

2023 HOUSE ENERGY AND NATURAL RESOURCES

HB 1366

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1366
2/9/2023

Relating to the wearing of a life preserver while barefoot skiing; and to provide a penalty

9:00 AM meeting begin.

Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Barefoot skiing expemption
- Barefoot skiing wet suit
- Floatation and buoyancy
- Risks

Rep Jon Nelson, District 14, Rugby, introduced HB 1366, oral testimony
Matt Odermann, Perth ND, Testimony 19079, 19324
Grant Oderman, Perth, Lake Metigoshe waterski team, Testimony 20345
Rep Landon Bahl, District 17, Testimony 20117

9:13 AM meeting adjourned.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1366
2/10/2023

Relating to the wearing of a life preserver while barefoot skiing; and to provide a penalty

11:11 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Committee action

Rep Olson moved to adopt Rep Nelson's amendment, Testimony **20529**, they asked that the towing vessel still have a designated life preserver for the individual doing the water skiing, and add, "or surfing", seconded by Rep Anderson. Voice vote. Motion carried.

Rep Olson moved a Do Pass as Amended, seconded by Rep. Conmy.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	Y
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

14-0-0 Motion carried. Rep Roers Jones is carrier.

Additional written testimony:

Rep. Jon Nelson, Testimony 20529

11:17 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

Bill was reconsidered on 02.16.23.

8A
2-10-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1366

Page 1, line 14, after "2.", insert "An individual engaging or attempting to engage in barefoot skiing or surfing under subdivision b of subsection 1, must have on board the towing vessel a life preserver approved by the department.

3."

Page 1, line 18, overstrike "3." and insert immediately thereafter "4."

Page 1, line 18, overstrike "2" and insert immediately thereafter "3"

Page 1, line 20, overstrike "4." and insert immediately thereafter "5."

Page 2, line 1, overstrike "5." and insert immediately thereafter "6."

Page 2, line 11, overstrike "6." and insert immediately thereafter "7."

Renumber accordingly

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1366
2/16/2023

Relating to the wearing of a life preserver while barefoot skiing; and to provide a penalty

9:00 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Committee action

Rep Roers Jones moved the committee Reconsider HB 1366, seconded by Rep Olson. Voice vote. Motion carried.

Rep Olson moved to add the word surfing on Line 11 and 12 after the word skiing, seconded by Rep Bosch. Voice vote. Motion carried.

Rep Olson moved a Do Pass as Amended, seconded by Rep Bosch.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	Y
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

14-0-0 Motion carried. Rep Roers Jones is carrier.

9:04 AM Chairman Porter closed the meeting.

Kathleen Davis, Committee Clerk

AG
2-16-23
(1-1)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1366

Page 1, line 2, after "skiing" insert "or surfing"

Page 1, line 11, after "skiing" insert "or surfing"

Page 1, line 12, after "skiing" insert "or surfing"

Page 1, line 14, after the period insert "An individual engaging or attempting to engage in barefoot skiing or surfing under subdivision b of subsection 1, must have on board the towing vessel a life preserver approved by the department.

3."

Page 1, line 18, overstrike "3." and insert immediately thereafter "4."

Page 1, line 18, overstrike "2" and insert immediately thereafter "3"

Page 1, line 20, overstrike "4." and insert immediately thereafter "5."

Page 2, line 1, overstrike "5." and insert immediately thereafter "6."

Page 2, line 11, overstrike "6." and insert immediately thereafter "7."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1366, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1366 was placed on the Sixth order on the calendar.

Page 1, line 2, after "skiing" insert "or surfing"

Page 1, line 11, after "skiing" insert "or surfing"

Page 1, line 12, after "skiing" insert "or surfing"

Page 1, line 14, after the period insert "An individual engaging or attempting to engage in barefoot skiing or surfing under subdivision b of subsection 1, must have on board the towing vessel a life preserver approved by the department.

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Page 1, line 18, overstrike "3." and insert immediately thereafter "4."

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Page 2, line 1, overstrike "5." and insert immediately thereafter "6."

Page 2, line 11, overstrike "6." and insert immediately thereafter "7."

Renumber accordingly

2023 SENATE ENERGY AND NATURAL RESOURCES

HB 1366

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1366
3/2/2023

A bill relating to the wearing of a life preserver while barefoot skiing or surfing; and to provide a penalty.
--

1:45 PM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Beard and Boehm are present.
Senator Magrum is absent.

Discussion Topics:

- Water Safety
- Flotation

1:44 PM Representative John Nelson introduced the bill.

1:47 PM Matt Odermann testified in favor of the bill #21688, 21689.

1:49 PM Grant Odermann spoke in favor of the bill.

1:52 PM Drew Wrigley, North Dakota Attorney General, spoke in favor of the bill.

1:55 PM Chairman Patten closed the public hearing.

1:55 PM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1366
3/2/2023

A bill relating to the wearing of a life preserver while barefoot skiing or surfing; and to provide a penalty.
--

2:04 PM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Beard and Boehm are present.

Senator Magrum is absent.

Discussion Topics:

- Committee action

2:03 PM Senator Kessel moved to Do Pass the bill. Motion seconded by Senator

Beard. 2:04 PM Roll call vote was taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	AB
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passed 5-0-1.

Senator Beard will carry the bill.

This bill does not affect workforce development.

2:05 PM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1366, as reengrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1366 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1366

Mr. Chairman and Committee Members,

My name is Matt Odermann, and I'm a parent of two avid barefoot water skiers. I am asking for your support of HB 1366. HB 1366 provides an exception for barefoot water skiers to wear a wetsuit designed with protection and floatation, instead of a Coast Guard approved PFD.

Other states have a similar exemption, and this bill borrowed language from those laws. Researching the states that have provided this exemption, I have not found any incidents where this exemption has been attributed to injuries or death.

A misconception about barefoot wetsuits is that they don't provide adequate floatation. Barefoot wetsuits build floatation into the chest, back, and butt areas. Barefoot wetsuits are fitted and designed to protect the skier when they fall and provide adequate buoyancy when the skier is in water.

As a parent of a child participating in this sport, I don't believe this exemption would increase the risk to an unacceptable level and cause me concern.

I hope that you will support the passage of this bill and would be able to answer any questions.

Thanks,

Matt Odermann

Mr. Chairman and Committee Members,

Below is the statutes and administrative rules from other states for your reference that have a similar exemption identified in HB 1366.

Thanks,

Matt Odermann

Statutes

[California Harbor And Navigations Code § 658.3](#) provides a person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump, or trick waterskiing may elect to wear a wetsuit designed for the activity and labeled by the manufacturer as a water ski wetsuit in lieu of wearing a US Coast Guard-approved wearable personal floatation device (PFD) and requires a US Coast Guard-approved PFD must be carried in the tow vessel for each skier electing to wear a such a water ski wetsuit.

[Maryland Natural Resources Code § 8-725](#) requires a person who is in or over the waters of Maryland and is being towed behind a vessel to wear a personal floatation device, which it defines as including a life jacket, a life vest, a life preserver, a barefoot wet suit, or a trick skiing wet suit.

[Ohio Revised Code § 1547.18](#) provides an exemption from wearing an adequate and effective Coast Guard approved wearable PFD specifically designed for towed watersports for a person engaging or attempting to engage in barefoot skiing if the person is wearing a wet suit specifically designed for barefoot skiing that is in good and serviceable condition and appropriate size.

[Utah Code § 73-18-16](#) provides a person may elect, at the person's own risk, to wear a non-Coast Guard approved PFD if the person is on an American Water Ski Association regulation tournament slalom course and is engaged in barefoot water skiing.

[23 Vermont Statutes § 3315](#) provides individuals engaged in barefoot waterskiing may elect at their own risk to wear a non-Coast Guard-approved barefoot wetsuit designed specifically for this activity.

Administrative Rules

[Regulations of Connecticut State Agencies § 15-121-A9\(f\)](#) provides requirements relating to PFDs approved by the US Coast Guard shall not apply to skiers engaged in barefoot water skiing who wear a barefoot wetsuit designed specifically for such activity and requires the operator of a vessel towing a barefoot water skier shall make a US Coast Guard approved PFD readily available aboard the tow vessel for each such skier who elects not to wear such a device while skiing.

[76 Louisiana Administrative Code Pt. XI, § 103](#) provides exceptions to the requirements for persons engaged in watersports to wear a PFD are allowed during Department of Wildlife and Fisheries and/or US Coast Guard permitted marine events for a skier engaged in barefoot water-skiing who wears a barefoot wetsuit designed specifically for such activity and requires the operator of a vessel towing a trick water-skier or barefoot water-skier to make a PFD readily available aboard the tow vessel for each such skier who elects not to wear such a device while skiing.

[323 Code of Massachusetts Regulations 2.07](#) provides any person waterskiing or being towed in any manner shall wear a Coast Guard approved PFD, except persons engaged in slalom skiing on a marked course or persons engaged in barefoot, jump or trick skiing who may elect to wear in lieu of a Coast

Guard approved PFD and at their own risk, a wetsuit designed specifically for such activities meeting certain conditions and requires a Coast Guard approved PFD must be carried in the tow boat for each skier electing to wear a water ski wetsuit.

[New Jersey Administrative Code § 13:82-3.1](#) provides waterskiers and wake surfers shall wear a US Coast Guard approved wearable PFD, except that a barefoot wetsuit may be worn during sanctioned competitions or shows and while training for such events, as long as there is such a PFD on board the vessel for each skier.

[58 Pennsylvania Administrative Code § 109.4](#) provides a person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, or wake surfing may elect to wear a wetsuit designed specifically for the activity in lieu of the US Coast Guard approved wearable PFD required and requires a US Coast Guard approved wearable PFD to be carried in the tow boat for each skier electing to wear a water ski wetsuit and provides such a wetsuit must meet certain criteria.

[West Virginia Code of State Rules § 58-25-7](#) provides a person engaged in barefoot waterskiing may elect, at his or her own risk, to wear a non-Coast Guard approved barefoot wetsuit designed specifically for that activity.

Bill Testimony in Support of HB 1366
By Representative Landon Bahl
House Energy & Natural Resources Committee, Todd Porter, Chair
Thursday, February 9, 2023

Chairman Porter & members of the Energy and Natural Resources committee, good morning & thank you for your time. For the record my name is Landon Bahl and I am a representative from District 17 in Grand Forks.

I'm here to testify in support of house bill 1366. This bill simply enables someone engaging in barefoot skiing to be able to wear a barefoot wetsuit. Barefoot wetsuits are full of floatation padding allowing the barefoot skier to not have to wear a life jacket. Barefoot wetsuits also protect the skier in the case of a fall, and maybe most importantly, keep water from going in places it should not. While barefoot skiing, an individual cannot wear a wetsuit in addition to another floatation device such as a life jacket, the reason is because the skier needs to remain nimble, and the extra floatation device prevents this.

Throughout my many years of growing up at the lake and skiing recreationally in addition to skiing for North Dakota's only water ski team, a barefoot wetsuit has never failed myself or anyone I know. The floatation provided in them is substantial, afterall they are made to keep you afloat and protect you. House Bill 1366 would help further protect skiers engaging in this recreational activity on North Dakota lakes and rivers. I kindly ask the committee to make a do pass recommendation on house bill 1366.

Thank you Chairman Porter and members of the committee, I will stand for any questions.

Regards,
Representative Landon Bahl
701-340-7732
lbahl@ndlegis.gov

Mr. Chairman and Committee Members,

My name is Grant Odermann, I'm a 7th grader in Rolla, ND. I am here today in support of House Bill 1366.

I am actively a member of the Ski Nautique Water Ski team at Lake Metigoshe, and I compete in barefoot water skiing events.

I've been barefoot skiing since I was 10 and enjoy the sport very much.

House Bill 1366 allows me to wear a barefoot wetsuit, which has flotation in it, instead of a Coast Guard-approved PFD.

The barefoot wetsuit has flotation and padding in the back, butt, and chest areas and is form-fitting to provide maximum protection when performing tricks and, unfortunately, when I fall.

My parents say water skiing and barefooting are good for me because it gets me outside and off my phone.

I don't like to agree with ^{my} parents, but they are right on this one.

Also, the girls at the lake think barefooting is cool, which is a nice bonus.

Mr. Chairman and committee members, I ask for your support of this bill and would gladly answer any questions.

23.0129.01001
Title.

Prepared by the Legislative Council staff for
Representative Nelson
February 6, 2023

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[23 Vermont Statutes § 3315](#) provides individuals engaged in barefoot waterskiing may elect at their own risk to wear a non-Coast Guard-approved barefoot wetsuit designed specifically for this activity.

Administrative Rules

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Guard approved PFD and at their own risk, a wetsuit designed specifically for such activities meeting certain conditions and requires a Coast Guard approved PFD must be carried in the tow boat for each skier electing to wear a water ski wetsuit.

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