



**House
Legislative
Analysis
Section**

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MARINE SAFETY

**Senate Bill 371 with House committee amendments
First Analysis (12-1-88)**

**Sponsor: Sen. Richard D. Fessler
Senate Committee: State Affairs, Tourism, and
Transportation
House Committee: Marine Affairs and Port
Development**

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general public, and one individual recommended by each of the following:

- the Michigan Sheriffs' Association;
- the State Boating Law Administrator;
- the United States Power Squadrons;
- the United States Coast Guard Auxiliary;
- the American National Red Cross;
- the Michigan Boating Industries Association;
- the National Marine Manufacturers Association;
- the Michigan Consumers Council; and
- the Michigan Association of Counties.

The commission would be required to review boating accidents on Michigan waters and study the development of marine safety education programs and other policies of state government relating to marine safety. The commission would have to report to the DNR on its findings and recommend changes to policies and programs.

Currently, the DNR has authority to do all things necessary to conduct a comprehensive boating safety program as provided in federal law, to comply with rules promulgated under the law, and to accept federal financial assistance as provided in the act. The bill would require the department to do these things.

The act requires divers to place a buoy or boat in the water at or near the point of submergence, and the buoy or boat must bear a red flag when actual diving operations are in progress. A vessel cannot be operated within 100 feet of the flag unless it is involved in "tendering the boating operation," and a diver must stay within a surface area of 100 feet of his or her flag. The bill would increase the vessel's distance to 200 feet.

The bill would specify that a person arrested without a warrant for a violation of the act could be taken before a district court judge, as well as a magistrate as the act currently specifies.

MCL 281.1004 et al.

THE APPARENT PROBLEM:

With its more than 3,000 miles of Great Lakes coastline, over 11,000 inland lakes and more than 36,000 miles of inland rivers and streams, it is perhaps understandable why Michigan leads the nation in the number of boats registered (716,925 as of February 1987) and why recreational boating and other water sports have become increasingly important to the state's economy. Because Michigan reports the third-largest number of boating accidents nationwide it also is clear why marine safety has become an important concern. According to the Department of Natural Resources (DNR), there were 608 boating and water accidents in 1985 with 157 fatalities, 237 injuries, and 260 accidents involving property damage. Some blame these accidents on the public's lack of knowledge about the proper operation of a boat, basic safety procedures and maritime "rules of the road." They claim that the lack of traffic controls, the considerable variance in the size, speed and maneuverability of marine vessels, and the variety and intensity of environmental conditions to which boat operators are exposed make boating and other water sports potentially much more dangerous than driving a car. Yet, they add, boat owners are not licensed by the state and anyone over 16 years of age may operate a boat alone without attending a water safety course or obtaining any instruction in the operation and maintenance of a boat. Although most agree a mandatory licensing requirement would be impractical (primarily due to the large variance in types of watercraft operated — from small "jet skis" to large "cruisers" — which makes standardized testing next to impossible), some people believe that teaching marine safety could increase public awareness regarding watercraft operation, and ultimately make boating safer. Because opinions about the causes of boating-related accidents often vary, some say a special commission should be created to study marine accidents and the effects that state policies and programs have on promoting marine safety.

THE CONTENT OF THE BILLS:

Senate Bill 371 would amend the Marine Safety Act to create the Marine Safety Education Commission in the DNR and establish its membership and duties. The commission would be administered by the department's recreation division.

The commission would consist of the director of the DNR, the director of the Department of State Police and the superintendent of public instruction, or their designees, and 12 members (of which at least four would have to be women) appointed by the governor with the advice and consent of the Senate, including one individual from a county marine safety division, two individuals from the

HOUSE COMMITTEE ACTION:

The House Committee on Marine Affairs and Port Development adopted two amendments which substantially altered the bill. The bill was amended to specify that the Marine Safety Education Commission would be administered by the DNR's recreation division. (Currently, the law enforcement division administers a marine safety program which trains more than 26,000 students annually, according to a spokesman for the DNR law enforcement division.) Also, the committee struck a provision from the Senate-passed version of the bill which would have required a "marine safety education assessment" of \$3 upon registration, or registration

OVER

S.B. 371 (12-1-88)

renewal, of a marine vessel. Revenue raised from the fee would have been used to finance marine safety programs within counties. According to the Senate Fiscal Agency (7-7-88), this fee would have generated about \$771,000 in revenue per year to counties, assuming all counties had marine safety programs.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, Senate Bill 371 would in state costs of anywhere from \$5,000 to \$7,000 per year to compensate commission members for attending four meetings per year as well as to pay for various other activities associated with holding meetings, such as printing commission materials. This would be paid out of the Marine Safety Fund, which would reduce by the same amount funds available to finance state and county marine safety programs. (11-30-88)

ARGUMENTS:

For:

The commission could provide valuable insight into the problems of marine safety after studying water-related accidents involving marine vessels on state waters. Injuries and deaths from marine accidents have increased steadily since the 1970's and will probably increase at a faster rate as the number of watercraft operators registered in the state continues to grow. Although the DNR is currently permitted to offer comprehensive marine safety education to interested parties, the bill would make this mandatory. Also, the commission would have to review the affects of marine safety programs within the state, as well as other state policies related to marine safety, and report its findings to the department.

Against:

Senate Bill 371, as amended by the House Committee on Marine Affairs and Port Development, will mandate marine safety education but will not provide the DNR with the money needed to conduct the program adequately. Requiring a \$3 registration fee from those who register their marine vessels, as the original version of the bill would do, would be an appropriate way to raise funds needed to conduct county marine safety programs. The Marine Safety Fund reportedly already lacks the needed funds to adequately manage the programs; creating a Marine Safety Education Commission to review the state's marine safety policies and programs will reduce the fund even more. In a state where recreational boating has increased in popularity, and, consequently, has become more dangerous, the state should be more willing to appropriate sufficient funds to adequately address the need for more comprehensive marine safety programs.

Response: Although increasing marine safety education certainly would not make boating more dangerous and could probably increase public awareness regarding general marine operating procedures, there are some who feel current funding for marine safety programs is adequate. Currently, there does not exist enough evidence to prove a correlation between teaching marine safety and reducing marine accidents. The commission, however, could determine whether the state needs to put more emphasis on marine safety at a later time.

POSITIONS:

The Department of Natural Resources supports the concept of the bill. (11-29-88)

The Department of State supports the bill. (11-29-88)

The Michigan Sheriff's Association supports the bill. (11-29-88)

The Michigan Association of Counties strongly supports the bill. (11-30-88)

The Michigan Education Association supports the bill. (11-29-88)

The Michigan Boating Industries Association supports the bill. (11-29-88)