

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:05 a.m. on February 15, 2000 in Room 245-N of the Capitol.

All members were present except: Senator Nick Jordan

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Chad Luce, KS Dept. of Wildlife & Parks
Cheryl Swayne, KDWP

Others attending: See attached list

SB 536: Re boating safety education certificate

Mr. Luce testified regarding the purpose and methodology to be employed in implementing requirements of **SB 536** (Attachment 1). Cheryl Swayne, Boating Law Administrator, Kansas Department of Wildlife and Parks further explained the training procedures to be employed in the implementation of this Coast Guard approved training course. There will be no charge for this education.

Members requested more detailed information regarding the funding stream; penalties for not having certificate; types of personal water craft involved; definition of "public waters;" "access to private lands;" etc, Ms. Swang advised that a good portion of the training focuses on "stressors"; i.e., drugs and alcohol, involved in boating accidents. Of the surrounding states, Nebraska and Colorado both have laws similar to this one. Twenty-nine states currently require this type certification. The intent is to not restrict tourism in any way. Perhaps an amendment will be needed to clarify the penalty issue.

Mr. Luce advised he would return to the Committee with requested information.

Approval of minutes

Senator Tyson moved to approve the minutes of February 10, 2000. Senator Stephens seconded the motion. Motion carried.

The meeting adjourned at 10:00 a.m.

The next meeting is scheduled for February 16, 2000.



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SENATE BILL NO. 536

**Testimony Provided to
Senate Committee on Transportation and Tourism
February 15, 2000**

SB 536 would require all persons born after Jan. 1, 1989 to possess a certificate of completion of a boating safety course authorized by the 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, including a course offered over the Internet. 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 30 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 in 1994, less than 100 people a year took the course. Although voluntary education has been available for almost 30 years, approximately 7000 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, 2001 (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 now offers its Boater Education course online through a contract with Boatsafe.com, which provides an Internet-based boating safety course. The free basic course (and additional Kansas-specific information) must be

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successfully completed before Boatsafe will mail a student wallet card. Should SB 532 pass, the department feels this Internet-based course will adequately supply the increased demand.

At this point, the department expects to be able to conduct the necessary boating safety courses without additional FTEs. In addition, the bill would authorize the department to charge a fee to cover costs of material and supplies. Although the department does not anticipate needing to charge for supplies now that the Internet course is available, this authorization would ensure that the department would be able to fund the program if the number of people taking the course through other means were to dramatically increase. 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 around sixty boating-related accidents each year, an average of 8 fatalities, and several hundred thousand dollars of property damage and insurance claims. While SB 536 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, SB 536 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.

In 1998, the Senate passed a substantially similar version of this bill (SB 236 at that time, although a few amendments have been made to update the bill). In 1998 that bill was recommended for passage by the House Transportation Committee, but died on General Orders. In 1999 a similar bill was introduced in the House and recommended for passage by the House Tourism Committee, but was rejected by the House. The department believes it has made a commitment to its constituency, however, to pursue mandatory boater safety education, and therefore asks that the Senate reaffirm its passage of the bill in 1998.