

ALASKA

LEGISLATURE

COMMITTEE FILES

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(c) The department is responsible for the issuance of books containing appropriate citations, and shall maintain a record of each book issued and each citation contained in it. The department shall require and retain a receipt for every book issued to an employee of the department.

(d) The department shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. Upon its deposit with the court, the citation may be disposed of only by trial in the court or other official action taken by the magistrate, judge, or prosecutor. The department may not dispose of a citation, copies of it, or of the record of its issuance except as required under this subsection and (e) of this section.

(e) The department shall require the return of a copy of every citation issued by the department and of all copies of a citation that has been spoiled or upon which an entry has been made and not issued to an alleged violator. The department shall also maintain, in connection with each citation, a record of the disposition of the charge by the court where the original or copy of the citation was deposited.

(f) If the form of citation includes the essential facts constituting the offense charged, and if the citation is sworn to as required under the laws of this state for a complaint charging commission of the offense alleged in the citation, then the citation when filed with a court having jurisdiction is considered to be a lawful complaint for the purpose of prosecution.

Sec. 08.01.104. Failure to obey citation. Unless the citation has been voided or otherwise dismissed by the magistrate, judge, or prosecutor, a person who without lawful justification or excuse fails to appear in court to answer a citation issued under AS 08.01.102, regardless of the disposition of the charge for which the citation was issued, is guilty of a class B misdemeanor.

Sec. 08.01.105. Penalty for improper payment. An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor.

Sec. 08.01.110. Definitions. In this chapter

(1) "board" includes the boards and commissions listed in AS 08.01.010;

(2) "department" means the Department of Commerce and Economic Development;

(3) "commissioner" means the commissioner of commerce and economic development;

(4) "license" means a business license or a license, certificate, permit, or registration or similar evidence of authority issued for an occupation or board listed in AS 08.01.010;

(5) "licensee" means a person who holds a license;

(6) "occupation" means a trade or profession listed in AS 08.01.010.

CHAPTER 02. MISCELLANEOUS PROVISIONS.

Section

10. Professional designation requirements
11. Professional geologist
20. Limitation of liability
30. Courtesy licenses

Sec. 08.02.010. Professional designation requirements. (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a medical practitioner or osteopath under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered pharmacist under AS 08.80, a registered physical therapist or occupational therapist under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name which represents that person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of noncompliance by that person's appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, the person's noncompliance continues, the board may suspend or revoke the person's license or registration, or administer other disciplinary action which in its determination is appropriate.

Sec. 08.02.011. Professional geologist. The commissioner of commerce and economic development shall certify an applicant as a professional geologist if the applicant is certified as professional geologist by the American Institute of Professional Geologists.

Sec. 08.02.020. Limitation of liability. An action may not be brought against a person for damages resulting from

(1) the person's good faith performance of a duty, function, or activity required as

(A) a member of, or witness before, a licensing board or peer review committee established to review a licensing matter;

(B) a member of a committee appointed under AS 08.64.336(c);

(C) a contractor or agent of a contractor under AS 08.64.101(6);

or

(2) a recommendation or action in accordance with the prescribed duties of a licensing board, or peer review committee established to review a licensing matter, committee appointed under AS 08.64.336(c), or contractor or agent of a contractor under AS 08.64.101(6) when the person acts in the reasonable belief that the action or recommendation is warranted by facts known to the person, board, peer review committee, committee appointed under AS 08.64.336(c), or contractor or agent of the contractor under AS 08.64.101(6) after reasonable efforts to ascertain the facts upon which the action or recommendation is made.

Sec. 08.02.030. Courtesy Licenses. (a) A board established under this title and the Department of Commerce and Economic Development, with respect to an occupation that is regulated under this title, may by regulation establish criteria for issuing a temporary courtesy license to nonresidents who enter the state so that, on a temporary basis, they may practice the occupation regulated by the board or the department.

(b) The regulations adopted under (a) of this section may include limitations relating to the

(1) duration of the license's validity;

(2) scope of practice allowed under the license; and

(3) other matters considered important by the board or the department.

CHAPTER 03.

TERMINATION, CONTINUATION AND REESTABLISHMENT OF REGULATORY BOARDS.

Section

10. Termination dates for regulatory boards

20. Procedures governing termination, transition, and continuation

Sec. 08.03.010. Termination dates for regulatory boards.

(a) *[Repealed]*

(b) *[Repealed]*

(c) The following boards have the termination date provided by this subsection:

- (1) Board of Nursing (AS 08.68.010)—June 30, 1991.
- (2) Board of Chiropractic Examiners (AS 08.20.010)—June 30, 1992.
- (3) Board of Examiners in Optometry (AS 08.72.010)—June 30, 1992.
- (4) Board of Pharmacy (AS 08.80.010)—June 30, 1993.
- (5) Board of Dispensing Opticians (AS 08.71.010)—June 30, 1992.
- (6) Board of Dental Examiners (AS 08.36.010)—June 30, 1991.
- (7) Board of Veterinary Examiners (AS 08.98.010)—June 30, 1993.
- (8) State Physical Therapy and Occupational Therapy Board (AS 08.84.010)—June 30, 1993.
- (9) Board of Nursing Home Administrators (AS 08.70.010)—June 30, 1994
- (10) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010)—June 30, 1991.
- (11) State Medical Board (AS 08.64.010)—June 30, 1991.
- (12) Board of Marine Pilots (AS 08.62.010)—June 30, 1994.
- (13) *[Repealed]*
- (14) *[Repealed]*
- (15) State Board of Registration for Architects, Engineers and Land Surveyors (AS 48.011)—June 30, 1993.
- (16) Board of Barbers and Hairdressers (AS 08.13.010)—June 30, 1993.
- (17) Board of Public Accountancy (AS 08.04.010)—June 30, 1992.
- (18) Real Estate Commission (AS 08.88.011)—June 30, 1992.
- (19) Board of Governors of the Alaska Bar Association (AS 08.08.040)—June 30, 1993.
- (20) Big Game Commercial Services Board (AS 08.54.300)—June 30, 1993.
- (21) Board of Mechanical Examiners (AS 08.40.220)—June 30, 1992.
- (22) Board of Electrical Examiners (AS 08.40.011)—June 30, 1991.
- (23) Board of Clinical Social Work Examiners (AS 08.95.010)—June 30, 1992.
- (24) Board of Certified Real Estate Appraisers (AS 08.87.010)—June 30, 1994

Sec. 08.03.020. Procedures governing termination, transition, and continuation. (a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) A board scheduled for termination under AS 08.03.010— 08.03.020 may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period under AS 08.03.010.

PROFESSIONAL
REGULATIONS

12 AAC 02.010

12 AAC 02.030

TITLE 12.
PROFESSIONAL AND VOCATIONAL REGULATIONS

CHAPTER 02.
DIVISION OF OCCUPATIONAL LICENSING.

Article

1. Collection of Fees (12 AAC 02.010—12 AAC 02.030)
2. Occupational Licensing Fees (12 AAC 02.100—12 AAC 02.350)
3. Examination Review Procedures (12 AAC 02.400)
4. General Provisions (12 AAC 02.900—12 AAC 02.990)

ARTICLE 1.
COLLECTION OF FEES.

Section

10. Licensing and renewal fees
20. Prorating renewal fees
30. Prorating initial renewal fees

12 AAC 02.010. LICENSING AND RENEWAL FEES. (a) The department will collect fees and issue receipts for licensing and for license renewal for the boards listed in AS 08.01.010.

(b) The department will not issue a license or renew a license unless the applicable fees established in AS 08 or in this chapter have been collected, and a receipt has been prepared.

(c) Except as otherwise provided in 12 AAC, applications for initial licensure or renewal of license will be considered filed as of the date stamped on the document, when it is received in the division office.

(d) Repealed 5/6/90.

(e) An application fee is not refundable.

12 AAC 02.020. PRORATING RENEWAL FEES. The department will prorate the first license renewal fees following initial licensure, in accordance with 12 AAC 02.030. All renewal fees, including penalty and delinquent fees must be paid by the licensee applying for renewal of a license, except as provided for in 12 AAC 02.030 (a) (1) and (b).

12 AAC 02.030. PRORATING INITIAL RENEWAL FEES. (a) When the department issues an initial biennial license

(1) within the 30 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

PROFESSIONAL
REGULATIONS

12 AAC 56.030

12 AAC 56.030

(2) within the 12 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of renewal; or

(3) more than 12 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of renewal.

(b) A quadrennial license issued before July 1, 1987 shall be renewed by the department as a biennial license upon payment of the entire prescribed biennial license renewal fee.

(c) The department will not prorate renewal fees if the initial licensing fee is \$100 or less. (d) The department will not prorate fees for applications, examinations, reexaminations, credential review or investigations, temporary or emergency permits, locum tenens permits, certificates or other such fees established in AS 08 or in this chapter.

PROFESSIONAL
REGULATIONS

12 AAC 02.100

12 AAC 02.240

ARTICLE 2.
OCCUPATIONAL LICENSING FEES.

Section

- 100. Fees established by department
- 105. Administrative fees
- 240. Board of marine pilots

12 AAC 02.100. FEES ESTABLISHED BY DEPARTMENT. The fees established in this chapter have been adopted by the department with the concurrence of the applicable board or commission listed in AS 08.01.010.

12 AAC 02.105. ADMINISTRATIVE FEES. Except as otherwise provided in this chapter for a particular board or occupation, the following fees apply to all boards and professions listed in AS 08.01.010.

- (1) duplicate license fee, \$5;
- (2) fee for verification or certification to another state of Alaska license, registration, or examination, \$5;
- (3) name change, except for construction contractors, \$5;
- (4) photocopy fee, \$.25 per page;
- (5) returned check fee, \$20;
- (6) penalty for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days, \$20;
- (7) exam postponement fee, \$20; and
- (8) wall certificate fee, \$20.

12 AAC 02.240. BOARD OF MARINE PILOTS. The following fees are established for all license categories of marine pilots and vessel agents:

- (1) application fee initial license, \$30;
- (2) pilot license fee for all or part of the initial biennial license period, \$180;
- (3) biennial pilot license renewal fee, \$180;
- (4) vessel agent license fee for all or part of the initial biennial period, \$60;
- (5) biennial vessel agent renewal fee, \$60;
- (6) examination fee, \$100;
- (7) extension of route or tonnage upgrade application fee, \$20 and
- (8) temporary permit fee, \$20.

PROFESSIONAL
REGULATIONS

12 AAC 02.40G

12 AAC 02.900

ARTICLE 3.
EXAMINATION REVIEW PROCEDURES.

Section.

400. Examination review

12 AAC 02.400. EXAMINATION REVIEW. (a) For nationally prepared and administered examinations, the examination review procedures established by the national examination organization will be used in conjunction with the procedures established in this section. National examinations which have no provision for examination review are not available for review under this section.

(b) An applicant who wishes to review a failed examination shall submit a written request to the division within 30 days after the notice of examination results was mailed to the applicant.

(c) All examination reviews will be conducted in the presence of division staff at the time and location determined by the division. An examination review will not be conducted within 30 days of the next examination the applicant is scheduled to take.

(d) Only an applicant who has failed an examination may participate in the examination review and the applicant may review only his or her own examination.

(e) An applicant may use the same reference materials during an examination review that were allowed during the examination itself, but applicants may not use other materials or take notes or make copies of any kind. All materials brought to an examination review are subject to inspection by the division staff.

ARTICLE 4.
GENERAL PROVISIONS.

Section

900. Current address

910. Abandoned applications

990. Definitions

12 AAC 02.900. CURRENT ADDRESS. A person licensed, registered, or certified by a board or commission listed in AS 08.01.010, or in an occupation listed in AS 08.01.010, shall maintain a current valid mailing address on file with the division at all times. The latest mailing address on file with the division is the address that will be used for official communications, notifications, and service of legal process.

PROFESSIONAL
REGULATIONS

12 AAC 02.910

12 AAC 02.990

12 AAC 02.910. ABANDONED APPLICATIONS. (a) An application is considered abandoned when

- (1) 12 months have elapsed since correspondence was last received from or on behalf of the applicant; or
- (2) the applicant has failed to appear for two successive examinations.

(b) An abandoned application is denied without prejudice and the application fee forfeited.

(c) At the time an application is considered abandoned, the division will send notification of abandonment to the last known address of the applicant. An applicant may request a refund of all unused examination and licensing fees credited to the application by submitting a written request for refund within 30 days from the date notification of abandonment was mailed by the division. If no request for refund is received, all fees are forfeited.

12 AAC 02.990. DEFINITIONS. As used in this chapter

- (1) "department" means the Department of Commerce and Economic Development;
- (2) "division" means the division of occupational licensing, Department of Commerce and Economic Development;
- (3) "license" means a license, certificate, permit, registration, or similar evidence of authority issued by the division or by one of the boards listed in AS 08.01.010;
- (4) "licensee" means a person who holds a license issued by the division or by one of the boards listed in AS 08.01.010.

APPENDIX A.

**PILOTAGE TARIFFS AND CHARGES FOR
SOUTHEASTERN ALASKA (U.S. FUNDS)**

**L TARIFF AND CHARGES APPLICABLE TO ALL SHIP'S
EXCEPT PASSENGER VESSELS:**

**A. Basic Port charges for Pilotage in or out of Port,
each Entry or Departure Constituting a Separate
Chargeable Event:**

Port	Port Charge
Ketchikan	\$547.00
Metlakatla	547.00
Klawock	667.00
Ward Cove	547.00
Wrangell*	596.00
Shoemaker Bay*	596.00
Petersburg	596.00
Duncan Canal	739.00
Sitka	547.00
Juneau	547.00
Juneau Oil Docks	639.00
Haines, Chilkoot	639.00
Lutak	639.00
Skagway	639.00
Skagway Ore Dock	739.00
Yakutat**	600.00
Icy Bay**	600.00

*On movements between these ports following an initial entry, each entry or departure except the initial entry and the final departure, will be at the rate of \$547.00.

**Based on Southwestern Alaska pilotage tariffs and charges for this port.

**B. Charges for Restricted Passage Pilotage, Entry Transit,
and Departure from Each Listed Area Constituting
a Combined Single Chargeable Event:**

Area	Port Charge
Wrangell Narrows	\$156.00
Sergius Narrows	79.00
Whitestone Narrows	79.00

NOTE: Pilot boat charges are not included in pilotage tariff.

PILOTAGE TARIFFS — SOUTHEASTERN

- C. **Unlisted Port and Restricted Passage Charges:**
These charges to be negotiated according to risk and time.
- D. **Overtime:**
If one pilot exceeds six hours continuous running time without a six-hour rest period, overtime will be charged at the rate of \$50.00 per hour or portion of an hour. On runs anticipated to be over eight hours duration, two pilots are required and, in addition to the basic port charge, 50% of that charge shall be paid.
- E. **Anchoring Charges:**
1. Anchoring or laying to for loading cargo or discharging cargo shall be considered as a regular port charge, and all fees and tariffs shall be assessed the same as if the vessel has moored.
 2. Anchoring, waiting for berth, or for weather shall be at the rate of \$177.00.
- F. **Other Charges:**
As applicable under the terms of Section III.

II. TARIFF AND CHARGES APPLICABLE ONLY TO PASSENGER VESSELS:

- A. **Basic Port Charge for Pilotage in or out of Port, Each Entry or Departure Constituting a Separate Chargeable Event:**

Port	Port Charge
Ketchikan	\$547.00
Wrangell	596.00
Petersburg	596.00
Sitka	547.00
Juneau	547.00
Haines, Chilkoot	639.00
Haines, Lutak	639.00
Skagway, White Pass	639.00

- B. **Charges for Restricted Passage and Cruise Area Pilotage, Entry Transit and Departure for Each Listed Area Constituting a Combined Single Chargeable Event:**

NOTE: Pilot boat charges are not included in pilotage tariff.

PILOTAGE TARIFFS — SOUTHEASTERN

Area	Port Charge
Cruise Areas	
Glacier Bay	\$1,563.00
Tracy Arm.....	780.00
Endicott Arm	780.00
Restricted Passages	
Wrangell Narrows	\$156.00
Sergius Narrows.....	79.00
Whitstone Narrows	79.00

C. Unlisted Port, Restricted Passage and Scenic Cruise Areas:

To be negotiated according to risk and time.

D. Passenger Charges:

In addition to any charges otherwise applicable under Section II A and II B, passenger charges apply as follows:

The number of saleable passenger berths on board times the number of miles run in the inside waters Alaska (excluding miles run in scenic areas) times the mileage rate of 5.67 mills. The saleable passenger berths shall range from a minimum charge for 200 berths or a maximum charge for 1,000 berths.

E. Anchoring charges:

1. Anchoring or laying to for loading passengers or discharging passengers shall be considered as a regular port charge and all fees and tariffs shall be assessed the same as if vessels moored
2. Anchoring, waiting for a berth or for weather shall be at the rate of \$177.00.

F. Other Charges:

As applicable under the terms of Section III.

III. OTHER CHARGES APPLICABLE TO ALL VESSELS IN ADDITION TO ALL OTHER TARIFFS AND CHARGES.

A. Tonnage and Draft Charges:

1. Tonnage charges will be made on a tonnage unit system at the rate of \$1.66 per unit for all units in excess of 163 units in or out of a port or cruise area. These are separate event charges

NOTE: Pilot boat charges are not included in pilotage tariff.

PILOTAGE TARIFFS — SOUTHEASTERN

and are computed separately for each entry and each departure.

2. "Tonnage Units" shall be determined as expressed by the following formula:

$$\frac{\text{Overall Length} \times \text{Extreme Breadth} \times \text{Depth}}{10,000}$$

3. Definitions:
Overall Length" is the distance between the forward and after extremities of the vessel.

"Extreme Breadth" is the maximum breadth to the outside of the shell plating of the vessel.

"Depth" is the vertical distance of amidships from the top of the keel plate to the uppermost continuous deck fore and aft and which extends to the sides of the vessel. The continuity of a deck shall not be considered to be affected by the existence of tonnage opening, engine space or a step in the deck.

All measurements shall be in feet and inches (U.S.)

4. All draft in excess of 32 feet will be charged at the rate of \$14.48 per foot or portion thereof, in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.

B. Shifting Charges:

1. For a dock to dock commercial movement within an incorporated harbor, the charge will be one-half the regular port charges.
2. Shifting of ship from dock to dock, dock to anchorage, anchorage to anchorage, or anchorage to dock for bunkering or other non-commercial reasons, within an incorporated harbor, will be \$213.00 per movement. A dock-to-dock shift constitutes two separate movements.

NOTE: Pilot boat charges are not included in pilotage tariff.

PILOTAGE TARIFF — SOUTHEASTERN

- C. Dead Ships and Stern-First Dockings:**
Docking and undocking dead ships and stern-first dockings will be charged at fifty percent increase over the regular pilotage fee.
- D. Emergency:**
In case of dire emergency for safety of ship, crew, or passengers, there will be no pilotage charges except for transportation and subsistence.
- E. Transportation and Subsistence:**
1. Vessels, owners, agents and/or charterers shall pay pilotage fees, pilots' travel expenses such as: plane and ferry fares, meals, lodging, cab fares, telegrams, telephone calls, and all other expenses pertaining to ship's business.

Per diem rates charged shall correspond to those published by the Internal Revenue Service of the U.S. Federal Government. These rates shall be adjusted on April 1 of each year. Total rates shall be distributed 60% to hotel, 20% to dinner, 10% to lunch, and 10% to breakfast; rounded to the nearest dollar, but in no instance will it be more than the total daily allowance.
 2. When adequate meals and rooms are not furnished to the pilot when on ship, a charge will be made in accordance with the above rates. It shall be understood that accommodations for the pilot must be at least comparable to the accommodations of the vessel's officer personnel.
- F. Travel Day, Detention Day, Standby Time, Cancellation Charges and Out-of-Area Charge:**
1. When due to weather and transportation difficulties, a pilot has to leave in advance to insure meeting a vessel upon its arrival or departure or is delayed returning from an assignment, that time will be charged at a rate of \$50.00 per hour up to a maximum of \$400.00 per day for each day a pilot is in transit or on standby. This charge does not include an actual work day.
 2. Detention time on board ship when no other charges accrue during the day will be at the rate of \$50.00 per hour per pilot, not to exceed

NOTE: Pilot boat charges are not included in pilotage tariff.

PILOTAGE TARIFFS — SOUTHEASTERN

\$400.00 per pilot in any one day. Pilots carried to sea will be paid the same rate for each day they are detained plus first class passage and subsistence back to Ketchikan.

3. Cancellation charges will be \$177.00 plus transportation and subsistence.
4. Travel, standby and work days begin and end at midnight.
5. An out-of-area charge, in lieu of detention and travel time (not applicable within 100 miles of Southeast Alaska), shall be charged equal to 1 1/2 times the detention rate.

G. Notice of Ship Arrival and Departure:

1. When vessels, owners, or agents do not correct their ETA within four hours of the ETA last given, compensation in the amount of \$50.00 per hour will be charged until actual arrival of the vessel at a pilot station, not to exceed \$400.00 for any one day.
2. When sailing time is set by an agent, owner or master of a vessel, any delay over one hour will be charged at the rate of \$50.00 per hour or portion of an hour, not to exceed \$400.00 for any one day. If a pilot is detained for one hour or less, no detention will be charged. If a pilot is detained for more than one hour, detention for the first hour and succeeding hours will be charged.

H. **Vessel at Rest Charge:** When an agent, owner or master requests a pilot to stay on board a vessel on a continuous basis while the vessel is docked or anchored at a port or anchorage, the rate will be \$355.00 per day. Days begin and end at midnight.

NOTE: Pilot boat charges are not included in pilotage tariff.

APPENDIX B

PILOTAGE TARIFF AND CHARGES FOR
SOUTHWESTERN ALASKA (U.S. FUNDS)

I. COOK INLET PILOTAGE RATES:

Following rates are one way only:

Homer Pilot Station to Port of Anchorage	\$709.00
Homer Pilot Station to Nikiski	531.00
Homer Pilot Station to Drift River	531.00
Homer Pilot Station to North Foreland/Point Possession/Tyonek	625.00
Anchorage to Drift River (North of Kalgin Island)	531.00
Anchorage to Drift River (South of Kalgin Island)	709.00
Anchorage to Nikiski	467.00
Nikiski to Drift River (North of Kalgin Island) ..	421.00
Nikiski to Drift River (South of Kalgin Island) ..	531.00
Homer Pilot Station to Kasitsna Bay	428.00
Homer Pilot Station to Homer	417.00
Homer Pilot Station to Port Chatham	750.00

II. OTHER ALASKA PORTS:

Following rates are one way only:

Valdez	1271.00
Cordova	521.00
Whittier	521.00
Ocean Entrances of Prince William Sound to Designated State Pilot Stations for Valdez, Whittier and Cordova	750.00
Ocean Entrances of Prince William Sound to Knowles Head Anchorage	500.00
Knowles Head Anchorage to Valdez or Whittier Pilot Station	500.00
Seward	521.00
Kodiak — City Harbor	521.00
Kodiak — Womens Bay	521.00
Cold Bay	677.00
King Cove	600.00
Dutch Harbor, Unalaska, Iliuliuk Harbor and Captain's Bay	625.00
Adak	677.00
Discoverer Bay and Kazakov Bay	750.00
Yakutat and Icy Bay	600.00

Charges for unlisted ports negotiated to time and risk.
Minimum charge will be \$417.00

PILOTAGE TARIFF — SOUTHWESTERN

III. CHARGES ADDITIONAL TO PORT TARIFF

1. A tonnage surcharge of \$.02 (2 cents) per gross ton is made for all tonnage in excess of 14,000 gross tons. In all the preceding cases any gross tonnage in excess of 50,000 gross tons will be charged for at \$.01 (1 cent) per gross ton.
2. All rates remain the same whether piloting is to or from sea, or, to or from a pilot boarding or debarking point.
3. Standby/travel fee: When standing by to pilot, or traveling to or from distant pilot ports and not actually piloting, such time shall be charged for at a rate of \$50.00 per hour up to a maximum of \$600.00 per day.
4. Transportation and Subsistence:
 - A. Vessels, owners, agents and charterers shall pay pilotage fees; pilots' travel expenses such as plane and ferry fares, per diem allowances, cab fares, telegrams, telephone calls, and all other expenses pertaining to ship's business.
 - B. Per diem rates for pilots shall correspond to those published by the Internal Revenue Service of the U.S. Treasury Department. These rates shall be adjusted on April 1 of each year. Total rates shall be distributed 60% to hotel, 20% to dinner, 10% to lunch, and 10% to breakfast, rounded to the nearest dollar, but in no instance will the distribution exceed the total daily allowance.
 - C. When adequate meals and rooms are not furnished to the pilot when on ship, a charge will be made in accordance with the above rates. Accommodations for the pilot must be at least comparable to the accommodations of the vessel's officer personnel.
5. Travel, standby, and work days begin and end at midnight. Each category occurring at any point within a midnight to midnight time period will be charged for according to the category involved.

PILOTAGE TARIFF — SOUTHWESTERN

6. If one pilot exceeds eight hours continuous running time without a six hour rest period or presence of a relief pilot (i.e., a second pilot) while transiting compulsory pilotage waters, overtime shall be charged for at the rate of \$75.00 per hour or portion thereof.
7. Shifting of ship from dock to harbor or harbor anchorage; from harbor or harbor anchorage to dock; from anchorage within a harbor to another anchorage within the same harbor, will be charged at \$250.00 per each movement. A dock to dock shift comprises two movements and will be charged for accordingly. Anchoring or laying to for loading cargo or discharging cargo shall be considered as a regular port charge and all fees and tariffs shall be assessed the same as if the vessel moored.
8. On each occasion of hauling ship alongside a dock or mooring to position tanks, holds, manifolds, loading arms, towers, or hoses comprises a single movement and will be charged for accordingly at \$250.00 per movement.
9. Movement of a ship in the absence of availability of the ship's own propulsion system even though assisted by tugboats will be charged for at twice the prevailing rate for each evolution engaged.
10. Docking/Undocking vessels over 2,000 gross tons without the use of a tugboat, if a tugboat is available, at Anchorage, Seward, Whittier, Valdez, Cordova, Kodiak, Womens Bay, will be charged for at the rate of \$300.00 per movement. It will remain pilot's option whether or not to proceed without use of a tug.
11. Carried to sea detention on board; off duty detention on board, intentional or otherwise, or off duty standby on board at the request of the master will be charged for at the rate of \$400.00 per day, or portion thereof. If disembarked at a position other than the base station from which dispatched, first class return passage and subsistence will be charged.
12. Bridge watch time rendered while ship is anchored.

PILOTAGE TARIFF — SOUTHWESTERN

age or moored will be charged for at the rate of \$50.00 per hour or portion thereof. In cases where one pilot has exceeded 8 hours continuous working time without a 6 hour rest period or presence of a relief pilot (i.e., a second pilot) \$75.00 per hour will be charged.

13. Bridge watch time rendered underway at the Master's request not otherwise provided for under the tariff will be charged for at \$50.00 per hour or portion thereof. In cases where one pilot has exceeded 8 hours continuous working time without a 6 hour rest period or presence of a relief pilot (i.e., a second pilot) \$75.00 per hour will be charged.
14. Pilots will furnish VHF transceivers for vessels not so equipped and in working order such that compliance will be made with the provisions of the Vessel Bridge- to-Bridge Radiotelephone Act. The charge for the use of this equipment will be charged for at the rate of \$10.00 per day or portion thereof.
15. The rate for a Second Pilot, when used, will be charged for at the rate of 50% of the rate for the first pilot (all applicable charges to apply).
16. Mooringmaster — Services and rates are negotiable on application.
17. Agents, owners or masters shall advise pilots of vessel movements at least 24 and 36 hours prior to such movements in order to allow sufficient time for the pilot to arrive at the vessel via available means of transportation. A pilot will be considered unavailable for services only if the timely notice (24 and 36 hours) is given and a pilot does not show up for services. If a lesser time notice is given and a pilot under such notice is not able to reach the vessel for services, the vessel and the owner thereof shall be liable for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage fee equal to the pilotage rate that would have been paid by the vessel for such pilotage services.

PILOTAGE TARIFF — SOUTHWESTERN

18. When the time of movement is set by agent, owner or master of a vessel, any delay over two hours shall be charged at the rate of \$50.00 per hour or a portion thereof, not to exceed \$600.00 per day. If the pilot is detained for two hours or less, no detention will be charged. If the pilot is detained for more than two hours, detention for the first two hours will be charged.
19. Movement is defined as an evolution by a vessel which requires the employment of a licensed pilot as stipulated in AS 08.62.160.

State of Alaska
Department of Commerce
and Economic Development
Division of Occupational Licensing
P.O. Box 110806
Juneau, Alaska 99811-0806

Martine

Pilotage

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT


DIVISION OF OCCUPATIONAL LICENSING

WALTER J. HICKEL, GOVERNOR

P.O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

Date: December 19, 1990

To: ALL INTERESTED PARTIES

From:  JoAnne Cummings
Licensing Examiner
Alaska State Board
of Marine Pilots

Subject: Minutes of Marine Pilots Meeting

Attached are the minutes of the Board of Marine Pilots meeting held November 8-9, 1990. These minutes were approved by the board on December 17, 1990.

Copies of the attachments are available on request. Please write to the above address if you would like further information.

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Attachments

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF MARINE PILOTS

MINUTES OF MEETING
NOVEMBER 8 and 9, 1990

By authority of AS 08.01.070(2) and AS 08.62.030 and in compliance with the provisions of AS 44.61, Article 6, and AS 44.62.310, a scheduled meeting of the Board of Marine Pilots was held on November 8 and 9, 1990 at the Frontier Building, 3601 "C" Street, Suite 336, Anchorage, Alaska.

Agenda Item 2

Call to Order/Roll Call

The meeting was called to order by Chairman Taylor at 8:30 a.m. Those present and constituting a quorum of the board were:

Captain Harold K. Elsensohn
Mark A. Foster
William Lorch
Captain Michael O'Hara
M. Paul Taylor, Chairman

Board members not in attendance were Randall Burns and Russell Sell.

Also present from the Department of Commerce and Economic Development, Division of Occupational Licensing, was JoAnne Cummings, Licensing Examiner.

Guests present on the first day of the meeting were:

Anthony Chadwick
R. G. Winter
William Anderson
Donald Charles
William Cork
David Sanders
Archie Diment, SEAPA
Terry Bennett
R. W. Smith, SEAPA
Mark Walatka, North Star Maritime
Joseph Homer, Alaska Coastwise Pilots
Bill Sharp, North Pacific Maritime, SE Stevedoring Corp.
John Baldry, SEAPA
Arnt Antonsen, SEAPA
Ed Creasey, SEAPA

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 2

George Porter, SEAPA
Lisa Parker, Cominco Alaska
John Murphy, Cominco, Ltd.
Scott Jones, Alaska Maritime
Ed Murphy, SWAPA
Mark Hawker, SWAPA
Vincent Tillion, SWAPA
Cees Deelstra, HALW/NWCA
Paul Hedger, Navios Corp.

Agenda Item 1

Oral Examinations

On a motion made by Foster, seconded by Lorch and in accordance with AS 44.62.310, it was

RESOLVED to enter executive session for the purpose of conducting oral examinations.

Entered executive session at 8:30 a.m.

Russell Sell joined the meeting at 8:50 a.m.

Randall Burns joined the meeting at 9:54 a.m.

Adjourned from executive session at 10:26 a.m.

Application Review. The applications of William Cork and David Sanders were reviewed by the board to determine if these applicants would be allowed to take the oral exam.

- A. William E. Cork: His application for a Limited, Step 1 pilot license was reviewed. The dockings and undockings submitted were reviewed with explanations by Captain Cork. His Coast Guard license was also reviewed.

The board took a brief recess from 10:43 a.m. to 10:55 a.m.

On a motion made by Foster, seconded by Burns and carried unanimously, it was

RESOLVED to deny the licensure application of William Cork based on 12 AAC 56.040(c).

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 3

12 AAC 56.040(c)(2) requires 20 dockings and undockings, and not all the dockings and undockings submitted with the application meet the statutory definition of 12 AAC 56.990(7) and (8). Also, the qualifications under 12 AAC 56.040(c)(1) have not been met because Captain Cork's USCG license does not show one year as a licensed master or pilot on the waters of Dutch Harbor, Captain's Bay and Akutan.

B. David A. Sanders: His application for a Limited, Step 1 pilot license was reviewed. The dockings and undockings submitted were reviewed with explanations by Captain Sanders. His Coast Guard license was also reviewed.

On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to deny the application of David Sanders and seal his exam scores because he does not have sufficient dockings and undockings to qualify under 12 AAC 56.040(c)(2), and he does not qualify under 12 AAC 56.040(c)(1) because he has not held an endorsement to his USCG license on the waters for which he is applying for a minimum of one year.

On a motion made by Burns, seconded by Foster and in accordance with AS 44.62.310 it was,

RESOLVED to enter executive session for the purpose of completing the oral examinations.

Adjourned from executive session at 11:33 a.m.

Agenda Item 8

Investigative Report

Marcia Bissell and Gary Veres were present from the Division of Occupational Licensing to present the investigative report.

On a motion made by Sell, seconded by Foster and in accordance with AS 44.62.310, it was

RESOLVED to enter executive session for the purpose of hearing the investigative report.

Entered executive session at 11:35 a.m. Adjourned from executive session at 12:00 noon.

On a motion made by Sell, seconded by Elsensohn and carried unanimously, it was

RESOLVED to close cases:

1900-89-4
1900-89-10
1900-89-12
1900-90-1
1900-90-2
1900-89
1900-89-1

Agenda Item 3

Review Minutes

On a motion made by Elsensohn, seconded by Foster and carried unanimously, it was

RESOLVED to approve the minutes of the April 5-6, 1990 meeting, the June 1, 1990 teleconference, and the June 25, 1990 teleconference.

Agenda Item 4

Results of November 7, 1990 Examinations

Captain O'Hara, Captain Elsensohn and JoAnne Cummings administered written exams on November 7, 1990. Seven applicants took the initial license exams; eight applicants took extension of route exams.

Captain O'Hara reported the following results:

- A. Gordon Terpening - Extension of Route. Should be issued a license to read, "Pilot on vessels of any gross tons upon the waters of Northern Prince William Sound including the ports of Valdez and Whittier; Resurrection Bay/Seward; Kodiak/St. Paul Harbor; Western

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 5

Alaska except Cold Bay and Adak; and Cook Inlet south of the forelands except Drift River, Seldovia and Port Graham."

- B. David Grobschmit - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 20,000 gross tons upon the waters of Captain's Bay, Dutch Harbor/Unalaska, Iliasik Passage, Chignik, Port Moller and Herendeen Bay."
- C. William Anderson - Initial Exam. Should be issued a license to read, "Pilot on vessels of not more than 20,000 gross tons upon the waters of Dutch Harbor/Unalaska, Captain's Bay, and Akutan."
- D. Eric Eliassen - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 40,000 gross tons upon the waters of Prince William Sound except entrances; Cook Inlet; Kodiak/St. Paul Harbor, Port Lions, Whale Passage and Ouzinki Narrows; Seward/Resurrection Bay; King Cove, Cold Bay, Sand Point, Chignik and Aleutian Island Ports except Adak and Akutan."
- E. Mark Hawker - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 40,000 gross tons upon the waters of Prince William Sound; Resurrection Bay; Cook Inlet except Seldovia, Port Graham, and Drift River; Kodiak/St. Paul Harbor; and the Aleutian Island Ports except Adak and Akutan."
- F. Robert Hendsch - Extension of Route. Passed Port Moller/Herendeen Bay. The examiner is directed to check his past examinations and contact Captain O'Hara for the license wording.
- G. Vincent Tillion - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 20,000 gross tons

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 6

upon the waters of Resurrection Bay/Seward; Cook Inlet; Kodiak/St. Paul Harbor and Ouzinki Narrows; the Alaskan Peninsula North and South except Cold Bay; and the Aleutian Islands."

On a motion made by Elsensohn, seconded by Burns and carried unanimously, it was

RESOLVED to accept Captain O'Hara's recommendations and issue the above licenses as read.

Captain Elsensohn reported on the following exam results:

- H. Robert Winter - Initial Exam. Should be issued a license to read, "Channel Pilot on the waters of Southeast Alaska, Dixon Entrance to Cape Spencer excluding all waters from Dixon Entrance through Sumner Strait, West Coast of Prince of Wales, Sitka Sound, Peril Strait, Hoonah Sound, White Stone Narrows, Neva Strait, Icy Strait, Cross Sound and the ports of Metlakatla, Ketchikan, Wrangell, Klawock, Sitka and Hoonah."
- I. Kurt Petrich - Initial Exam. Should be issued a license to read, "Channel Pilot on the waters of Southeast Alaska, Dixon Entrance to Cape Spencer excluding Snow Pass, Sitka Sound, Glacier Bay, West Coast of Prince of Wales, and the Port of Klawock."
- J. Don Charles - Initial Exam. Should be issued a license to read, "Channel Pilot on the waters of Southeast Alaska, Dixon Entrance to Cape Spencer excluding Nichols Passage, Snow Pass, Sitka Sound, Gastineau Channel, Icy Strait, Cross Sound, West Coast of Prince of Wales, and the Ports of Metlakatla, Sitka, Juneau and Klawock."
- K. Anthony Chadwick - Initial Exam. Should be issued a license to read, "Channel Pilot on the waters of Southeast Alaska, Dixon

Entrance to Cape Spencer excluding Wrangell Narrows, Peril Strait, Hoonah Sound, Whitestone Narrows, Neva Strait, Olga Strait, West Coast Prince of Wales and the Ports of Klawock and Petersburg."

- L. Michael Clinkscales - Extension of Route. Should be issued a license to read, "Unlimited: Kodiak Island; Alaska Peninsula except Cold Bay, Port Moller/Herendeen Bay; Seward/Resurrection Bay, Prince William Sound except Hinchinbrook Entrance, and Lower Cook Inlet south of Anchor Point. Also, Southeast Alaska, Dixon Entrance to Cape Spencer except Wrangell Narrows, West Coast Prince of Wales and Ports of Petersburg and Klawock. Also Yakutat."
- M. Charles Bates - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 20,000 gross tons upon the waters of Southeast Alaska, Dixon Entrance to Cape Spencer excluding Klawock."

The examiner was directed to check Captain Bates' file to see if the exam for West Coast Prince of Wales was passed previously.

On a motion made by Elsensohn, seconded by Foster and carried unanimously, it was

RESOLVED to issue the licenses for the above applicants as read.

Captain O'Hara amended the wording on Captain Grobschmit's license to read, "Pilot on vessels of not more than 20,000 gross tons on the waters of the Alaskan Peninsula (North and South); Dutch Harbor/Unalaska, Captain's Bay, and Akutan."

The examiner was directed to check the file of Captain Grobschmit to see if the tonnage limit is 20,000 or 40,000 gross tons; also, to see if the Aleutian Islands General Exam was passed.

Agenda Item 5 Extension of Route Temporary to Permanent License

On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to make permanent the following extension of routes:

Michael Skovoth - Southeast sets one and seven
Robert Herring - Seward/Resurrection Bay
Harry Scally - Prince William Sound, Western Entrances
Mike Collins - Yakutat
David Grobschmit - Sand Point, King Cove, False Pass, Akutan

Agenda Item 6 Tonnage Upgrades - Temporary to Permanent License

On a motion made by Burns, seconded by Elsensohn and carried unanimously, it was

RESOLVED to make permanent the following license upgrades:

Eric Eliassen - 20,000 to 40,000 Gross Tons.
Farrell Brown - Channel Pilot to 20,000 Gross Tons.
Richard Gurry - 40,000 Gross Tons to Unlimited.
Werner Sund - Channel Pilot to 20,000 Gross Tons.

Agenda Item 7 VLCC Endorsements - Temporary to Permanent License

On a motion made by Burns, seconded by Sell and carried unanimously, it was

RESOLVED to make permanent the VLCC endorsements for the following licensees:

Jeffrey Pierce
Anthony Joslyn
James Wright
William Tingley
Michael O'Hara

John Webb
John Bradley
Robert Hendricks
William Murphy
Richard Cochinos
James Hurd
Steven Hunicutt
Kaare Elde
Timothy Christy
John Cunningham
Robert Herring
Michael Stone

The VLCC endorsement applications of Harry Scally and William Bullard will be discussed separately.

Agenda Item 10

Recess for Lunch

On a motion made by Burns, seconded by Sell and carried unanimously, it was

RESOLVED to recess for lunch at 12:30 p.m.

Reconvened at 1:06 p.m.

Agenda Item 11

Cominco/Red Dog Pilot Station

Lisa Parker, Cominco Alaska; Bill Sharp, North Pacific Maritime/Southeast Stevedoring Corp.; and Paul Hedger, Navios Corp., were introduced.

Randall Burns spoke briefly on conflicts of interest among board members. A board member may not vote or participate in discussion if an issue presents a conflict of interest for a member.

Paul Hedger, representing Navios Corporation, addressed the board. He gave a brief description of Navios Corporation.

Navios submitted a briefing report to the board on November 2, 1990 showing the studies and surveys that have been performed by Navios, Cominco and outside consultants. The report also contains factual information gained from the first season

of operation and responds to the board's concerns regarding shipping in the Red Dog Mine area (see Attachment #1).

Navics suggests the board form an ad hoc advisory committee to study the matter, look at alternatives and make recommendations to resolve the issue of compulsory pilotage waters in the Red Dog Mine area.

Captain Murphy, President of Southwest Alaska Pilot Association, addressed the board. A letter was previously submitted by SWAPA (see Attachment #2).

Captain Murphy stated that SWAPA attempted to provide pilots but felt Navios was not interested in complying with the pilot requirement.

Randall Burns summed up the board's concerns in four issues that need to be settled.

1. Appropriateness of the pilot station.
2. Length of time a ship should hold waiting for a pilot.
3. Size of the area created in regulation as compulsory pilotage waters.
4. Validity of compulsory waters in the Red Dog Mine area at all.

Gary Amendola, Assistant Attorney General, addressed the board. He feels that the emergency regulations adopted by the board in June 1990 concerning the compulsory pilotage waters are indefensible as written. These regulations have recently expired.

The board has authority by statute to consider "inside coastal waters" as compulsory pilotage waters. This phrase has been defined by the board through regulation.

2:00 p.m. The board took a brief recess, and reconvened at 2:11 p.m.

The board chairman, Paul Taylor, appointed a three-person committee made up of Captain Elsensohn, Mark Foster and himself to study pilotage in the Red Dog Mine area and report back to the board by January 15, 1991.

3:00 p.m. The board took a short recess.
Reconvened at 3:11 p.m.

Agenda Item 12

Pilotage Contracts with Cruise Ship Companies

Dale Collins, president of Southeastern Alaska Pilots' Association, presented a letter and addressed the board regarding possible regulations requiring ships that come to Southeast Alaska on a regular basis to sign contracts with a pilot association.

Mr. Collins pointed out that the law requires a vessel employ a pilot "if available," and a loophole in the law may be created if pilot associations are not able to plan for an adequate number of pilots.

Comments from the audience were received by the board on this issue.

- A. Ed Creasey, SEAPA, agreed that contracts are needed.
- B. Bill Sharp, Southeast Stevedoring, disagreed with the implication that ships would try to take advantage of a loophole and enter without a pilot. Also, the state should not be involved in this matter; it should be worked out between the pilot associations and the cruise ship companies.
- C. Captain George Porter raised the question of what action the board would take if pilots were available and a ship proceeded without a pilot.

Agenda Item 13

Revision of Forms

- A. Medical Forms.

On a motion made by Foster, seconded by Burns and carried unanimously, it was

RESOLVED to continue to use the medical forms currently included with the initial and renewal applications.

B. Supervised Docking/Undocking Form (see Attachment #3).

On a motion made by O'Hara, seconded by Foster and carried unanimously, it was

RESOLVED to accept the supervised docking/undocking form submitted by Captain O'Hara with the "location" section of the form amended to delete "multiple mooring buoy."

Agenda Item 9

Review of FY 91 Goals and Objectives (see Attachment #4).

1. Exercise the powers and duties of the board. This goal is ongoing and will be covered during tomorrow's discussion of the proposed state pilotage act.
2. Continuing Education. Mr. Sell is continuing to work on this project. The rewritten pilotage act may require continuing education for pilots.
3. Processing of investigations and hearings. The Division is working on a request for proposals for contracting with a pilot for marine investigations. The proposed legislation may create a pilot coordinator position that would include investigative duties.
4. Propose necessary legislation. Covered by proposed marine pilotage act.
5. Update and improve regulations. Covered by proposed marine pilotage act.
6. Monitor pilot competency and availability. This goal is ongoing.
7. More stringent entry and renewal requirements. Covered by proposed marine pilotage act.

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 13

8. Provide for three meetings per year. Covered by proposed marine pilotage act.
9. Develop appropriate policy and regulations concerning the Nome and Kotzebue pilotage areas. This goal is ongoing.
10. Monitor shipping between Nome and Siberia. This goal is ongoing.

Agenda Item 14 Report on Contract Pilot for Investigations.

This item was discussed under agenda item 9.

Agenda Item 21 Office Business.

- A. Renewal Procedures - Pilots without quarterly reports on file must submit evidence of recency in Alaska.
- B. Tonnage Upgrades - To be reviewed tomorrow.
- C. Set Temporary License Exam Dates - January 22, 1991 in Juneau and Anchorage.
- D. Set Spring Meeting and Exam Dates - April 3-5, 1991 in Juneau.

Agenda Item 22 Regulations

- A. Drug and alcohol testing will be discussed tomorrow under the proposed marine pilotage act.
- B. Trip Sheets of Federal Pilotage - Captain O'Hara will distribute a letter from the Coast Guard on this topic.

The board recessed for the day at 4:25 p.m.

Friday, November 9, 1990

Agenda Item 6 Call to Order.

The meeting was called to order at 9:00 a.m.
Present and constituting a quorum were:

Paul Taylor, Chairman
Russell Sell
Captain Elsensohn

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 14

Bill Lorch
Mark Foster
Captain O'Hara

Randall Burns was not present.

Guests present on November 9, 1990 were:

W. E. Murphy, SWAPA
J. M. Baldry, SEAPA
George Porter, SEAPA
Ed Creasey, SEAPA
Arnt Antonsen, SEAPA
Wendy Mulder, Alaska State Legislature
Dale Collins, SEAPA
Chuck Cloudy, SEAPA Attorney
Terry Bennett
Bobby Parker, Parker Marine, Inc.
Steve K. Yoshida, SWAPA
Cees Deelstra, HALW/NWCA
Stan Stanley, Regional Citizens Advisory
Council
Joseph Merrill, Alaska Marine Pilots Dispatch
Service
Stuart Mork, AMP
Bill Sharp, North Pacific Maritime/SE
Stevedoring Corp.
Tony Chadwick, SEAPA
Tony Thein, Holland America Line
Senator Drue Pearce, State Legislature
Vincent Tillion, SWAPA
Joseph Homer, Alaska Coastwise Pilots
Brad Pierce, Office of Management and Budget
Marilou Madden, Office of Management and
Budget
Gary Amendola, Attorney General's Office

Agenda Item 7

VLCC Endorsements

Mark Foster reported on the VLCC applications he reviewed. The application of Captain William Bullard has no dockings more recent than 1979.

On a motion made by Foster, seconded by O'Hara and carried unanimously, it was

RESOLVED to adopt as a working rule for VLCC endorsement applications that dockings and undockings be made no more than five years prior to the application date.

9:05 a.m. Randall Burns joined the meeting.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to accept the application of Harry Scally for VLCC endorsement.

Agenda Item 17

OMB Report and Proposed Legislation

Brad Pierce and Marilou Madden from the Governor's Office of Management and Budget presented the results of a study and their recommendations regarding the state's Marine Pilotage Act (see Attachment #5).

- A. OMB Role - Collect information and comments and turn over the drafting of legislation to the board through Gary Amendola, Assistant Attorney General.
- B. Reasons for the Study.
 - 1. Prompted by a letter to the Governor from Captain Murphy
 - 2. Other states are studying marine pilot laws after the Exxon oil spill.
 - 3. Sunset review in FY 91.
- C. Is the Current Law a Problem?
 - 1. Marine pilot law is old; many changes in Alaska since the law was written.
 - 2. Alaska has the lowest requirements of all states.
 - 3. Alaska treats licensing as a right.
- D. Study Methodology.
 - 1. Surveyed pilots by mail.

2. Conducted phone conversations with board members and vessel agents.
 3. Visited associations.
 4. Reviewed other states' statutes.
- E. Establish a Social Contract between the State and Pilot Associations - The state supplies liability and antitrust protection in return for greater control of the profession.
- F. Legislative Intent.
1. Emphasis on local knowledge.
 2. Protect safety of lives, property and marine environment.
 3. Establish independence of pilots.
- G. Pilot Qualifications - Requirements should be high enough to assure entry level applicants have extensive seagoing experience.
- H. Regions - Exclusive regional licensing is recommended; current pilots with overlapping regions would have to choose one region after a transition period.
- I. Deputy Pilot Training Program
1. The board should review, approve and evaluate training programs run by pilot associations.
 2. The board should work with pilot groups to develop training criteria beyond dockings and undockings.
 3. The goal is to have an adequate number of unlimited pilots with wide experience.
- J. Check Ride Evaluation for Licensed Pilots
1. Required to ensure licensee is functioning at a competent level.
 2. Done through peer review, immune from liability and peer pressure
- K. Recency Criteria and Continuing Education Requirements are Recommended.

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 17

- L. Drug Testing and Annual Physical Exam.
 - 1. Random drug and alcohol testing.
 - 2. More complete annual physical.
 - 3. Testing done through accord with Coast Guard.

- M. Marine Pilot Coordinator.
 - 1. Will serve as staff to board.
 - 2. Will review and evaluate training programs and pilot association bylaws.
 - 3. Will conduct investigations in accord with USCG.
 - 4. Will provide management reports.

- N. Accord with the Coast Guard - In the areas of travel, expense for investigations and drug testing.

- O. Limit Number of Licenses Issued? - Limiting is not recommended at this time.

- P. Board Authority - Recommending a pilot representative from Western Alaska replace the commissioner's designee on the board. This would alter the balance of the board.

- Q. Tariffs.
 - 1. More board authority.
 - 2. Board should review existing structure.
 - 3. No undercutting.
 - 4. Tariff would include board administrative costs and pilot training costs.

- R. Board and the Social Contract.
 - 1. State should recognize pilot associations in statute.
 - 2. State should provide limitation of liability.
 - 3. State should protect associations from antitrust actions.

4. Board should have power to review associations' bylaws and exercise administrative control.

The board took a brief recess from 10:02 a.m. to 10:15 a.m.

Gary Amendola, Assistant Attorney General, discussed the draft legislation with the board (see Attachment #6).

Section 1 - Intent. Replaces "inside coastal waters" with "waters in, around and adjacent to State of Alaska."

Section 2 - Creation and Membership of the Board. Balance of the board was discussed.

Section 3 - Term of Office.

Section 4 - Meetings - Allows for three meetings per year without prior approval from the Governor's Office.

Section 5 - Powers & Duties. Describes board authority with more particularity. A separate section with guidelines for training programs may be needed.

Section 6 - Marine Pilot Coordinator. Authorization to hire.

Section 7 - Licensing Requirements. Includes the recommendations of the Office of Management and Budget.

Section 8 - Application.

Section 9 - Entry Level Qualifications. Language is unclear as to whether this applies to deputy pilots or licensed pilots. Different regions may have different entry level requirements. More explicit authority for drafting regulations may be needed.

Section 10 - Renewal - Some currently licensed pilots won't be able to meet the renewal requirements. Section 19 addresses this.

Section 11 - Lapsed License.

Section 12 - Enforcement Authority.

Section 13 - Disciplinary Sanctions. Refers back to centralized licensing statutes.

Section 14 - Mandatory Employment of Licensed Pilots.

Section 15 - Allocation of Liability. Ship owner is responsible rather than the pilot.

Section 16 - Pilot Organizations. May need to add explicit protection from antitrust in this section; also need to reword exemptions in simpler terms.

Section 17 - Penalties. May need to be more severe.

Section 18 - Short Title.

Section 19 - Transition.

Members of the audience commented on the OMB report and the proposed legislation.

- A. Tony Phein, Holland America Lines: Supports effort to upgrade pilotage standards; concerned about economic aspect; against monopoly, rate making, pilot liability limit, and prohibition on direct employment by pilots; pilots who are nonassociation members must have opportunities for training.
- B. Joseph Merrill, Alaska Marine Pilot Dispatch Service: Each pilotage region should be represented on the board before any regulation of these regions is attempted; supportive of regional differences in

qualifications; ability of pilot to be employed should be addressed.

- C. Steve Yoshida, SWAPA: More explicit statutory qualifications needed; number of licenses should be limited by the board.
- D. Dale Collins, SEAPA: In order for associations to allow board review, only one association should be sanctioned in each region; favors limiting licenses and limited pilot liability.
- E. Scott Jones, Alaska Maritime: Favors balance on the board between pilots, agents and public members; doesn't see value in limiting number of licenses issued.
- F. Ed Murphy, SWAPA: Favors maintaining a balance between pilots, industry and public on the board as well as retaining the administrative voice; in favor of increased licensing standards.
- G. Bill Sharp, Southeast Stevedoring: Encourages expression of the intent of the legislation; industry shouldn't solely bear the cost of pilot training; favors maintaining the balance of pilot/industry/public representation on the board.
- H. Terry Bennett, Independent Pilot: Opposed to state providing antitrust protection for associations in exchange for better training and standards; board needs to represent all interests, and more attention needs to be given to the makeup of the board; supports competitive pricing.

The board will plan a one-day work session on the proposed legislation and receive public comment for review prior to the work session.

On a motion made by Elsensohn, seconded by Sell and in accordance with AS 44.62.310, it was

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 21

RESOLVED to enter executive session for the purpose of attorney client consultation.

Entered executive session at 11:55 a.m.; adjourned from executive session at 12:00 noon.

Captain David Sanders and Captain William Cork addressed the board along with their attorney, Michael Hanson, to request approval to take the oral examinations. They are requesting a hearing on the denial of their applications and would like to be able to obtain their licenses without further delay if they prevail in the appeal.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to deny the requests of Captain Sanders and Captain Cork to be given the oral examination.

On a motion made by Burns, seconded by Elsensohn and carried unanimously, it was

RESOLVED to enter executive session for the purpose of attorney client consultation.

Entered executive session at 12:10 p.m. Adjourned from executive session at 12:30 p.m.

On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to recess for lunch at 12:30 p.m.

Reconvened at 1:00 p.m. to continue discussion of the OMB report and proposed legislation.

On a motion made by Lorch, seconded by Sell and carried unanimously, it was

RESOLVED to schedule a one-day work session on the proposed rewrite of the Marine Pilotage Act on December 17, 1990 in Anchorage. December 10, 1990 will be the deadline for public comment.

Agenda Item 16b

Tonnage Upgrades

1. Larry Pullin applied to upgrade his license from Limited, Step 1 to Unlimited.

On a motion made by Foster, seconded by Lorch and carried unanimously, it was

RESOLVED to upgrade the license of Larry Pullin to Limited, Step 2, 40,000 gross tons, effective April 5, 1991.

2. Peter Lie-Nielsen applied to upgrade his license from Limited, Step 1 to Unlimited.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to upgrade the license of Peter Lie-Nielsen to Limited, Step 2, 40,000 gross tons, effective November 9, 1990.

3. Terry Bennett applied to upgrade his license from Channel Pilot to Limited, Step 1.

Captain Elsensohn was granted permission to be excused from the vote and discussion on Terry Bennett's application due to a possible conflict of interest.

On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to deny the request of Terry Bennett for a waiver to the requirement of 12 AAC 56.027(a)(4) that no more than five of the dockings and five of the undockings be made under the supervision of the same pilot.

BE IT FURTHER RESOLVED that a letter will be sent to Southeastern Alaska Pilots' Association requesting that Terry Bennett be provided opportunity to perform the necessary dockings and undockings. This opportunity should be provided by June 1, 1991. If this

BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 23

cannot be accomplished by June 1, SEAPA should let the board know as soon as possible what date would be reasonable.

4. Mike Collins applied to upgrade his license from Limited, Step 1 to Unlimited.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to issue a Limited, Step 2, 40,000 Gross Tons license to Mike Collins.

5. Keith Douglas applied to upgrade his license from Limited, Step 2 to Unlimited.

On a motion made by Elsensohn, seconded by Burns and carried unanimously, it was

RESOLVED to approve an Unlimited license for Keith Douglas effective May 11, 1991.

6. Jeff Baken applied to upgrade his license from Channel Pilot to Limited, Step 1.

On a motion made by Elsensohn, seconded by Lorch and carried unanimously, it was

RESOLVED to approve the application of Jeff Baken to upgrade to a Limited, Step 1, license.

Randall Burns left the meeting at 2:00 p.m.

7. Hans Antonsen wrote a letter to the board supporting the procedure of granting upgrades on a step-by-step basis. However, he asked that if exceptions were to be made to allow applicants to bypass steps, he would also like to be considered for an Unlimited license.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to deny the request of Hans Antonsen to receive an Unlimited license.

Agenda Item 22 VLCC Qualifications

Captain O'Hara expressed concern over the current requirements for a VLCC endorsement under 12 AAC 56.510. There is no requirement for local experience.

No regulation change will be requested at this time. The rewrite of the Pilotage Act may resolve this problem.

Agenda Item 23 Public Comment

Dale Collins, SEAPA, asked if tariffs are in effect and, if so, if they can be negotiated up or down.

The board directed the Attorney General's Office to find the answer to this inquiry.

On a motion made by Foster, seconded by Elsensohn and carried unanimously, it was

RESOLVED to take a brief recess at 2:15 p.m.

Reconvened at 2:25 p.m.

Terry Bennett and Joseph Homer spoke briefly on tariffs. Captain Elsensohn and Captain O'Hara explained how tariffs are set for areas that are not included in the published rate schedule.

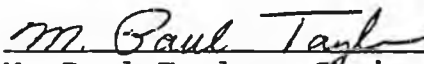
Agenda Item 24 Adjourn

On a motion made by Sell, seconded by Elsensohn and carried unanimously, it was

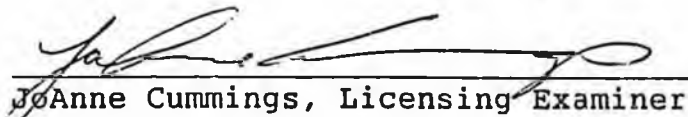
BOARD OF MARINE PILOTS
MINUTES OF MEETING
NOVEMBER 8 and 9, 1990
Page 25

RESOLVED to adjourn at 2:30 p.m.

Respectfully submitted,



M. Paul Taylor, Chairman



JoAnne Cummings, Licensing Examiner

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

ALASKA BOARD OF MARINE PILOTS Tentative Agenda November 8-9, 1990

Frontier Building, Room 336
3601 C Street
Anchorage, Alaska

STEVE COWPER, GOVERNOR

P.O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

*Reg
Chill*

November 7, 1990 - Wednesday

8:30 a.m. Written Examinations
Initial Licensure - SW - 1; SE - 4
Extension of Route - SW - 6; SE - 2

November 8, 1990 - Thursday

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
1. 8:30 a.m.	Oral Examinations	Mr. Paul Taylor, Chair
2. 10:00 a.m.	Meeting Called to Order Roll Call	Mr. Taylor
3. 10:05 a.m.	Review Minutes a. April 5 & 6, 1990 Meeting b. June 1, 1990 Teleconference c. June 25, 1990 Teleconference	Mr. Taylor
4. 10:20 a.m.	Examination Results - Nov 7, 1990 a. Initial Licensure b. Extension of Route	Captains O'Hara & Elsensohn
5. 10:30 a.m.	Permanent Licensure Extension of Route (Previously Approved for Temporary)	Captains O'Hara & Elsensohn

Skovoth, Michael
SE set 1 and 7

Herring, Robert
Seward/Resurrection Bay

Scally, Harry
Prince William Sound
Western Entrances

	<u>Grobschmit, David</u> Sand Point, King Cove, False Pass, Akutan	
6. 10:40 a.m.	Tonnage Upgrades Permanent Licensure (Previously Approved for Temporary)	Captains O'Hara & Elsensohn
	<u>Eliassen, Eric</u> 20,000 to 40,000 Gross Tons	
	<u>Brown, Farrell J.</u> Channel to 20,000 Gross Tons	
	<u>Gurry, Richard</u> 40,000 Gross Tons to Unlimited	
	<u>Sund, Werner</u> Channel to 20,000 Gross Tons	
7. 10:50 a.m.	VLCC Endorsements Permanent Licensure (Previously Approved for Temporary)	Captains O'Hara & Elsensohn
	<u>Pierce, Jeffrey</u>	
	<u>Joslyn, Anthony</u>	
	<u>Wright, James</u>	
	<u>Tingley, William A.</u>	
	<u>O'Hara, Michael</u>	
	<u>Webb, John</u>	
	<u>Bradley, John</u>	
	<u>Hendricks, Robert L.</u>	
	<u>Murphy, William</u>	
	<u>Cochinos, Richard</u>	
	<u>Hurd, James</u>	
	<u>Hunicutt, Steven</u>	
	<u>Elde, Kaare</u>	
	<u>Christy, Timothy</u>	
	<u>Cunningham, John</u>	
	<u>Herring, Robert</u>	
	<u>Bullard, William</u>	

- | | | |
|---|--|--|
| 8. 11:00 a.m. | Investigative Report
(Executive Session) | DOL Staff |
| 9. 11:40 a.m. | Review of FY91 Goals and Objectives | Mr. Taylor |
| 10. 12:00 noon | Recess for Lunch | |
| 11. 1:00 p.m. | Cominco/Red Dog Pilot Station | Mr. Taylor |
| 12. 3:00 p.m. | Pilotage Contracts with Cruise Ship
Companies | Mr. Dale Collins
SEAPA |
| 13. 3:30 p.m. | Revision of Forms
a. Certificate of Medical Exam
b. Supervised Docking/Undocking | Mr. Taylor
Capt. O'Hara |
| 14. 4:00 p.m. | Marine Casualty Investigation
Report on Contract Pilot | Mr. Burns |
| 15. 4:30 p.m. | Recess | |
| <u>November 9, 1990</u> - Thursday <i>Friday</i> | | |
| 16. 9:00 a.m. | Call to Order | Mr. Taylor |
| 17. 9:05 a.m. | OMB Report, Proposed Legislation
and Sunset Audit | Brad Pierce, OMB
Mary Lou Madden, OMB
Gary Amendola, AAG |
| 18. 12:00 noon | Recess for Lunch | |
| 19. 1:00 p.m. | OMB Report Continued | |
| 20. 1:45 p.m. | Review Reports on Exxon Valdez
Accident and Pilotage
a. National Transportation Safety
Board
b. Battelle, "A Comparative Assess-
ment of State Pilot Safety"
c. National Resources Defense Council,
"No Safe Harbor: Tanker Safety in
America's Ports"
d. Bauman, "Report of the Pilot Study Group" | Mr. Foster |
| 21. 2:30 p.m. | Revision to VLCC Qualifications
a. Require 1/2 time in Alaskan
waters
b. Require 20 round trips in Alaskan
waters | Capt. O'Hara |

22. 3:00 p.m. Office Business DOL Staff
a. Renewal Procedures - Recency
b. Tonnage Upgrade Applications
c. Set Temporary License Exam Dates
d. Set Spring Meeting and Exam Dates
23. 3:30 p.m. Regulations Mr. Taylor
a. Drug and Alcohol Testing
b. Trip Sheets of Federal Pilotage
24. 4:00 p.m. Public Comment Mr. Taylor
25. 4:30 p.m. Adjourn

JAC/lvs3955t
101190b

MEMORANDUM (Brief Communications)

State of Alaska

JAN 2 1991

TO:	Name	Dept./Div./Sect.	Mail Stop
		Sen. Pearce's Office	
FROM:	Name	Dept./Div./Sect.	Phone
	JoAnne Cummings <i>JAC</i>	Occupational Licensing	465-3035
SUBJ:	Marine Pilot Board Meeting - Minutes		Date
			12/28/90

Enclosed is a draft copy of the minutes from the meeting of the Board of Marine Pilots on December 17, 1990. These are unofficial as they have not yet been approved by the board.

If you have any questions, please call.

MEMORANDUM (Brief Communications)

State of Alaska

TO:	Name Peg Cahill	Dept./Div./Sect. Sen. Pearce's Office	Mail Stop
FROM:	Name JoAnne Cummings	Dept./Div./Sect. Occupational Licensing	Phone 465-3035
SUBJ:	Marine Pilot Board Meeting - Minutes		Date 12/28/90

Enclosed is a draft copy of the minutes from the meeting of the Board of Marine Pilots on December 17, 1990. These are unofficial as they have not yet been approved by the board.

I have also sent a copy to your Anchorage office. If you have any questions, please call.

DRAFT

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF MARINE PILOTS

MINUTES OF MEETING
DECEMBER 17, 1990

By authority of AS 08.01.070(2) and AS 08.62.030 and in compliance with the provisions of AS 44.61, Article 6, and AS 44.62.310, a scheduled meeting of the Board of Marine Pilots was held on December 17, 1990 at the Frontier Building, 3601 C Street, Suite 336, Anchorage, Alaska.

Agenda Item 1

Call to Order/Roll Call

The meeting was called to order at 9:00 a.m. by Chairman Paul Taylor. Those present and constituting a quorum of the board were:

Captain Harold K. Elsensohn
Captain Michael O'Hara
M. Paul Taylor, Chairman
William Lorch
Russell Sell
Randall Burns, Commissioner's Designee

Mark Foster arrived at 9:02 a.m.

Also present from the Department of Commerce and Economic Development, Division of Occupational Licensing, was JoAnne Cummings, Licensing Examiner.

Guests present were:

John Baldry, Southeastern Alaska Pilots' Association (SEAPA)
George Quick, International Organization of Masters, Mates and Pilots
Dale O. Collins, SEAPA
C. C. Cloudy, SEAPA
W. E. Murphy, Southwest Alaska Pilots Association (SWAPA)
G. R. Porter, SEAPA
Arnt Antonsen, SEAPA
Joseph Merrill, Alaska Marine Pilot Dispatch Service (AMP)
C. J. Cary, C. J. Cary Marine
Tom Rueter, North Star Maritime
Judith Brogan, Regional Citizens' Advisory Council
Steve K. Yoshida, SWAPA
Bill Sharp, North Pacific Maritime

Review Agenda

One topic was added to the agenda as item 6.1. A discussion of the Red Dog/Cominco pilot station was scheduled for discussion after the lunch break.

On a motion made by Elsensohn, seconded by Sell and carried unanimously, it was

RESOLVED to approve the agenda as amended.

Agenda Item 2

Approve Minutes of November Meeting

On a motion made by Burns, seconded by O'Hara and carried unanimously, it was

RESOLVED to approve the minutes of the November 8-9, 1990 meeting as presented.

Agenda Item 3

Public Comment

Members of the audience were invited to speak on the proposed rewrite of the Marine Pilotage Act.

Captain Murphy, Southwest Alaska Pilots' Association:

1. Establish in the legislation the independent nature of state pilotage free from industry control.
2. Entry standards need to be higher with a provision that pilots be properly trained.
3. Limit pilot liability.
4. Limit the number of licenses issued.

John Baldry, Southeastern Alaska Pilots' Association:

1. Use examples from other jurisdictions, comments from authorities and literature available to make proposal for legislation.
2. Limit number of licenses issued, or at least include authority in statute to set these limits.

Dale Collins, Southeastern Alaska Pilots' Association, read a letter into the record:

1. Limit number of licenses issued.
2. Sanction one exclusive pilot association per region.

George Quick, International Organization of
Masters Mates and Pilots:

1. Recognize pilot association as operating entity for pilotage services.
2. Limit number of licenses issued.

Captain Quick responded to questions from the board regarding other pilot areas in the world, the methods of regulation used, and the problems experienced.

Joseph Merrill, Alaska Marine Pilots Dispatch
Service:

1. Make areas of board authority clear.
2. Limit liability of dispatchers and individual pilots.
3. Recognize differences due to regions and types of vessels when formulating training and qualification requirements.
4. Clarify and regionalize the tariff (requires sanctioning of a pilot group per region).

Bill Sharp, North Pacific Maritime/Cruise Line
Agencies of Alaska:

1. Need for changes in the law stems from internal problems of pilots rather than industry.
2. Legislation should include industry and its ability to have input into daily operations of the business.
3. Exclusive associations should not be sanctioned by the board.

The meeting recessed briefly from 10:15 to 10:35 a.m.

Agenda Item 6.1

Red Dog/Cominco Pilot Station

A committee of the board, consisting of Captain Elsensohn, Mark Foster and Paul Taylor, met with representatives from Navios Corp., Cominco Ltd., North Pacific Maritime and the U.S. Coast Guard on December 16, 1990 to discuss the compulsory pilotage waters in the Red Dog Mine area.

The committee recommended establishing compulsory pilotage waters from Cape Prince of Wales to outboard of the reefs (latitude and longitude to be supplied), to 12 miles off of Cape Espenberg, to Cape Krusenstern, to Point Hope. The pilot station will be at the intersection of the shipping lane and the line of compulsory pilotage waters, approximately 12-14 miles from the harbor site. (See Attachment #1)

On a motion made by Elsensohn, seconded by Burns and carried by a vote of 4-2 with Foster and Sell objecting, it was

RESOLVED to accept the proposal of the subcommittee to resolve the Cominco/Red Dog Mine pilotage difficulty.

On a motion made by Burns, seconded by Elsensohn, and carried unanimously, it was

RESOLVED to adopt the subcommittee's proposal for publication as a proposed regulation, invite public comment and schedule discussion regarding adoption of the regulation for the April, 1991 meeting.

Agenda Item 4

Proposed Marine Pilotage Act Amendments

Brad Pierce and Marilou Madden from the Office of Management and Budget joined the meeting along with Gary Amendola, Assistant Attorney General.

A discussion of the draft legislation followed. (See Attachment #2)

Section 1 - INTENT. Changes to other sections of the draft legislation may require changes to this section also.

Section 2 - CREATION AND MEMBERSHIP OF THE BOARD. Action on this section was postponed.

Section 3 - APPOINTMENT AND TERM OF OFFICE. No changes to this section.

Section 4 - MEETINGS. No changes to this section.

Section 5 - POWERS AND DUTIES. Action on this section was postponed.

Section 6 - MARINE PILOT COORDINATOR. No changes to this section.

Section 7 - LICENSE REQUIREMENTS. Action on this section was postponed.

The board recessed for lunch at 11:45 a.m. and reconvened at 1:09 p.m.

Section 8 - APPLICATION. No changes to this section.

Section 9 - ENTRY LEVEL QUALIFICATIONS. A definition of one year of service will be included in the legislation. The Coast Guard standard will be used.

On a motion made by O'Hara, seconded by Sell and carried by a vote of 4 to 3 with Burns, Foster and Lorch objecting, it was

PESOLVED to delete section 9(b)(5) from the proposed legislation.

On a motion made by Elsensohn, seconded by O'Hara and carried unanimously, it was

RESOLVED to replace the deleted section (b)(5) with wording proposed by SWAPA:
"Three years of experience as a member of an organized professional pilots' association during which period the candidate was actively engaged in piloting while holding a minimum license as a master of freight or towing vessels of not more than 1,600 gross tons."

The board noted that the tonnage minimum in section 9(b)(4) should read 1,600 rather than 1,000 tons.

Section 10 - RENEWAL. Action on this section was postponed.

Section 11 - LAPSED LICENSES. Action on this section was postponed.

Section 12 - ENFORCEMENT AUTHORITY. On a motion made by Elsensohn, seconded by O'Hara and carried unanimously, it was

RESOLVED to approve proposed 08.62.150
(section 12) as written.

Section 13 - DISCIPLINARY SANCTIONS. On a motion made by Elsensohn, seconded by Burns and carried unanimously, it was

RESOLVED to approve proposed 08.62.155
(section 13) as written.

Section 14 - MANDATORY EMPLOYMENT OF PILOTS. On a motion made by Foster, seconded by Burns and carried by a vote of 4-2 with Elsensohn and Sell objecting, it was

RESOLVED to approve section 14 as written.

The board took a short break from 2:47 to 3:00 p.m.

Section 15 - ALLOCATION OF LIABILITY. A motion was made by Elsensohn, and seconded by Burns to accept section 15 as written.

A motion was made by Elsensohn and seconded by Sell to amend the above motion to add the phrase, "per incident;" and to add "cargo" to paragraph (b) after "Nothing in this section exempts the vessel, . . ." The motion to amend was carried unanimously, and by a unanimous vote it was

RESOLVED to accept section 15 as amended.

Section 16 - PILOT ORGANIZATIONS. On a motion made by Foster, seconded by Burns and carried unanimously, it was

RESOLVED to accept section 16 as written.

A motion to amend the above motion to include wording proposed by SWAPA failed by a vote of 2-4 with Elsensohn and O'Hara voting in favor of the motion. (See SWAPA proposal AS 08.62.175(b) in Attachment 22)

Section 17 - PENALTIES. On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to adopt the wording proposed by SWAPA under the penalties section changing the penalties under paragraph (a) to "not less than \$5,000 nor more than \$15,000" and under paragraph (b) to "not less than \$1,000 nor more than \$5,000."

On a motion made by Elsensohn, seconded by Burns and carried unanimously, it was

RESOLVED to delete the phrase "when a licensed pilot is available" from section 17(a).

The definitions under 08.62.200 need to be expanded to include a definition of chemical impairment and the standard for measuring time served.

Section 18 - SHORT TITLE. On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to approve section 18 as written.

The board took a short break from 4:15 to 4:25 p.m. before taking up discussion of sections of the proposed legislation which were postponed.

Section 5 - POWERS & DUTIES. Section 5(a)(4) was amended to delete the phrase "provided that the board may adopt different tariffs within a region if justified." Section 5(a)(7) was amended to add "or individual" after "audit a pilot association."

On a motion made by Burns, seconded by Foster and carried by a vote of 5-1 with O'Hara objecting, it was

RESOLVED to approve section 5 as amended.

Section 7 - LICENSE REQUIREMENTS. A motion was made by Foster and seconded by Burns to adopt section 7 as written.

A motion was made by Elsensohn, seconded by Burns and carried by a vote of 4-2 with Foster and Lorch objecting, to amend the above motion to substitute the following wording for section 7(b) and (c):

- (b) A pilot may not be licensed at any one time in more than one of the pilotage regions established by the board.
 - 1) Those pilots who, on the effective date of this act, have more than one region on their license will be grandfathered, but must meet the requirement for each region at renewal time."

By unanimous vote, it was

RESOLVED to adopt section 7 as amended.

Section 2 - CREATION AND MEMBERSHIP OF THE BOARD. On a motion made by Lorch, seconded by Sell and carried unanimously, it was

RESOLVED to keep the board in its present form.

LIMITATION OF LICENSES (SWAPA proposal 08.62.105 in Attachment 2). A motion to adopt the SWAPA proposal to limit the number of licenses issued failed by a vote of 2-4 with O'Hara and Elsensohn voting in favor of the motion.

TRAINING (SWAPA proposal 08.62.117 in Attachment 2). Specific training requirements will be given in regulation rather than statute and may differ by region.

Section 10 - RENEWAL. The board changed paragraph (b) to require a pilot to work in the region for which he is licensed for a minimum of 60 days during the two years prior to a request for renewal of the license.

Section 11 - LAPSED LICENSE. The board agreed to change the time requirement for reexamination under paragraph 2 from five years to one year.

A motion to reopen the discussion of training requirements proposed by SWAPA failed by a vote of 1-4 with Elsensohn abstaining and O'Hara voting in favor of the motion.

At 5:30 p.m., the meeting was adjourned.

Respectfully submitted,

M. Paul Taylor, Chairman

JoAnne Cummings, Licensing Examiner

Minutes Approved on _____.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

P.O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

ALASKA BOARD OF MARINE PILOTS

Tentative Agenda
December 17, 1990

Frontier Building, Room 336
3601 "C" Street
Anchorage, Alaska

1. 9:00 a.m. - Call to Order/Roll Call
2. 9:05 a.m. - Approve Minutes of November 8-9, 1990 Meeting
3. 9:10 a.m. - Public Comment
4. 11:00 a.m. - Board Discussion/Action re: Proposed Marine Pilotage Act Amendments
5. 12:00 p.m. - Recess for Lunch
6. 1:00 p.m. - Board Discussion/Action re: Proposed Marine Pilotage Act Amendments
7. 5:00 p.m. - Adjourn

The board will have reviewed all written comments received before meeting on December 17. The period of public comment at the start of the meeting will, therefore, be limited to allow the board sufficient time to fully review and discuss the proposed rewrite of the Marine Pilotage Act. The board will, at its discretion, ask for specific comment at any time during the meeting, or provide for other brief periods of time for additional public comment.

JC/dgl8451D
120490b

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

December 7, 1990

To persons interested in Alaska Marine Pilotage:

Enclosed is a copy of the final report of our study: *Improving Alaska's Marine Pilotage System*. Legislation to implement the recommendations of this report will be considered by the state Board of Marine Pilots in a work session scheduled for 9:00 A.M. December 17, 1990 in the Frontier Building in Anchorage. All interested parties are invited to attend.

Peg knows
(S)

We would like to thank all who contributed to preparation and review of this report.

Sincerely,

Brad Pierce *Marilou Madden*
Brad Pierce Marilou Madden
Senior Policy Analysts

Did Peg listen ???

465-3568

NO she didn't work yesterday

back to dp

(S)

SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977
Homer, Alaska 99603

Tel: (907) 235-8783
Fax: (907) 235-6119

December 5, 1990

Alaska Board of Marine Pilots
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

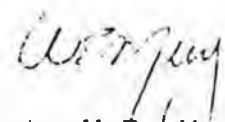
Dear Board Members:

Enclosed for your consideration is SWAPA's proposal for draft legislation to rewrite Alaska's Marine Pilotage Act.

We believe the language of our rewrite, if adopted, will address and solve the problems identified by the pilotage study group and does not threaten the license or status of those currently holding a state pilot license. At the same time it serves the public interest by protecting the pilotage system from competitive pressures fostered by shipping companies and agents and it provides the organizational structure to administer an efficient and highly trained pilotage service throughout the state. Finally, our draft recommends language which clearly establishes the primary duty of pilots to the state, its citizens and the environment.

Thank you for this opportunity to comment. I look forward to the meeting on December 17.

Sincerely yours,


Capt. W.E. Murphy
President

enc.

STATE OF ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

DEC 10 1990

DI..

ALASKA MARINE PILOTS ACT

11/30/90

(As Recommended by Southwest Alaska Pilots Association)

Sec. 08.62.005. INTENT. (a) The legislature declares that it is the policy of the State of Alaska to prevent the loss of lives and property, and to protect the marine environment of the state by requiring compulsory pilotage in certain waters in, around, and adjacent to the State of Alaska. The legislature finds that in order to assure the protection of lives and property and the marine environment of the state, licensed marine pilots having extensive local knowledge are required to pilot certain vessels in certain waters in, around, and adjacent to the State of Alaska. The legislature also finds that to carry out this policy, it is necessary to give the Board of Marine Pilots broad statutory authority, including the authority to establish pilotage regions and tariffs and the authority to establish criteria for the training and licensing of marine pilots.

(b) The legislature recognizes that marine pilots operating independently of the shipping industry have provided and will continue to provide essential services to the people of the State of Alaska. Marine pilots further the public interest by providing safe pilotage in the pilotage waters of the State of Alaska. It is the intention of this legislature that the board work with marine pilots to ensure that safe pilotage is maintained in the State of Alaska.

(c) The legislature also recognizes that in the past pilot organizations have provided, and in the future will continue to provide important services on behalf of marine pilots. By doing so, these pilot organizations have furthered the policy of protecting lives and property and the marine environment in the pilotage waters of the State of Alaska. It is the intention of the legislature that the board work with pilot organizations in a cooperative effort to enhance that policy.

(d) The Legislature declares that the first and paramount duty of marine pilots licensed by the State of Alaska is to the state, acting through its Board of Marine Pilots, for the public safety, and the safety of the marine environment.

STATE OF ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

DEC 10 1990

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Sec. 08.62.010. CREATION AND MEMBERSHIP OF BOARD. There is created the Board of Marine Pilots. The board shall consist of one state licensed marine pilot from each pilotage region who is actively engaged in, and for at least the past five years was actively engaged in, piloting vessels subject to this chapter, two agents or managers of vessels subject to this chapter, each being from a different pilotage region, and two public members from different pilotage regions who qualify under AS 08.01.025. All members of the board must be residents of the state.

Sec. 08.62.020 APPOINTMENT AND TERM OF OFFICE. The governor shall appoint the members of the board in accordance with AS 08.01.020. No member may be appointed to the board for more than two consecutive terms.

Sec. 08.62.030 MEETINGS. The board shall hold at least three regularly scheduled meetings each year. The board may hold special meetings at the call of the chair or at the request of a majority of the members of the board.

Sec. 08.62.040. POWERS AND DUTIES. (a) The Board shall have the authority to

(1) provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter in order to assure the protection of shipping, the safety of human life and property, and the protection of the marine environment.

(2) consistent with the law, adopt regulations, subject to the Administrative Procedures Act (AS 44.62) establishing the qualifications of and required training for pilots and providing for the examination of pilots and the issuance of original or renewal pilot licenses to qualified persons;

(3) keep a register of licenses pilots and agents;

(4) adopt regulations establishing pilotage regions in the state, establishing the criteria by which to set pilotage tariffs, including criteria related to a training and investigation fee to be remitted to the board, and setting pilotage tariffs for each region;

DEC 10 1990

- (5) make available, upon request, copies of this chapter and the regulations adopted under it;
- (6) review and approve the bylaws and the operating rules of pilot associations;
- (7) audit a pilot association or any pilot whose pilot fees are not collected by an association for compliance with state law as considered necessary by the board; and
- (8) review and approve training programs conducted by pilot organizations.

(b) The board shall make any other provision for proper and safe pilotage upon the waters covered by this chapter and for the efficient administration of this chapter, including establishing different licensing criteria for different pilotage regions if justified by regional differences in piloting, establishing a mandatory random drug and alcohol testing program for marine pilots, and adopting criteria for trainee selection and for training programs conducted by pilot organizations.

(c) For good cause, the board may require a marine pilot to submit to a physical or mental examination to determine the pilot's fitness to perform the duties of a marine pilot.

Sec. 08.62.045 MARINE PILOT COORDINATOR. The department, with the approval of the board, is authorized to hire a marine pilot coordinator who is qualified to administer and enforce the provisions of this chapter. The coordinator may not be an active member of an Alaska pilot organization and may not work as a pilot while employed as the coordinator, except to the extent required by official duties. The coordinator is a member of the partially exempt service under AS 39.25.120. (If this provision is accepted, AS 39.25.120 will also have to be amended.)

Sec. 08.62.080 LICENSE REQUIREMENTS. (a) A person may not pilot a vessel subject to this chapter unless the person is licensed under this chapter.

(b) Except as provided in (c) of this section, a pilot may not be licensed at any one time, in more than one of the pilotage regions established by the board.

(c) The board may issue an endorsement to a licensed pilot for specific ports outside of the pilotage region for which the pilot is licensed. This endorsement and any renewals thereof shall be issued only to those pilots who are licensed for ports outside of their pilotage region on the effective date of this legislation. Renewal of endorsements shall be in accordance with Sec. 08.62.120.

(d) The board shall establish dates for license examinations and shall provide public notice of such dates.

Sec. 08.62.090 APPLICATION. (a) A person who desires to be licensed under this chapter shall apply in writing to the department.

(b) The application shall provide the information and be made on a form prescribed by the board.

(c) In order to be eligible to take the next scheduled examination, a person must file the application with the board at least 60 days before the date of the examination.

Sec. 08.62.100. ENTRY LEVEL QUALIFICATIONS. (a) The board will issue a license to a person if he or she is a citizen of the United States, passes the examinations given by the board, completes the training requirements, qualifies in accordance with regulations adopted by the board, and meets the qualifications in (b) - (d) of this section.

(b) In addition to the qualifications in (a) of this section, an applicant must provide documentation to the board of the following service:

(1) One year of service as a master of ocean or coastwise vessels while holding a license as the master of ocean steam or motor vessels any gross tons; or

(2) Two years of service as a master on vessels or tug and tow of not less than 1,600 combined gross tons while holding a license as master of vessels of not less than 1,600 gross tons;

(3) Two years service as a chief officer on ocean or coastwise vessels of not less than 1,600 gross tons while holding a license as the mater of ocean steam or motor vessels any gross tons; or

(4) Two years service as commanding officer of United States government vessels of not less than 1,600 gross tons and holding a license as the master of ocean steam or motor vessels any gross tons.

(5) Three years of experience as a member of an organized professional pilots association, during which period the candidate was actively engaged in piloting while holding a minimum license as a master freight or towing vessel not more than 1600 gross tons.

Sec. 08.62.105 LIMITATION OF LICENSES. The board shall regulate and limit the number of pilots to be licensed under this chapter, such number of pilots to be regulated and limited to the number found by the board to be required to render efficient and competent pilotage service.

Sec. 08.62.115 APPLICANT SCREENING. (a) If more applications are received than requested, the board will select the most qualified applicant, depending on:

- (1) documented sea time;
- (2) time spent serving as master;
- (3) formal maritime training;
- (4) experience in the waters for which applying;
- (5) previous piloting experience.

(b) The selected applicants will be given a written examination on shiphandling, local knowledge and other subjects considered appropriate by the Board, which must be passed with a grade of at least 75 percent.

(c) A deputy pilot license will be issued to the successful candidate.

(d) The deputy pilot license will be good for two years, and is not renewable.

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DEC 10 1990

Sec. 08.62.117 TRAINING. (a) The deputy pilot will be sent to an association of a region for training. The deputy pilot shall complete a minimum of one hundred familiarization/training trips on ships requiring pilots. These trips must include at least 50 dockings and 50 undockings performed by the trainee, divided among the major docks of the district named in the regulations. These dockings and undockings must be tug assisted in Southeast. An evaluation sheet will be submitted to the board of Marine Pilots by the supervising pilot for each observer trip and docking and undocking by the trainee. The supervising pilot must have at least five years' experience as an unlimited licensed pilot in that pilotage district.

(b) Successfully complete a class in shiphandling at a simulator approved by the board.

(c) Upon successful completion of the required observer trips, and dockings and undockings, and shiphandling simulator class, the deputy pilot will be eligible to take an examination for a "limited pilot license, not over 20,000 gross tons". This training period may not exceed two years or less than six months.

Sec. 08.62.119. PILOT REGIONS. (a) Due to the vastness of the pilotage districts, and because state pilotage requires a high degree of local knowledge and proficiency, it is deemed in the public interest that a pilot can be licensed for only one region. The regions in Alaska shall be defined as follows:

(1) "Southeastern Alaska Pilotage Region" shall include all waters of Alaska from Dixon Entrance to Yakutat.

(2) "Southwestern Alaska Pilotage Region" shall include all waters of Alaska from Icy Bay to Demarcation Point, including Dutch Harbor and Captain's Bay.

(3) "Aleutian Island Pilotage Region" shall include all waters of the Aleutian Islands and Alaska Peninsula.

Sec. 08.62.120. RENEWAL. (a) All licenses expire on December 31 of each even-numbered year. In order to renew a license, a pilot must

(1) submit a renewal application on a form provided by the Board.

(2) meet the minimum qualifications set out in AS 08.62.100 and the board's implementing regulations;

(3) provide evidence of a satisfactory physical examination within 90 days of the date of renewal; and

(4) comply with (b) of this section.

(b) A licensed marine pilot who has not piloted in Alaska during the two years prior to a request for renewal may not have the license renewed until the pilot takes the number of familiarization trips required by the board in the pilotage region for which the license will be renewed.

Sec. 08.62.130. LAPSED LICENSE. The board will reinstate a lapsed license if, in addition to complying with the requirements of AS 08.01.100 (a)-(c), the pilot

(1) makes at least two trips for each year that the license has been lapsed to each major port and waterway in the pilotage region covered by the license;

(2) takes and passes a written and oral examination if the license has been lapsed five years or more; and

(3) complies with all other criteria established by the board.

Sec. 08.62.140. FEES. The department shall set fees under AS 08.01.065 for applications, licenses, and agent registrations.

Sec. 08.62.150 ENFORCEMENT AUTHORITY. (a) The board may impose a disciplinary sanction on a person licensed under this chapter when the board finds that the person

(1) is incompetent in the performance of pilotage duties;

(2) is chemically impaired;

(3) illegally uses or sells narcotic or hallucinogenic drugs;

(4) makes a false statement to obtain a license;

(5) violates a provision of this chapter or a regulation adopted under it;

- (6) is guilty of misconduct during the course of employment;
- (7) has had his or her Coast Guard pilot's license conditioned, suspended, or revoked; or
- (8) charges, collects, or receives an amount for pilotage services that is different than the pilotage tariff established by the board.

AS 08.62.155. DISCIPLINARY SANCTIONS. The board may take disciplinary action in accordance with AS 08.01.075.

AS 08.62.160 MANDATORY EMPLOYMENT OF LICENSED PILOTS. A vessel subject to this chapter navigating certain waters in, around, and adjacent to the State of Alaska as determined by the board in regulation shall employ a pilot holding a valid license under this chapter.

AS 62.165 ALLOCATION OF LIABILITY. (a) A pilot licensed by the State of Alaska is not liable for damages in excess of \$5,000.00 for damages or loss occurring as a result of the pilot's error, omission, fault, or neglect in performing pilotage services, except that such limitation does not apply in cases where the pilot is either grossly negligent or guilty of wilful misconduct.

(b) Nothing in this section exempts the vessel, its owner or its operator from liability for damage or loss occasioned by that vessel to another person or other property on the ground that (1) the vessel was piloted by a pilot licensed by the State of Alaska, or (2) the damage or loss occurred as a result of that pilot's error, omission, fault, or neglect.

(c) An organization of pilots is not liable for any claims arising from acts or omissions of a pilot or organization of pilots that relate, directly or indirectly, to pilotage of a vessel. A pilot is not liable either directly or as a member of an organization of pilots for any claims arising from acts or omissions of any other pilot or organization of pilots that relate, directly or indirectly, to pilotage of a vessel. The limitation in this

subsection does not apply to acts or omissions relating to the ownership or operation of pilot boats or the transportation of pilots to and from the vessel to be piloted.

AS 08.62.170. PILOT'S LIEN. Each vessel, its tackle, apparel and furniture and other owner of the vessel are jointly and severally liable for the compensation of a pilot employed on the vessel and the pilot has a lien on the vessel, the vessel's tackle, apparel and furniture for the pilot's compensation.

AS 08.62.175. PILOT ORGANIZATIONS. (a) Marine pilots may form themselves into associations, provided they are not in conflict with the laws of the State of Alaska or of the United States.

(b) The Board of Marine Pilots is authorized to recognize certain pilot associations as exclusive representatives of pilots for the various pilot regions, with control over dispatching, training and the collection of fees for all pilots in that region. The articles of association, bylaws and working rules of such associations are subject to approval by the Board of Marine Pilots for compliance with appropriate law and must contain a plan for the efficient maintenance of a reliable and professional pilotage system for the particular region.

AS 08.62.180. EXEMPTIONS. This chapter does not apply to

- (1) vessel under enrollment, except as provided in AS 08.62.185;
- (2) fishing vessels registered in the United States or in British Columbia, Canada;
- (3) vessels propelled by machinery and not more than 65 feet in length over deck, except tug boats and tow boats propelled by steam;
- (4) vessels of the United States registry of less than 300 gross tons and tow boats of United States registry and vessels owned by the State of Alaska, engaged exclusively
 - (A) on the rivers of Alaska, or

(B) in the coastwise trade on the west coast of the United States including Alaska, Hawaii, and British Columbia, Canada;

(5) vessels of Canada, including Canadian cruise ships, engaged in frequent trade between British Columbia and Alaska, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; and

(6) pleasure craft.

Sec. 08.62.185 CERTAIN LICENSED PILOTS REQUIRED FOR OIL TANKERS. (a) Any oil tanker, whether enrolled or registered, of 50,000 dead weight tons or greater, shall, when navigating in state waters beyond Alaska pilot states either

(1) employ a pilot licensed by the state under this chapter; or

(2) utilize a federally licensed pilot whose duty station has been on that tanker throughout that specific voyage.

(b) the pilot required in (a) of this section shall control the vessel during all docking operations.

Sec. 08.62.187. REGISTRATION OF AGENTS REQUIRED. A person may not act as an agent of a vessel subject to this chapter unless the person's name appears on the register of agents kept under AS 08.62.040(a)(3).

Sec. 08.62.190. PENALTIES. (a) A master or owner of a vessel required by this chapter to employ a licensed pilot who fails to do so when a licensed pilot is available, unless the perils or hazards of the sea prevent the employment of a pilot, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$5,000 nor more than \$15,000 for the first offense and not less than \$10,000 nor more than \$30,000 for the second offense.

(b) A person who violates any other provision of this chapter or a regulation adopted under it is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$1,000 nor more than \$5,000.

STATE OF ALASKA
DEPARTMENT OF REVENUE
& ECONOMIC DEVELOPMENT
DEC 10 1990

Sec. 08.62.200. DEFINITIONS. In this chapter

- (1) "board" means the Board of Marine Pilots;
- (2) "commissioner" means the commissioner of the Department of Commerce and Economic Development;
- (3) "department" means the Department of Commerce and Economic Development;
- (4) "vessel" means all vessels not exempt under AS 08.62.180.

AS 08.62.210 SHORT TITLE. This act may be cited as the Alaska Marine Pilotage Act.

TRANSITION. Sec. 1. The membership of the board as it exists on the effective date of this Act shall continue to conduct the affairs of the board in accordance with this Act until such time as the membership of the board is appointed in accordance with sections 2 and 3 of this Act, provided that the membership of the board is appointed in accordance with sections 2 and 3 of this Act on or before _____, 1991.

Sec. 2. A pilot licensed under AS 08.62 on the effective date of this Act will remain licensed under this chapter until required for the second time to renew his or her license in accordance with section 9 of this Act. Upon renewal, each pilot must then qualify for the license in accordance with the criteria in this Act and any implementing regulations. In addition, after the effective date of this Act, any pilot applying for a change in, an amendment to, or an endorsement for his or her license must qualify in accordance with the criteria in this Act and any implementing regulations.

EFFECTIVE DATE. This Act takes effect _____, 1991.

Antitrust Protection. With the change to Section 08.62.175 allowing marine pilots to form a pilot association, Sec. 45.50.572 (a) should be amended to read as follows:

AS 45.50.562-45.50.596 do not forbid the existence or operation of labor, agricultural, horticultural or marine pilot organizations created for the purpose of mutual help, and not conducted for profit, or forbid or restrain members of those organizations from lawfully carrying out the legitimate objectives of them; nor are these organizations or members illegal combinations or conspiracies in restraint of trade under the provisions of AS 45.50 562-45.50.596.

STATE OF ALASKA
DEPARTMENT OF REVENUE
& ECONOMIC DEVELOPMENT

DEC 10 1990

DIV. OF REVENUE



AMERICAN PRESIDENT LINES, LTD.

November 19, 1990

Ms. Mary Lou Madden
Mr. Brad Pierce
Division of Policy
Office of Management and Budget
Office of the Governor
P. O. Box AD
Juneau, Alaska 99811

**SUBJECT: PILOTAGE ACT DRAFTING GROUP
STATE OF ALASKA**

To whom it may concern:

American President Lines has recently become aware of your intention to rewrite the State of Alaska Marine Pilot Act. Because we are a customer of the South West Alaska Pilots Association, and a frequent caller at Iliuluk Bay, Dutch Harbor, we would like to take this opportunity to present our views on Alaska pilotage. We present these comments in the hope of assisting you in this task.

First, we feel that the State of Alaska should be the primary authority for managing and controlling pilotage within the state's area of jurisdiction. The present system has caused us concern because of the lack of control and enforcement in keeping the approaches to the APL berth in Iliuluk Bay, Dutch Harbor clear. In early 1990, when the bay became congested with anchored vessels blocking our approach to the APL berth, local authority suggested we request USCG assistance. The USCG-Anchorage felt it was a local Dutch Harbor matter, (between the pilots) and therefore recommended to let them work it out. Fortunately all parties came to a gentlemen's agreement and with a few minor exceptions things have worked well. Regardless, many management hours were spent seeking solution.

APL has considerable experience dealing with pilotage in Asia, the mid-East and the West Coast of the United States. The solutions we have obtained in one area, in many cases, are not acceptable in other areas. Therefore, we recognize that our experiences may not assist you, but in almost every case one factor was evident: We had great difficulty locating a single point of contact to deal with.

Sometimes, pilot associations become fixed in their mode of operations and changes in the industry are not taken into account; this easily becomes expensive and time consuming. In cases like Dutch Harbor it may make the difference in whether the ship will make the call. In the intermodal transportation business schedule is the key to success. We urge you to consider an element that will permit customers to communicate their concerns and problems for coordination.

*Public comments
received by OMB
on the proposed
rewrite of the state's
Marine Pilotage Act.*

OFFICE OF MANAGEMENT AND BUDGET
NOV 20 1990
STRATEGIC PLANNING

November 19, 1990

We must state that we have had the greatest cooperation and assistance from the South West Alaska Pilots Association and would like that relationship to continue. We have trained our masters and crews with these pilots and they are familiar with our ships and their equipment and they function well together.

Few industries require less continuing education than the Maritime Industry. Our experience with having pilots join our senior ship officers' in their ship handling and bridge team operations training has proven worthwhile and is recommended. Training is expensive, and time consuming. The training of pilots in basic, advanced and continuing education programs is frequently rejected by those that need the training most. Procedures that require pilots to undergo continuing and when needed, remedial training, is essential. Today there are a number of places where useful training may be accomplished, but unfortunately they are all located in the East. A facility is needed on the West Coast. The California Maritime Academy is endeavoring to acquire a ship handling-bridge operations trainer. I am sure they would appreciate your support; and we urge you to support CMA.

Essentially, we engage pilots for the following reasons:

1. They provide local knowledge;
2. they are familiar with the tugs and docking/undocking procedures, and
3. they reduce in-port transit times.
4. They increase the margin of safety in protection of vessels & port facilities.

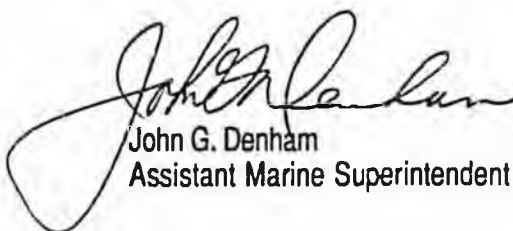
The premise of pilotage is to provide safe, efficient and reliable service for visiting ships that are not familiar with the port; in most cases state pilotage laws support this premise. To guarantee this service and maintain quality, states must be involved in some form of monitoring the quality of the pilotage service, providing for the public protection, and providing legislative assistance to the pilots to operate a reliable, efficient service which permit an adequate income. This service should be supported by fees.

We find, especially on the West Coast, that tug and pilotage costs have become the highest port costs. The trend has been for all pilot services to attempt to obtain near equal net incomes, regardless of the differences in the tasks to be performed. Equanimity is not factor in shipping rates and therefore, not a factor in compensation. We are firmly committed to fair and equitable compensation for tasks performed, and additional costs for additional work. Escalating labor and port costs can only be passed on to our customers; at some point our customers will seek other less expensive carriers. There are only two U. S. Flag liner carriers operating overseas from Alaska ports now.

We are eager to assist you in your task, and will gladly provide you any material or discuss any points you desire. Our purpose is to make our experiences available to you so that you may put together a pilotage law that provides good pilotage to all.

Respectfully,

AMERICAN PRESIDENT LINES, LTD.


John G. Denham
Assistant Marine Superintendent

U.S. Department
of Transportation

United States
Coast Guard



Commander
Seventeenth
Coast Guard District

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16711
October 31, 1990

Office of Management and Budget
Division of Policy
P. O. Box AD
Juneau, Alaska 99811-0199

STRATEGIC PLANNING

Dear Mr. Pierce and Ms Madden:

This is in response to your letter of 12 October 1990. in which you requested our comments on "The Alaska Marine Pilotage Study" and your proposed legislation to modify the Marine Pilots Act. Comments from the three Coast Guard Marine Safety Offices have been edited and included in this letter.

The following comments concern issues discussed in "The Alaska Marine Pilotage Study" and are submitted for consideration:

BOARD OF MARINE PILOTS-We agreed that "accord with the Coast Guard" should be established. It is felt that dialog between the state and the Coast Guard should be established and maintained on all pilotage issues. Recommend the Board of Marine Pilots meet annually with each of the Officers in Charge of the three Marine Safety Zones and pilot associations. The benefit of these meetings would be joint evaluation of training, examinations and qualifications requirements and review of all state waters usage to determine pilotage needs.

TRAINING-The provision allowing the Pilot Board to require certain training is an important issue. There was a situation last year where the MOBIL ARCTIC experienced a gyro casualty immediately after getting underway from the berth. The pilot (and the master) interpreted it as a steering casualty. The resulting confusion let the MOBIL ARCTIC drift almost the entire width of Port Valdez (in zero viz fog) while things were sorted out. Such confusion in restricted waters could have disastrous consequences. This was not an isolated situation. The dependence on the gyro and the radar has resulted in conning officers that often don't (or can't) keep track of things without them. Pilots need frequent recurring training on emergency situations. The very things that don't happen too often - but create catastrophes when they do. The type of recurrent training airline pilots undergo every six months on simulators is what should be considered (on an annual or biennial schedule) for pilots and all conning officers. This is not an onerous or unreasonable burden. The size of the cargo vessels, the increased automation on bridges and the nature of cargoes carried make mistakes too costly to accept as part of doing business. All conning officers, and pilots in particular, need safe (i.e. simulator), effective training targeting emergency situations.

PERFORMANCE EVALUATIONS-The report commented that doctors don't have to be evaluated to renew a license, why should pilots? The issue is not whether another profession does things a certain way, but if there is value in pilots doing things a certain way. It has been suggested that the state should conduct periodic review of pilot performances (annual). One suggestion was to have the master fill out a one page form and mail it directly to the Board. It should ask about near collisions/collisions, damage to vessel or dock, groundings/near groundings, and docking skills with information on the weather conditions prevailing. To hold that a professional, especially one in a monopoly business, not be subject to performance review flies in the face of everything we know of sound management practice.

Another suggestion was for the state consider developing "trip report forms". These forms should include a section to document a master/pilot conference establishing the condition of the vessel's systems and its maneuvering characteristics before beginning of a transit. It could include information to document service, training, report problems, and accidents and also provide the board area usage data to allow evaluation for fee and tariff changes. Recommend requiring form submissions for each trip signed by the pilot and certified by vessel masters, senior pilots if the individual is obtaining observer time, association presidents and/or company port captains.

SAFETY OF PILOTS-Apropos competition, but more importantly safety, there should be enough pilots so the work load does not lead to fatigue. The Board should spell out hours of continuous service at which time mandatory rest begins, much as an aircraft pilot may not be overworked.

It is recommended that the state consider establishing workhour standards for pilots similar to the federal standards for tankers in the 1990 Oil Pollution Act. It would also be appropriate to define work to include all activities relating to pilotage including transits to and from vessels. If a vessel exceeds the period allowed then vessel should be provided with two qualified pilots for the transit. The 1990 Oil Pollution Act, for tankers, limits the number of hours to not more than 15 in any 24-hour period, or not more than 36 in any 72 hour period.

COMPETITION-It is felt that competition among pilots for jobs could reduce public safety. However, it would be more a case of an honest disagreement between 2 persons of experience and not gross negligence. Nonetheless, a pilot would take a risk in a competitive situation he would not without competition. It is considered that an unnecessarily cautious pilot could adversely affect the ship. If the master thinks a situation is safe, his judgement should carry weight, but the pilot should prevail. Better to hold up a number of ships than have one grounding or collision.

LICENSE-There is a marked difference between adequate experience and a requirement that becomes unnecessarily burdensome. It may be better to stay with a standard similar to

the Coast Guard regulations. The suggested requirement that a Master, Oceans, Any Gross Tons should be a minimum for a state license significantly exceeds federal requirements and those of other states. It would be more appropriate for the Pilot Association to keep an otherwise licensed, qualified trainee with a more experienced pilot until they felt he was qualified enough to be on his/her own.

The study refers to Coast Guard master's license for vessels of 10,000 gross tons under the entry level requirements. This is an unlikely license as current federal regulations allow service over 1,600 gross tons to be sufficient for the removal of all tonnage restrictions. Some have considered this cut-off as patently inadequate for the size of freighters, tankers and passenger vessels coming to Alaskan waters. Presently the Marine Safety Office in Anchorage is conducting a study to determine the feasibility of establishing a tonnage-step program. Once they receive input from the other two zones they plan to present a consolidated document to the program managers in Washington for consideration. It would be in the best interest for the industry if the state and Coast Guard had a uniform system.

DOCKING PILOTS-In many states docking pilots are separate and usually assume the direction and control of a vessel either at the end of the arrival transit or in the beginning of a departure transit. In some areas they have also assumed control and navigation of the vessel during short shifts between berths within harbors. The expertise required to conduct docking evolutions are different than what is required of a individual piloting a vessel underway in restricted waters. Local knowledge is valuable but not sacrosanct, especially in docking. Since the training needed to become competent are different the state may want to consider creating a separate license and/or endorsement for docking pilots. The prerequisites and training requirements can be developed which are more appropriate to the duties of a docking evolution rather than a navigating evolution. It is suggested that the state develop a formula allowing certain docking experience from anywhere be combined with a Alaskan docking in the area pilotage is requested, e.g. 50% in Alaskan waters desired, 50% anywhere else on appropriate sized vessels.

The following comments concerning the draft legislation amending the Marine Pilots Act are submitted for your consideration:

Sec. 08.62.040. POWERS AND DUTIES-You may want to consider adding periodic audits of training programs in paragraph (8). This would allow the state periodic opportunity to evaluate the programs effectiveness and provide recommendations for improvement.

Sec. 08.62.090. APPLICATION-Suggest including an additional paragraph (c) to provide language requiring pre-employment physical examinations including a chemical test for dangerous drugs as part of the physical exam. Current Coast Guard regulations require physicals for all originals, upgrades and renewals of federal pilot licenses. These physicals must now

include results of chemical testing. It is recommended that the state adopt legislation similar to Coast Guard regulations and require physicals possibly on an annual basis which will include a chemical drug testing provision. You may want to consider having state appointed physicians to establish minimum physical standards relating to vision, hearing and general physical condition and possibly review and/or administer physicals.

Sec. 08.62.100. ENTRY LEVEL QUALIFICATIONS-It is recommended in paragraph (b)(2) the phrase "~~not less than 1,600 gross tons,~~" be changed to reflect existing Coast Guard license nomenclature to avoid confusion. "Any gross tons" should be used for a license to operate on vessels over 1,600 gross tons, and "not more than 1,600 gross tons" should be used for a license to operate on vessels less than 1,600 gross tons.

It is recommended to substitute in paragraph (b)(3) One year service instead of 2 years service as a chief officer on ocean or coastwise vessels of more than 1,600 gross tons while holding a license as the master of ocean or near coastal steam or motor vessels of any gross tons. Once a person has achieved the level of chief officer, he or she would have six years of sea time experience. By sailing as a chief officer for one year, this person should have sufficient seamanship skills and the maturity to become a respectable candidate.

It is recommend that (b)(4) to read "Two years service as a qualified officer in charge of a navigation watch on board a United States government vessel more than 1,600 gross tons and holding a license as master of ocean or near coastal steam or motor vessel of any gross tons." The reasons for these recommendations are twofold. First, a qualified officer in charge of a navigation watch has the same responsibility as a chief mate standing a navigation watch on board a merchant vessel. In (b)(4) it requires a person in this category to have "a master of ocean steam or motor vessels of any gross tons." Therefore, it is a mute point to lower the requirement tonnage to 1000 gross tons.

It is recommended that you clarify the wording in paragraph (b)(5) "appropriate to the pilotage region." Without definition, this could lead to wide interpretation. Furthermore, this part doesn't require an applicant to hold any specific type of marine license.

It is recommended the state consider the following as part of the entry level qualifications: 2 years service as a chief officer on board an inspected vessel over 1,600 gross tons while navigating in the pilotage waters which the applicant seeks to be licensed. There are many talented deck officers employed on board the Alaskan Marine Highway vessels, and these officers have superior local knowledge over many nonresident candidates.

Sec. 08.62.120. RENEWAL-It is recommended in subparagraph (1) to provide language requiring the physical examinations to include a chemical test for dangerous drugs as part of the physical exam.

Sec. 08.62.130. LAPSED LICENSE-It is recommended in subparagraph (1) that the requirement be revised to read, "Two round trips on vessels over 1,600 gross tons for each years that

the license has been lapsed to each major port and waterway in the pilotage region covered by the license, with at least one round trip being made at night."

It is recommended in paragraph (a)(4) that the term "state or federal" be inserted prior to the word "license."

Sec. 08.62.150. ENFORCEMENT AUTHORITY-I believe that clarification is needed in paragraph (a)(2), for the term "chemically impaired [HABITUALLY INTOXICATED]." I recommend 33 CFR Part 95 as a guide for better terminology or provide a definition in Sec. 08.62.200. The term "habitually" is unnecessary and would only add difficulties in disciplining an individual.

In paragraph (a)(4) I recommend the term "state or federal" be inserted prior to the word "license."

Sec. 08.62.200. DEFINITIONS-It is recommended that the State provide a definition on the issue of when a pilot is considered on and off duty while on board a vessel.

Sincerely,



R. C. Simonson
Lieutenant Commander, U. S. Coast Guard
Chief, Merchant Vessel Safety Branch
By Direction

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October 31, 1990

OFFICE OF THE GOVERNOR
Division of Policy
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Juneau, Alaska 99811

ATTN: Marilou Madden
Brad Pierce

Dear Marilou and Brad,

We are in receipt of the draft of proposed changes to the Alaska Marine Pilots Act and would like to submit some general comments. For your guidance ALASKA MARITIME AGENCIES has been handling ocean going vessels throughout Alaska since 1956, prior to Alaska's statehood. We currently represent hundreds of vessel owners in the tanker, fisheries, cruise, log and bulk trades and we are in the process of contacting them all for their insights and concerns in regard to the proposed amendments and will forward this information as the proposal winds its way through the legislative process. For the time being please find the following input and give it your kind consideration for inclusion into the final draft:

We feel that the designation of three zones, Southeast, Central and Westward is a good idea in terms of dispatching pilots as well as developing working rules. The needs of the areas are separate and distinct in many ways. However we insist on reserving the right to employ any qualified pilot in any region regardless of what group they may be currently affiliated. Furthermore, any person or group that has served a particular area in the past should be allowed to continue to do so regardless of affiliation. These proposals should in no way attempt to grant monopoly franchises to anybody.

The concept of a Pilot Coordinator is good provided this individual will perform investigative and clerical support work at the direction of the Board of Pilots. In no way should this position assume operational or administrative control of policy.

The makeup of the Board must remain equally balanced amongst the public, the pilots and industry. Therefore we must strongly dispute the contention in the draft that the State will best be served by keeping Board membership at seven persons with the pilots holding three of these seats. This would easily develop into a situation whereby the Board would become controlled by the very group it is empowered to regulate. The Board should be expanded to nine members; one pilot, one public and one industry from each of the three regions.

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7.11
We heartily support recommendation #5 in Section 9 wherein two years of service as Master in a local region will satisfy entry level requirements. Our reasons for this are to keep the experience level high for pilots in the Westward area where deep draft vessels are uncommon and the vast majority of pilots come from the pool of fisheries vessels, tugs and the mosquito fleet. Most of these highly experienced individuals would never have the tonnage requirements called for in other areas of the State and without this important recommendation would therefore be precluded from gaining pilotage ratings.

We are strongly supportive of increasing the authority of the Board and would insist on their being given statutory authority to conduct audits of financial records of pilot groups for the purposes of tariff adjustment, approve of all dispatching and working rules employed by pilot associations (another function to which the proposed pilot coordinator can contribute) and approval or rejection of expense items claimed by pilot associations that will impact the tariff.

Lastly, a related matter to the preceding paragraph, is the formula by which tariffs will be created. We strongly feel that the expenses of the Board in conducting the States business should be part of the tariff. This should relieve any concerns the State might have about a financial burden in increasing the size of the Board. Secondly, any expenses not directly related to shipboard operations should not be recovered through the tariff. An example of this are the legal costs and travel etc. that will be incurred during the restraint of trade cases pending against a pilotage group in Alaska. It has been our experience that pilots often choose to be "independant contractors" when appropriate for them but become "custodians of the States' environment" when expedient and thereby try to recover expenditures that rightfully belong to them as businessmen. There is ample precedent for this kind of activity along the West Coast and should be clearly discouraged in Alaska.

In closing we would like to note that we appreciate the chance to comment at this time and will continue to offer our extensive experience, where appropriate, throughout the coming process. We feel an issue with such wide ranging implications as this, and its' impact on Alaska's competitiveness in world trade, deserves no less.

Kindest Regards,
Alaska Maritime Agencies


Scott Jones
Vice President

cc: Pilot Board



**ALASKA MARINE PILOTS
& DISPATCHING SERVICE**

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October 1, 1990

TO: The Pilots of Alaska Marine Pilots
FROM: Joe Merrill

RE: September 13-14 meeting in Juneau called by Governor's Office to revise piloting statute.

As you are no doubt aware the Governor's Office, Division of Planning, invited non-pilot representatives of each pilot group, the Attorney General's Office and the President of the American Pilots Association to a work session in order to rewrite the law that makes pilotage compulsory and establishes the Board and specifies its authority. The meeting resulted from Mary Lou Madden's follow-up of Captain Murphy's letter to the governor regarding aspects of piloting that were felt to be in need of change. SWAPA and Southeast were represented by their attorneys and I held down the fort for your group.

The output of the meeting will be a draft of proposed changes to the Alaska Statute. We did not deal with the regulations of the Board because changes will be proposed to the authority and make-up of the Board. When and if it changes and has a new law then the regulations will be addressed. The Attorney General's Office is writing up the proposed changes and will distribute them by about October 15th. At that time we can make additional comments in preparation for a public comment meeting in November. The expectation is that from the November meeting will come final language for statutory changes to be pre-filed prior to the legislature meeting in January.

The substance of the group agreed upon aspects of changes is given below. We did not vote but had a consensus that the Attorney General's Office will put into formal language. The items agreed upon were:

- 1) The Statute must give the Board clear authority to set rates for pilotage. Presently the regulatory language is challengeable.
- 2) The Dept. of Commerce will lose its seat on the Board to be replaced by a pilot from AMP.

- 3) Annual pilot license fee should be increased to \$1,500 per year and the fee can be recovered through the tariff. The purpose of the fee increase is to generate funds so the state can hire a coordinator. (More about that later.)
- 4) Increase requirements for license renewal to incorporate the idea of "use it or lose it".
- 5) Divide the state pilotage waters into three regions to reflect the general unique shipping characteristics of each region and to get manageable areas in order to increase the "local knowledge" aspect of piloting. No specific boundaries of the region were discussed but in general would be based upon the areas serviced by the three pilot organizations.

Regionalizing the areas would allow:

- A - Regional licensing requirements upon the nature of the shipping business.
 - B - Regional tariff structures.
 - C - Identifying regional pilot organizations for the purpose of the State regulating the group. Regulating the group would include the Board's approving the training program and the operating rules of the group. Additionally, from each group the Board would select a "designated pilot" whose functions would include giving check rides to pilots to their license being renewed. This would allow some form of "peer review".
- 6) The licensing requirements and process would be changed to some form with the following characteristics:
 - A - Regional requirements for entry to training would be established. It seems that a Coast Guard pilot's license based upon sea and deck officer criteria and local knowledge would be required prior to taking the State exam.
 - B - After consultation with the pilot organization agents the number of required pilots for an area would be established. When the number had to be increased those individuals taking the State exam would be ranked by score and other qualifications. The highest ranking would then be allowed to train in the region.