

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2657

As Amended by Senate Committee on
Natural Resources

Brief*

HB 2657, if enacted, would amend an existing statute that is a part of Article 11 of Chapter 32 and that relates to noise abatement for motorboats operated on Kansas waters. The amendment would delete the current requirements for mufflers to be installed on motorboats, would change the amount of permitted exhaust noise to 92 decibels on the "A" weighted scale when subjected to a stationary sound level test as prescribed by SAE (Society of Automotive Engineers) J2005.

The bill would allow an officer who is authorized to enforce the noise standard and who has cause to suspect a motorboat is not in compliance to direct the operator to submit the boat to an on-site test. The owner of a motorboat that is in violation of the noise standard would have 60 days from the date of the violation to bring the vessel into compliance. It would be the owner's responsibility to have the motorboat tested by the Department of Wildlife and Parks after taking action to bring it into compliance, and, if the test is failed, not to operate the motorboat on Kansas waters until the Department certifies compliance. Failure to comply with a request or direction of an officer pursuant to the statute would be a class C misdemeanor.

Motorboat for the purposes of the bill is any vessel propelled by machinery.

The bill would become effective on publication in the *Kansas Register*.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

At the hearing on the bill, the bill's sponsor and a representative of the Department of Wildlife and Parks appeared as proponents. Opponents presenting written testimony included six individuals who operate boats on Lake Perry. The House Committee amendment was developed as a compromise by parties interested in the bill. No one appeared in opposition to the bill as amended by the House in the Senate Committee hearings.

The Senate Committee amendments would clarify the prohibition against use of a motorboat that fails to meet noise standards after the 60-day period allowed to come into compliance and make the bill effective on publication in the *Kansas Register*.

The fiscal note indicates passage of the bill would have no fiscal effect on the Department of Wildlife and Parks.