

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 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

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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 Flaharty 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 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.

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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.