

SESSION OF 2021

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 142**

As Agreed to April 7, 2021

Brief*

SB 142 would update personal flotation device requirements while aboard or being towed by a watercraft vessel. The bill would also update the reference in current law to the guidelines of the American Fisheries Society.

The bill would be in effect upon publication in the *Kansas Register*.

U.S. Coast Guard-approved Personal Flotation Devices

The bill would require an operator of any watercraft vessel to require every person on such vessel age 12 or younger to wear a U.S. Coast Guard-approved personal flotation device while aboard or being towed by such a vessel unless such person is below decks or in an enclosed cabin. The bill would require the Secretary of Wildlife, Parks and Tourism to promulgate rules and regulations regarding required personal flotation devices. Currently, regulation of personal flotation devices is set in statute.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

American Fisheries Society Guidelines

The bill would update the reference in current law to the guidelines of the American Fisheries Society from special publication number 30 to special publication number 35.

Conference Committee Action

The Conference Committee agreed to the provisions of SB 142, as amended by the House Committee on Agriculture, and agreed to add the contents of SB 160, as amended by the House Committee on Agriculture, regarding the reference to the American Fisheries Society guidelines.

Background

The Conference Committee added the contents of SB 160, as amended by the House Committee on Agriculture, to SB 142, as amended by the House Committee on Agriculture.

SB 142 (U.S. Coast Guard-approved Personal Flotation Devices)

SB 142 was introduced by the Senate Committee on Agriculture and Natural Resources at the request of Senator Kerschen on behalf of Kansas Department of Wildlife, Parks and Tourism (KDWPT).

[Note: SB 142 contains provisions similar to those of 2020 SB 307.]

Senate Committee on Agriculture and Natural Resources

In the Senate Committee hearing, the Secretary of Wildlife, Parks and Tourism provided **proponent** testimony, stating the change is necessary because current federally

approved personal flotation devices are not legal for use in Kansas until KSA 32-1129 is amended and the accompanying regulation is changed.

Neutral testimony was provided by a private citizen, who expressed concern with the requirement for every person 12 years of age or under to wear a personal floatation device at all times while aboard a vessel.

No other testimony was provided.

The Senate Committee amended the bill by creating an exception to the personal flotation device requirement for every person 12 years of age or under while aboard or being towed by a vessel if such persons are below decks or within an enclosed cabin.

House Committee on Agriculture

In the House Committee hearing, **proponent** testimony was provided by the Secretary of Wildlife, Parks and Tourism and by a private citizen.

No other testimony was provided.

The House Committee amended the bill to change the effective date to upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on SB 142, as introduced, KDWPT indicates enactment of the bill would have no fiscal effect on agency operations. The Kansas Association of Counties indicates counties that provide water activities may need to purchase new personal flotation devices, but a fiscal impact cannot be estimated. The League of Kansas Municipalities indicates the bill would have no fiscal effect on cities.

SB 160 (American Fisheries Society Guidelines)

SB 160 was introduced by the Senate Committee on Agriculture and Natural Resources at the request of Senator Kerschen on behalf of KDWPT.

Senate Committee on Agriculture and Natural Resources

In the Senate Committee hearing, the Secretary of Wildlife, Parks and Tourism provided **proponent** testimony stating the bill would update the valuation process for illegally commercialized fish and mussels. The Secretary stated the current guideline in statute references special publication number 30, first published in 2003, and the bill would change that reference to special publication number 35, the most current version of the manual that was published in 2017.

No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

House Committee on Agriculture

In the House Committee hearing, **proponent** testimony was provided by the Secretary of Wildlife, Parks and Tourism.

No other testimony was provided.

The House Committee amended the bill to change its effective date to upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 160, as introduced, KDWPT indicates enactment of the bill would have no fiscal effect.

Kansas Department of Wildlife, Parks and Tourism; personal flotation device; parks and recreation; wildlife; fish; commercialization of wildlife; American Fisheries Society

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