

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 49

As Amended by Senate Committee on Judiciary

Brief*

SB 49 would amend the boating under the influence statutes to make them more consistent with driving under the influence (DUI) statutes. The changes would include:

- Adding a provision prohibiting the operation or attempt to operate any vessel while the alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence (as defined in statute), is 0.08 or more;
- Changing the time period within which a person is prohibited from operating or attempting to operate a vessel if that person's alcohol concentration is 0.08 or more from two hours to three hours;
- Revising the prohibition on operating a vessel while under the influence of alcohol to include the phrase "to a degree that renders the person incapable of safely operating a vessel";
- Removing a provision prohibiting the operation of a vessel by a habitual user of any narcotic, hypnotic, somnifacient, or stimulating drug; and
- Revising the definition of "other competent evidence" to extend the time for sampling from two hours to three hours.

The bill would be effective from and after January 1,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

2014, and its publication in the statute book.

Background

The bill was introduced by the Senate Committee on Natural Resources.

In the Senate Committee on Judiciary, the chief counsel of the Kansas Department of Wildlife, Parks and Tourism testified in support of the bill. There was no opponent testimony. The Senate Committee amended the bill per further suggestions by the Office of the Revisor of Statutes to make the boating under the influence statutes more consistent with DUI statutes. The Committee recommended the bill be passed as amended.

The Division of the Budget's fiscal note on the bill indicates it has the potential to increase the number of boating under the influence cases filed in courts, increasing the time required to process the cases. Additional cases could also produce added revenue from docket fees. However, the Office of Judicial Administration cannot predict an exact number of additional cases and so cannot determine a precise fiscal effect. Any fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

The Department of Wildlife, Parks and Tourism states the bill would have no fiscal effect on the agency. Any fiscal effect associated with SB 49 is not reflected in *The FY 2014 Governor's Budget Report*.