

MINUTES OF THE HOUSE WILDLIFE, PARKS AND TOURISM COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 P.M. on March 13, 2006 in Room 241-N of the Capitol.

All members were present except:

Representative Patricia Kilpatrick- excused
Representative L. Candy Ruff- excused
Representative Shari Weber- excused

Committee staff present:

Hank Avila, Kansas Legislative Research
Lisa Montgomery, Revisor of Statutes Office
Betty Caruthers, Committee Secretary

Conferees appearing before the committee:

Christopher Tymeson, KS Department of Wildlife & Parks
Nancy Gumb

Others attending:

See attached list.

Motion by Representative Long, seconded by Representative Treaster for approval of Minutes of the House Committee on Wildlife, Parks & Tourism held on March 8, 2006 be approved.

Motion carried.

Chairman Myers opened the hearing on **SB 417 - Imposing certain requirements for boating.**

Chairman Myers recognized Chris Tymeson who presented testimony as a proponent of **SB 417.** (Attachment 1) He noted that this bill was the same as what was passed out of this Committee last year with the exception of the change which the Senate made stating skiing would be prohibited from ½ hour after sunset to ½ hour before sunrise. Other changes coming with the bill relate to boat livery, cargo, state of principle use, abandoned vessel, skier down flag, numbering, documented vessels, lighting and sound, and marine theft.

Chairman Myers recognized Nancy Gumb who presented testimony as a proponent of **SB 417.** (Attachment 2) Her thought is that the bill makes the boating laws easier to understand and that the use of the skier down flag when someone is in the water is beneficial.

There were no opponents to the bill.

Chairman Myers closed the hearing on **SB 417.**

Chairman Myers adjourned the meeting at 4:10.

Next meeting scheduled for Wednesday, March 15, 2006.

**TESTIMONY ON SB 417 REGARDING BOATING LAW
TO
HOUSE WILDLIFE, PARKS AND TOURISM COMMITTEE
BY CHRISTOPHER J. TYMESON, CHIEF LEGAL COUNSEL
AND
DAN HESKET, BOATING LAW ADMINISTRATOR**

March 13, 2006



**PERRY RESERVOIR – AUGUST 2003
IMPROPER LOOKOUT; IMPROPER LIGHTS; FAILURE TO HEED THE RIGHT OF
WAY**

INTRODUCTION: History of Boating Safety and Enforcement

Steam propulsion brought about the first standards for vessels in 1800's. After several significant casualties associated with steam plants on vessels, marine safety statutes established inspection and manning requirements for steam propelled vessels, including fishing vessels. As steam propulsion became less prevalent, subsequent legislation required the inspection of most passenger and commercial vessels, regardless of the means of propulsion. This included standards to improve vessel safety in categories such as the design and construction of vessels, training and licensing of operators, and fire fighting and life saving equipment.

Documentation of vessels is the responsibility of the U.S. Coast Guard. Documentation was originally required only for large commercial vessels, but is gradually being used for smaller vessels and recreational boats for the added security it affords lenders. The National Vessel Documentation center is located in Falling Waters, West Virginia. Unlike simple registration or titling by states, the documentation procedure requires numerous forms and documents. They include the application for initial issue of certificate of documentation; the builder certificate and first transfer of title; a bill of sale on appropriate federal form; and declaration of citizenship.

Among the first statutes dealing with registration were the Federal Motorboat Act of 1910, which gave the federal government the responsibility to regulate recreational boating in the U.S., and the Federal Numbering Act of 1918, which instituted a numbering system for all undocumented vessels.

The Motor Boat Act of 1940 was the first statute to address safety on motor boats. The act dealt primarily with navigation lights and sound signals, and required motor vessels to carry life preservers and fire extinguishers. It also required motor boats carrying passengers to be operated by a licensed individual, although no license examination was required.

The Federal Boating Act of 1958 encouraged states to assume responsibility for the registration and regulation of boats for recreational use. This included numbering boats, reporting boating statistics, and furnishing the U.S. Coast Guard with statistical information. The Kansas Forestry, Fish, and Game was notified on November 16, 1959, that the proposed system was approved and would become effective January 1, 1960.

In 1960, Kansas began requiring registration for all motorboats powered by machinery over 10 horsepower. This registration requirement was extended in 1971 to include any vessel powered by machinery or sail.

Congress passed the Federal Boat Safety Act in 1971. This act was enacted to authorize the creation of federal safety standards for recreational boats used on navigable waters of the United States. At the time of enactment, over 40 million Americans engaged in recreational boating each year in approximately 9 million boats, with the usage increasing at the rate of about four thousand per week. This increase in recreational boating was accompanied by a marked increase in accidents, deaths, and injuries.

Congress recognized that the lack of adequate federal regulation contributed to the hazards of recreational boating. To address the inadequacies in existing law, Congress decided, for the first time, to enact a law that would address "the subject of safety for boats used principally for other than commercial use", i.e., recreational vessels. This legislation was to grant the United States Coast Guard the authority to promulgate design and construction standards for recreational boats.

The Boating Safety Act of 1971 was enacted to "improve boating safety by requiring manufacturers to provide safer boats and boating equipment to the public through compliance with safety standards to be promulgated by the Secretary of the Department in which the Coast

Guard is operating, which had been the Secretary of Transportation. The Department of Homeland Security, created in 2003, now includes the U.S. Coast Guard.

The rulemaking authority has been delegated to the Commandant of the United States Coast Guard. Although manufacturers are subject to civil and criminal penalties for the violation of Coast Guard safety standards, the act does not establish any mechanisms for compensating persons injured by unsafe boats.

Under this Act, the Coast Guard's authority to issue minimum safety standards is "permissive and not mandatory", and before establishing any safety regulations, the Coast Guard is required to consult with the National Boating Safety Advisory Council, which is comprised of seven state boating officials, seven industry representatives, and seven members from national recreational boating organizations and from the general public.

Before issuing any regulations under this Act, the Coast Guard must comply with the formal rulemaking procedures of the Administrative Procedure Act, which requires public notice and comments on a rule before it becomes effective.

This Act also contains two provisions addressing the effect of Coast Guard regulations on state law. First, Congress included a preemption clause providing, in pertinent part, that: "Unless permitted by the Secretary under section 4305 of this title, a State or political Subdivision of a State may not establish, continue in effect, or enforce a law or regulation establishing a recreational vessel or associated equipment performance or other safety standard or imposing a requirement for associated equipment . . . that is not identical to a regulation prescribed under section 4302 of 46 U.S.C." Second, Congress included an anti-preemption provision, or savings clause, providing that: "Compliance with this chapter or standards, regulations, or orders prescribed under this chapter does not relieve a person from liability at common law or under State law."

In 1980 the Federal Boating Safety Act of 1971 was amended to the Recreational Boating Safety and Facilities Improvement Act which had the following goal: "[T]he purpose of this Act [is] to improve recreational boating safety and facilities and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in the development, administration, and financing of a national recreational boating safety and facilities improvement program; by authorizing the establishment of national construction and performance standard for boats and associated equipment; and by creating more flexible authority governing the use of boats and equipment."

This Act also established the Aquatic Resources Trust Fund, also known as the Wallop/Breaux Trust Fund. The fund consists of excise taxes, attributable to motor boat fuels and fishing equipment, along with import duties on fishing equipment, yachts, and pleasure boats, interest earned on the funds and excise taxes attributable to gasoline used in small engines.

The Boating Safety Account, administered by the United States Coast Guard, receives millions of dollars from the Wallop/Breaux Trust Fund. These funds are distributed into several federal and state projects. The remaining Sport Fish Restoration Account funds are then apportioned to States and eligible territories. Of these funds, 12.5% must be used for motorboat access.

In order for state and eligible territories to receive these funds, they must have a program that includes the following: 1. an approved vessel numbering system; 2. a cooperative boating safety assistance program with the USCG in that state; 3. sufficient patrol and other activity to insure adequate enforcement of applicable state boating safety laws and regulations; 4. an adequate state boating safety education program that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol or drugs; and 5. a system approved by the USCG for reporting marine casualties.

To qualify for state recreational boating facility improvement funds, states must have the following: 1. a complete description of recreational boating facility improvement projects to be undertaken; and 2. consult with state officials responsible for the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Funds Act of 1965.

Federal funds appropriated by Congress for the State Recreational Boating Safety programs are distributed three ways and are a 50-50 match. State allocations are determined as follows: One-third shall be allocated equally each fiscal year among eligible states. One-third shall be allocated among eligible states that maintain a state vessel numbering system and a marine casualty reporting system. This allows the amount allocated each fiscal year to be in the same ratio as the number of vessels numbered in that state. One-third shall be allocated each fiscal year in the same ratio that each state spent on the RBS program the previous fiscal year.

There are four objectives of the State Recreational Boating Safety program described as: 1. improve demonstrated knowledge, skills, abilities, and behaviors of boaters; 2. improve safety of boats and their associated equipment; 3. support improvements to the physical and operational boating environment; and 4. support improvements to intermodal and interagency cooperation, coordination, and assistance.

Recommendations:

Statistic: Kansas has 97,748 registered pleasure boats as of 12/31/2005

Modify or add new definitions:

K.S.A. 32-1102 is recommended to be amended by adding the following definitions:

(t) "Boat Livery"

Under current statute K.S.A. 32-1148. Boat Liveries; duties; explains what type of records and procedure a livery must perform, but there isn't a definition of what a boat livery is making the statute incomplete. **STATISTIC- NUMBER OF LIVERIES IN KANSAS IS 65.**

(u) "Cargo"

The definition of cargo is needed to clarify a problem that exists with boaters, specifically personal watercraft users who are pulling water skiers, tubers, etc., behind their vessels. K.S.A. 32-1126 addresses vessel carrying capacity. The boating population many times is not aware that they should count the individuals being towed toward their total carrying capacity and this definition would clarify this. Reasons to count those individuals being towed include persons needed to be retrieved from the water (injury, tired, equipment failure) will be placed into a vessel increasing the capacity of the vessel. Towing equipment or passengers affect how a vessel will handle, and if the capacity of the vessel is at its maximum, then the extra personnel being towed will add an extra burden on the vessel's handling capability. The definition of "passenger" means any individual who obtains passage or is carried in or on a vessel. Although vague, anyone who is transported from one point to another by a vessel, whether occupying the vessel or being towed, is acquiring passage and would be considered a passenger. The definition of "Cargo" would help clarify this problem. **STATISTIC-PWC TOWING VIOLATIONS: 2001 = 17, 2002 = 36, 2003 = 21, 2004 = 11, 2005 = 6**

(v) "State of Principle Use" and (w) "Use"

These definitions mirror the Code of Federal Regulations 33-173.3 Title 33 which are the requirements of the states to meet a federally approved registration system. Persons who register their vessels in the State of Kansas must list their "State of Principle Use" on their registration applications today.

(x) "Abandoned Vessel"

This definition is needed for proposed legislation dealing with marine theft and insurance fraud issues and giving law enforcement officers guidelines in dealing with abandoned boats when owners of property call for assistance. There are current statutes

dealing with motorized vehicles, theft of vehicles, abandoned vehicles, etc., but vessels do not meet these definitions found in the Chapter 8 statutes dealing with traffic and automobiles.

Statutory modification:

Sec. 2 K.S.A. 32-1110– by adding as its state of principle use, brings this numbering requirement into direct compliance with the United States Coast Guard, Federal Code of Regulation, Title 33. This code sets the standards for the states to meet a federally approved registration system. It is also currently listed on the departments Vessel Registration Application, Item #19, but is not defined or addressed in statute.

APPLICATION FOR CERTIFICATE OF NUMBER KANSAS BOATING ACT

1. Name(s) <small>Please Print (Last, First, Initial)</small>	3. Present No. on Boat		4. Yr. Boat Built		5. Boat Length (in ft.)	
	6. Boat Make		7. Hull ID No.			
Address	8. Hull Material		9. Propulsion		10. Fuel	
	11. Use		12. Type			
City	State	Zip	13. Motor HP		Motor Year	
Phone	14. Cap HP Rating		15. Trailer (Yes/No)		16. Date Purchased Boat	
2. Birthdate of Owner <small>(month day yr)</small>	17. Purchased From: () Out of State Dealer () Kansas Dealer () Private Individual		PROVIDE SALES TAX RECEIPT			
	18. County Boat Stored		19. State of Principal use			

I certify the above information is true and correct.

20. Sign Here: X _____
Signature (DO NOT PRINT)

Sec. 3 K.S.A. 32-1111 – Vessels documented under the authority of the United States Coast Guard are not permitted to receive a registration of numbers from the states, or allowed to be counted by the states towards the total figure of registered boats, however, states may register these documented vessels to allow payment of the registration fee towards the state’s boating fee fund. These vessels are utilizing Kansas waters and have not contributed towards any user fee for upgrading facilities, providing safety measures, such as law enforcement and navigational aids, as the smaller recreational vessels have been doing since 1960. A registration showing the vessel is documented and registered by the state would accompany the vessel and expiration decals would be displayed on the top forward half of the bow. This also becomes an aid in the identification of these vessels for homeland security issues, as currently the state does not know an exact number of these vessels utilizing Kansas waters, nor do we know who the owners are or where they are located. **STATISTIC: It is estimated that there are over 500 documented boats in Kansas. 27 States require documented boats to register; 6 are unknown; 12 do not. Missouri and Oklahoma require registration, Nebraska does not, Colorado is unknown. These vessels are large vessels requiring a minimum of 5 net tons (approximately 25 feet in length) before they are eligible by the U.S. Coast Guard to be documented. Once these vessels are placed and moored on a body of water, they usually stay on the same body of water throughout the course of the summer.**



Documented vessels moored at sailboat cove-El Dorado reservoir

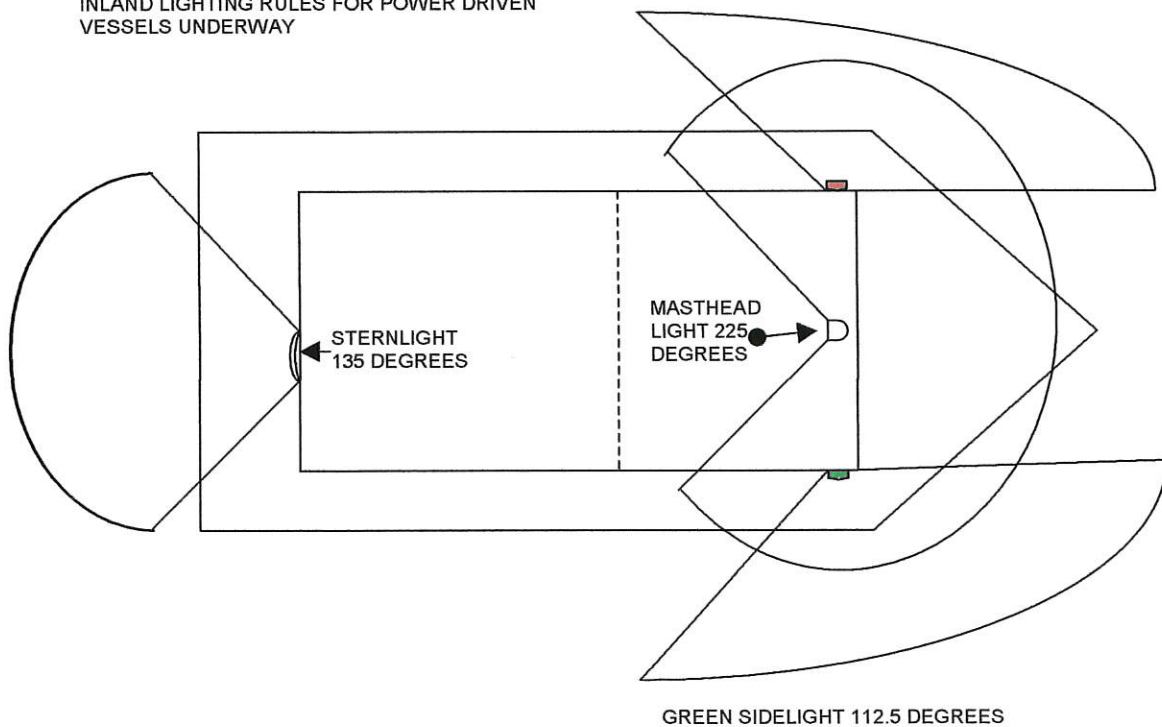
Sec. 4 K.S.A. 32-1119 – (b) Light requirement and sound.

These amendments mirror the language of the definitions for lights provided by the Code of Federal Regulations regulating inland waters. These amendments should simplify the language previously used for the purpose of clarification for the boating public, courts, and officers defining what types of lights are required. The federal act of September 24, 1963 for preventing collisions at sea, had been amended in 1972, and the inland navigation portion was amended in 1980 and became effective on December 24, 1981, thus making the section of the current law under K.S.A. 32-1119 (c) obsolete.

The current law on lighting is confusing and uses minutes on a compass. This law come from the old maritime law, which most, if not all, states had abandoned years ago, as many people would not be able to follow the language used trying to decipher how many points are on a compass. The new language presented uses degrees. It defines the four lighting variations and then explains what lights an individual would need for their vessels. **STATISTIC: LIGHTING VIOLATIONS: 2003=34, 2004=36, 2005=29**

RULE 23 OF 72 COLREGS – INTERNATIONAL AND INLAND LIGHTING RULES FOR POWER DRIVEN VESSELS UNDERWAY

RED SIDELIGHT 112.5 DEGREES



(d) The whistle amendment requiring all motorboats to provide an efficient sound producing device is from the Federal Code requiring all motorized vessels to have an

efficient sound-producing device while operating on navigable waters and is a safety issue in case the vessel is in need of assistance, navigating congested area, operating in foul weather, and entering and leaving port areas. A whistle will carry much further than a voice. Other states such as Missouri require all motorized vessels to carry a sound producing device and personal watercraft operators accomplish this by having a whistle on the vessel or attached to the operators life jacket.

(e) Removes class 2 vessels (26-40 feet) from needing a bell. This change will require only class 3 vessels to be equipped with a bell. The bell is for large ships in bad visibility to sound when entering and leaving a harbor. This change was asked for by the owners of vessels between 26 and 40 feet.

Sec. 5 K.S.A. 32-1125 – (e) “Direct and audible supervision”.

This definition is needed to clarify to the boating public that an adult needs to be on the same vessel so they can assume control over the vessel if needed.

Sec. 6 K.S.A. 32-1128 (a) – Skiing from sunrise to sunset. Presently the statute allows skiing up to one hour after sunset and an hour before sunrise. Boats are required to use lights for navigational purposes after sunset and before sunrise. Personal watercraft cannot be operated between the hours of sunset to sunrise. Current law requires boat to display lights for navigational purposes and safety, yet allows them to tow an object which may not be visible, 75 or more feet from the back of the vessel. It is very unsafe as the light fades quickly after sunset for the downed skier to be detected by other passing vessels. **STATISTIC: PROHIBITED OPERATIONS VIOLATIONS: 2003=93, 2004=88, 2005=85 The Senate amended the provisions to ½ hour before sunrise to ½ hour after sunset.**

Cheney Reservoir – East Boat Ramp – Photos taken to the west during sunset.

October 21, 2004 – Partly Cloudy – ½ moon at sunset located at 11:00 position behind the photographer.

Boat Ramp was equipped with lighting located approximately 100 feet behind the photographer, illuminating the boat ramp.

Camera used was Sony Mavica Digital with 2.0 mega pixels – No Flash.

Length of average ski or tow rope is 75 feet.

Sunset was at 6:46 p.m.



Photo taken at 5:50 p.m. from East Boat Ramp – Buoy's are approximately 200 feet from photographer.



Photo taken at 6:35 p.m. from East Boat Ramp – same position as above.



Photo taken at 6:46 p.m. (official sunset hours) sun is setting on horizon.



Photo taken at 6:58 p.m. approximately 15 minutes after sunset. Residual lighting illuminates boat going into the marina at approximately 250 feet from photographer.

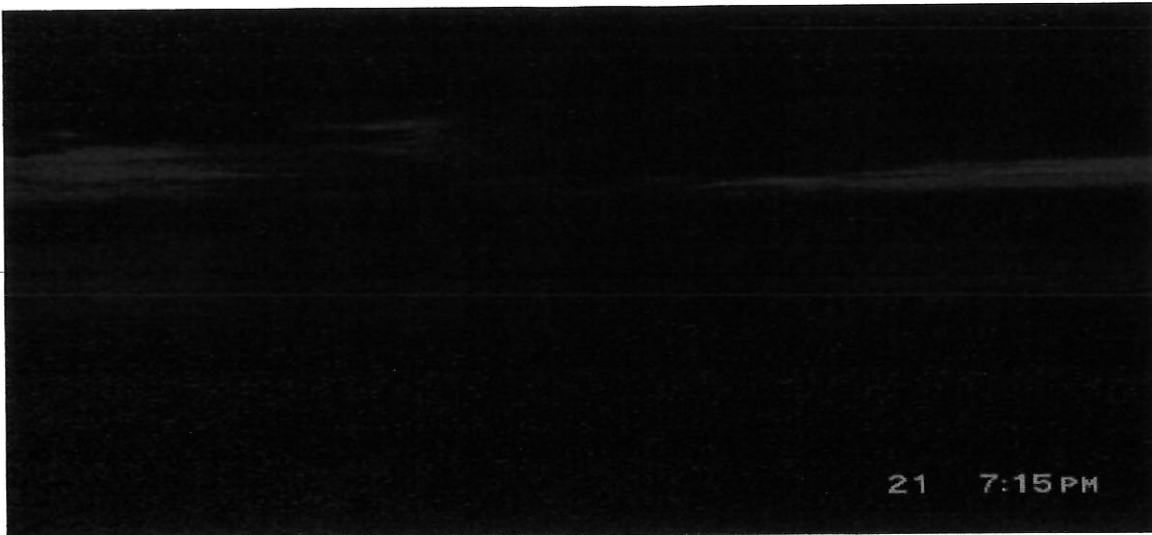


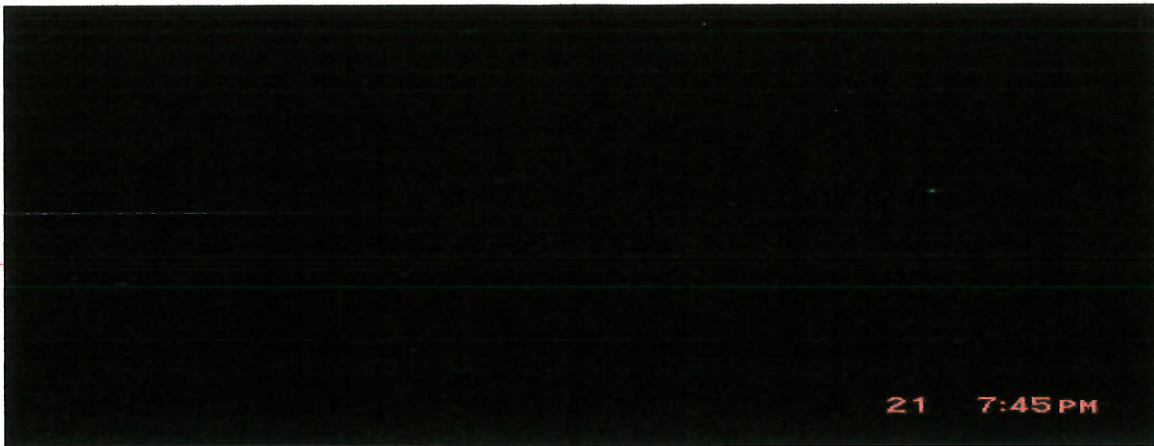
Photo taken at 7:15 p.m., 30 minutes after sunset. Residual lighting illuminates clouds in the west, but not enough to recognize any buoy features or structures on the water.



Photo taken at 7:27 p.m. approximately 45 minutes after sunset. Notice the boat lights heading to the left in this picture. Boat was approximately 150 feet in front of photographer. White all round light is to the right of photographer. The vessel itself cannot be detected.



Same vessel as above taken at 7:31 p.m. Vessel is approximately 75 feet from the photographer. Notice the illumination of the port side light and the all round white light. At this distance it is not enough to illuminate the vessel.



Photograph of same area at 7:45 p.m., one hour after sunset. Vessel is coming in approximately 200 feet from the photographer and you can barely make out the starboard side light, which is green in color located in the middle of the photograph above the number one. These photos represent the peril of operating a vessel during the night hours and clearly demonstrate that an individual being towed behind a vessel would have to be illuminated by a light shining directly on them to be seen by other vessels.

STATISTICS: 30 OF 50 STATES PROHIBIT SKIING FROM SUNSET TO SUNRISE: COLORADO, MISSOURI, & OKLAHOMA PROHIBIT SKIING FROM SUNSET TO SUNRISE. NEBRASKA PROHIBITS FROM ½ HOUR AFTER SUNSET TO ½ HOUR BEFORE SUNRISE.

(e) – Skier down flag.

The flag requirement is a safety issue, which many states have adopted, to alert other recreational vessels that there is a person in the water near the area of a vessel displaying the flag. Officer Heskett personally worked an accident where a young female had her leg nearly severed in two after falling into the water from skiing and being hit by another boater who did not see her. After undergoing seven major surgeries, she can still walk but with a limp.

STAT: 13 states require a skier down flag in 2001. Colorado, Nebraska, Missouri require a skier down flag. Oklahoma did not in 2001.



New Sec. 7. Motorboat muffling requirements.

A muffler requirement had previously existed under K.S.A. 82a-809 in 1982 and K.S.A. 32-1119, after recodification in 1989, until it was removed from the law in the mid 90's. Many complaints come from campers, fishermen, and other boaters from the overbearing noise that some of these racing designed vessels produce as they traverse our waters. This request is modeled off of the National Association of Boating Law Administrators, "Model Act for Motorboat Noise Control" and other states boating law requirements. **STATISTIC: 2001 information shows 39 states require some type of**

muffling law. 31 States have a maximum noise level for motor boats. Missouri, Oklahoma, Colorado have requirements; Nebraska does not.



Several vessels of this type frequently visit Kansas reservoirs and generate the most complaints for noise.

New Section 8-New section 14

These statutes are proposed to address the increasing occurrences of marine theft within the state of Kansas. With vessels being produced that rival the cost of any automobile as well as their mobility, vessels have become an increasing target for thieves. Insurance companies are paying an alarming rate of claims due to marine theft, while law enforcement struggles in the detection and apprehension of the criminal element. There are many flaws with current statutes and regulations which lead to a weakness in the prosecution of the cases.

STATISTICS: NUMBER OF REPORTED MARINE RELATED THEFTS FROM KBI RECORDS-2002: 101 VESSELS STOLEN WORTH \$245,236; 2003: 70 VESSELS STOLEN WORTH \$191,334.

DURING THE YEAR OF 2005 THE KANSAS WILDLIFE & PARKS RECOVERED OR ASSISTED IN THE RECOVERY OF 14 STOLEN VESSELS FOR A VALUE OF \$91,650 AND HANDLED 36 THEFT INCIDENTS.

THE KDWP ASSIGNS APPROXIMATELY 10 HIN NUMBERS TO HOMEMADE VESSELS PER YEAR.

KANSAS RANKS IN THE MIDDLE OF ALL STATES WHEN IT COMES TO MARINE THEFT WITH FLORIDA, TEXAS, N. CAROLINA, AND CALIFORNIA LEADING IN THE NUMBER OF THEFTS.

New Sec. 8. Hull Identification Number and New Sec 9. Vessel Identification Number

The Hull Identification Number (HIN) is currently a 12 digit number that a boat manufacturer assigns to each individual boat that is built. This number is a unique identifier that recognizes the boat manufacturer, a serial number, and the date the vessel was manufactured. Its purpose similar to an automobile's VIN, however they are different in format and placement requirements. The laws concerning vehicle identification numbers are very concise and informative for business owners, individuals, and law enforcement officers to follow in the course of dealing with automotive vehicles that have had their numbers altered or removed. These two new sections would bring this same philosophy to vessels.

STATISTIC: 35 OF 50 STATES REQUIRE INSPECTION WHEN DISCREPANCIES ARE APPARENT IN HIN'S, BILL OF SALE OR TITLE

INSPECTION. COLORADO, OKLAHOMA, AND MISSOURI REQUIRE IT. NEBRASKA DOES NOT.

New Sec. 10. Hull Identification Numbers-Handmade vessels.

This section outlines the requirements in assigning Hull Identification Numbers to individuals who build homemade vessels. These guidelines track the U.S. Coast Guard guidelines for states to assign HIN numbers for this particular reason. This section also gives guidelines for the issuance of a HIN decal and placement of this decal. The U.S. Coast Guard is working toward mandating this in the future.

New Sec. 11 and New Sec. 12. Abandonment of Vessels.

Current statutory authority provides for dealing with the abandonment of automobiles on public highways, the towing of such vehicles and how to dispose of them. This same concept should be applied to abandoned vessels.

New Sec 13. formulates the guidelines for the Department's boating registration system. The section outlines the course of action for the registered owner of a boat to take when the boat is abandoned or salvaged and what the boater registration system is required to complete if an abandoned vessel is ever to be registered after it has been abandoned.

Sections 11-13 shall also provide guidance to a person who claims salvage to a vessel and to the department on handling the registration of such a vessel.

New Sec. 14. Vessel seizure.

This new section provides for seizure and holding a vessel for criminal investigative purposes when there is reason to believe a criminal act may have taken place involving such vessel. It also provides guidance as to responsibility for storage fees when a vessel has been impounded.



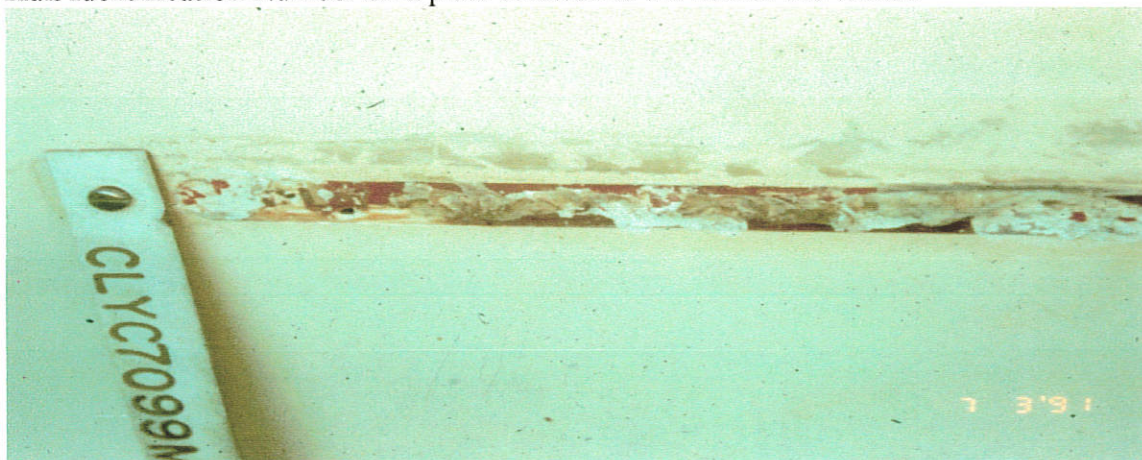
Hull Identification Number removed from Personal Watercraft during theft of vessel. Vessel taken from storage facility in Wichita.



Same vessel. Vessel was recovered at Cheney Reservoir while in operation. The owner pictured here was delighted to get his \$13,000 investment back.



Hull Identification Number on a plate screwed to the hull of the vessel.



Same plate removed reveals the location of the original hull identification number before it was chiseled away.



Stolen boat. Hull Identification Number that used body putty to change the last number.



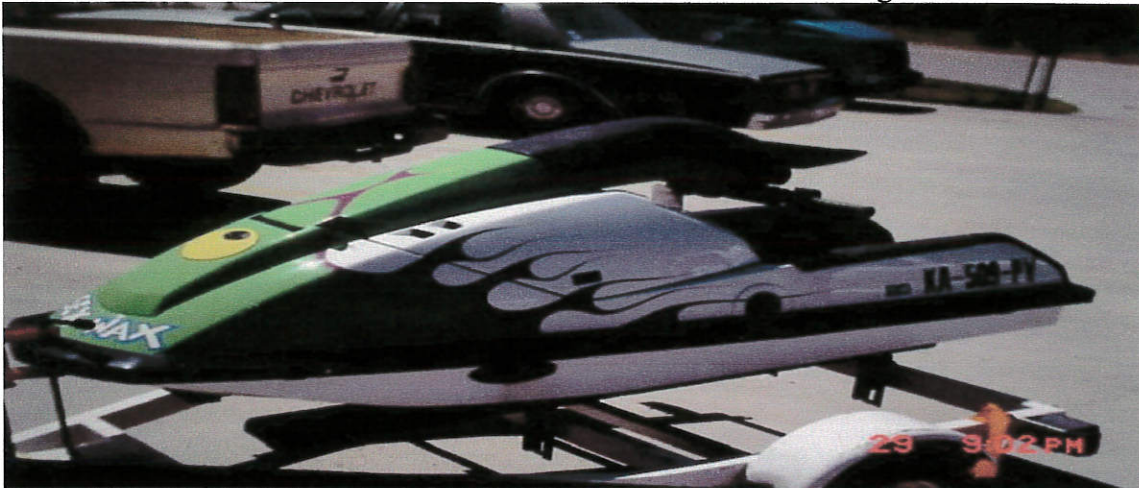
Very neatly placed Hull Identification Plate riveted to the vessel.



Same plate removed reveals original HIN stamped into the hull of the vessel.



Vessels such as this burned vessel, which may only be identified by the HIN that remained on the back of the vessel. Heat from the fire melted the registration numbers.



Personal Watercraft left abandoned on rental property grounds. Property owner called to determine what to do with it. Vessel was found to be stolen from dealership in Eldorado.



Vessel found abandoned on Eldorado Wildlife area. All identifiers of the vessel were removed. After two year investigation, subject was arrested, charged and convicted of insurance fraud.



Stolen watercraft sitting under carport and chained to supports of private residence in Wichita Ks. Watercraft were seized during an investigation which led to their recovery. Estimated value at \$21,000.

Sec. 17. This amendment cleans up the preceding requirement in sections 15 and 16 that fines from boating violations be credited to the boating fee fund. As there is no way to track the individual fine money from violations through the clerk of the district courts when it is deposited with state treasurer, an estimate was made of the annual penalties assessed and a percentage assigned to that estimate.

U.S. Department of
Homeland Security

United States
Coast Guard



Commander, Eighth Coast Guard
District
Hale Boggs Federal Building

500 Poydras Street
New Orleans LA 70130
Staff Symbol: dpl-2
Phone: (504) 589-6770
FAX: (504) 589-4999

16753
January 31, 2006

Department of Wildlife and Parks
Attn: Dan Heskett
Law Enforcement Division
512 SE 25th Street
Pratt, KS 67124


Dear Mr. Heskett,

Having reviewed Kansas State Senate Bill #417 I have found the language pertaining to navigation lights in Section 4 parts (b)(1)(A) through (e) mirror the federal regulations as found in the International and Inland Navigation Rules.

The Coast Guard and every state have been partners in the stewardship of recreational boating safety for over forty years. Through our close working relationship we have ensured that the intent of all state Legislature's is to promote uniformity and reciprocity of boating laws among the states. This function is monitored closely to ensure it is given priority and that collectively safety and the protection of lives continues to be our primary goals.

The Coast Guard is proud of its recreational boating safety partnership with the State of Kansas and, in particular, the Department of Wildlife and Parks, as well as state and local law enforcement and marine safety organizations throughout Kansas. Please continue to work to ensure safe and enjoyable boating for all of Kansas.

Sincerely,


Kevin M. Kelly
Recreational Boating Safety Specialist
By direction

Greetings, Honorable Representatives;

Thank you for your time. My name is Nancy Gumb. I support this Bill. I have 2 boats registered here in the State of Kansas. I am a member and public affairs officer of the United States Coast Guard Auxiliary as well as a supporter of the Kansas Boater Education thru the Kansas Department of Wildlife and Parks. I am not here to represent them or speak for them. I am here as a citizen of Kansas. I want my boating knowledge to be known and as to why I feel this bill needs to pass.

The reasons I agree with these necessary changes to Senate Bill 417 are as follows:

1. These changes make the law easier to understand so there is no confusion to the boating public as to what is right and what is wrong. I am sure that many of the new boaters cannot give you the points of the compass which is currently required in the law. I agree this verbiage should be stricken as so stated in this bill. I wholeheartedly support the definitions to be added in direct and audible supervision on page 11. line 3 thru 6.
2. The flag rule for a person in the water has been adopted in our surrounding states and it works. The orange flag makes people aware of the person in the water when the flag is displayed. I've witnessed this at Lake Perry over the past 3 summers. When flown by out-of-state boaters, it was interesting to see the courteous way other boaters reacted.

This bill makes sense. Looking forward to it passing favorably to benefit the Kansas boating public.

Thank you.

Nancy Gumb

307 NE Spruce Lane

Topeka, KS 66617