

MINUTES OF THE HOUSE TOURISM COMMITTEE.

The meeting was called to order by Chairperson Barbara P. Allen at 3:30 p.m. on February 3, 1999 in Room 522-S of the Capitol.

All members were present except: Rep. Campbell - excused
Rep. Dean - excused
Rep. Myers - excused

Committee staff present: Darrell McNeil - Revisor of Statutes
Hank Avila - Legislative Research
Russell Mills - Legislative Research

Conferees appearing before the committee: Representative Al Lane, proponent
Steve Williams, Secretary, KDWP, opponent

Others attending: See Attached List

Chairperson Allen brought the committee's attention to **HB 2105 - Boating under the influence of alcohol or drugs**, in discussing and taking possible action.

Representative Peterson moved to pass HB 2105 out favorably. Representative Kuether seconded the motion. The motion carried.

Chairperson Allen brought the committee's attention to **HB 2106 - Boating safety education certification.**

Representative Osborne made a conceptual amendment to include in section (3) (c) line 22, after the comma, "may be supervised and administered by a parent or guardian". Representative Mason seconded the motion. The motion carried

Representative Gatewood moved to amend HB 2106, as amendment (3) reads with the substitution of 50 for 10 horsepower. Representative Mason seconded the motion. The motion carried. Representative Kuether moved to add amendments (1) and (2) to HB 2106. Representative Pottorff seconded the motion. The motion carried (Attachment 1).

Representative Gatewood asked if the committee could find out statistics regarding accidents and the fatalities while boating on Kansas waters. Chairperson Allen requested Sherri Swayne, Boating Law Administrator with KDWP, to present the committee with those statistics.

Chairperson Allen informed the committee **HB 2106** would be left in committee as amended, until the committee received the information from KDWP. The committee would meet again to further discuss **HB 2106.**

Chairperson Allen brought the committee's attention to **HB 2193 - Fishing license not required for Missouri resident over 65 if Missouri grants reciprocity.**

Representative Al Lane, proponent, recognized by Chairperson Allen, read a letter from one of Rep. Lane's constituent, Dr. Howard (Hal) Woosley, Shawnee Mission, Kansas (**Attachment 2**).

Darrel McNeil, Revisor, recognized by Chairperson Allen, briefed the committee on **HB 2193**, stating the House bill would amend existing law. Existing law provides one is required to

CONTINUATION SHEET

MINUTES OF THE HOUSE TOURISM COMMITTEE, Room 522-S Statehouse, at 3:30 p.m. on February 3, 1999.

have a fishing license in Kansas to fish in Kansas waters, with certain exceptions. One doesn't need a license to fish on his/her own property, and one doesn't need a license if he/she is under 16 years of age or over the age of 65. There is a reciprocity exemption with Texas at this time, but this agreement will be ending September 1st of this year.

Steve Williams, Secretary, KDWP, opponent, addressed the committee concerning **HB2193**. The bill would establish an additional exemption and would have a negative impact on revenue to the Wildlife Fee Fund. The Wildlife Fee Fund is a dedicated fund used for funding fish and wildlife activity programs. No state general fund dollars and no tax dollars go into any fish or wildlife programs. They are solely funded from hunting and fishing licenses, associated hunting permits and federal aid received. **HB2193** would further reduce the revenue base by which KDWP manages the fisheries resources of Kansas, and KDWP opposes the bill (**Attachment 3**).

Chairperson Allen closed the hearing on **HB 2193 - fishing license not required for Missouri resident over 65 if Missouri grants reciprocity.**

The meeting was adjourned at 4:40 p.m.

HB 2106
House Committee on Tourism
Possible Amendments
February 3, 1999

AMENDMENT 1

On page 2, line 43, after the word "person" insert "either: (A)"

On page 3, line 2, after the word "act" insert ", or (B) is legally exempt from the requirements of subsection (a)(1)"

AMENDMENT 2

On page 3, line 3, insert a new paragraph (b):

"The requirement in subsection (a)(1) shall not apply to a person operating a motorboat or sailboat accompanied by and under the direct and audible supervision of a person over 17 years of age who either: (1) possesses a certificate of completion of an approved boater safety education course, or (2) is legally exempt from the requirements of subsection (a)(1)."

AMENDMENT 3

On page 3, line 3, insert a new paragraph (numbered either paragraph (b) or paragraph (c)):

"The requirement in subsection (a)(1) shall not apply to a person operating a motorboat that has no machinery for vessel propulsion larger than ten horsepower."

Renumber paragraphs accordingly.

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Attachment 1

1 have, and does not have, a valid marine document issued by the United
2 States coast guard or federal agency successor thereto.

3 (l) "Reportable boating accident" means an accident, collision or
4 other casualty involving a vessel subject to this act which results in loss
5 of life, injury sufficient to require first aid or medical attention, or actual
6 physical damage to property, including a vessel, in excess of an amount
7 established by rules and regulations adopted by the secretary in accord-
8 ance with K.S.A. 32-805 and amendments thereto.

9 (m) "Marine sewage" means any substance that contains any of the
10 waste products, excrement or other discharges from the bodies of human
11 beings or animals, or foodstuffs or materials associated with foodstuffs
12 intended for human consumption.

13 (n) "Marine toilet" means any latrine, head, lavatory or toilet which
14 is intended to receive marine sewage and which is located on or in any
15 vessel.

16 (o) "Passenger" means any individual who obtains passage or is car-
17 ried in or on a vessel.

18 (p) "Sail board" means a surfboard using for propulsion a free sail
19 system comprising one or more swivel-mounted rigs (mast, sail and
20 booms) supported in an upright position by the crew and the wind.

21 (q) "Dealer" means any person engaged wholly or in part in the busi-
22 ness of manufacturing, constructing, assembling, selling, offering for sale,
23 exchanging, buying for the purpose of resale or taking in trade for the
24 purpose of resale two or more vessels within a 12-month period.

25 (r) "Demonstrate" means to operate a vessel on the waters of this
26 state for the purpose of selling, trading, negotiating or attempting to ne-
27 gotiate the sale or exchange of interests in new or used vessels or for the
28 purpose of testing the design or operation of a vessel. Demonstrate does
29 not include operation of a vessel on the waters of this state for personal
30 or recreational purposes by a dealer or a member of the dealer's family,
31 or by an employee of a dealer or a member of the employee's family.

32 (s) "Sailboat" means any vessel, other than a sail board, that is de-
33 signed to be propelled by wind action upon a sail for navigation on the
34 water.

35 New Sec. 2. (a) On and after January 1, 2000:

36 (1) No person born on or after January 1, 1988, shall operate on
37 public waters of this state any motorboat or sailboat unless the person
38 possesses a certificate of completion of an approved boater safety edu-
39 cation course of instruction lawfully issued to such person as provided by
40 this act.

41 (2) No owner or person in possession of any motorboat or sailboat
42 shall permit another person born on or after January 1, 1988, to operate
43 such motorboat or sailboat unless such other person has been lawfully

either (A)
(AMEND #1, part 1)

AMEND #1, part 2:
" , or (B) is legally exempt from the requirements of subsection (a)(1) "

AMEND #2
AMEND #3

1 issued a certificate of completion of an approved boater safety education
2 course of instruction as provided by this act

3 (b) No person who is a resident of this state and is charged with a
4 violation of subsection (a)(1) shall be convicted of the violation if such
5 person produces in court or in the office of the arresting officer a certifi-
6 cate of completion of an approved boater safety education course of
7 instruction lawfully issued to such person and valid at the time of such
8 person's arrest.

9 New Sec. 3. (a) The secretary shall prescribe an approved boater
10 safety education course of instruction of not less than a total of eight hours
11 concerning the safe operation of motorboats and sailboats. Such course
12 of instruction must be recognized by the United States coast guard in
13 order to gain approval of the secretary.

14 (b) The secretary shall institute and coordinate an approved boater
15 safety education course of instruction through the use of department per-
16 sonnel, as well as through cooperation with local subdivisions of govern-
17 ment, federal governmental entities, reputable individuals or reputable
18 organizations having boater safety education as an objective, as the sec-
19 retary deems necessary and appropriate.

20 (c) At the secretary's discretion, the requirement that a person com-
21 plete an approved boater safety education course of instruction may be
22 fulfilled through completion of correspondence course materials, includ-
23 ing satisfactory completion of a written examination, recognized by the
24 United States coast guard and approved by the secretary. Each person
25 requesting a certificate based on completion of such correspondence
26 course shall attest, to the satisfaction of the secretary, that the substance
27 of the answers on the written examination were provided by that person
28 without assistance. Persons requiring assistance to read examination ques-
29 tions or to mark examination answers may receive such assistance if they
30 receive no assistance in the determination of the substance of the answers.

31 (d) The secretary may require, pursuant to K.S.A. 32-988 and amend-
32 ments thereto, a fee to cover costs of services, material and supplies from
33 any person enrolling in an approved boater safety education course of
34 instruction.

35 New Sec. 4. (a) On and after January 1, 2000, the secretary may issue
36 a certificate of completion of an approved boater safety education course
37 of instruction to any person for course work completed prior to January
38 1, 2000, upon: (1) Submission to the secretary of evidence of successful
39 completion of a boater safety education course of instruction as formerly
40 approved by the secretary prior to January 1, 2000, and such other infor-
41 mation as requested by the secretary; and (2) payment of the fee pre-
42 scribed pursuant to K.S.A. 32-988 and amendments thereto.

43 (b) The secretary shall designate those persons who are authorized

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TOPEKA

COMMITTEE ASSIGNMENTS
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COMMITTEE ON EDUCATION, LABOR AND
JOB TRAINING—ALTERNATE

STATE CAPITOL
ROOM 115-S
TOPEKA, KANSAS 66612-1504
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HOUSE OF
REPRESENTATIVES
HB 2193
HOUSE TOURISM COMMITTEE
February 3, 1999
3:30 p.m.

Chairperson Allen and Committee Members:

Thank you for permitting me to appear before you regarding HB 2193. A constituent, Dr. Howard (Hal) Woosley, asked for the introduction of this legislation. The new language starts on page 1, lines 36 through 39. Also on page 1, line 25 and on page 2, line 3, are two additional changes. The main amendment I am concerned with is the one on page 1, line 36-39. It adds a reciprocity exemption for fishing licenses in Missouri for people 65 years or older.

Dr. Woosley could not attend today but asked me to read his letter as an explanation.

Thank you very much and I'll be glad to stand for questions.

Representative Al Lane

att.

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02-03-99
Attachment 2

From: Howard R Woosley <halwoosley@juno.com>
To: <lane@house.state.ks.us>
Date: Tue, Feb 2, 1999 11:37 AM
Subject: Senior Citizen Benefit

As a retired senior citizen in the State of Kansas I would like to suggest that the Legislature consider approaching the State of Missouri Legislature with the establishment of a reciprocal fishing permit for people over the age of 65 without a fee.

The State of Texas Parks & Wildlife Department, 4200 Smith School Road, Austin, Texas 78744 provides a reciprocal fishing permit to residents of Kansas over the age of 65 without a fee.

Many of the senior citizens that live in Kansas take advantage of the lakes and streams in Missouri. It is quite expensive for seniors on limited income to purchase non-resident permits.

If Texas, which is not even a bordering state to Kansas, gives the senior citizens free reciprocity for non-fee fishing, it seems that the same agreement could be made with Missouri.

We have a bi-state tax, why not a bi-state fishing permit for seniors?

Sincerely,

Howard R. Woosley
2403 West 69 Terrace
Shawnee Mission, KS 66208

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STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
785/296-2281 FAX 785/296-6953



February 3, 1999

Representative Barbara Allen, Chairperson
Committee on Tourism
House of Representatives
State Capitol Building
Topeka, Kansas 66612

Dear Representative Allen:

Thank you for the opportunity to discuss House Bill No. 2193 with the Committee on Tourism. HB 2193 would amend K.S.A. 1998 Supplement 32-906 to allow a resident of the state of Missouri, who is 65 years of age or older, to fish within the State of Kansas without a valid fishing license if the state of Missouri allowed Kansas residents who are 65 years of age or older the same privilege. The provisions of the bill would become effective on July 1, 1999.

The Kansas Department of Wildlife and Parks (KDWP) is opposed to the provisions of HB 2193. The bill would establish an additional exemption from the requirement to obtain a state fishing license and would have a negative impact on revenue to the Wildlife Fee Fund. Currently Kansas State law provides that state residents 65 years of age or older are not required to obtain a state fishing license. The KDWP estimates that the existing age exemption for Kansas residents results in an annual loss of \$489,050 in revenue to the Wildlife Fee Fund. The provisions of HB 2193 would further reduce the revenue base by which the KDWP manages the fisheries resources of Kansas.

During 1998, the KDWP issued a total of 7,649 non-resident fishing licenses at a cost of \$35.00 each. The KDWP is not able to provide information regarding the number of those licenses which may have been issued to Missouri residents. However, given the close proximity of western Missouri to the fisheries resources of eastern Kansas, it can be assumed that a significant number of non-resident

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Attachment 3

fishing licenses are issued to Missouri residents. It should be noted that the fisheries resources of Missouri are managed largely with funds obtained by a dedicated percentage of the state sales tax. The KDWP relies on license sales and associated federal aid, which is based in part on the number of fishing licenses sold within the State. The difference in funding sources results in the state of Missouri providing a budget of approximately \$140 million to manage outdoor resources while the KDWP manages with a budget of approximately \$44 million.

The 1998 Session of the Legislature directed the Legislative Budget Committee to review the issue of age and handicapped exemptions for state park annual vehicle permits and licenses for hunting and fishing. That Committee then directed the KDWP Wildlife and Parks Commission to provide recommendations to the 1999 Session of the Legislature regarding the elimination of certain exemptions. The Wildlife and Parks Commission at their meeting on 1/27/99, adopted a recommendation that would amend existing state law to provide for the issuance of fishing licenses to persons 65 years of age or older at one/half the cost for a resident fishing license. The provisions of House Bill No.2193 would be counter to the recommendation of the Commission to reduce the number of exemptions and not to decrease the revenue base on which the KDWP operates.

K.S.A. 1998 Supp. 32-906, Sec. One, Subsection (b)(8), provides for a fishing reciprocity agreement with the State of Texas for persons 65 years of age or older. The KDWP has been notified by the Texas Parks and Wildlife Department that their state will terminate that agreement effective 9/1/99. At that time, the KDWP will require all residents of Texas who fish in Kansas to obtain a non-resident fishing license.

The KDWP is required to finance the management of fisheries resources from the sale of resident and non-resident fishing licenses. A reduction in the number of licenses sold will decrease funding available for such purposes. The provisions of House Bill No. 2193 would be a benefit to Missouri residents at a cost to Kansas residents. If you are members of the Committee on Tourism have any questions, I and my staff are available.

Sincerely,

A handwritten signature in black ink that reads "Steve Williams". The signature is written in a cursive, flowing style.

Steve Williams, Secretary