

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1101

2005 HOUSE NATURAL RESOURCES

HB 1101

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1101

House Natural Resources Committee

Conference Committee

Hearing Date January 7, 2005

Tape Number	Side A	Side B	Meter #
1	x		3,465-4958
1		x	Action: 3927-4297

Committee Clerk Signature

*Karen Bonnet*

Minutes: Chairman Nelson opened the hearing on HB 1101. Roll taken, Rep. Drovdal absent.

Bill was read aloud.

**Paul Schadewald, ND Game & Fish: WRITTEN TESTIMONY ATTACHED.** Urged to move this bill wording from age 10 to age 12, similar to states around us. Mandating safety is tough. Current law put in after an accident on the Missouri River about 20 years ago. Accidents happen fast. You may not be able to get to a life jacket.

**Chr. Nelson:** Any questions of Mr. Schadewahl?

**Rep. Porter:** I appreciate this bill because of the line of work I do but this bill raises a lot of problems with me in my personal life. Sitting on my pontoon at Lake Isabel, eight feet deep, my nieces and nephews want to jump off the pontoon and they can probably swim across that lake better than me. I would hope they would jump in and save me if I would happen to fall in. I don't think that this one size fits all works for every boating situation in the state of ND.

**Chr. Nelson:** Paul, scenario: An eleven year old goes to the lake this summer, is finally out of the constraints of the ten-year old life jacket restriction. He swims around the lake in June and July and this bill passes August 1. He is back in the life jacket again. Wouldn't that be the case? There is a time lapse when the law goes into effect.

**Schadewahl:** You could take care of that by putting an emergency clause on.

**Hunskor:** Do you have complaints by people with concerns with present law with it's ten-year old restriction. Are they using life jackets or are they just not using them?

**Schadewald:** We have not had complaints on the ten year old bill. Initially had some, but there is an age where we have to legislate safety.

**Chr. Nelson:** In the 20 years since the incident initiating this bill, are you aware of any deaths by drowning of children at the ages of 10-12?

**Schadewald:** No, I'm not aware of any.

**Rep. Kelsh:** Paul, who is responsible for enforcement?

**Schadewald:** The ND Game & Fish is the primary enforcement agency but also peace officers of the state of ND.

**Rep. Kelsh:** Have there been many violations?

**Schadewald:** I'd have to look, but I don't think are many.

**Rep. Clark:** Who's covered by the National Coast Guard regulations and whose exempt?

**Schadewald:** The whole country is covered by coast Guard regulations but the state laws in effect prior to those regulations going into effect still stand. So our laws, even though it is different than the Coast Guard's still stand. The Coast Guard does not come here and enforce their laws on the same place that we are.

**Rep. Charging:** There is not any Coast Guard enforcement in ND at all is there?

**Schadewald:** There's very little. There is Coast Guard auxiliaries that help out enforcement, but there isn't any Coast Guard presence. They come here for a visit once in a while. They're not enforcing any laws here.

**Rep. Charging:** They don't patrol any waters?

**Schadewald:** No, they don't.

**Rep. Porter:** In regards to Rep. Clark's question on the Coast Guard, is every body of water in ND covered by Coast Guard regulation or is it just certain bodies of water?

**Schadewald:** That's my oversight. The Coast Guard has certain natural waters, the larger waters that they have jurisdiction over. The smaller waters are mostly state jurisdiction.

**Chr. Nelson:** Any further questions? If not, any further testimony in support of HB 1101? Any

**Carol Meidinger, ND Dept. Of Health:** Support. **WRITTEN TESTIMONY ATTACHED.**

**Chr. Nelson:** Any questions of Ms. Meidinger?

**Rep. Porter:** In statistics of 17 children who died in that 11 year time - how many were on a boat?

**Meidinger:** The information is taken from vital records, and they wouldn't have that specific information. It was swimming pools and lakes.

**Chr. Nelson:** Further questions? Seeing none, further testimony in favor of HB 1101?

**Vivian Schafer, ND Children's Caucus:** We're always concerned with the welfare, health and safety of children. I remember the first bill that came out after the tragic accident and I highly support and hope that you will give it your consideration. I realize there are places where you

can walk over the lake but when it comes to larger rivers and bodies of water on which we do have a lot of boating, I think that we better protect our children.

**Chr. Nelson:** For those testifying, make sure you sign the sheet at the podium as you testify so we have a record of that. Is there further testimony in favor of HB 1101?

**Vivian Schafer:** This is similar to seat belt safety. If you start using those devices early, children don't care. It's the parents and adults that resist more than they do.

**Chr. Nelson:** Further support of HB 1101? Hearing none, I'll take opposing testimony. Seeing none, I will close the hearing on HB 1101. Is everyone comfortable with action on HB 1101?

**Rep. Kelsh:** I make a motion Do Pass on HB 1101.

**Rep. Hunsakor:** Second.

**Rep. Porter:** I think age 12 is too high. Plenty of kids older than ten swim better than adults. This bill includes use on paddle boats, pontoon boats, and every body of water. I have a problem with authorities looking over my kids. There is a problem enforcing the law, birthday in May, swim all summer, law in effect in August, how do you accommodate that? People who need to wear life jackets already do. I don't think it is necessary.

**Rep. Charging:** Maybe it would be good to follow through with the Coast Guard standards. The Missouri and Red Rivers are Coast Guard waters.

**Rep. Hanson:** I oppose, too. If a boat is in the lake, a kid can jump out to swim. He needs his life jacket on. Some states exempt it.

**Rep. Norland:** I agree with Rep. Porter that we're excited about increasing the age limit since the Game & Fish said there are no records on boating accidents involving children. I think we do need to leave the responsibility with the parents. I oppose HB 1101.

**Rep. Hunsakor:** I'm in favor of the bill as it is; parents will do as they wish anyway. It may save one or two lives. Even if it inconveniences the child and parent, I think we should leave the age limit at age ten.

**Chr. Nelson:** Is there further discussion? If not, we will take a vote to Do Pass on HB 1101.

**FIRST VOTE: Yes-6; No-7; Absent-1; Do Pass Failed. FIRST VOTE FAILED**

**Chr. Nelson:** The first vote failed on Do Pass of HB 1101. Can I have another motion?

**Rep. Porter:** I make a motion Do Not Pass HB 1101.

**Rep. Nottestad:** Second.

**Chr. Nelson:** We have another motion of **DO NOT PASS HB 1101.**

**SECOND VOTE: Yes-7; No-6; Absent-1; Second vote PASSED. Carrier: Porter.**

Date: 1/7/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1101

House NATURAL RESOURCES Committee

Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Do pass

Motion Made By : Rep. Kelsh Seconded By : Rep. Hunskor

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson		✓	Rep. Lyle Hanson		✓
Vice Chairman - Todd Porter		✓	Rep. Bob Hunskor	✓	
Rep. Dawn Marie Charging		✓	Rep. Scot Kelsh	✓	
Rep. Donald L. Clark	✓		Rep. Dorvan Solberg	✓	
Rep. Duane DeKrey		✓			
Rep. David Drovdal					
Rep. Dennis Johnson		✓			
Rep. George J. Keiser	✓				
Rep. Mike Norland		✓			
Rep. Darrell D. Nottestad	✓				

Total (Yes) 6 No 7

Absent Rep. David Drovdal

Floor Assignment Rep. Todd Porter

If the vote is on an amendment, briefly indicate intent:



Date: 1/7/05  
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1101

House NATURAL RESOURCES Committee

Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Do Not Pass

Motion Made By : Rep. Porter      Seconded By : Rep. Nottestad.

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson	✓	
Vice Chairman - Todd Porter	✓		Rep. Bob Hunsakor		✓
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh		✓
Rep. Donald L. Clark		✓	Rep. Dorvan Solberg		✓
Rep. Duane DeKrey	✓				
Rep. David Drovdal					
Rep. Dennis Johnson	✓				
Rep. George J. Keiser		✓			
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad		✓			

Total (Yes) 7      No 6

Absent 1 - Rep David Drovdal

Floor Assignment Rep. Todd Porter

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
January 7, 2005 2:58 p.m.

**Module No: HR-04-0195**  
**Carrier: Porter**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1101: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT PASS (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1101 was placed on the Eleventh order on the calendar.**

2005 TESTIMONY

HB 1101

Paul Schroeder

North Dakota Game and Fish Department Testimony  
**House Bill 1101**  
Personal Flotation Devices for Children

This bill changes the age requirement for wearing of life jackets on boats from age 10 and younger to age 12 and younger. This change is requested for the following reasons:

1. National Coast Guard regulations are age 12.
2. There is a national movement to have standardized regulations among the states.
3. Requiring children to wear personal flotation devices would make boating safer for children and give parents a solid reason – it's the law.
4. Mishaps happen quickly and parents cannot always watch children on a boat.

We understand that some will object and say that it is too hot some days or unnecessary in some situations. The bottom line is that kids age 12 and younger need to be kept safe.

**National Transportation Safety Board** requested that the Coast Guard establish a uniform standard for the mandatory use of PFDs for all children under age 13. According to NTSB, a national standard would help parents and law-enforcement agencies by minimizing confusions about which children must wear PFDs in which states.

**GOAL:**

To make a uniform component of standards that establishes an age at or below which all children should be required by all states to wear personal flotation devices while in recreational boats.

Requiring children to wear PFDs would make boating safer and more pleasant for parents. Parents also know that mishaps happen quickly and that they cannot always watch children on a boat so use of PFDs increases their sense of safety.

Surrounding State requirements for life jacket usage by children

**Montana**—Children under 12 years of age must wear a PFD on a boat less than 26 feet in length that is in motion.

**Minnesota**—No lifejacket law for any age enforced by the Minnesota DNR  
Federal PFD Wear Regulation For Children:—unless you are boating on federal waters such as Lake Superior, Canadian border waters, Mississippi & St. Croix Rivers, as well as Leech & Winnibigoshish Lakes. This regulations is enforced by federal agencies, such as U.S. Coast Guard or National Park Service.

**South Dakota** -- Boat operators, when operating at greater than no-wake speed, are required to assure that each child under seven years of age on board, is wearing a U.S. Coast Guard approved life jacket unless the child is within a cabin or below deck.

**Testimony**

**House Bill 1101**

**House Natural Resources Committee**

**Friday, January 7, 2005**

**North Dakota Department of Health**

Good morning, Chairman Nelson and members of the Natural Resources Committee. My name is Carol Meidinger, and I am director of the Injury Prevention Program for the North Dakota Department of Health. I am here to testify in support of House Bill 1101.

Nationally, drowning is the second leading cause of unintentional injury death among children age 1 to 14. Drowning usually occurs quickly and silently. Two minutes following submersion, a child will lose consciousness, with irreversible brain damage occurring after four to six minutes. Most drownings occur in residential swimming pools and open-water sites.

In North Dakota from 1994 through 2003, 17 children younger than 13 died from drowning. The drownings occurred in pools, lakes, rivers and lagoons.

The North Dakota Department of Health supports many measures to prevent drownings, including supervision, fences, and use of personal flotation devices (PFDs) when children are in or near water. This legislation would increase the use of PFDs by children in water craft, which, hopefully, would carry over to use when playing in and around water.

This concludes my testimony. I am happy to answer any questions the committee may have.