

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE

The meeting was called to order by Chairperson Becky Hutchins at 3:30 p.m. on February 18, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Candy Ruff- excused
Representative Vern Osborne- excused

Committee staff present:

Hank Avila, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Lura Attig, Committee Secretary

Conferees appearing before the committee:

Representative Mike O'Neil
Delbert Boling, Private Citizen
Chris Tymeson, Kansas Department of Wildlife and Parks
Daniel Ward, Executive Director, Kansas Wildlife Federation

Others attending:

See Attached List.

Hearing HB 2740- Certain wildlife and parks' licenses and fees for members of Kansas National Guard

Proponents:

Representative Mike O'Neil spoke in support of this bill (Attachment 1). With this bill, Kansas could do its part to honor our Kansas Army and Air National Guard members in a tangible way. This bill would allow our Kansas Army and Air National Guard members access to our state parks and would allow them access to hunting and fishing licenses without charge. This proposal has a fiscal impact, although there are no State General Funds involved. The Director of the Budget estimates the reduction in revenues to the Department of Wildlife and Parks would be \$266,040. This includes a reduction to the Park Fee Fund of \$205,590 and a reduction to the Wildlife Fee Fund of \$60,450.

Representative Flaharty asked, does this privilege apply only when on active duty, or until retirement age? Representative O'Neil expects he can get a definitive answer next week. Chairman Hutchins requests that the information be provided soon.

Opponents:

Chris Tymeson, Chief Legal Council, Kansas Wildlife and Parks (Attachment 2). The Department opposes this bill due to the fiscal impact. The passage of the bill may translate into diminished services. The potential fiscal impact is an estimated \$265,265 annually. There are 7700 Kansas national guard members. Regarding the Park Fee Fund, a park motor vehicle permit at today's cost is \$44.50, totaling a potential reduction of \$205,590, based upon an estimated 60-percent participation rate. Regarding the Wildlife Fee Fund, using an estimated 10-percent participation rate for hunting, the reduction of license revenue would be \$13,860 with an additional loss of \$5,390 in federal aid. With regard to fishing, which also impacts the Wildlife Fee Fund, the reduction of license revenue, using an estimated 21-percent participation rate, would be \$29,106, with a corresponding loss of \$11,319 in federal aid. The total reduction in revenue and federal aid with regard to hunting and fishing combined would be \$59,675.

Representative Merrick asked what is the current cost of a license? Per Department of Wildlife and Parks, resident hunting or fishing licenses are \$19 each or both for \$37. A nonresident hunting license is \$71, and a nonresident fishing license is \$41, and the combination is \$110. That is if these licenses are purchased directly from KDWP. The fees are higher if purchased over the internet or through a vendor.

Daniel Ward, Executive Director, Kansas Wildlife Federation is opposed to the bill because of fiscal

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issues, including possible layoffs within the KDWP (Attachment 3). He proposed the following changes: 1. In each section of the bill where current law is amended with the words "a member of the Kansas air or army national guard," to add the words "whose unit has received combat pay within the last twelve months." 2. Add language to have KDWP ask the Army and Air National Guard Commandants each month for a list of units which have received combat pay in the last twelve months. The list could be distributed to Kansas wildlife officers and state park attendants. 3. Language which enables the Secretary of Wildlife and Parks to make a good faith estimate of the financial impact due to the passage of this bill, and request reimbursement from the Treasurer from the State General Fund for that amount.

Chairperson Hutchins asked Chris Tymeson in which Senate Committee is the legislation dealing with the National Guard. Chris Tymeson answered, **SB 364** reissuance of permits to certain military personnel, is in the Senate Natural Resources Committee.

Chairperson Hutchins closed the Hearing on **HB 2740**.

Hearing on HB 2710- Boating; requirements; penalties; healthcare records

Proponents:

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, the Department would request favorable passage of this bill (Attachment 4). **HB 2710** would amend existing state law and create new state law regarding boating and marine theft. The bill would enact several new definitions, updates the vessel numbering system, making it more difficult to illegally document vessels, amends water-skiing hours, mufflers, identification numbers and their alteration, abandoned vessels and release of information by health care providers in the case of Boating Under the Influence, etc.

Committee Questions followed.

Representative Hayzlett asked Chris Tymeson if the federal regulations have changed recently and are the water skiers violating the regulations and skiing after dark? Dan Heskett, Assistant Division Director, Boating Law Enforcement, Department of Wildlife and Parks answered the question. It is a question of negligence. Skiers are being towed when it is too dark to see the boat. It would be nearly impossible to see them in the water in the event of a rescue.

Representative Hayzlett continued. Is it now unlawful to change the identification numbers on a vessel? Chris Tymeson answered, no. What does section 15 "healthcare provider" mean? Dan Heskett, Assistant Division Director, Boating Law Enforcement, Department of Wildlife and Parks answered, it is to allow conservation officers to collect specimens on the site of an accident or to get specimens directly from the hospital in cases of boating accidents where alcohol is suspected to be the cause.

Representative Flaherty asked if this compares with automobile rules and regulations. Mary Torrence, Revisor's Office replied that she will compare the motor vehicle statutes to the boating statutes.

Opponent:

Chairperson Hutchins brought the committee's attention to the written testimony of Delbert Boling, who is opposed to **HB 2710** (Attachment 5).

Chairperson Hutchins closed the hearing on **HB 2710**.

Committee deliberation on **HB 2604** - Licensing of boat dealers and certificates of number for use by dealer, spouse, employees and customers.

Carmen Alldritt, Vehicle Director and Diane Albert, Deputy Vehicle Director, Department of Revenue, were available to answer questions. There were none.

Representative Novascone made a motion to pass HB 2604 favorably. Representative Merrick seconded the motion. The committee recommends HB 2604 favorable for passage. A vote was taken, the bill

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passed out of the committee favorably.

Committee deliberation on **HB 2731** - Provision on hunting license application for voluntary contribution to Kansas Farmers and Hunters Feeding the Hungry.

Representative Merrick moved to pass **HB 2731** favorably. Representative Hayzlett seconded the motion. A vote was taken, motion carried. The bill passed out of the committee favorably.

HB 2123 Hunting on certain land without permission when in pursuit of wounded animal.

Representative Schaub made a motion that the committee adopt substitute for **HB 2123** Restriction on location of solid waste disposal areas near certain rivers. Representative Merrick seconded the motion. A vote was taken, the motion carried. The substitute is adopted favorably. A show of hand's vote was taken and the proposed substitute for HB 2123 passed 9 to 4.

Committee questions followed.

The next meeting will be Monday, February 23. The subcommittee on **HB 2668** will report to the committee.

Chairperson Hutchins adjourned the committee at 4:24 p.m.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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UNIFORM LAW COMMISSION
KANSAS JUDICIAL COUNCIL

H.B. 2740
House Tourism & Parks Committee
Rep. Becky Hutchins, Chairperson
Testimony of Rep. Mike O'Neal
Feb. 18, 2004

Madam Chairman and members of the Tourism & Parks Committee, thank you for the opportunity of presenting a proposal to extend a modest gesture of thanks and gratitude to our Kansas Army & Air National Guard members for their service to our state and our country. It is fitting and appropriate that this hearing takes place on the day we have chosen to honor and show our appreciation to our military.

Simply stated, H.B. 2740 would allow our Guard members free access to our state parks and would allow them access to hunting and fishing licenses without charge. There are, undoubtedly, many ways in which we could show our Guard members our appreciation. This proposal comes from a member of the Guard in my district who recently completed a one-year tour of duty in Bosnia.

As with anything we would choose to do to honor our Guard members, this proposal has a fiscal impact, although there are no State General Funds involved. The Director of the Budget estimates the reduction in revenues to the Department would only be \$266,040. This includes a reduction to the Park Fee Fund of \$205,590 and a reduction to the Wildlife Fee Fund of \$60,450. We have approximately 7,700 Kansas Army & Air National Guard members, 60% of whom are expected to use our parks. I understand the Department has put together a "worst case scenario" calculation, assuming all 7,700 members access all three separate potential benefits. No one I've discussed this with, however, believes anywhere near the total number of eligible members would access these benefits.

House Tourism & Parks Committee
Meeting Date 2-18-04
Attachment 1

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We are all concerned about the budget this year, but those concerns pale in comparison to the hard work and sacrifice of our Guard members during a very challenging time in our history. This is not a pay increase, but rather a modest way of saying thanks for a job well done. As the bill is currently worded, the benefits have no time limit. If the Committee wishes to lessen the financial impact of the proposal you could sunset the provisions at some point in the future or perhaps limit the scope of the benefits. I understand fee fund concerns within the Department of Wildlife & Parks. However, I'm sure the Department would want to do its part to honor our Kansas Army & Air National Guard members in a tangible way.

Thank you for your time, and I respectfully request that the Committee take favorable action on this proposal.

Rep. Mike O'Neal

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2740 related to Free Issuances for National Guard Members
To
House Committee on Tourism and Parks**

**By Christopher J. Tymeson
Chief Legal Counsel
Kansas Department of Wildlife and Parks**

February 18, 2004

HB 2740 would amend existing state law to exempt members of the Kansas army or air national guard from obtaining a motor vehicle permit to enter state parks, a hunting license or fishing license. The provisions contained in the bill would be effective July 1, 2004.

The Department, while fully supportive of the members of the armed services who serve the citizens of Kansas and the nation, must oppose the passage of HB 2740 due to the potential fiscal impact of the bill. In times of declining revenues and increasing demands, the passage of HB 2740 translates into diminished services for the constituents of the Department.

The potential fiscal impact of this bill to the Department is an estimated \$265,265 annually. As requested, the estimated fiscal impact for the bill is categorized. There are 7700 Kansas national guard members. Regarding the Park Fee Fund, a park motor vehicle permit at today's cost is \$44.50, totaling a potential reduction of \$205,590, based upon an estimated sixty percent participation rate.

Regarding the Wildlife Fee Fund, using an estimated ten percent participation rate for hunting, the reduction of license revenue would be \$13,860 with an additional loss of \$5,390 in

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Attachment 2

federal aid. With regard to fishing, which also impacts the Wildlife Fee Fund, the reduction of license revenue, using an estimated twenty-one percent participation rate, would be \$29,106, with a corresponding loss of \$11,319 in federal aid. The total reduction in revenue and federal aid with regard to hunting and fishing combined would be \$59,675.

In summary, the Department would like to reiterate that at a time when general funding is being reduced and the numbers of hunters and anglers are declining overall, absorbing more revenue declines will negatively impact the Department's ability to provide services.



KANSAS WILDLIFE FEDERATION

The voice of outdoor Kansas

**Testimony of the Kansas Wildlife Federation
In Opposition to HB 2740
Prepared for the House Tourism and Parks Committee**

February 18, 2004

I'm pleased to be here to present this testimony to you today. My name is Dan Ward, and I'm the Executive Director of the Kansas Wildlife Federation. KWF was organized in 1951 and our mission today is the same as it was then: to speak up for hunters and anglers in this state, and to provide quality outdoor adventures.

We believe that hunting and angling is economically and culturally important to Kansas, and that the expansion and protection of these opportunities will benefit everyone in the state by providing a stronger economic base, cleaner water, and other quality of life benefits.

In order for the state to move towards these goals, we need the Kansas Department of Wildlife and Parks to be an effective agency, and to have the financial means to take on the big job the state has delegated to it. For these reasons, we stand in opposition to HB 2740 as it now stands, and come to you today with several proposed modifications.

Before making any other remarks, I want to thank the author of this bill for recognizing that our country is in fact at war. It is proper that we should think about how this reality changes our daily courses of action.

However, the Legislature has also made the decision that, like the Post Office, the KDWP needs to function solely on the basis of its generated revenue, with no support from the annual fund.

This bill, while well intentioned, jeopardizes the ability of the KDWP to protect and manage the resources of the state. There are 2,100 members of the Kansas Air National Guard, and 55 units of the Army National Guard in Kansas. Participation in hunting and fishing by military personnel and reservists takes place at an even higher rate than in the general public.

I would note that there is no fiscal note to this bill, which does not give us a lot of solid footing to make a decision. We believe that the impact would certainly be in the six-figure range. I can't see how passage would not bring about lay-offs within the KDWP.

I would add that, as far as I know, no other Kansas agency is being targeted for a similar waiver. Kansas National Guard members still must pay for their driver's licenses, their businesses licenses, their personal income tax, etc.

In order to carry through with what seems to be the original intent of the bill, the Kansas Wildlife Federation would propose the following changes:

- 1) In each section of the bill where current law is amended with the words "a member of the Kansas air or army national guard," we would like to add the words "whose unit has received combat pay within the last twelve months." If a unit has been activated and sent into harm's way, then a free fishing license and a free visit to a state park doesn't seem too much to ask. If all 55 units of the Army National Guard are activated and sent into combat, then we probably have some other large worries we need to attend to.
- 2) We would add language which would have the KDWP ask the Army and Air National Guard Commandants each month for a list of units which have received combat pay in the last twelve months. This list could then be distributed to Kansas wildlife officers and state park gate attendants.
- 3) We would also ask for language to be added which enables the Secretary of Wildlife and Parks to make a good faith estimate of the financial impact due to the passage of this bill, and request reimbursement from the Treasurer from the State General Fund for that amount.

Additionally, given the way word of mouth frequently distorts the law, we would urge clarifying wording be added that all tags and stamps currently required by law are still required for members of the National Guard given exemptions from license fees as a result of the passage of this bill.

Many members of the Kansas Wildlife Federation are veterans, and while I know they would want to honor those who have been sent into combat areas, I also know from the daily phone calls and letters I receive that they want good enforcement of game laws, well-maintained parks, and good wildlife biology. These modifications would enable the fulfillment of both of these goals.

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2710 related to Boating
To
House Committee on Tourism and Parks**

**By Christopher J. Tymeson
Chief Legal Counsel
Kansas Department of Wildlife and Parks**

February 18, 2004

HB 2710 would amend existing state law as well as create new state law regarding boating and marine theft. The provisions of this bill would be effective January 1, 2005.

HB 2710 is one of the Department's initiatives and the Department would request favorable passage of the bill. Statutory boating law has not undergone revision in Kansas for many years and in some cases, not since the original enactment of the law. As the bill is rather lengthy, a brief summary by bill section is provided.

Section 1 of the bill provides for the enactment of several new definitions under boating law, including "boat livery", "cargo", "state of principal use", "use" and "abandoned vessel". The definitions are designed to provide guidance to the citizens of Kansas and the court system in administering boating law violations.

Section 2 of the bill updates the vessel numbering statute to bring the statute in line with the federal code of regulations for federally approved registration systems. Section 3 would allow the registration of vessels that are legally documented by the United States coast guard. The number of legally documented vessels in Kansas is increasing annually, thereby allowing the avoidance of payment of personal property taxes required under Kansas law.

Section 4 of the bill updates the statute to mirror the language of definitions of lights provided by
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the federal code of regulations. There is one correction, however, in subsection (e); motorboats of class 3 should be required to maintain a bell and that class was inadvertently stricken. As the bill reads currently, all motorboats would be required to maintain a bell.

Section 5 would define “direct and audible supervision” for the purposes of operation of vessels by persons under 12. Section 6 would amend water skiing hours of operation to conform to hours when a vessel must operate with lights and require the use of a flag for downed skiers, a growing trend across the nation.

Section 7 would create a new statute effectively known as a muffling statute for internal combustion engines on vessels. The request for this statute is modeled after the “Model Act for Motorboat Noise Control and other states’ boating law requirements.

Sections 8, 9, and 10 are geared towards preventing and deterring vessel theft. Specifically, section 8 of the bill deals with hull identification numbers and their alteration, section 9 deals with numbering of vessels made up of several different vessels and section 10 allows the assignment of hull identification numbers to handmade vessels.

Sections 11 and 12 deal with abandoned vessels and prescribe procedures for law enforcement agencies to remove such vessels when found. Section 13 is geared to deal with abandoned or destroyed vessels and their subsequent reissue of a certificate of number. Section 14 clarifies storage fee payments when a vessel is seized pursuant to the preservation of evidence and the safe storage of the vessel and its contents.

And finally, section 15 provides for the release of information by health care providers regarding blood, breath and urine tests if the patient is suspected of violating pertinent Boating Under the Influence laws.

Date: 2/16/04 10:13AM
Subject: Re: HS TOURISM AGENDA 2-16 REV #1

Dear Rep. Hutchins,

The state already has a regulation of some kind that requires numbers on boats. At least I get a notification from W&P when the numbers need updating on my boats. And there is a fee required to keep them current.

I think it would be a good idea to have medical records available for those people proven guilty of operating a boat under the influence. I do not think it would be appropriate to force medical record availability for those only "charged" with operating a boat under the influence. There may be a difference. As for requiring the placement of flags on boats operating with skiers or surfboarders in the water, this would appear to be a good idea, but may in fact not be. Anything that would potentially restrict the boat operators view of the skier or surfboarder or any surrounding boats or other items in the area would create a potentially hazardous situation. As you may or may not know, a water skier when skiing presents a thin profile when upright and as a result something even as innocuous as a flag staff could present a vision obstruction. And a flag at a level in the line of sight of a boat operator to his skier would be an absolute hazard. Skiers do not always operate only behind the pulling boat. They are often from one side to the other, etc.

Therefore, as a person who often pulls skiers, or persons on tubes, or other flotation devices, I am opposed to adding a requirement to fly a flag when pulling such. I think it would create more of a hazard than it would do good.

Regarding lights on boats, there are already regulations as to what lights you must have on your boats. Many of us have older boats with built in lights already. We do not need regulations that would require us to re-outfit our boats with some other kind of lighting, etc.

Generally speaking, it sounds to me like this is another case of nonsense legislation. The legislature really needs to be concentrating on the budget situation of the state and getting that resolved without having to spend extra state funds and extending the legislature's session.

But, thanks for the info.

Delbert Boling

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Attachment 5