

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Robert Tyson at 8:36 a.m. on March 12, 2004 in Room 423-S of the Capitol.

Members present:

Senator Christine Downey
Senator Dwayne Umbarger
Senator Janis Lee
Senator Mark Taddiken
Senator Phil Journey
Senator Robert Tyson
Senator Tim Huelskamp

Committee staff present:

Raney Gilliland, Legislative Research Department
Lisa Montgomery, Office of Revisor of Statutes
Linda Bradley, Committee Secretary

Conferees appearing before the committee:

Willa DeCastro, State Representative - 96th District
Ben Minor, Minor Marine Service from Parsons
Christopher Tymeson, Legal Counsel, Kansas Department of Wildlife and Parks
Cecil Walker, Independent Living Specialist/Counselor from El Dorado

Others attending:

See Attached List.

The meeting was called to order by Chairman Tyson.

Chairman Tyson appointed a Sub-Committee on **HB 2583**. He appointed Senator Schmidt and Senator Journey along with himself to discuss the bill and come back to the Committee to see how the bill will be handled.

Hearing on House Bill 2604

HB 2604 is concerning watercraft, relating to dealers; requiring licensing, providing for dealer certificates of number.

Chairman Tyson asked Raney Gilliland, Staff, to give a brief review of **HB 2604**. Mr. Gilliland explained there were a number of changes and new language. A "Vessel" means any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water. The bill defines the term "dealer". Means any person who maintains an established place of business with sufficient space to display vessels at least equal in number of the number of dealer registrations the dealer has been assigned and maintains signage easily visible from the street identifying the established place of business. A dealers' license shall be granted or refused within 30 days after the application is received by the Secretary of Wildlife and Parks. The license shall expire, unless previously suspended or revoked, on December 31 of the calendar year for which the license is granted. Any application for renewal received by the secretary after February 15 shall be considered as a new application. Mr. Gilliland stated a licensed dealer demonstrating, displaying or exhibiting on the waters of this state any vessel of a type required to be numbered under the laws of this state may obtain for the department, in lieu of obtaining a certificate of number for each such vessel, dealer certificates of number for the use in demonstrating, displaying or exhibiting any such vessel. No dealer certificate of number shall be issued to any dealer unless such dealer at the time of making application therefor exhibits to the secretary or the secretary's agent a receipt showing that the applicant has paid all personal property taxes levied against such dealer for the preceding year, including taxes assessed against vessels of such dealer which were assessed as stock in trade.

Chairman Tyson asked the Committee if there were questions. A range of questions were asked by Senator Lee and Senator Huelskamp regarding are certificate of number like a dealers tag, is there sales

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tax on sale of a boat and boat registration.

Representative Willa DeCastro of the 96th District was introduced as a proponent by Chairman Tyson. Representative DeCastro stated it is necessary for the Legislature to review the working of the current law in reference to licensing and providing dealer certificates. It is necessary for dealers to have full use of the watercraft product for use in demo, and assist in sales of our product. (Attachment 1)

Ben Minor, Minor Marine Service of Parsons, was introduced as a proponent by Chairman Tyson. Mr. Minor stated he supports Representative DeCastro and the twenty other Kansas marine dealers effort to pass **HB 2604**, to modify language in the law pertaining to boat dealer permit usage. The wording of the current law prohibits all "recreational activities" for boats with dealer permits. (Attachment 2)

Christopher Tymeson, Legal Counsel, Kansas Department of Wildlife and Parks, a proponent, testified. Mr. Tymeson stated the bill would more distinctly define who is a vessel dealer and the process to become a vessel dealer would be similar to the process to become a automobile dealer. (Attachment 3)

The Committee was asked by Chairman Tyson if there were questions. Various questions were asked by Senators Lee, Tyson, Huelskamp, Umbarger and Taddiken regarding sales and transfers, taxes, dealer tags, boats stored in another state, tax situation with surrounding states.

Mr. Tymeson presented an amendment to clarify vessel dealer. Chairman Tyson stated there is a lot to the amendment. Senator Umbarger stated it was an in depth amendment and did the proponent of **HB 2604** understand this amendment? Representative DeCastro was aware of the amendment. Chairman Tyson asked Lisa Montgomery, Staff, to work on amendment.

Chairman Tyson stated after discussion with the Committee, time is running short on working bill. The hearing was closed on **HB 2604** by Chairman Tyson.

Hearing on House Bill 2573

HB 2573 is concerning wildlife and parks; relating to requirements for persons designated to assist disabled licensees.

The hearing on **HB 2573** was opened by Chairman Tyson.

Cecil Walker, Independent Living Specialist/Counselor from El Dorado, a proponent, testified. Mr. Walker stated he has been an avid hunter and fisherman before and after becoming disabled. I need to have assistance when I go hunting or fishing, more so for hunting. With the passing of this bill it will make it easier for me and other people to find an attendant to go with us, because they will not have to purchase a license, especially if they are there only to assist us in what we love to do. (Attachment 4)

Christopher Tymeson, Legal Counsel, Kansas Department of Wildlife and Parks, a proponent, stated **HB 2573** would not require a person assisting a disabled hunting or fishing permit holder to hold any hunting or fishing licenses, permits, stamps or other issues of the Department required for the hunting or fishing activity being engaged in. The provisions of the bill would take effect July 1, 2004. (Attachment 5)

The Committee was asked by Chairman Tyson if they had questions. Senators Huelskamp, Taddiken, Journey and Tyson had a various questions regarding, person being assisted has to be in close proximity of hunting field or fishing spot, enforcement, if a license is lost, restricted or suspended by a person whom is assisting a disabled person then that person can not be of assistance to the disabled person.

Chairman Tyson closed the hearing on **HB 2573**.

Action on House Bill 2621 which was previously heard.

HB 2621 is concerning inflicting harm, disability or death to certain dogs.

Chairman Tyson asked what the will of the Committee is on **HB 2621**. Senator Umbarger made a motion to pass the bill out favorably. Senator Lee seconded the motion and the motion passed.

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Review of Minutes

Senator Lee moved to approve the minutes of March 4 and 5. Senator Taddiken seconded the motion and the motion carried.

Adjournment

The meeting adjournment at 9:30 a.m.

The next scheduled meeting will be Thursday, March 18, 2004.