB 265	SPONSOR Senator Sturgulewski
DEPARTMENT POSITION The Department of Health and Social Services supports this legislation			
PREPARED BY Mark Johnson	<i>E. Ward</i>	DATE 4/28/87	COMMISSIONER'S SIGNATURE <i>Moya M. Thomson</i>
			DATE 5/1/87 4/28/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Boat owners and manufacturers
ORGANIZATIONAL SUPPORT FOR BILL Alaska Marine Safety Education Assoc. Emergency Medical Services	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
This Act amends AS 05.25 by adding sections requiring boats to register with the Department of Public Safety, to display registration numbers on the boat, and to maintain a current registration on the boat when in operation. This bill also contains provisions for the reporting of accidents and boating safety requirements.

ANALYSIS OF BILL/PROGRAM EFFECTS
The Department of Health and Social Services supports the passage of SB 265 and its intent to reduce boating accidents and their associated deaths and injuries. Traumatic injuries are the leading cause of death in Alaska. Among the causes of unintentional injuries, water transport related deaths are second only to deaths from motor vehicle accidents. In 1985 there were 94 deaths reported related to water transport accidents and 25 additional deaths due to drowning were recorded.

This bill includes the provision of boating safety education programs. DHSS has developed a water safety curriculum for children ("Cold Water Winners"). In cooperation with the Dept. of Public Safety, the University of Alaska's Marine Advisory Program, and various private agencies, DHSS has also developed an extensive marine safety and survival curriculum. The continuation of these activities should be supported by the passage of this bill. Appropriations made to carry out the purposes of this bill should specifically include the provision of boating safety training as well as the administration of registration and accident reporting functions.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Alaska Marine Safety Education Association

Box 2592, Sitka, Alaska 99835

(907) 747-3287

February 17, 1988

Senator Lloyd Jones
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Jones:

We have been following SB265 closely and are disturbed that this bill has not moved out of your committee since the opening of the present legislative session.

As the director of a marine safety education program in Alaska, I am interested in seeing legislation enacted which will provide for an Alaskan Safe Boating Act. A deplorable situation exists when Alaska, which has a per capita boating casualty rate 40 times that of the rest of the nation, stands out as the only state in the union without a Safe Boating Act. It seems obvious we are not taking a responsible attitude toward a serious problem that exists in our own waters.

This Safe Boating Act proposes no new safety requirements that would place a burden on boat operators. It should not require any increase in personnel to enforce those minimum requirements for registered vessels.

Alaska Marine Safety Education Association, along with the Department of Education staff at AVTEC in Seward, has developed and promoted a curriculum for the instruction of marine safety relevant to the Alaskan environment. We have also developed a network of over 50 volunteer marine safety instructors across the state, from Kotzebue to Prince of Wales Island, to help augment the work of the U.S.C.G. Auxiliary and the Department of Public Safety's training. Because of our efforts, enactment of this legislation should not involve much in the way of educational program "start up" costs. In fact, not having this legislation is making the state lose out on federal safe boating education funds that all other 49 states have access to because they have safe boating bills!

Member Organizations

Alaska Department of Health & Social Services, Emergency Medical Services Section

Alaska Department of Public Safety

Northstar Survival, Inc.

Southeast Alaska Regional Health Corporation

Southeast Region Emergency Medical Services Council

United States Coast Guard

University of Alaska Marine Advisory Program

This bill would also allow the revenue from the collection of those vessel registration fees to remain within the state, rather than allow them to go into the U. S. treasury.

Finally, the state control of this program will bring education and enforcement of marine safety to the inland portion of the state, which statistics show has a very high per capita water related mortality rate.

The commercial fishing and recreational boating groups I have spoken to have shown no objection to this bill. I therefore do not believe they can be used as an excuse to hold up this important legislation.

Why has this legislation not moved out of your committee? Time is running out for this bill. Every year that passes without a Safe Boating Act in Alaska will mean more marine related deaths that could have been avoided with the education and enforcement provisions contained within this bill. It is hoped that the importance of this bill will override any partisan politics and personality differences. We, and our support agencies, urge you to seek passage of HB94 as soon as possible!

Thank you for your attention to this, and please feel free to contact us if there is any way we can help.

Sincerely,



Jerry Dzugan
Executive Director
Alaska Marine Safety Education Association

cc: Representative Adams
Senator Sturgulewski
Representative Taylor
Madelyn Walker, AVTEC
CMDR. Harben, USCG
John Manning, Alaska State EMS

JD/js



National Marine Manufacturers Association

2550 M St., N.W. - Suite 425
Washington, DC 20037

Ron Stone, Director of Government Relations
(202) 296-4588

February 1, 1988

The Honorable Arliss Sturgulewski
2957 Sheldon Jackson
Anchorage, AK 95508

Dear Senator Sturgulewski:

The National Marine Manufacturers Association, representing 1300 boat and boat product manufacturers, strongly endorses the passage of Senate Bill No. 265 during this session of the Alaska Legislature. The boating industry has a long record of advocating boating safety legislation at both the federal and state level.

SB-265, by complying with minimum federal standards for boat numbering and safety, will enable the state of Alaska to qualify for more federal financial assistance for boating safety enhancement. We are confident that this legislation will improve the quality of boating and will save lives in Alaska's waters.

If we can be of any help to you on this or any other boating-related matter, please do not hesitate to call on this office.

Sincerely,

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

Nancy Linden
Government Relations

TONGASS SPORTFISHING ASSOCIATION

P.O. Box 5898 Ketchikan, AK (907) 225-7535

11 February 1982

Senator Lloyd Jones
P.O. Box V
Juneau, AK 99811

Dear Lloyd:

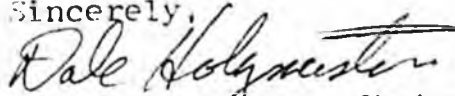
Thank you for seeking the input of our organization in regards to Senator Sturgulewski's bill (SF 265) requiring boat numbering etc. being assumed by the state of Alaska.

After presentations by U. S. Coast Guard personnel and open discussion by our membership at our general meeting of Tuesday, February 9th, members strongly support the proposed legislation with the following concern.

We assume implementation and enforcement of this legislation will fall to the Department of Public Safety's Fish & Wildlife Protection Division. We observe this division to be already somewhat understaffed and will support this proposed legislation only if funding is available to properly support and maintain the additional responsibilities without impacting the services and duties already expected from the division. As we understand the proposed program both Federal and State funds should be available to self-support the additional responsibilities.

Again, thank you for keeping us informed and for the opportunity to comment.

Sincerely,



Dale Holzmeister, Chairman
TONGASS SPORTFISHING ASSOCIATION

cc: Senator Arliss Sturgulewski
Department of Public Safety, Fish & Wildlife Protection Division

BILL NO: SB 265

DATE: 2/29/88

TITLE: "An Act relating to boat numbering, accidents, and safety..."

CONTACT: Gretchen A. Derr
Special Assistant
465-4322

DEPARTMENT OF
PUBLIC SAFETY

This bill was drafted to allow the State of Alaska to receive federal funds for registering boats in Alaska.

This bill would require the Department of Public Safety to:

1. Develop a boating numbering system;
2. develop and maintain a record keeping system;
3. develop an accident reporting system;
4. develop and present a boating safety education program;
5. promulgate regulations.

As a result of this bill, extensive public information and education would be required prior to implementation or enforcement.

Federal funding is available until April 1, 1989, but as past experience has shown, may not be available after this date. These funds are distributed to the states using the following criteria:

- a. One-third of funds are allocated equally each fiscal year among eligible states;
- b. one-third of funds based on reported number of vessels registered;
- c. one-third of funds based on state obligations and expenditures for RSA programs during the prior fiscal year.

This would give the state approximately \$250.0 for the first year, and up to \$290.0 thereafter.

In order to receive funds from the Aquatic Resource Trust Fund, the Department must provide the following:

1. There are sufficient state matching funds available from general revenues, vessel numbering and licensing fees, state marine fund tax, or from a fund established from those funds to finance a state recreational boating safety program.
2. An approved vessel numbering system.
3. Cooperative boating assistance program between the U.S. Coast Guard and the state to include:

Position Paper

- a. law enforcement,
 - b. accident investigation,
 - c. search and rescue,
 - d. marine events,
 - e. Coast Guard Auxiliary assistance on state waters.
4. Adequate patrol to insure laws are enforced to include:
- a. sufficient uniform patrol to insure compliance with all aspects of boating safety and regulations,
 - b. that the individuals have received in-service training,
 - c. procedures to selectively assign individuals to vessel traffic.
5. Adequate boating education programs:
- a. must meet or exceed minimum standards established by the National Association of State Boating Law Administrators,
 - b. classes must be offered both in classroom and through correspondence.
6. Approved system for reporting marine fatalities.

As with most federal funds which require certification that the grantee has complied, the requirements and audits become more stringent with the passage of time. In this case, boat registration and record keeping could be accomplished with one or two clerks. Analyzing accident data would initially require the collection and input of the data, the analysis, and an Annual Report. If the number of accidents reported remain constant (62 in 1985), this could be accomplished by a part-time clerk. However, this bill requires all accidents with more than \$200.00 damage be reported; there are few accidents that would not involve \$200.00 damage. If those are reported, it could result in a significant quantity of work.

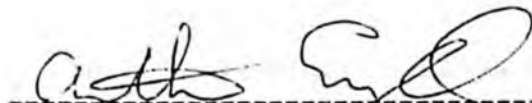
The Coast Guard requires uniformed officers to patrol and enforce the state's laws and regulations concerning boating safety. This could create a tremendous responsibility if we are expected to patrol all state waters, to include the three-mile limit and virtually all streams and lakes.

Certainly we could be asked why we are not patrolling the Kenai River during peak salmon runs, or Big Lake during the summer. Neither the Troopers nor Fish and Wildlife protection have the manpower available for these patrols. Additionally, the bill requires in-service training for officers who are assigned these enforcement responsibilities.

Position Paper
SB 265
Page 3

In order to fully comply with the bill and the Coast Guard's requirements, we would need some level of enforcement officer assigned to nearly every community which enjoys recreational boating activities.

The Department of Public Safety is neutral on this legislation.

A handwritten signature in cursive script, appearing to read "Arthur English", written over a horizontal dashed line.

Arthur English
Commissioner

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 27, 1987

SUBJECT: Sectional analysis of SB 265, boat
registration bill

TO: Senator Arliss Sturgulewski

FROM: Edward H. Hein *E.H.*
Legislative Counsel

Section 1 adds several statutory sections to AS 05.25 in order to transfer the U. S. Coast Guard recreational boating registration program to the state and to meet the requirement for receiving federal boating funds.

AS 05.25.200 establishes the certificate of number program and requires that boat owners and dealers obtain a number from the Department of Public Safety before operating their boats on state water.

AS 05.25.205 specifies requirements for size, type, color, and placement of the numbers and decals.

AS 05.25.210 provides for certificate of number applications, including applications by boat dealers.

AS 05.25.215 provides for a grace period of one year for boats with Coast Guard-issued numbers, and 60 days for boats with numbers issued by another state.

AS 05.25.220 authorizes the commissioner of public safety to establish fees, which will be in addition to any other taxes or fees on boats.

AS 05.25.225 provides for the issuance of certificates and decals, and specifies the information that must be included on the certificate and the color rotation scheme for decals.

AS 05.25.230 provides for expiration and renewal of certificates and decals every three years, and specifies the conditions for invalidating a certificate of number.

Senator Sturgulewski
Page 2
April 27, 1987

AS 05.25.235 requires that the department be notified of the transfer, abandonment, or destruction of a registered boat, or of the owner's change of address, within 15 days after it occurs.

AS 05.25.240 exempts certain classes of boats and vessels from registration. As with most of the other provisions of this bill, these are required for compliance with federal laws and regulations.

AS 05.25.300 specifies the duties of boat operators and witnesses at the scene of boating accidents. Boat operators are required to stop at the scene and remain there until the operator has rendered reasonable assistance to injured persons and to give the other operator or property owner his or her name, address, and boat number, and the name and address of any other occupants of the boat.

AS 05.25.305 requires boat operators, by the quickest means available, to notify the department of an accident that results in a death or disappearance of a person who was on the boat.

AS 05.25.310 requires the filing of a written accident report with the department within 48 hours to 10 days after any boating accident involving death or injury of any person, the disappearance of someone who was on the boat, or property damage of more than \$200.

AS 05.25.315 requires the department to provide accident report forms and to send to the state registrar of vital statistics death certificates of persons who died in boating accidents in the state.

AS 05.25.320 provides for the confidentiality of accident reports.

AS 05.25.325 exempts certain classes of boats and vessels from the accident reporting requirements.

AS 05.25.400 requires the Department of Public Safety, in cooperation with the Department of Education, to offer boating safety education programs to the public.

AS 05.25.405 and 05.25.410 specify certain safety equipment that must be carried on boats and authorizes the commissioner of public safety to require additional safety equipment by

regulation. These sections incorporate the basic provisions of existing AS 05.25.010, which is repealed in Sec. 2 of the bill and which is placed in these sections in order to conform to the new terminology and statute numbering scheme used in this bill.

AS 05.25.415 transfers the provisions of AS 05.25.012 to the proper place in the new statute numbering scheme of this bill, and makes changes necessary to conform to the new terminology, to clarify procedures for operating boats in the area of a diver's flag, and to clarify that the state-authorized diver's flag does not replace the flag required by federal law.

AS 05.25.420 transfers the provisions of AS 05.25.060 to the proper place in the new statute numbering scheme of the bill and eliminates the conflict in existing law with regard to violations and penalties for operating a boat under the influence of alcohol or a controlled substance.

AS 05.25.900 provides "program receipts" to enable the legislature to appropriate for the boating registration program on the basis of fees collected.

AS 05.25.910 authorizes the commissioner of public safety to exempt additional classes of boats from AS 05.25 under certain conditions.

AS 05.25.920 transfers the provisions of AS 05.25.080 to the proper place in the new statute numbering scheme of the bill and rewrites the section for clarity.

AS 05.25.930 transfers the provisions of AS 05.25.090 to the proper place in the new statute numbering scheme of the bill and amends the section to conform to the changes made in AS 05.25.420.

AS 05.25.940 directs the commissioner of public safety to adopt necessary regulations.

AS 05.25.990 provides definitions for various terms in the bill.

Sec. 2 of the bill repeals existing provisions of AS 05.25, which are either transferred to other places in AS 05.25 or are eliminated as being in conflict with state or federal laws or otherwise obsolete.

Sec. 3 provides a January 1, 1988 effective date.

BILL NO: SB 265

DATE: 4/27/87

TITLE: "An Act relating to boat numbering, accidents, and safety..."

CONTACT: James D. Vaden
Deputy Commissioner

DEPARTMENT OF
PUBLIC SAFETY

This bill was drafted to allow the State of Alaska to receive federal funds for registering boats in Alaska.

This bill would require the Department of Public Safety to:

1. Develop a boating numbering system;
2. develop and maintain a record keeping system;
3. develop an accident reporting system;
4. develop and present a boating safety education program;
5. promulgate regulations.

As a result of this bill, extensive public information and education would be required prior to implementation or enforcement.

Federal funding is available until April 1, 1989, but as past experience has shown, may not be available after this date. These funds are distributed to the states using the following criteria:

- a. one-third of funds are allocated equally each fiscal year among eligible states;
- b. one-third of funds based on reported number of vessels registered;
- c. one-third of funds based on state obligations and expenditures for RSB programs during the prior fiscal year.

This would give the state approximately \$250.0 for the first year, and up to \$290.0 thereafter.

In order to receive funds from the Aquatic Resource Trust Fund, the Department must provide the following:

1. There are sufficient state matching funds available from general revenues, vessel numbering and licensing fees, state marine fund tax, or from a fund established from those funds to finance a state recreational boating safety program.
2. An approved vessel numbering system.

Position Paper → Dept. of Pub. Safety

3. Cooperative boating assistance program between the U.S. Coast Guard and the state to include:
 - a. law enforcement,
 - b. accident investigation,
 - c. search and rescue,
 - d. marine events,
 - e. Coast Guard Auxiliary assistance on state waters.
4. Adequate patrol to insure laws are enforced to include:
 - a. sufficient uniform patrol to insure compliance with all aspects of boating safety and regulations,
 - b. that the individuals have received in-service training,
 - c. procedures to selectively assign individuals to vessel traffic.
5. Adequate boating education programs:
 - a. must meet or exceed minimum standards established by the National Association of State Boating Law Administrators,
 - b. classes must be offered both in classroom and through correspondence.
6. Approved system for reporting marine fatalities.

As with most federal funds which require certification that the grantee has complied, the requirements and audits become more stringent with the passage of time. In this case, boat registration and record keeping could be accomplished with one or two clerks. Analyzing accident data would initially require the collection and input of the data, the analysis, and an Annual Report. If the number of accidents reported remain constant (62 in 1985), this could be accomplished by a part-time clerk. However, this bill requires all accidents with more than \$200.00 damage be reported; there are few accidents that would not involve \$200.00 damage. If those are reported, it could result in a significant quantity of work.

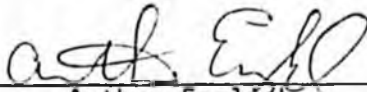
The Coast Guard requires uniformed officers to patrol and enforce the state's laws and regulations concerning boating safety. This could create a tremendous responsibility if we are expected to patrol all state waters, to include the three-mile limit and virtually all streams and lakes.

Certainly we could be asked why we are not patrolling the Kenai River during peak salmon runs, or Big Lake during the summer. Neither the Troopers nor Fish and Wildlife Protection have the manpower available for these patrols. Additionally, the bill requires in-service training for officers who are assigned these enforcement responsibilities.

Position Paper
SB 265
Page 3

In order to fully comply with the bill and the Coast Guard's requirements, we would need some level of enforcement officer assigned to nearly every community which enjoys recreational boating activities.

The Department of Public Safety is neutral on this legislation.



Arthur English
Commissioner

~~CONFIDENTIAL~~

Testimony

Coast Guard

CDR D. M. WALDRON, USCG
CDR G. M. HARBEN, USCG

SAFE BOATING BILL

Since the turn of the century, boating has steadily grown to become one of the nation's most popular pastimes.

Correspondingly, the boating accident statistics have also grown. As the years went by the Congress enacted several pieces of legislation to deal with the growing problem. Finally, on August 10, 1971, the Federal Boat Safety Act was signed into law establishing minimum standards which would provide the public with reasonably safe boats and equipment. At the same time the Act stressed the need for the individual states to enact equivalent legislation of their own, thus motivating the public to boating safety awareness through public education and operator and equipment requirements.

With the enactment of the Federal Boat Safety Act of 1971, the vast majority of states have recognized the inherent dangers associated with boating and during the ensuing years, 49 states have enacted boating safety legislation which squarely faced the problems head on. Their actions and subsequent programs have significantly turned the tide of rising boating accidents and deaths within their states. These programs have received national acclaim for the advancements that have been made in the field of boating safety education and public protection.

To better coordinate their activities among themselves, the National Association of State Boating Law Administrators (NASBLA) was formed to serve as a viable public forum for reviewing and improving upon the federally approved state boating programs.

In Alaska, the only state where there is no Federally approved state boating program, the Coast Guard acts as the boating law administrator for areas that fall under Federal jurisdiction. Consequently, because of this very limited Federal Boating Safety Program, Alaska's boaters are paying dearly through personal injury, loss of life and loss of property. In 1985 70 people lost their lives in recreational boating accidents, 70% of these tragedies occurred on inland Alaskan waters such as lakes, rivers and sheltered waters.

This was second only to motor vehicle fatalities as the largest category of accidental deaths. When this figure is compared with the rest of the United States, Alaska has by far the worst boating record --- over 40 times the National average. Only California (76) and Texas (72) had more fatalities and these states have 24 times the number of registered boats.

Another thing to be remembered in the case of California, is that the boating season in many areas of the state lasts year round, unlike Alaska, which has a boating season of 6 months or less.

It is evident from these statistics that Alaska has a severe boating problem when compared to the rest of the United States. What can we do to solve this problem or at least bring it under control?

The most effective and proven means for dealing with this problem

would be to legislate a comprehensive state boating safety program.

How is a state boating safety program going to change Alaska's unenviable record of boating activity?

First of all, it will identify and charge a state agency with the responsibility for implementing a coordinated boating safety program. Not just another law enforcement program of the Department of Public Safety, but more importantly a means to implement a comprehensive public education program.

Why an education program?

With a state as vast as Alaska the emphasis needs to be focused on public education. The resources and expertise of the Department of Education would be utilized to assist in the development and operation of a public education program. In addition, the Coast Guard can be called upon for assistance, training and advice for program development in order to establish effective programs.

How would public protection be handled with the new law?

In addition to the education program, incorporation of the Federal boating regulations into the state boating law would provide procedures and policies for dealing with violators, as well as provide for the minimum operator requirements for safety equipment

and boat operation. Specific sections of the act will empower state law enforcement officials with the necessary authority to carry out its provisions. Existing manpower from the Alaska State Troopers and the Fish and Wildlife Protection could be utilized for public protection purposes without the necessity of recruiting more personnel to enforce boating laws.

The Coast Guard does not have access or jurisdiction to the inland areas where most of the fatalities occur. Each year the number of complaints received by the Alaska State Troopers, the Coast Guard and other state and federal agencies concerning the negligent operation of boats continues to mount, especially along the inland rivers.

With the passage of a state boating safety act, where will the revenues come from to administer these programs?

There is a National Recreational Boating Safety Financial Assistance program, for these states with a federally approved safe boating program.

In-state revenue available would be would be moneys generated by a state operated boating registration program. At the present time this program is administered on behalf of the Federal government by the Coast Guard in Juneau, with all the revenues from this program being deposited in the U. S. Treasury. None of the revenues remain in Alaska !

What advantages are there to numbering boats?

Most importantly, boats need to be numbered to aid in search and rescue. For example, if a boat is found adrift or capsized, in just a matter of minutes the boat owner can be identified through the numbers on the hull and a check can be made with owner, relatives or neighbors to if there was anyone on board or if the boat was just adrift.

The boat registration program also provides an added benefit for the prospective boat buyer. Financial institutions will more readily lend money for the purchase of boats if some form of previous ownership can be provided.

Boat numbers also fulfill other useful purposes. Among them law enforcement, educational contact, accident reporting and consumer defect notification. Whether used for tracing a person for the negligent operation of a boat, to provide boating safety materials, or notify a consumer of a possible product defect, it helps protect and serve the public welfare.

With the passage of a comprehensive state boating safety program won't the Coast Guard reduce its efforts in boating safety in Alaska?

Quite the contrary, the Coast Guard has a dedicated commitment to boating safety in Alaska. The presence of a state boating safety

program would lend a new dimension to the Coast Guard's role in this area. Specifically, the Coast Guard would assist the State in establishing its own program, provide training to State law enforcement officers and work hand in hand with State and local agencies.

But what if the legislature fails to enact a state boating safety law, what will the consequences be?

With no possibility of the Coast Guard expanding their boating program, the number of boating accidents and fatalities will continue to soar as the boating population grows.

Without a doubt the proposed state boating law will provide the boaters of Alaska with a program designed to meet their special needs without burdening the non-boater.

COAST GUARD ASSISTANCE

1. Training and assistance will be provided by the Coast Guard for initial development of educational programs.
2. Initial training of law enforcement officers to assist in the development of an effective public protection program.
3. The Coast Guard will continue its coastal boarding program for enforcement of boating safety laws.

4. The Coast Guard will continue with present educational programs --- in relation to the Coast Guard Auxiliary.

5. The Coast Guard will remain a viable support agency for state assistance.

ADVANTAGES TO STATE IN ESTABLISHING A BOATING SAFETY PROGRAM

1. The State will assume management, administration and control of the program.
2. Revenues will remain in Alaska, available for state usage, instead being deposited with the Federal government.
3. Offers programs and protection to the entire state, not just coastal areas.
4. The means of reducing Alaska's tragic boating fatality statistic.

SAFE BOATING BILL

Questions and Answers

Q. Why does the Coast Guard want Alaska to pass a Boating Bill?

A. Because Alaska has the highest boating death rate in the U.S.

Because the Coast Guard does not have jurisdiction over all waters of the state and there is no law applicable to many Alaskan boats.

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.

Because an acceptable law will allow the federal government, through the Coast Guard, to enter into a mutual agreement with the state for conducting a coordinated educational program (and enforcement when and where necessary) throughout the state.

Because the state can receive federal funds to assist in boating safety activities.

Q. Just how bad is our boating safety record?

A. Terrible. During 1985 a total of 70 people lost their lives in recreational boating accidents in ALASKA. Approximately 40% of these were Alaskan natives. 70% of these tragedies occurred on inland Alaskan waters such as lakes, rivers, and sheltered waters. Only California (76) and Texas(72) had worse records and these states have 24 times the number of registered boats than we have here. If you do not count Alaska's fatalities in either 1984 or 1985, you will see an increase of only one fatality nationally from 1045 to 1046. An important statistic is the number of fatalities per 100,000 boats. Alaska, as a state that does not participate in the Federal/State Boating Safety Program, has a fatality rate 40 times the national average, per 100,000 registered boats.

Q. How do boating accidents compare with other causes of accidental deaths in Alaska?

A. In 1985 only traffic deaths caused a greater loss of life in Alaska.

Traffic Deaths	- 127
Boating	- 70
Aircraft	- 36

Q. How can you legislate safety on boats?

A. You can't really. People must be simultaneously educated regarding the NEED for safety. A good example is traffic laws. They don't prevent all the accidents and deaths on the road - but they do give most people a safe guideline by which to drive.

Q. Would the state law be similar to federal law?

A. Yes. It would require boats to carry the same equipment required by Federal law. At present in Alaska there is no law requiring such things as red and green lights at night, fire extinguishers on boats of appropriate size and type, Coast Guard approved life-saving devices, etc.. In 61% of the 1985 fatalities, either there were no personal flotation devices on board or approved devices that were accessible were not used.

Q. Why would the state want to take over the job of boat registration from the Coast Guard?

A. Net revenues to the state could amount to over 300K. This is

not an overwhelming amount, but in these economically troubled times, this could mean some added revenues and a few new jobs. In addition to this, Alaska's unrealized share of Federal funds for boating safety last year was approximately 250K.

Q. Would a state law allow the state to put up speed limit signs, limit usage of public moorages, and erect aids to navigation on rivers and lakes?

A. To all those questions, yes.

Q. What would happen if a person violated the law within the three mile limit and was given a ticket by a state law enforcement official?

A. Much like a traffic ticket, he would appear before the local magistrate (unless he were merely given a warning). The magistrate would take appropriate action, knowing all the facts in the case. (When a person is cited by the Coast Guard, penalty is awarded by mail or through Federal Court).

Q. Will passage of this bill result in less accidental boating deaths?

A. If past statistics can prove a point . . . YES!. Since the passage of the Safe Boating Law of 1971, fatalities have decreased across the nation by 30% while the number of boats has increased by 50%. This statistic has to prove that a better educated public is a safer public. The Bill will provide a springboard for education and reasonable enforcement to the safety of all, and by this it will hopefully reduce our tragically high boating accident fatalities.

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

A. Contact: Chief, Boating Safety Division
Seventeenth Coast Guard District
Box 3-5000
Juneau, AK 99802-1217
PH: 907 586 7072



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

January 27, 1987

MEMORANDUM

TO: Representative Robin Taylor

ATTN: Elsa Froehlich

FROM: Mary Jennings *mg*
Legislative Analyst

RE: State Assumption of Boat Registration and Safety Programs
Research Request 87.090

You requested that we provide: 1) an estimate of costs and revenues that would result if the State were to begin a boat registration program; 2) a discussion of the benefits of a State boating safety program; and 3) a discussion of costs and revenues of boat registration and boating safety programs in Washington, Oregon, Texas and California.

Background

In other states, the fees generated from registration and titling of undocumented or pleasure boats are used to provide boating safety programs. These programs enforce registration of boats in both inland and coastal waters, enforce safe boating regulations, and provide education to the public on safe boating practices. Alaska is the only state that does not require statewide registration of undocumented boats and, as a result, does not have a boating safety program. According to the U.S. Coast Guard, the minimal enforcement of boating safety regulations that occurs in Alaska results in improperly equipped pleasure boats and a general lack of safe boating practices. The Coast Guard notes that Alaska has the highest boating fatality rate in the nation.

Federal law requires all boats that operate in coastal waters to be numbered. In Alaska, the Coast Guard presently registers undocumented power boats used in coastal waters. The Coast Guard charges a two dollar renewal fee, which is deposited into the U.S. treasury. The Coast Guard provides this service for an estimated annual cost of \$53,000. Registration generates approximately \$70,000 in annual revenues.

Registration Fees. The Coast Guard estimates that if boating registration were enforced by the State in both coastal and inland waters, approximately 50,000 boats would be registered. Fees for registration in other states range from one dollar to \$50. An annual fee of \$10 dollars

*House Background Research
Paper*

(\$30 per three years) is recommended by the Coast Guard. At present, there are 1,200 vessels with Alaska numbers from Washington, Oregon, and other west coast states. The Coast Guard recommends that out-of-state boats be charged \$50 per year.

Operating Cost and Revenues. If Alaska were to initiate a boat registration program, the Coast Guard stated that the present boat registration computer system could be used by the State. (Software changes would be required to provide titling capability.) The Coast Guard estimates that costs to start the registration operation would be \$35,000 and that annual operating costs would be approximately \$95,000. Based upon the number of boats estimated to be eligible for registration and the suggested fees, the Coast Guard estimates that annual revenues would be \$550,000 (for a breakdown of data, see Attachment A).

Federal Funds. States with boating safety programs are eligible to receive federal funds to enhance their programs. One-third of a \$30 million dollar fund, which is appropriated annually by Congress, is divided equally among states and the remainder is distributed based upon the number of vessels registered in the state and the amount of money spent by the state for boating safety. The Coast Guard estimates that Alaska would receive approximately \$250,000 in federal funds if a boating safety program were initiated.

Benefits. A program that enforced boating regulations and provided education on safe boating practices would likely result in greater safety in Alaska's waters. In addition, the initiation of a State boat registration and a boating safety program would likely result in the creation of several jobs. Based upon the number of boats, the Coast Guard estimates that 2.2 positions would be needed to administer registration. Personnel would also be needed for enforcement and for safety education. Funding for these jobs could come from registration fees and federal funds.¹

Washington

Boating registration and boating safety programs in Washington are administered by the Department of Parks and Recreation. The department reports that approximately 150,000 boats are registered in the state. An annual registration fee of \$6 is charged. In addition to this fee, an excise tax based on 0.5 percent of the depreciated value of a boat is charged. The title fee is \$5. Revenues are deposited into the state's general fund. Counties in Washington are allowed to charge an additional 50 cents per foot; these revenues are kept at the county level. Washington collects approximately \$5 million in annual registration fees. The state's boating safety program has an annual operating cost of approximately \$300,000, which includes the cost of registration administration, educational programs, and some limited enforcement of regulations.

¹ Although the State Constitution prohibits the dedication of user fees to a program's budget, the legislature has routinely appropriated program receipts to the program that generated the revenue.

Robert Porterfield, of the Washington Department of Parks and Recreation, stated that revenue raised from boat registration is viewed as a means of providing money to the state's general fund in addition to providing funds to operate the boating safety program. He added that because funding is not appropriated to local governments for the enforcement of boating registration, compliance is poor. He felt that only about half of all eligible boats in the state were registered.

Oregon

Oregon, which has 143,000 registered boats, collects approximately \$1.5 million annually in boat registration and title fees. Registration fees are based upon a sliding scale and range from \$11 for a boat less than 12 feet to \$21 for a boat over 20 feet. A \$7 fee is charged to title boats. Revenue generated from boat registration is dedicated to the Marine Board Fund, which is used for the boating safety program and construction of boating facilities. The state spends approximately \$500,000 annually to operate its boating safety program. The Oregon State Marine Board, which administers the program, stated that these operating costs include registration administration, law enforcement, and safety education.

Paul Donhuffner, of the State Marine Board, stated that because Oregon dedicates boat registration fees to a fund for boating-related functions, compliance with registration is excellent. He said that this was because Oregonians feel the fees are justified because they are used to improve aspects of boating in Oregon.

Texas

Boating registration and safety in Texas is administered by the State Department of Parks and Wildlife. Approximately 605,000 boats are registered in Texas. Fees for registration range from \$12 for a 16-foot boat to \$30 for a boat over 40 feet. A title fee of \$5 dollars is charged for all boats over 14 feet. All revenue is deposited to the State Parks and Wildlife fund which is used for boating safety and other related programs. The department was not able to provide operating and revenue data, but stated that 23 full-time and 12 seasonal employees are utilized to operate the registration and safety program.

Jim Ramsey, of the department, stated that the boating safety program utilizes game wardens who are specifically assigned to water safety patrol and enforcement of safety regulations. He added that state law requires that each boat registration document be accompanied by a pamphlet on boating safety when mailed to the boat owner.

Representative Taylor
January 27, 1987
Page 4

California

The California Department of Boating and Waterways reports that approximately 650,000 boats are registered in the state. A \$9 fee is charged to initially register undocumented boats and thereafter a \$5 annual renewal fee is charged. The department reports that \$4.8 million is collected annually in boat registration fees. All revenues are deposited into the Harbor and Water Craft Fund, which is used for the boating safety program.

The operating cost of the boating safety program, which includes registration administration, enforcement, facility construction, and education programs, is approximately \$6.1 million. According to David Johnson, the legislative coordinator for the department, the program also receives revenue from a boat gasfire tax. Mr. Johnson stated that California has good compliance with its registration and safety laws.

I hope you find this information useful. I have requested a copy of the boat registration fee schedules in the other states from the National Association of Safe Boating Law Administrators. I will send it to you when I receive it. Please feel to contact me if you have any questions.

MJ

Attachment

BOAT REGISTRATION, STATE OF ALASKA

Background:

The Coast Guard presently registers undocumented power boats used in the coastal waters of Alaska. Estimated costs for this service is as follows:

Personnel 1.1 man years	\$35K
Computer Generated Forms	8K
Postage	5K
Overhead (office space, computer, etc.)	5K
Estimated costs based on 30,000 boats, renewals every 3 years	\$53K

Renewal Fees at \$2 per year have averaged about \$70K to the U.S. Treasury.

Proposal: That the State of Alaska establish a boating registration program and eventually a boating safety program. All power boats in the state would be required to be registered, not just in coastal (Federal) waters. It is estimated that this would be at least 50,000 vessels. Fees for other states range from \$1 per year to over \$50 per year. An annual fee of \$10 (\$30 for 3 years) is suggested. At present there are about 1200 vessels with Alaska numbers from Washington, Oregon, and other west coast states. It is recommended that out of state boats be charged \$50 per year. The present computer system's use could be negotiated for use by the state. Software changes would be required to provide titling capability and would cost about \$25K. Costs are estimated as follows: (based on 50K boats, 3 year renewal)

Operating Costs

Personnel 2.2 man years	\$60K
Forms	15K
Postage	10K
Overhead	10K
	<u>95K</u>

Startup Costs

Furniture, Setup Costs	\$ 5K
Software Changes	25K
Computer Terminals	3K
Misc Expenses	2K
	<u>35K</u>

Total first year expenses \$130K.

First year estimated revenues (at \$10/boat, \$30 for 3 years)

1/3 X present 30K boats	10Kx\$30 =	300K
New Vessels (not presently registered)	10Kx\$30 =	300K
Out of State Vessels (\$150 for 3 yrs)	400x\$150 =	60K
	TOTAL	<u>660K</u>

Second year

1/3 present vessels (10K)	300K	
New Vessels (5K)	150K	
Out of State Vessels (.4K)	60K	
	TOTAL	<u>510K</u>

Mary J. Jannin
Alaska Boating Agency
1984

Third year

1/3 present vessels (10K)	300K
New Vessels (3K)	90K
Out of State (.4K)	60K
TOTAL	450K

Fourth year

Registered Vessel (20K)	600K
New Vessels (2K)	60K
Out of State (.4K)	60K
TOTAL	720K

Revenues should tend to stabilize (at about 50K boats) at \$500-600K.

There are many other benefits that are not easily quantified as follows:

- a. Enforcement of boating safety regulations - At present, federal enforcement is minimal in most areas of Alaska resulting in pleasure vessels not properly equipped for Alaskan waters.
- b. Fee for present registration not remaining in the state.
- c. Federal funds in excess of \$250K are being lost because of lack of boating safety program.
- d. Present fatality rate for a summer month recreational boating season is 40 times the national average. An equivalent death rate in Minnesota per 100,000 boats would be 1694 deaths! The loss of 70 Alaskans last year is hard to ignore or put a price tag on.
- e. The creation of jobs for boating registration and boating safety utilizing revenue from the registration program and federal funds would benefit Alaska especially at this time.
- f. The mechanism for assessing local user fees based on the zip code of the boat owner could be implemented in the software changes. This would provide equitable, low cost collection of local user fees.
- g. Alaskans would have a vested interest in having vessels comply with safety standards and registration requirements.
- h. Harbormasters would have better control over vessels in their harbors and enforcement authority to require vessels to comply.
- i. Excess registration and federal grant funds would be available for law enforcement equipment and for hiring additional personnel.
- j. Federal enforcement would probably remain at current levels.

THE ALASKA LEGISLATIVE REPORT

April 27, 1987

REPORT NO. 14

INTRODUCTION OF BILLS (Senate)

Boat Numbering, SENATE BILL NO. 265, by Senator Sturgulewski. Relates to
Accidents & boat numbering, accidents and safety - identical to the House
Safety Judiciary version of HB 94 (see page 579), with one excep-
tion. ~~The Senate bill does not contain a section regulating the~~
safe and use of TBT-based marine antifouling paints and coatings.
Section 2 of the House Judiciary version (the section that is not
contained in SB 265) requires boat owners who apply for a
certificate of number to state, under penalty of perjury, that the
boat has not been painted in violation of the law prohibiting
TBT-based marine paint.

The Senate bill prohibits a person from operating a boat on state water, or from knowingly allowing another person to operate the owner's boat, unless the owner holds a current, valid certificate of number. The certificate has to be carried on the boat in a manner that protects the certificate, and makes it available for inspection. A certificate for a boat under 26 feet in length that is leased or rented for noncommercial operation of fewer than seven days, could be retained on shore by the owner/

The bill outlines how the identifying number and decal have to be attached to a vessel, and what information must be contained in the application for the certificate of number. Fees would be established by regulation, would be prorated according to the number of months the certificate is in effect, and would be in addition to any other taxes or fees. The department of public safety would issue the certificate of number and a set of validation decals. The certificate would expire three years after the last day of the month in which it is issued. A certificate would be invalid if the boat is subsequently documented, or the boat is sold, destroyed or abandoned.

The owner of a boat for which a certificate has been issued would be required to notify the department within 15 days after the transfer of all or part of the ownership interest in the boat; the theft or recovery of the boat; the destruction of the certificate of number or if the boat is documented, sold, destroyed, etc.

Exempts certain classes of boats. Lists duties of boat operators and witnesses at accidents. Lists responsibilities of a boat operator and passengers in an accident that results in a death or disappearance. The boat operator would be required to submit a report of the accident to the department of public safety if a person dies, disappears, medical treatment beyond first aid is

page 589

INTRODUCTION OF BILLS, (Senate, cont'd)

SB 265, (cont'd)

required, damage to the boat or property is in excess of \$200, or because of complete loss of the boat. The department would have to prepare accident reports. Reports would be confidential.

The department of public safety, in cooperation with the department of education, would be required to offer public education programs designed to reduce boating accidents. Boats operated on nonnavigable water would have to carry and exhibit between sunset and sunrise at least one white light. Boats operated on inland water would have to carry at least one readily accessible life preserver. The commissioner of public safety could require by regulation other types of safety equipment. Requires divers to display a diver's flag when underwater. Prohibits operation of a boat or water skis, surfboards or similar devices in a reckless or negligent manner. Violations of the law would result in a misdemeanor charge and a fine of up to \$500, or imprisonment of up to six months, or both.

Repeals all sections of AS 05.25 (current law on watercraft). Provides Act takes effect January 1, 1988.

Smoke Detectors SENATE BILL NO. 266, by Senator Duncan. Would require smoke detection devices to be installed and maintained in all dwelling units in the state (current law requires the devices to be installed in all living units built, manufactured or sold in the state). Adds a new section to the law requiring a landlord, in a dwelling unit occupied under the terms of a rental agreement or under a month-to-month tenancy, to provide the initial and replacement smoke detection devices. The tenant would have to keep the devices in working condition by keeping charged batteries in battery-operated devices, by testing the devices periodically, if possible, and by refraining from disabling the devices. Note: also see HB 282, page 573, similar.

Introduced April 21 and referred to State Affairs; Labor & Commerce.

Limited Entry Permits
(transfer) SENATE BILL NO. 267, by Senators Binkley, Hensley and Zharoff. Rewrites section of law relating to the transfer of limited entry permits because of the death of the permit holder (AS 16.43.150(h) - Terms and Conditions of Entry Permit; Annual Renewal). Current law requires the Commercial Fisheries Entry Commission to transfer a permit directly to the surviving spouse by right of survivorship, unless the deceased permit holder has expressed a contrary intent in a will that is probated.

Under this bill, unless the permit holder has expressed a contrary intent in a will that is probated, the commission would have to transfer the permit by right of survivorship directly to the surviving spouse ". . .or, if no spouse survives, to a person designated by the permit holder on the reverse of the permit certificate issued by the commission." If the spouse and designated person do not survive, the rights of the decedent pass as part of the decedent's estate. The designation of another

S B

268

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

REQUEST: _____ Bill Version: SB 268
Publish Date: _____
 Revision Date: _____ Agency Affected: DCED
 Title: Act relating to air carriers BRU: Consumer Protection
 Sponsor: Senate Transportation Components: Measurement Standards
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	19,000	8,800	-8,800	8,800	8,800

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) We have 107 air carriers and 436 aircraft registered in the current fiscal year. Research of last fiscal year's records indicates that approximately 14 air carriers and 122 additional aircraft will apply for certificates of compliance prior to the end of FY-87.

Revenue projections were based upon these figures and the assumption that the level of voluntary compliance will remain relatively constant.

Prepared by: Joe Swanson, Director Phone: 345-7750
 Division: Measurement Standards Date: 4/28/87

Approved by Commissioner: J. Anthony Smith Date: 4/28/87
 Agency: Department of Commerce and Economic Development

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of April 30, 1987 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)
4/22/87

DATE TURNED INTO OFFICE May 5, 1987

Mr. President:

TRANSPORTATION Committee considered SB 268

enforcement of compliance with financial responsibility and certificate of compliance requirements for air carriers, penalties, issuance and display of certificates of compliance, and the definition of aircraft; efd.

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

Tim Kelly - Do Not Pass

Ray Jones (Do Pass)
Chairman signature and recommendation

Committee Backup Attached

ALASKA STATE LEGISLATURE

Sen. Lloyd Jones, Chairman
Sen. John B. "Jack" Coghill, Vice Chairman
Sen. Mitch Abood
Sen. Bettye Fahrenkemp
Sen. Tim Kelly



P.O. Box V
Juneau, AK 99811

907-465-4921

Senate Transportation Committee

MEMORANDUM

TO: Senate Transportation Committee

FROM: Senator Lloyd Jones, Chairman *LJ*

DATE: April 28, 1987

SUBJECT: Senate Bill 268 - Regulation of Air Carriers

This legislation would:

1. Provide for "stop use orders" to prohibit aircraft from operating commercially without the minimum liability insurance.
2. Increase maximum penalties from \$1,000 to \$10,000 per violation.
3. Allow for a fleet certificate for two or more aircraft, instead of separate certificates for each aircraft. A fleet certificate would be \$100, regardless of the number of aircraft.
4. Allow certificates of insurance to be posted in locations other than on board the aircraft.

SECTIONAL ANALYSIS - SENATE BILL 268

Section 1: This section clarifies existing law by specifically authorizing the department (Commerce) to prevent a commercial carrier from flying passengers for hire on a plane which has not been insured for liability at the State minimum level.

Section 2: This section increases the existing penalties for flying passengers for hire without first obtaining the minimum required level of liability insurance.

Section 3: This allows the department (Commerce) to issue a single certificate of insurance for a fleet of aircraft instead of for each individual aircraft. Many air carriers obtain a fleet insurance policy rather than individual plane policies. This would simplify the existing administrative procedure.

Section 4: Maintains the existing fee for a single certificate of insurance and establishes the fee for a fleet certificate. It also allows carriers to display certificates of insurance at the counter, gate, or other location rather than on the aircraft itself.

Section 5: Allows Department of Commerce to set fees by regulation beginning January 1, 1989 (See Section 11 for effective date).

Section 6: This specifically authorizes the department (Commerce) to issue a stop use order for plane carrying passengers for hire when the carrier has not obtained a certificate of insurance from the State.

Section 7: This section establishes a penalty for the violation described in Section 6. It is a lesser penalty than for violations under Section 2, as flying without a State certificate of insurance is not as serious a violation as flying without liability insurance at the established minimum level.

Section 8: Adds helicopters to the aircraft covered under this bill. This was an oversight in 1985 when this statute was passed.

Section 9: Assures Certificates of Compliance already in effect for a one year period, remain in effect until they expire.

Section 10: Repeals existing 42.30.225(c) which is superseded by Sections 2 and 7 in this bill.

Repeals existing 42.30.225(d) which was a transitional provision of the 1985 statute, and is no longer meaningful.

sd/11.33

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