



Senate Fiscal Agency  
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BILL



ANALYSIS

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Senate Bill 1482 (as reported without amendment)  
Sponsor: Senator Michael Switalski  
Committee: Natural Resources and Environmental Affairs

Date Completed: 11-4-10

### **RATIONALE**

Administrative rules promulgated by the Department of Natural Resources and Environment (DNRE) require that various vessels have flotation devices onboard and readily accessible to passengers. The requirements vary according to the type and size of the vessel. It has been suggested that the Natural Resources and Environmental Protection Act should specify that these requirements would not apply in the case of a crew event.

### **CONTENT**

**The bill would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act to create an exception for a crew event to requirements regarding flotation devices, under certain circumstances.**

Specifically, the requirements for having a personal flotation device and a throwable flotation device in a vessel would not apply to a person in a rowing shell or rowing scull who was competing as a team member in a crew event or who was practicing with his or her team members for a crew event if another vessel were located within 100 yards, and that vessel had a sufficient number of personal flotation devices on board for use by the team members. In addition, the other vessel would have to have at least one throwable flotation device on board.

("Crew event" would mean a competitive rowing event between members of two or more teams using rowing shells or sculls for transportation on water.)

A rule waiver under Section 80164 would not be required for a person in a rowing shell or scull to operate in compliance with the bill. (Under that section, the DNRE may authorize the holding of specified marine events on any of the State's waters. The DNRE must promulgate and may amend rules concerning the conduct of such events.)

MCL 324.80164a

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The DNRE's rules regarding flotation devices include specific requirements for rowboats, canoes, and kayaks. In a rowing scull or shell, however, there is no room to store the devices on board, and crew members would be prevented from rowing effectively by wearing them. Also, applying the flotation device requirements to crew events could interfere with the sport of competitive rowing. While the DNRE traditionally has not enforced these rules in the case of crew events, it would be prudent to recognize in statute that the nature of the sport precludes the use of onboard flotation devices. The bill would maintain safety precautions for crew members by requiring alternative means of access to the devices.

Legislative Analyst: Julie Cassidy

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.