

Approved: March 18, 1999
Date

MINUTES OF THE HOUSE TOURISM COMMITTEE.

The meeting was called to order by Chairperson Barbara P. Allen at 3:30 p.m. on February 1, 1999 in Room 522-S of the Capitol.

All members were present except: Rep. Campbell - excused
Rep. Dean - excused
Rep. Geringer - excused

Committee staff present: Renae Jefferies - Revisor of Statutes
Hank Avila - Legislative Research
Nancy Kirkwood - Committee Secretary

Conferees appearing before the committee: Clinton Riley, Attorney, Kansas Department Wildlife and Parks

Others attending: See attached list

Chairperson Allen opened the hearings on **HB 2105 - Boating under the influence of alcohol or drugs** and **HB 2106 - Boating safety education certification.**

Renae Jefferies, Revisor, recognized by Chairperson Allen, briefed the committee on **HB 2105** and **HB 2106.**

Chairperson Allen informed the committee a letter from Dee Meyer, State Chairperson, Kansas MADD, had been passed out (**Attachment 1.**)

Chairperson Allen recognized Clint Riley, KDWP who spoke to the committee in support of **HB 2105 (Attachment 2)** and **HB 2106 (Attachment 3).**

Chairperson Allen closed the hearings on **HB 2105 - Boating under the influence of alcohol or drugs** and **HB 2106 - Boating safety education certification.**

Representative Aday made a conceptual motion for the Revisor to draft a bill which would create a traveling cassette program across the state. Representative McClure seconded the motion. The motion carried.

The meeting was adjourned at 4:20 p.m.



Mothers Against Drunk Driving

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KANSAS STATE OFFICE

January 29, 1999

Representative Barbara Allen, Chairperson
House Committee on Tourism

Dear Chairperson Allen and Committee Members:

According to the Kansas Wildlife and Park Department, estimates provided Kansas MADD in 1998, Kansas averages 60 boating related accidents and 6 boating fatalities per year. Approximately half of the accidents and 60 percent of the drownings can be attributed to alcohol. It is further estimated that approximately 50 percent to 60 percent of individuals boating on any given day are consuming alcohol.

It is calculated that Kansas logs approximately 5,000,000 "user days" which is based on the number of individuals using Kansas lakes in one year. Based on estimates of 50 to 60 percent alcohol use by boaters, approximately 2,500,000 to 3,000,000 individuals are consuming alcohol each year while boating. The individuals Boating Under the Influence are the same individuals who Drive Under the Influence upon departing Kansas lakes.

HB 2105 will provide a major deterrent to Boating Under the Influence and subsequent Driving Under the Influence and bring Kansas BUI laws into conformity with present DUI laws.

Kansas MADD asks your support for HB 2105.

Sincerely,

Dee Meyer, State Chairperson
Kansas MADD

House Tourism
02-01-99
Attachment 1



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
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HOUSE BILL NO. 2105

**Testimony Provided to
House Committee on Tourism
February 1, 1999**

House Bill No. 2105 would reconcile inconsistencies among current boating under the influence (BUI) laws, and would bring BUI laws once more in line with DUI laws. The four basic components include:

- Establish that an alcohol concentration level of .08 would constitute prima facie evidence of boating under the influence (the legal alcohol concentration was lowered to .08 along with DUI laws, but the concentration for prima facie evidence exists in a different statute, and was left at .10).
- Establish a minimum fine of \$100 for second and subsequent conviction of BUI (a minimum fine of \$100 already exists for first conviction).
- Establish the same "zero tolerance" provision as DUI for persons less than 21 years of age (prohibit an alcohol concentration of .02 or greater).
- Establish the use of a preliminary screening tests for BUI, to mirror DUI laws.

In the past, BUI alcohol concentration limits have been consistent with those of DUI laws, and the only reason they were not adjusted at the same time as those of DUI laws seems to be simple oversight. Strong BUI laws are important to the state for much the same reason as are strong DUI laws: At a minimum, 50% of the boating-related fatalities in Kansas reported to the Department in the last three years involved alcohol. Perhaps most striking, this percentage is much higher than the estimate for non-fatal boating accidents, demonstrating the importance of prevention of over-indulgence of alcohol while on the water. And, of course, when a boater who has over-indulged leaves the water to drive home, they are no safer just because they are on the state's highways.

These amendments to the BUI laws may be considered a minor, technical adjustment, but the Department of Wildlife and Parks believes they serve a vital interest of the state, and strongly supports HB 2105.

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House Tourism
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Attachment 2



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

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HOUSE BILL NO. 2106

**Testimony Provided to
House Committee on Tourism
February 1, 1999**

HB 2106 would require all persons born after Jan. 1, 1988 to possess a certificate of completion of a boating safety course authorized by department in order to operate a motorboat or sailboat on Kansas public waters. The bill authorizes the department to establish such courses, and provides that they be a minimum of 8 hours and recognized by the U.S. Coast Guard. However, the bill would also allow persons to complete the course by approved correspondence course materials and examination. The bill also would allow the department to recognize courses completed in other states. In addition, it would provide an exemption to non-residents in the state for less than 30 days, and a 60-day grace period to new residents.

Currently, a boating safety course is required of persons age 12 to 15 for solo operation of personal watercraft (sometimes collectively referred to by the brand name "Jetski"). The department conducts approximately 40 courses each year, taught by volunteer instructors, and provides a correspondence-course alternative by mail. Approximately 1,000 students were certified last year. Prior to the regulation for 12- to 15-year-old boaters enacted three years ago less than 100 people a year took the course. Although voluntary education has been available for over 25 years, less than three thousand of the estimated half million Kansas boaters have completed the state's boating safety course since 1971.

The bill would "grandfather" any persons who may legally operate a motorboat or sailboat prior to Jan. 1, 2000 (that is, persons 12 years old or older at that time the requirement would go into effect, which is the legal age for boat operation on Kansas public waters). Therefore, the department would always expect to see mostly persons under the age of 16 enrolling in boater safety courses. However, as more persons are required to possess a course certificate, the department would also expect to make greater use of the correspondence courses in order to address the greater numbers. The department will explore contracting with an approved private

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Attachment 3

correspondence course, if necessary.

At this point, the department expects to be able to conduct the necessary boating safety courses without additional FTEs. Because the bill would allow the department to charge a fee to cover costs of material and supplies, the department expects no negative fiscal impact from the bill. However, the department is currently exploring options with private contractors that would allow the course to be completed over the internet, which may entail some cost to the department while providing the course to students at no cost. Regardless, the department hopes the bill will provide an overall financial benefit to the state due to the decrease in accidents and property damage.

KDWP suggested this legislation as a step to address the trend of escalating boating-related accidents, fatalities, and property damage. Kansas has more than sixty boating-related accidents each year, an average of 8 fatalities, and several hundred thousand dollars of property damage and insurance claims. While HB 2106 would not eliminate boating accidents in Kansas, the department believes it could play an important role in making public waters safer for all Kansas boaters.

For those familiar with the hunter safety education program, HB 2106 may be seen as an analogous proposal. Since the Kansas Legislature established that requirement in 1972, over 350,000 people have taken hunter safety education courses, the vast majority of whom were under the age of 16. Hunter safety education is credited with decreasing hunting accident rates nationwide, and in Kansas the rate of hunting fatalities has dropped from between four and five per year in the 1960s and 1970s to less than one per year over the last five years. While a direct causation is impossible to prove, the department hopes that by creating a similar boating safety education program now, in future years we would see results similar to the positive impact of the hunter safety education program.

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