

2013 HOUSE ENERGY AND NATURAL RESOURCES

HB 1141

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee Pioneer Room, State Capitol

HB 1141
January 18, 2013
Job # 17392

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to towing an individual on water skis or similar devices.

(Testimony #1)

Minutes:

Chairman Todd Porter: Opened the hearing on HB 1141.

Rep. Nathe: Introduced the bill. It is more or less a house cleaning bill. The main reason for the bill is the back page with towing and individual behind a water craft; whether it is a skier, tuber or whoever barefooted. As the law stands now you have to have a spotter setting with you watching the person being towed and you are driving the water craft. What the bill would do is allow you to not have the spotter provided you had a mirror.

Chairman Porter: The differences between the mirrors that are put in a boat and then the mirrors that are on a wave runner or a jet ski; is it your intention that those standard little mirror are enough on the wave runner to allow for that to be a single type situation since they are very different than what the diagram shows?

Rep. Nathe: I think on a wave runner the mirrors worked just fine. Council could not find a standard for the mirrors out there.

Rep. Silbernagel: There are a lot of folks in the eastern part of the state the bound back and forth between Minnesota and North Dakota with their boats. Would this mirror the Minnesota legislation?

Rep. Nathe: I don't know if it mirrors it word for word, but it is in the same spirit of the law.

Rep. Hofstad: Does that include whether you are pulling a tube are you required to have a spotter?

Rep. Nathe: Anything that you are towing behind.

Blaine Clausnitzer: (See testimony #1) 04:16 - 06:48

Chairman Porter: There isn't anywhere in here that says you don't have to have a spotter any longer is there?

Blaine Clausnitzer: If you don't have a mirror than a spotter would be required.

Rep. D. Anderson: Is the 6 x 13 mirror industry standard?

Blaine Clausnitzer: Yes that would be an industry standard. They are a high quality mirror. I did include some photos in my handout.

Opposition: None

Robert Timian, Chief Game Warden of ND Game and Fish Department: we have a neutral view but we do have some concerns regarding your question about surrounding states and Minnesota does have the mirror law statewide, but there are differing regulations on lakes that are deemed to be congested high use areas. Our concern would be that in congested areas in the summer we have some concern without having an observer on board that the operator will have to have an additional divided attention between where he is running a board and watching observer it could up the risk factor for accidents.

Rep. S. Kelsh: It is my understanding that there are certain lakes in Minnesota then that do require a spotter?

Robert Timian: Those regulations allow the local communities, but they do have more restrictive in certain areas.

Rep. Nathe: I never saw anyone waterskiing on Lake Calhoun.

Robert Timian: I may have been wrong about which lake but some are more restricted due to congestion.

Rep. Forseth: On page 1, Subsection 1 it also eliminates the requirement that anyone 16 and older need to wear a life vest. Is that right?

Robert Timian: That is current law.

Chairman Porter: Most of the changes are just Legislative Council made a lot of coding changes.

Rep. Brabandt: What is the cost of retrofitting the boat with mirrors?

Robert Timian: Under \$50.

Hearing closed.

Do Pass Motion Made by Rep. Silbernagel; Seconded by Rep. Brabandt

Rep. Hunsakor: the only concern I have listening to Chief Timian would be if we do have any lakes where the congestion of boards and traffic is a safety hazard and if we need to consider or check into whether there are lakes like that?

Vote: 13 Yes 0 No 0 Absent Carrier: Rep. Froseth

Hearing closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee Pioneer Room, State Capitol

HB 1140
17407
7 testimonies
Jan 18,2013

Conference Committee

J. Mineth

Provide for a loan from the Bank of North Dakota to the Western Area Water Supply Authority.

Minutes

Rep. Porter: We will call to the hearing on HB 1140

Rep. Skarphol: Last session there was a proposal for a Western Area Water Project they asked for \$150,000.000 and after some considerable consternation on the part of the individuals involved in working through the conference committee it was decided to appropriate \$110,000.000 in varies types of loans to that project and that the balance would be taken care of in this session if the project was moving forward in a successful fashion. The request is being made in this bill for the additional \$40,000.000 to allow for the completion of the project that was brought forward last time.

Rep. Keiser: The additional \$40,000.000 how will that be structured in the repayment?

Rep. Skarphol: That is to be determined by the process during this session.

John Olson: I am a registered lobbyist for the Western Area water Supply Authority and am here today in support of HB1140. Those terms will be negotiated with the Bank of North Dakota should you pass this bill. I do want to call your attention to HB 1020 which is the appropriations bill for the State Water Commission. In that bill there is \$79,000.000 appropriated from the Natural Resources Trust Fund that was presented by the State Water Commission at a hearing recently at the House appropriations committee, the comment by the State Water Commission representatives that perhaps half of that amount of money would also be considered to be loan dollars.

Denton Zubke: Chairman of the board of the Western Area Water Supply Authority; (See testimony 1) the last session created the WAWS and authorized \$110,000.000 in loan funds from the state to begin that project. A capital cost accounting system was developed to track specific WAWS Project segment costs to manage \$110,000.000 loans in the most efficient way possible (page 3)

Rep. Hofstad: Enabling legislation last session which was \$110,000.000 in loan. \$50,000.00 of that goes back to the Bank of North Dakota and the next \$25,000.000 goes to the general fund and then the balance to the resource fund. As we look at that and develop that legislation the water sales that you were projecting that 15-18 percent of that market share was dedicated to this loan repayment. Now we are looking at additional \$50,000.000 I know the resource fund has given another \$40,000.000 plus another 440,000.000 of loans so we are adding \$110,000.000 plus another \$90,000.000 and I am wondering if your business model is enough to repay the loans that we are looking at. My question is are you still comfortable with that method of repayment.

Denton Zubke: We are dealing with question we do have \$79,000.000 in the State Water Commissions budget. When we went through that process we anticipated that \$79,000.000 would be grant dollars pacifically because of all the rural demands that we discovered out there. It wasn't until a couple weeks ago that we found out that the potential \$79,000.000 thru the State Water Commission budget might be a \$40,000.000 loan and \$39,000.000 of grant dollars. We have asked what kind of terms they are anticipating on additional \$40,000.000 of loan and it sounds like the terms of that loan may be acceptable to us because it may be that they will wait with repayment of that \$40,000.000 until after we have paid off this original \$150,000.000. If that doesn't happen or are forced to try and repay that \$40,000.000 during the same process of the \$150,000.000 I do not believe that we will able bear that down.

Rep. Keiser: Of the original \$110,000.000 how much has been spent to date? Have we been able to escalate the servicing of the loan through revenues generated?

Denton Zubke: To date we have contracted for \$112,000.000 of that \$110,000.000 we added a project west of Williston that included some cost share from a private entity and so that is what pushed that contract amount above the \$110,000.000. We have spent to date about \$84,000.000 of that contracted \$112,000.000. No we have not the industrial water sales have come on a little slower than we anticipated because we run into some problems with flooding on the south side of Williston which delayed us about 18 months.

Rep. Bradandt: What percentage of the entire project is functional as of today?

Denton Zubke: That is a difficult question I can't give you that number.

Rep. Porter: When we did this legislation last session your flow chart on page 3 of your testimony goes through first, second, third and fourth and then how they were paid out. The second in was the Bank of North Dakota's \$50,000.000 loan but is the first out. In your discussion and testimony you talked about the Water Resources Trust Fund; looking at a portion of that money being a grant and a portion of that money being a loan. This bill is addressing the loan component from the discussion last session. Shouldn't we set that policy again on the first in, first out policy as we look at this legislation so that it does reduce the risk that you could have and set the policy straight?

Denton Zubke: You get to structure that any way that you would like but we do have some suggested models and some of that came from the previous legislation and I think as we get into some of the business plan do some of that testimony our suggestion will be clearer

Jaret Wirtz: Executive Director of WAWSA; I am here to urge your support of HB 1140 (See testimony 2) this project is on track to be the fastest built regional water system in the state. Turn to page 3 of the testimony; in that picture you can see the previous water in Watford City. The middle glass is the transition period when we were mixing the 2 waters and the third glass is the after the WAWWS water was completely through the system. On page 4 the stuff in the yellow was existing infrastructure that was from the members that were already in place. The red stuff is the infrastructure that we constructed in the current biennium.

Rep. Brabandt: Who is your prime contractor is the project?

Denton Zubke: I am not sure we have several contractors.

Rep. Hofstad: In your testimony you talk about payments by selling access capacity in the system and we have also gone from a point where we talked about those users being 37 times the original plan. Have those users used the excess capacity?

Denton Zubke: Yes we have seen a considerable amount of growth and keep in mind the transmission lines and treatment plants are built for peak day demands.

Steve Burian: CEO, Advanced Engineering and Environmental Services, INC.; I am in support of HB 1140. (See testimony 3) to answer your questions Rep. Brabandt there are 15 different prime contractors that were hired for this job of which some of them had electrical and mechanical subs but it was done in that many segments.

Rep. Porter: In that comment did you assume any of the debt on those industrial use projects from those areas and then not get the revenues off of those or is that revenue they maintained their debt if they had any on those industrial projects?

Steve Burian: There was no debt on any of the existing industrial infrastructure with the exception of Stanley and Stanley had never used theirs and so we basically assumed the cost and received all the revenue for that without returning any base line. HB 1140 is consistent with the original proposal and that information that we have at this time.

Rep. Porter: In all of your models you are showing loan #4 as a \$10,000.000 loan and now with the discussion in house appropriations on HB1020 that would change to a \$40,000.000?

Steve Burian: We ended up with two water treatment trust funds loans the first time #1 and #4 both came from the Resources Trust Fund they had different interests terms and different repayment terms. The additional \$40,000.000 loan that you have been talking about that would be half of HB 1020 that would be loan #6. We did somewhat panic when we heard that they thinking 50-50 on that once we got into 1,000 we called Todd, and Todd put a meeting together with us and as we looked at that the Resources Trust Fund has a lot of flexibility.

Bert Anderson: Past board member of the Burke-Divide-Williams Water System and currently serve as a board member on the Western Area Water Supply Authority; I am here in support of HB 1140. (Testimony 4)

Rep. Brabandt: What is the general feeling of the rural people to the cities to the WAWS people to the contractors to the board members?

Bert Anderson: Yes it has been very positive.

Monte Meiers: Director of Public Works/Engineering in Williston North Dakota; in your packet we give some of the impact information that we need as a city. Williston has 400 oil field companies and it says in there 40% work for the oil fields I would dare to say that 100% are because that is going on there is working for the oil fields. (See testimony 5)

Denton Zubke: Thank you; two years ago we brought you a proposal and you developed that into a plan for us. We went out and followed that plan that is a team effort involving not only yourselves but also our employees. In the last session you created a very vital public infrastructure water distribution project which is privately driven by the members of Western Area Water Supply Authority in partnership with you as the legislature and the state of North Dakota.

Pat Wheeler: I represent Independent Water Providers; we support providing water to the people of northwestern people. We oppose providing any funding to Western Area Water Supply through HB 1140 for the following reasons. (See testimony 6)

Rep. Keiser: Could you tell me for yourself and your operation and then since you are representing the Independent Water Providers can you provide the information regarding the water permitted for irrigation for which the Independent Water Users are received a water waiver to use it for commercial use?

Pat Wheeler: I couldn't give you that; I don't know, I am not an irrigator.

Rep. Keiser: What percentage of the water from the Independent Water Users was designated for irrigation purposes and then has now received a waiver for commercial purposes from the state of North Dakota which is a wonderful grant?

Pat Wheeler: The state Water Commission can give you that information, but I can get that information for you for next week when I come back.

Rep. Porter: Even with the current structure of those water depots that were municipally owned and operated prior to the last session with the WAWS project that your group still represents 75% of the industrial water sales in this area and WAWS represents 25 %.

Pat Wheeler: The 25% was in municipal that were on their own in 2010 and some in 2011 that is where those numbers come from.

John McCleary: I live in Williston and am the owner of JMAC Resources (See testimony 7)

Rep. Porter: Is there any opposition on HB 1140 I appointing this to a subcommittee that will take additional testimony and will be a good time to present that. The subcommittee is Rep. Keiser, Rep.Hofstad, and Rep. Hunsakor to further work on this bill. We are adjourned.

Date: 1-18-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1141

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adm

Motion Made By Rep. Silbernagel Seconded By Rep. Brabandt

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter	✓		Rep. Bob Hunsakor	✓	
Vice Chairman Chuck Damschen	✓		Rep. Scot Kelsh	✓	
Rep. Jim Schmidt	✓		Rep. Corey Mock	✓	
Rep. Glen Froseth	✓				
Rep. Curt Hofstad	✓				
Rep. Dick Anderson	✓				
Rep. Peter Silbernagel	✓				
Rep. Mike Nathe	✓				
Rep. Roger Brabandt	✓				
Rep. George Keiser	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Franith

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

Do pass

REPORT OF STANDING COMMITTEE

HB 1141: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1141 was placed on the Eleventh order on the calendar.

2013 SENATE NATURAL RESOURCES

HB 1141

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1141
March 22, 2013
Job Number 20366

Conference Committee

Monica Spelling

Explanation or reason for introduction of bill/resolution:

Relating to towing an individual on water skis or similar devices

Minutes:

attachments

Chairman Lyson opened the hearing for HB 1141.

Rep. Mike Nathe, District 30, introduced the bill. The law would permit you to tow an individual on water skis without a ride-along in the boat if you have a mirror in your boat. The mirrors available now are much larger and allow you to see your skier and at the same time keep your eyes forward. Other states have this type of legislation. Rep. Nathe handed out an amendment. See attachment #1. The amendment specifies that the law would apply to speed boats only, and it spells out the minimum size of the mirror.

Senator Murphy spoke against this bill because he has been almost hit twice while swimming by boats whose drivers were not watching closely. He also feels the mirror may cause another blind spot. He is concerned about where the mirror is mounted on the boat.

There was discussion about the safest placement of the mirror.

Bruce Fuerstenberg presented written testimony in favor of the bill. See attachment #2. He said the mirrors are mounted above the windshield and do not obstruct the driver's view. He also mentioned that the spotter can be any age and although they are supposed to be watching, they are not always on task.

There was discussion about amending the bill to specify where to mount the mirror so the vision of the driver is not obstructed.

Others in favor: None

Opposition:

Lynn Kieper, a board member for an organization called Lure Em For Life, spoke in opposition to HD 1141. See attachments #3 and #4.

Senator Triplett mentioned that the statistics presented were not very helpful. They would have to be done on a per capita basis to be helpful. Even better would be statistics gathered based on a per-boating-day basis. Statistics gathered before a law change and again after a law change such as a requirement for a mirror on a boat would also be helpful.

There was discussion about adding the law for the mirror and still requiring a spotter until statistics proved a spotter was not needed. The discussion also brought out that the Missouri River is much more crowded than the lakes as far as boat traffic. Could we have different rules for the river than for the lakes?

Mr. Kieper feels you need two people in the boat at all times because one person cannot get an injured skier into the boat alone.

Neutral:

Robert Timian, Chief Game Warden with the ND Game and Fish Dept, spoke as the primary enforcement arm of the boating safety rules for the state of ND. He spoke in the neutral position for a few reasons. As a safety issue, each state has different laws depending on what risk factor they determine is right for their state. We don't have any statistics to compare because we have only had the law as it now stands. All he has is the last seven years under the current law. 2005 to 2011 we have had a total of 13 accidents where a vessel involved was pulling a skier or a tuber. That is slightly less than 2 per year. There have been zero fatalities.

Senator Unruh asked if passage of this law would increase the difficulty of enforcement.

Robert Timian was not sure if passage of it would make enforcement more difficult.

Senator Triplett asked if Game and Fish Dept. has rule-making authority where they could establish different rules for different bodies of water.

Mr. Timian said they do have rule-making ability, but they don't generally use it unless a local entity requests them to do so.

Senator Triplett asked if they actually do it or if they just have the ability to do it.

Mr. Timian cited an example of when they had used that power to close the Missouri River to boat traffic during the 2011 flood. He listed a few others and emphasized their action is initiated by the local concern for the issue. He feels the fewer rules they have the easier it is for people to comply.

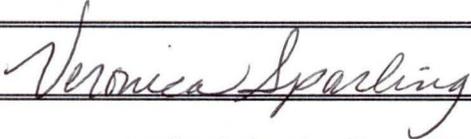
Chairman Lyson closed the hearing for HB 1141.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1141
March 28, 2013
Job Number 20659

Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to towing an individual on water skis or similar devices

Minutes:

attachments

Chairman Lyson opened the discussion for HB 1141.

Senator Unruh explained the amendments. See attachment #1.

There was lengthy discussion about possibly amending the amendment to clarify that the operator of the boat would need an unobstructed view to the front, sides and rear of the boat.

Senator Unruh: Motion to adopt amendment 13.0035.01002

Senator Hogue: Second

Motion carried by voice vote.

Senator Unruh: Motion Do Pass as Amended

Senator Burckhard: Second

There was discussion about this bill causing water sports to be less safe.

Roll Call Vote: 3, 4, 0

Motion Do Pass as Amended failed.

Senator Murphy: Motion Do Not Pass as Amended

Senator Triplett: Second

Roll Call Vote: 4, 3, 0

Carrier: Senator Murphy

March 26, 2013

3/28/13
TU

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1141

Page 2, line 4, after "is" insert "not a personal watercraft and is"

Page 2, line 4, after "mirror" insert "at least seventy-eight square inches [198.12 square centimeters]"

Page 2, line 5, replace "a" with "an unobstructed"

Renumber accordingly

Date: 3-28-13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1141

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended ^{as} Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Unruh Seconded By Burckhard

Senators	Yes	No	Senators	Yes	No
Senator Lyson		✓	Senator Triplett		✓
Senator Burckhard	✓		Senator Murphy		✓
Senator Hogue	✓				
Senator Laffen		✓			
Senator Unruh	✓				

Total (Yes) 3 No 4

Absent 0

Floor Assignment _____

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

Date: 3-28-13
Roll Call Vote #: 3

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1141

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass ^{as} Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Murphy Seconded By Triplett

Senators	Yes	No	Senators	Yes	No
Senator Lyson	✓		Senator Triplett	✓	
Senator Burckhard		✓	Senator Murphy	✓	
Senator Hogue		✓			
Senator Laffen	✓				
Senator Unruh		✓			

Total (Yes) 4 No 3

Absent 0

Floor Assignment Murphy

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

REPORT OF STANDING COMMITTEE

HB 1141: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1141 was placed on the Sixth order on the calendar.

Page 2, line 4, after "is" insert "not a personal watercraft and is"

Page 2, line 4, after "mirror" insert "at least seventy-eight square inches [198.12 square centimeters]"

Page 2, line 5, replace "a" with "an unobstructed"

Renumber accordingly

2013 TESTIMONY

HB 1141

#1

House Bill 1141
Testimony of Blaine Clausnitzer
Presented to Chairman Todd Porter,
House Government and Veterans Affairs
January 18, 2013

Chairman Porter and committee members, for the record my name is Blaine Clausnitzer. I am a dentist who has been practicing here in Bismarck for over 20 years. I am appearing today on my own behalf.

House Bill 1141 seeks to change state law with regard to waterskiing and other recreational sports involving the towing of individuals behind a powered vessel.

The bill before you would allow boaters to pull water skiers behind a boat without a separate on-board observer if the vessel is equipped with a mirror to provide the boat operator with a wide field of vision to the rear. To date, 21 states currently have a mirror law. Several of these are states where boat registrations are among the highest in the country. Florida, Minnesota, Texas and South Carolina have an estimated 2.8 million boats registered and they all currently have mirror laws on the books today. In fact, Florida, considered to be the world's waterskiing capitol, has over a million boats registered, which currently operate safely under that state's mirror laws.

Most boats already come equipped with a mirror from the manufacturer. For others, there are simple aftermarket mirror solutions. Typically, these mirrors are 6 inches by 13 inches and provide the operator with a safe field of rear vision ranging from 160 to 180 degrees. This allows the operator a large overview of what is happening behind the boat without having to turn around and take concentration away from driving the boat safely.

It's my opinion that this bill will only serve to increase safety among the boating and waterskiing public. Personally, as a lifelong boater and water skier, I have witnessed dangerous situations which can occur when relying on a separate observer for waterskiing. Often, the boat driver is tempted to take his eyes off of the water ahead and look back to check see how the individual being towed is performing. Wide-vision mirrors allow the operator to stay "eyes-front" at all times and still monitor the water skier.

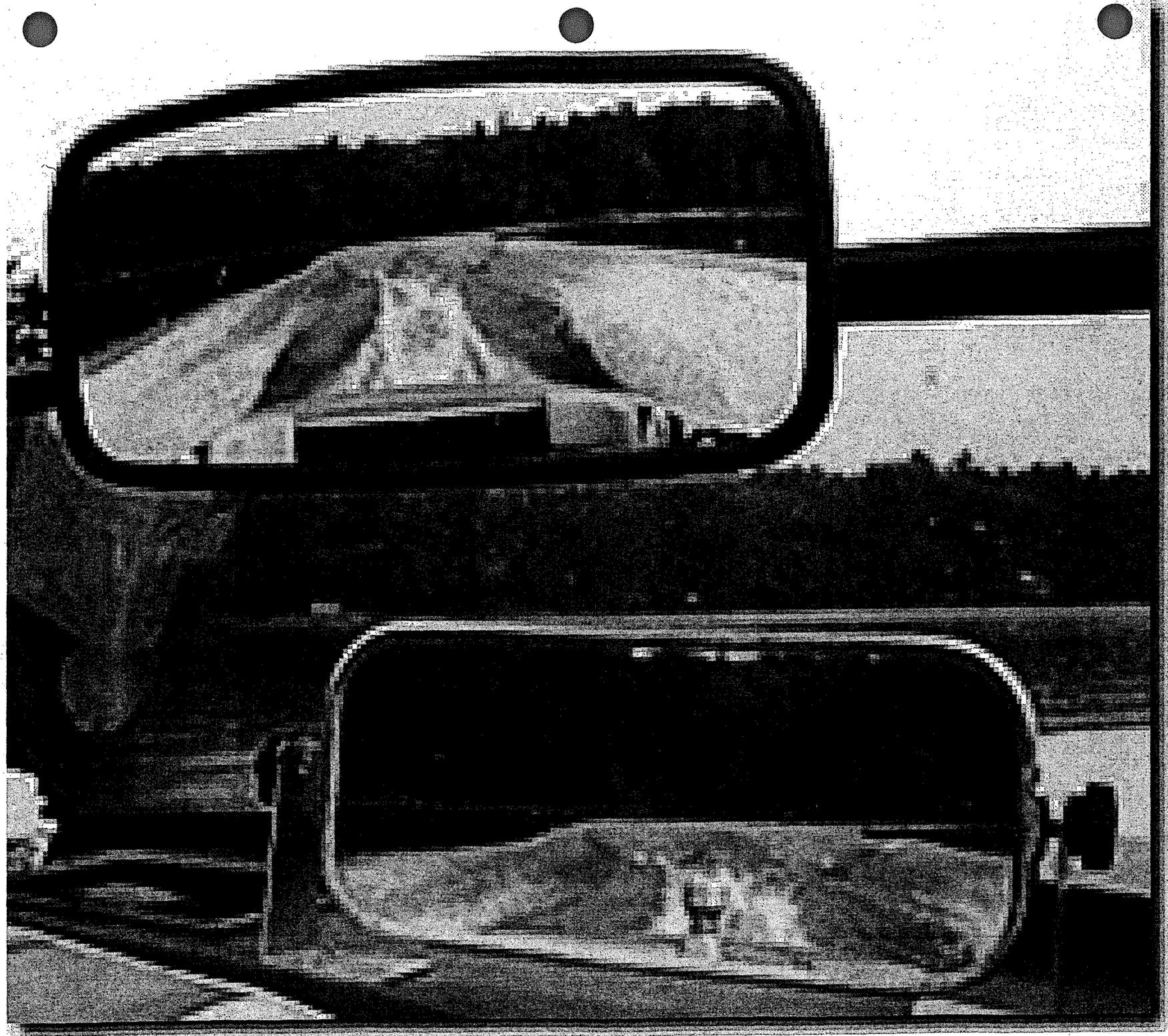
Please give House Bill 1141 your thoughtful consideration and a "Do-Pass" recommendation for the full House of Representatives. That concludes my testimony and I would be happy to answer any questions.

21 States Have a Mirror Law

- Alabama
- Arkansas
- Florida
- Georgia
- Idaho
- Kansas
- Kentucky
- Louisiana
- Maine
- Minnesota
- Missouri
- Nebraska
- New Mexico
- North Carolina
- Oklahoma
- South Carolina
- South Dakota
- Tennessee
- Texas
- West Virginia
- Wyoming

Considered

- Florida is waterski capitol in the world
- Most boats come from manufacturer with mirrors
- Mirrors are readily available aftermarket to mount to most windshields
- 160 to 180 degrees of vision with mirror
- Typical mirror size 6"X13"



1

13.0035.01001
Title.

Prepared by the Legislative Council staff for
Representative Nathe
March 11, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1141

Page 2, line 4, after "is" insert "not a personal watercraft and is"

Page 2, line 4, after "mirror" insert "at least seventy-eight square inches [198.12 square centimeters]"

Re-number accordingly

**House Bill 1141
Testimony of Bruce Fuerstenberg
Presented to Chairman Stan Lyson,
Senate Natural Resources
March 22, 2013**

Chairman Lyson and committee members, for the record my name is Bruce Fuerstenberg. I am appearing today on my own behalf.

House Bill 1141 seeks to change state law with regard to waterskiing and other recreational sports involving the towing of individuals behind a powered vessel.

The bill before you would allow boaters to pull water skiers behind a boat without a separate on-board observer if the vessel is equipped with a mirror to provide the boat operator with a wide field of vision to the rear. To date, 21 states currently have a mirror law. Several of these are states where boat registrations are among the highest in the country. Florida, Minnesota, Texas and South Carolina have an estimated 2.8 million boats registered and they all currently have mirror laws on the books today. In fact, Florida, considered to be the world's waterskiing capitol, has over a million boats registered, which currently operate safely under that state's mirror laws.

Most boats already come equipped with a mirror from the manufacturer. For others, there are simple aftermarket mirror solutions. Typically, these mirrors are 6 inches by 13 inches and provide the operator with a safe field of rear vision ranging from 160 to 180 degrees. This allows the operator a large overview of what is happening behind the boat without having to turn around and take concentration away from driving the boat safely.

It's my opinion that this bill will only serve to increase safety among the boating and waterskiing public. Personally, as a lifelong boater and water skier, I have witnessed

dangerous situations which can occur when relying on a separate observer for waterskiing. Often, the boat driver is tempted to take his eyes off of the water ahead and look back to check see how the individual being towed is performing. Wide-vision mirrors allow the operator to stay “eyes-front” at all times and still monitor the water skier.

Please give House Bill 1141 your thoughtful consideration and a “Do-Pass” recommendation for the full Senate. That concludes my testimony and I would be happy to answer any questions.

21 States Have a Mirror Law

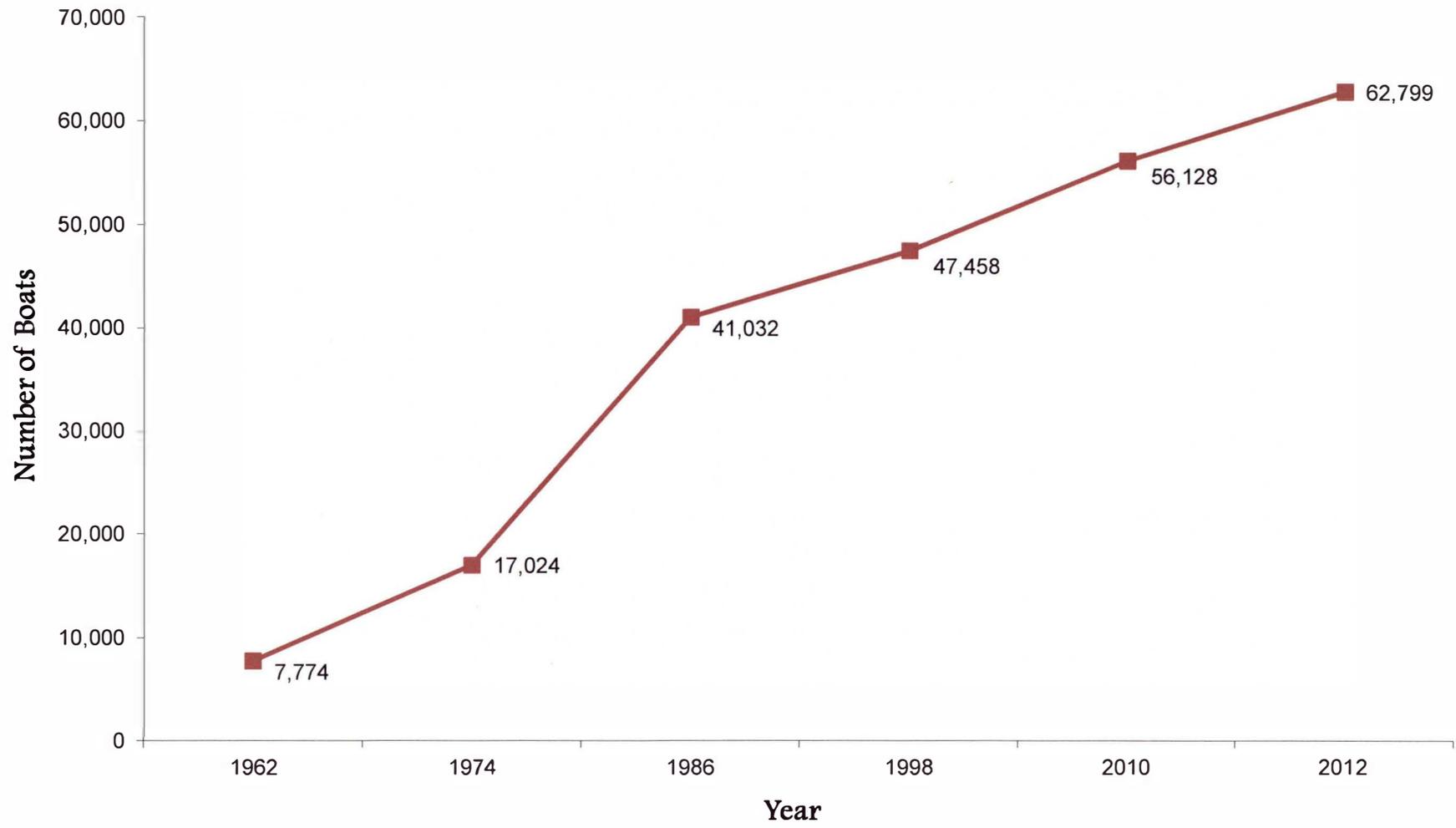
- Alabama
- Arkansas
- Florida
- Georgia
- Idaho
- Kansas
- Kentucky
- Louisiana
- Maine
- Minnesota
- Missouri
- Nebraska
- New Mexico
- North Carolina
- Oklahoma
- South Carolina
- South Dakota
- Tennessee
- Texas
- West Virginia
- Wyoming

Consider:

- Florida is water ski capitol in the world
- Most boats come from manufacturer with mirrors
- Mirrors are readily available aftermarket to mount to most windshields
- 160 to 180 degrees of vision with mirror
- Typical mirror size 6"X13"

#3

North Dakota Registered Boats: 1960-2012





Recreational Boating Statistics 2011

COMDTPUB P16754.25
U.S. Department of Homeland Security
U.S. Coast Guard
Office of Auxiliary and Boating Safety

HB 1141—Three to ski—

Recreational Boating Statistics 2011

U.S. Coast Guard, Office of Boating Safety

Number of boat accidents nationwide: 5939

Number of deaths: 758

Nationwide: Causes an Contributing factors to accidents

- Operator Inattention—799
- Improper Lookout—832
- Skier Mishap—451

Statistics for Florida & Minnesota who allow mirrors in place of observers.

- Florida has 889,895 registered boats, 685 accidents, 61 fatalities, 422 injuries, and \$24.8 million in damages.
- Minnesota has 808,793 registered boats, 75 accidents, 16 fatalities, 50 injuries, and \$167,700 in damages.
- North Dakota has 62,799 (2012) registered boats, 10 accidents, 5 fatalities, 1 injured, and \$66,600 in damages.

Number of Vessels involved in Towed Watersports at the time of Accident, by Year, Select States and Nationally							
	2005	2006	2007	2008	2009	2010	2011
FL	30	21	0	16	25	26	35
MN	22	30	24	14	18	16	13
ND	2	3	2	3	2	1	1
Nationally	677	1068	605	535	692	618	595

Number of Deaths on a Vessel involved in Towed Watersports, by Year, Select States and Nationally							
	2005	2006	2007	2008	2009	2010	2011
FL	0	0	0	1	1	2	2
MN	0	0	2	0	1	1	0
ND	0	0	0	0	0	0	0
Nationally	19	34	19	16	25	20	23

Number of Injuries on a Vessel involved in Towed Watersports, by Year, Select States and Nationally							
	2005	2006	2007	2008	2009	2010	2011
FL	26	14	0	13	24	25	32
MN	23	29	21	12	13	14	14
ND	2	2	2	3	1	1	1
Nationally	592	826	556	500	648	575	572

Comments from other states:

- Oregon, double fatality on a permitted course with mirror-only in use.
- Vermont, operator must be 18 and the boat is an approved American Water Ski Assoc and the waterskiing is taking place on approved American Water Ski water Ski course.
- Minnesota has had law longer than the Boating Law Administrator who has been there for 30 years and just retired. He stated recreational boating has changed considerably since the time was put into effect and now we have PWC that can go 65+ miles per hour and boat running with 200 horsepower instead of boats with 50-75 horsepower.
- Most of the states that allow mirrors in place of observers have not queried their accidents to see if there is a significant difference.

Comments from Recreational Boaters:

- Now it is our responsibility to be keeping track of skiers and distracted drivers so they don't have to be responsible.
- If you have an injured skier, it is almost impossible to get that person back into the boat by yourself if the skier is hurt in a way that he cannot help himself.
- How do you keep the sun from glaring off the mirror and the waterspots from water spray?

Table 30 - ACCIDENT, CASUALTY & DAMAGE DATA BY STATE 2011

	Number of Accidents			Property Damage	Persons Involved		Damages
	Total	Fatal	Non-Fatal		Deaths	Injured	
Totals	4588	686	2193	1709	758	3081	\$52,198,658
AK	20	13	1	6	15	5	\$88,850
AL	73	14	38	21	19	58	\$306,100
AR	55	13	21	21	15	30	\$374,950
AZ	158	10	99	49	11	133	\$476,502
CA	399	47	218	134	52	322	\$1,849,055
CO	58	9	30	19	10	32	\$98,170
CT	42	8	14	20	8	27	\$633,132
DE	10	3	1	6	3	1	\$42,500
DC	4	1	1	2	1	1	\$4,400
FL	685	56	310	319	61	422	\$24,815,780
GA	96	14	59	23	14	75	\$171,140
HI	17	6	1	10	6	1	\$1,857,400
IA	38	4	19	15	4	25	\$153,660
ID	57	11	30	16	12	36	\$424,165
IL	106	20	47	39	23	67	\$617,317
IN	50	10	24	16	10	41	\$296,650
KS	40	7	14	19	7	23	\$115,000
KY	46	9	24	13	10	34	\$233,520
LA	112	30	57	25	36	94	\$346,082
MA	46	9	18	19	9	26	\$643,739
MD	184	17	117	50	19	165	\$1,410,064
ME	48	11	16	21	12	26	\$445,754
MI	129	24	76	29	26	101	\$977,569
MN	75	14	50	11	16	62	\$167,726
MO	128	17	60	51	20	85	\$608,507
MS	34	11	14	9	11	19	\$94,100
MT	19	9	9	1	10	16	\$38,100
NC	144	27	67	50	28	79	\$1,213,270
ND	10	3	1	6	5	1	\$66,600
NE	22	4	15	3	5	19	\$52,400
NH	36	2	20	14	2	21	\$86,995
NJ	119	8	35	76	8	51	\$222,000
NM	24	1	13	10	2	16	\$35,000
NV	42	7	15	20	7	28	\$370,662
NY	173	25	77	71	28	104	\$3,321,435
OH	135	13	57	65	15	96	\$1,024,988
OK	57	10	27	20	11	38	\$289,100
OR	66	10	31	25	10	39	\$523,272
PA	87	22	50	15	22	59	\$241,923
RI	26	2	5	19	2	8	\$356,139
SC	93	17	51	25	19	68	\$299,655
SD	13	2	5	6	2	9	\$90,150
TN	117	21	46	50	22	60	\$505,510
TX	197	34	72	91	37	105	\$1,291,502
UT	109	8	55	46	8	75	\$325,500
VA	121	19	67	35	21	96	\$1,198,292
VT	7	3	3	1	3	4	\$18,000
WA	93	14	36	43	15	54	\$1,121,500
WI	110	19	53	38	22	84	\$870,033
WV	17	6	8	3	8	8	\$16,000
WY	16	5	8	3	6	21	\$61,800
AS	0	0	0	0	0	0	\$0
GU	2	2	0	0	2	0	\$0
CNMI	5	0	1	4	0	3	\$99,425
PR	3	1	2	0	1	2	\$0
VI	0	0	0	0	0	0	\$0
Atlantic Ocean*	9	2	3	4	4	4	\$1,195,575
Gulf of Mexico*	4	1	2	1	2	2	\$12,000
Pacific Ocean*	1	0	0	1	0	0	\$0
Federal	1	1	0	0	1	0	\$0

*1997 was the first year statistics were compiled for accidents that occurred three or more miles offshore in the Atlantic Ocean and Pacific Ocean and nine or more miles in the Gulf of Mexico. NJ did not submit property damage estimates to boats in 2009. However, NJ noted that accidents submitted to the Coast Guard that did not have an injury or death were considered to have \$2000 or more in damages. The Coast Guard adjusted NJ's property damages to boats such that each accident without an injury or death had \$2000 damages.

*2 Drowning April -
1 Overboard - July
2 ...*

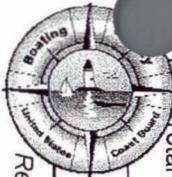


Table 33 - NUMBER OF ACCIDENTS BY PRIMARY ACCIDENT TYPE & STATE 2011

	Casualty Data																													
	Total Accidents	Capsize	Carbon Monoxide	Collision with Fixed Object	Collision with Floating Object	Collision with Commercial Vessel	Collision with Governmental Vessel	Collision with Recreational Vessel	Collision with Submerged Object	Departed Vessel	Ejected From Vessel	Electrocution	Fall in Vessel	Falls Overboard	Fire/Explosion (fuel)	Fire/Explosion (non-fuel)	Fire/Explosion (unknown origin)	Flooding/Swamping	Grounding	Person Struck by Propeller	Person Struck by Vessel	Sinking	Skier Mishap	Sudden Medical Condition	Other	Unknown	Drownings	Other Deaths	Total Deaths	Injuries
Totals	4588	316	7	460	42	25	4	1002	196	115	222	2	196	359	135	72	11	501	338	57	36	0	436	2	53	1	533	225	758	3081
AL	73	8	0	8	0	1	0	16	2	2	3	0	1	7	2	3	0	8	6	0	0	0	6	0	0	0	15	4	19	58
AK	20	2	1	0	1	0	0	3	0	0	0	0	0	5	0	0	0	4	3	0	0	0	0	0	1	0	8	7	15	5
AZ	158	12	0	5	0	0	0	49	1	2	8	0	13	3	6	0	0	13	15	3	1	0	26	0	1	0	8	3	11	133
AR	55	3	0	10	1	0	0	8	0	2	5	0	2	5	5	2	0	6	2	0	0	0	3	0	1	0	12	3	15	30
CA	399	30	1	12	4	1	0	105	7	9	14	0	16	24	13	6	0	47	39	4	4	0	52	0	11	0	33	19	52	322
CO	58	6	0	7	1	0	0	8	1	3	2	1	3	4	1	2	0	7	0	1	2	0	9	0	0	0	8	2	10	32
CT	42	4	0	0	1	0	1	6	3	0	2	0	1	6	0	0	1	2	14	0	0	0	1	0	0	0	7	1	8	27
DE	10	1	0	4	0	0	0	2	0	0	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	2	1	3	1
DC	4	0	0	1	0	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
FL	685	25	0	129	5	5	1	155	18	12	46	0	41	42	24	16	0	89	34	8	6	0	24	0	5	0	44	17	61	422
GA	96	1	1	10	0	0	1	17	3	4	7	0	5	8	2	1	1	4	6	2	1	0	17	1	4	0	7	7	14	75
HI	17	2	0	0	0	0	0	2	1	0	1	0	0	2	0	1	0	2	3	3	0	0	0	0	0	0	1	5	6	1
ID	57	5	0	6	1	0	0	10	4	3	1	0	1	7	3	0	0	5	3	0	0	0	8	0	0	0	8	4	12	36
IL	106	8	1	7	0	0	0	31	8	2	3	0	4	11	2	1	0	9	6	2	0	0	11	0	0	0	20	3	23	67
IN	50	1	0	7	1	1	0	15	1	2	3	0	1	7	1	1	0	3	0	3	0	0	3	0	0	0	9	1	10	41
IA	38	4	0	2	1	0	0	8	0	0	1	0	1	3	0	0	0	4	5	0	0	0	9	0	0	0	1	3	4	25
KS	40	2	0	2	0	0	0	10	5	0	3	0	0	1	4	0	0	3	3	1	0	0	6	0	0	0	6	1	7	23
KY	46	2	0	4	0	1	1	9	1	2	1	0	1	3	1	1	1	3	8	2	0	0	4	0	1	0	8	2	10	34
LA	112	4	0	19	1	0	0	18	23	1	5	0	1	12	2	0	0	19	4	0	0	0	3	0	0	0	21	15	36	94
ME	48	5	0	7	1	1	0	11	1	1	1	0	1	4	2	0	0	1	3	1	0	0	7	0	1	0	7	5	12	26
MD	184	7	0	18	3	1	0	28	8	5	12	0	20	12	1	3	2	16	6	1	2	0	36	0	2	1	13	6	19	165
MA	46	5	0	0	0	0	0	14	1	3	3	0	3	3	0	0	0	6	6	1	0	0	1	0	0	0	7	2	9	26
MI	129	13	0	9	1	1	0	37	1	3	5	0	2	23	5	1	0	7	4	1	2	0	12	0	2	0	19	7	26	101
MN	75	8	0	4	1	0	0	22	3	2	4	0	6	7	2	0	0	5	1	0	0	0	10	0	0	0	10	6	16	62
MS	34	3	0	0	0	0	0	3	5	1	1	0	1	7	3	2	0	4	1	1	0	0	2	0	0	0	5	6	11	19
MO	128	5	0	18	3	1	0	20	5	5	6	0	18	10	3	0	0	11	9	0	1	0	13	0	0	0	15	5	20	85
MT	19	0	0	5	0	0	0	5	1	1	2	0	0	1	0	0	0	2	0	1	0	0	1	0	0	0	8	2	10	16
NE	22	5	0	1	0	0	0	4	1	1	1	0	0	3	1	1	0	1	1	0	1	0	1	0	0	0	2	3	5	19
NV	42	3	0	1	0	1	0	6	0	3	1	0	0	3	0	2	0	7	8	0	0	0	7	0	0	0	4	3	7	28

Table 33 Continued • NUMBER OF ACCIDENTS BY PRIMARY ACCIDENT TYPE & STATE 2011

	Total Accidents	Capsizing	Carbon Monoxide	Collision with Fixed Object	Collision with Floating Object	Collision with Commercial	Collision with Governmental	Collision with Recreational Object	Collision with Submerged Object	Departed Vessel	Ejected From Vessel	Electrocution	Fall in Vessel	Falls Overboard	Fire/Explosion (fuel)	Fire/Explosion (non-fuel)	Fire/Explosion (unknown origin)	Flooding/Swamping	Grounding	Person Struck by Propeller	Person Struck by Vessel	Sinking	Skier Mishap	Sudden Medical Condition	Other	Unknown	Drownings	Other Deaths	Total Deaths	Injuries	
NH	36	6	0	0	0	0	0	4	0	0	2	0	1	0	2	2	0	0	8	0	0	0	10	0	1	0	2	0	2	21	
NJ	119	6	0	6	1	2	0	41	2	2	8	0	4	4	2	9	0	17	8	1	1	0	3	0	2	0	7	1	8	51	
NM	24	3	0	0	0	0	0	5	0	0	1	0	2	0	0	1	0	3	4	1	1	0	3	0	0	0	2	0	2	16	
NY	173	24	1	13	1	2	0	38	16	1	5	0	3	10	7	5	0	14	13	4	3	0	9	0	4	0	18	10	28	104	
NC	144	15	0	16	1	0	0	25	11	4	6	0	3	15	4	1	0	15	6	0	5	0	17	0	0	0	21	7	28	79	
ND	10	1	0	0	1	0	0	4	0	0	0	0	0	2	0	0	0	1	0	0	0	0	1	0	0	0	5	0	5	1	
OH	135	8	1	17	5	0	0	22	9	3	6	0	5	15	2	2	1	16	8	2	0	0	8	0	5	0	11	4	15	96	
OK	57	2	0	2	0	0	0	18	3	3	6	0	1	4	1	1	0	4	7	1	1	0	3	0	0	0	9	2	11	38	
OR	66	7	0	8	2	1	0	10	6	0	1	0	2	3	3	2	1	8	6	1	0	0	5	0	0	0	7	3	10	39	
PA	87	14	0	15	0	1	0	11	1	2	7	0	5	11	5	0	0	3	1	1	0	0	9	0	1	0	20	2	22	59	
RI	26	0	0	1	0	2	0	9	1	0	1	0	1	2	0	0	1	4	4	0	0	0	0	0	0	0	2	0	2	8	
SC	93	7	0	12	1	0	0	29	2	1	6	0	2	8	3	1	1	7	3	1	0	0	9	0	0	0	13	6	19	68	
SD	13	0	0	2	0	0	0	1	1	1	1	0	1	0	0	0	0	4	0	0	0	0	2	0	0	0	1	1	2	9	
TN	117	7	1	7	1	1	0	27	7	4	3	1	3	8	4	0	0	14	13	1	1	0	10	0	4	0	13	9	22	60	
TX	197	4	0	17	1	1	0	45	10	10	11	0	2	17	3	0	0	43	19	1	0	0	12	0	1	0	26	11	37	105	
UT	109	8	0	5	0	0	0	13	2	4	1	0	5	5	1	0	0	13	18	4	3	0	26	1	0	0	7	1	8	75	
VT	7	1	0	0	0	0	0	2	0	0	0	0	0	1	0	0	0	1	0	0	0	0	2	0	0	0	3	0	3	4	
VA	121	12	0	18	0	0	0	16	8	5	2	0	5	7	6	1	0	5	11	2	1	0	21	0	1	0	16	5	21	96	
WA	93	6	0	12	1	0	0	24	8	1	3	0	2	5	6	3	1	16	4	0	0	0	1	0	0	0	14	1	15	54	
WV	17	2	0	1	0	0	0	3	0	0	2	0	1	2	1	0	0	2	0	0	0	0	3	0	0	0	6	2	8	8	
WI	110	5	0	9	1	1	0	30	5	5	6	0	3	11	2	0	0	10	11	2	0	0	7	0	2	0	12	10	22	84	
WY	16	2	0	3	0	0	0	1	0	0	0	0	0	1	0	0	0	3	2	0	0	0	3	0	1	0	5	1	6	21	
GU	2	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2	0	2	0	
PR	3	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	1	1	2	0
VI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CNMI	5	1	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	3	0
AT	9	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	6	0	0	0	0	0	0	1	0	1	3	4	4	
GL	4	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	1	0	1	1	2	2	
PC	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Federal	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0



#4

**House Energy and Natural Resources Committee
Testimony on HB 1141**

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Lynn Kieper and this letter is in opposition to HB 1141.

I am a board member of the organization, Lure Em for Life. Our organization works with the North Dakota Game and Fish Department's Education and Outreach program in teaching and taking kids fishing.

I strongly believe that if this bill does pass the safety for all recreational boaters and anglers will be in jeopardy. Operators towing skiers, tubes and other tow-behinds will easily lose sight of where they are going by getting distracted at trying to watch what is happening behind the watercraft. Why is losing focus a problem? Most waters are already congested throughout the boating season, and now others on the water will have to pull double duty by assuming the responsibility for the boaters pulling skiers so we are not run over. Texting and driving is considered dangerous as it was addressed in the past legislation. This is just as dangerous because the driver will constantly be looking in his mirror to check his skier or tuber. They do not run true behind the boat so at times the distraction will be more than just a quick glance. There are no lanes to keep your boat in, or no left or right side of the river or lake.

As educators we spend many days on the water teaching young students how to fish. And if you pass this bill, those kids will be in danger because in addition to doing our job, we will be expected to make sure that the boater speeding down the lake or river, whom is paying attention to the activities behind the boat, is not paying attention to other boaters and other water recreationists.

One other important point to consider, if a skier, tuber or wakeboarder is injured, it is nearly impossible for one person by themselves in the boat to pull that injured person over the side of the boat if the injured person cannot help themselves. Injuries do happen while skiing and tubing.

Like I said before, the waterways in our state are always congested on many warm days. Allowing this bill to pass will put many other boaters and all water

recreationists in harms way. Statistics show that we are presently one of the lowest states when it comes to water accidents and injuries. I have provided statistics for your review. Why change something that is working so well?

One other point of interest, watercraft registration in our state is continually on the increase. With the disposal income being generated in our state and the influx of out of state workers, we will continue to see this increase. In 2010, we had 56,128 watercraft registered and in 2012 we have 62,799 registered watercraft. With the increase pressure on enforcement, why make it more difficult than it already is?

I have no idea why a bill of this nature would be recommend other than possibly someone was caught disobeying the rules of the waterway. I would highly recommend a no pass on this bill.

Respectfully submitted

Lynn Kieper
1417 N 12th St
Bismarck, ND 58501
701-255-2745

13.0035.01002
Title.

Prepared by the Legislative Council staff for
Senator Unruh

March 26, 2013

/

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1141

Page 2, line 4, after "is" insert "not a personal watercraft and is"

Page 2, line 4, after "mirror" insert "at least seventy-eight square inches [198.12 square centimeters]"

Page 2, line 5, replace "a" with "an unobstructed"

Renumber accordingly