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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Sara Chambers, Department of Commerce, Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** August 7, 2024

**RE:** Filed Permanent Regulations: Board of Marine Pilots

Board of Marine Pilots regulations re: Application and renewal requirements (12 AAC 56.025, 12 AAC 56.070, 12 AAC 56.080)

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Attorney General File:	2024200017
Regulation Filed:	8/7/2024
Effective Date:	9/6/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis  
Sylvan Robb, Division Director  
Stefanie Davis, Regulations Specialist



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Law

CIVIL DIVISION

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August 2, 2024

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *12 AAC 56.025; 12 AAC 56.070; 12 AAC 56.080: Board of Marine Pilots -  
Application and renewal requirements*  
Our file: 2024200017

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Commerce, Community and Economic Development, Board of Marine Pilots against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Marine Pilots after the close of the public comment period.

The regulations concern updating marine pilots' application, examination, and license renewal requirements. The primary goal of the regulations is to shorten the period between when the applicant completes their application and when the applicant sits for the exam. In addition, the regulations adjust the threshold requirement for the average number of days spent piloting per calendar month in the previous licensing period for a deputy marine pilot seeking license renewal.

The June 21, 2024 public notice and the July 31, 2024 order certifying changes both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: Rebecca C. Polizzotto  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

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Rebecca C. Polizzotto  
Date: 2024.08.02  
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RCP/kmd

CC w/enclosure: Stefanie Davis, Regulations Specialist 2  
Department of Commerce, Community and Economic Development

Thomas Bay, Marine Pilot Coordinator  
Department of Commerce, Community and Economic Development  
Alaska Board of Marine Pilots

Harriet Dinegar, Assistant Attorney General  
Department of Law

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE BOARD OF MARINE PILOTS

The attached four pages of regulations, dealing with application requirements, examination requirements, and license renewal requirements for deputy marine pilots, are certified to be a correct copy of the regulation changes that the Board of Marine Pilots adopted at its July 24, 2024 meeting, under the authority of AS 08.62.040, AS 08.62.050, AS 08.62.100, and AS 08.62.120, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Board of Marine Pilots paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 07/31/2024

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Thomas Bay  
Date: 2024.07.31  
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Thomas Bay, Marine Pilot Coordinator  
Alaska Board of Marine Pilots

*April Simpson for*  
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FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on August 7, 2024 at 10:15 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*Nancy Dahlstrom*  
for Nancy Dahlstrom, Lieutenant Governor

Effective: September 6, 2024.

Register: 251, October 2024.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

The introductory language of 12 AAC 56.025(a) is amended to read:

(a) To be eligible to take the regional local knowledge examination required by 12 AAC 56.026(k), an applicant shall apply on a form provided by the department **and pay the examination fees required in 12 AAC 02.240** at least 60 days before the date of the examination. **Not less than 30 days before the date of the examination, the applicant shall** [AND] submit

12 AAC 56.025(a)(1) is repealed:

(1) repealed 9 / 6 / 2024;

12 AAC 56.025(a)(9) is amended to read:

(9) a certificate **that shows a negative result on a test for illegal drug use** from a testing facility that complies with the requirements adopted in 12 AAC 56.940(b) [SHOWING A NEGATIVE RESULT ON A TEST FOR ILLEGAL DRUG USE] conducted [WITHIN] **not more than 90** [60] days before the date of **the examination** [APPLICATION]; the testing facility **will** [MUST] mail the drug test results directly to the marine pilot coordinator; **and**

12 AAC 56.025(a)(10) is amended to read:

(10) [ON A FORM PROVIDED BY THE DEPARTMENT,] evidence of a satisfactory physical examination **on a form provided by the department not more than 90** [WITHIN 60] days before the date of **the examination** [APPLICATION]; **the physical exam must demonstrate** [, DEMONSTRATING] that the applicant is [IN ALL RESPECTS] physically fit to perform the duties of a pilot, [AND] including an examination of eyesight, hearing, blood pressure, physical agility, and cognitive capabilities.

12 AAC 56.025(c)(1) is amended to read:

(1) at least 30 [60] days before the date of the examination,

12 AAC 56.025(i) is amended to read:

(i) An application **that satisfactorily documents that applicable requirements for the examination, license, or endorsement are met** is considered complete [WHEN IT SATISFACTORILY DOCUMENTS THAT ALL APPLICABLE REQUIREMENTS FOR THE EXAMINATION, LICENSE, OR ENDORSEMENT HAVE BEEN MET]. The marine pilot coordinator shall review all **submitted** applications [SUBMITTED] and approve those applications that comply with all applicable requirements. If an application is not complete by **30** [60] days before the date of examination, the applicant may not be approved to sit for that examination.

The introductory language of 12 AAC 56.025(j) is amended to read:

(j) To be eligible to take the regional local knowledge examination required by 12 AAC 56.034(a)(5) or to activate a previously held marine pilot regional endorsement, an applicant shall apply on a form provided by the department **and pay the examination fees required in 12 AAC 02.240** at least 60 days before the date of the examination, **Not less than 30 days before the date of the examination, the applicant shall** [AND] submit

12 AAC 56.025(j)(1) is repealed:

(1) repealed 9 / 6 / 2024;

(Eff. 12/14/86, Register 100; am 7/26/90, Register 115; am 11/7/93, Register 128; am 8/9/97,

Register 251, October 2024 PROFESSIONAL REGULATIONS

Register 143; am 10/25/2002, Register 164; am 2/12/2005, Register 173; am 9/12/2006, Register 179; am 1/29/2009, Register 189; am 6/11/2010, Register 194; am 9 / 6 / 2024, Register 251)

**Authority:** AS 08.62.040 AS 08.62.050

12 AAC 56.070(a) is amended to read:

(a) The examinations required by [12 AAC 56.014(a)(2),] 12 AAC 56.026(a)(3), 12 AAC 56.026(k), 12 AAC 56.033(c), and 12 AAC 56.085(b)(3) for a license or endorsement will be offered at least once **per** [A] year [AT A MEETING OF THE BOARD].

(Eff. 6/11/71, Register 38; am 6/1/72, Register 42; am 6/19/74, Register 50; am 11/14/80, Register 76; am 8/29/87, Register 103; am 7/26/90, Register 115; am 10/2/93, Register 127; am 7/15/95, Register 135; am 6/16/96, Register 138; am 8/9/97, Register 143; am 1/29/2009, Register 189; am 9 / 6 / 2024, Register 251 )

**Authority:** AS 08.62.040 AS 08.62.050

12 AAC 56.080(e) is amended to read:

(e) To renew a deputy marine pilot license, a deputy marine pilot **shall** [MUST] meet the requirements of **(b)** [(b) AND (c)] of this section **and shall submit proof that the deputy marine pilot has engaged in piloting vessels subject to AS 08.62 an average of five days for each calendar month in the licensing period immediately preceding the licensing period for which renewal is sought in the marine pilotage region for which the license is to be renewed. A deputy marine pilot licensed for less than 12 calendar months before the beginning of a renewal period is exempt from the piloting day requirement** [, EXCEPT



Register 251, October 2024 PROFESSIONAL REGULATIONS

THAT THE DEPUTY MARINE PILOT MUST MEET THE REQUIREMENTS OF (c) OF THIS SECTION FOR EACH COMPLETE CALENDAR YEAR THAT THE DEPUTY MARINE PILOT HELD A DEPUTY MARINE PILOT LICENSE].

(Eff. 6/11/71, Register 38; am 6/19/74, Register 50; am 6/12/78, Register 66; am 7/24/83, Register 87; am 8/29/87, Register 103; am 5/14/93, Register 126; am 11/7/93, Register 128; am 4/7/95, Register 134; am 3/21/99, Register 149; am 5/31/2000, Register 154; am 2/12/2005, Register 173; am 7/15/2006, Register 179; am 9/12/2006, Register 179; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 6/11/2010, Register 194; am 11/20/2022, Register 244; am 9 / 6 / 2024, Register 251)

**Authority:** AS 08.62.040 AS 08.62.100 AS 08.62.120