

MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on March 16, 2011, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Rocky Fund - Excused
Representative Michael Peterson - Excused

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Michael Wales, Kansas Legislative Research Department
Kay Scarlett, Committee Assistant

Conferees appearing before the Committee:

Senator Terry Bruce
Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks
Patricia Stoneking, President, Kansas State Rifle Association
Synthia Wilson, Olathe, Kansas
Jordan Austin, National Rifle Association of America (written only)
Jay Armstrong, Commissioner, Kansas Wheat Commission
Bob Haselwood, Chairman, Kansas Soybean Commission
Jere White, Executive Director, Kansas Corn Commission
Clayton Short, Chairman, Kansas Grain Sorghum Commission
Karl Esping, Chairman, Kansas Sunflower Commission

Others attending:

See attached list.

Information related to **HB 2295** from Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, providing additional information related to possible Department proposals concerning deer hunting for the 2012 seasons was distributed. (Attachment 1)

Hearing on SB 152 – Clarifying that a person with a concealed carry permit may carry a concealed firearm while legally hunting, fishing, or fur harvesting.

Chairman Powell opened the hearing on **SB 152**. Sean Ostrow, Office of the Revisor of Statutes, explained that this bill would permit a person with a concealed carry license to carry a concealed handgun while lawfully hunting, fishing, or fur harvesting. The bill would also permit a person with a legally acquired suppression device to use the device while lawfully hunting, fishing, or fur harvesting.

Senator Terry Bruce testified in support of **SB 152** that would allow a person with a concealed carry permit to carry a concealed firearm while lawfully hunting, fishing, or fur harvesting. Further, the bill would allow a person who has gone to the expense and trouble of lawfully possessing a suppressor to hunt while using such a device. (Attachment 2)

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, appeared in support of **SB 152** stating that concealed carry has long been allowed while hunting or angling with two major exceptions, archery only seasons and spotlighting. The spotlighting prohibition is statutory and the archery only prohibition is regulatory. After passage of the Personal and Family Protection Act in 2007, the Kansas Department of Wildlife and Parks requested an Attorney General's opinion, which resulted in KDWP's narrowly tailored prohibitions on concealed carry taking precedence over the broader allowances of the Act. Since that time there have been increasing requests to allow permitted concealed carry while hunting. The bill also would allow the use of suppressors while hunting, and he noted that an unofficial survey of states via the Internet showed that approximately fifty percent of states that responded allowed the use of suppressors while hunting. He said the Kansas Wildlife and Parks Commission considered these issues last year, but took no action. The Department feels there would be no biological impact from the passage of this bill. (Attachment 3)

CONTINUATION SHEET

The minutes of the House Agriculture & Natural Resources Committee at 9:00 a.m. on March 16, 2011, in Room 783 of the Docking State Office Building.

Patricia Stoneking, President, Kansas State Rifle Association, testified in support of **SB 152** that would allow a concealed carry licensee to exercise their right to carry a firearm while in the act of hunting, fishing, and fur harvesting. She said they had received many reports of hunters happening upon situations that made them feel that their personal safety was in peril. (Attachment 4)

Synthia Wilson from Olathe, a certified Hunter Education Instructor for the Kansas Department of Wildlife and Parks, and a Bowhunter Instructor for the National Bowhunting Education Foundation, appeared in support of **SB 152**. She described a number of situations encountered while hunting alone when personal safety was in jeopardy and more protection was desired. (Attachment 5)

Jordan Austin, National Rifle Association of America, submitted written testimony expressing support for passage of **SB 152**. (Attachment 6)

Michael Egan, Board of Directors' member, Kansas State Rifle Association, from Shawnee, Kansas, and Chad Allen, from Lenexa, Kansas, expressed their support for **SB 152**.

There being no other conferees, the Chairman closed the hearing on **SB 152**.

The five commodity commissions presented their annual legislative reports to the committee highlighting their various activities and accomplishments. Presenters included: Jay Armstrong, Commissioner, Kansas Wheat Commission (Attachment 7); Bob Haselwood, Chairman, Kansas Soybean Commission (Attachment 8); Jere White, Executive Director, Kansas Corn Commission (Attachment 9); Clayton Short, Chairman, Kansas Grain Sorghum Commission (Attachment 10); and Karl Esping, Chairman, Kansas Sunflower Commission (Attachment 11).

Discussion and action on SB 186 – Pesticides; hearing prior to denial, suspension or revocation of license, registration or certification.

Chairman Powell opened discussion on **SB 186**. Raney Gilliland, Kansas Legislative Research Department, explained that **SB 186** would amend current law regarding commercial pesticide applicator licenses. The bill would allow the Secretary of the Department of Agriculture discretion in suspending a pesticide business license without a hearing until compliance is reached if a pesticide business does not employ one or more commercial applicators who are certified in each type of commercial application which the pesticide business applies. Currently, the law states the Secretary of Agriculture must suspend the license if the pesticide business is not in compliance with the law.

Representative Kerschen moved to recommend SB 186 favorably for passage. Seconded by Representative Wetta, the motion carried.

Discussion and action on SB 188 – Amending the exemptions from a solid waste permit.

The Chairman opened discussion on **SB 188**. Raney Gilliland, Kansas Legislative Research Department, explained that this bill would change existing law to expand the Kansas Department of Health and Environment's authority to approve the disposal of the demolition waste of buildings or structures at, adjacent to, or near the site of the building or structure without requiring a solid waste permit. The bill would add additional evaluation criteria that the Secretary of KDHE must consider when determining whether to approve a request for off-site disposal of demolition waste. The additional criteria to consider would include public safety concerns, proposed plans to redevelop the demolition site, and the disposal capacity of any nearby permitted landfills.

Representative Brookens moved to recommend SB 188 favorably for passage. The motion was seconded by Representative Hildabrand. The motion passed.

The meeting adjourned at 10:42 a.m. The next meeting of the House Agriculture & Natural Resources Committee is scheduled for March 17, 2011.