

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Vice-Chairman Forrest Knox at 3:30 P.M. on March 19, 2008, in Room DSOB 783.

All members were present except:

Representative Clay Aurand - excused
Representative Vaughn Flora - excused
Representative Bill Feuerborn - excused
Representative Bill Light - excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Hank Avila, Kansas Legislative Research Department
Gordon Self, Revisor of Statutes
Kristen Kellems, Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Representative Richard Carlson, District #61
Jordan Austin, Kansas State Liaison, National Rifle Association of America
Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks

Hearing on: HCR 5037 - Constitutional amendment to protect the public's right to hunt, fish and trap

Vice-Chairman Knox called the meeting to order and introduced Representative Carlson, District #61, who spoke as a proponent of **HCR 5037**. He indicated there are anti-hunting organizations whose objective is to end all consumptive sporting practices. Representative Carlson said this amendment not only preserves all landowner property rights, but will also provide assurance for traditional forms of hunting, fishing and trapping for all who engage in the sports (Attachment 1).

Jordan Austin, Kansas State Liaison, National Rifle Association of America, said that the traditions of hunting, fishing and trapping should be preserved for future generations of Kansans (Attachment 2). Mr. Austin said the anti-hunting organizations, in lieu of eliminating all hunting, are attempting to ban hunting one species at a time. He indicated that "non-threatened wildlife" such as doves, bears and cougars are included as traditionally pursued by hunters. Mr. Austin concluded his testimony by encouraging the committee to pass the resolution favorably to preserve this way of life for Kansans who enjoy this pastime.

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, speaking as a neutral entity regarding **HCR 5037**, cautioned the committee to see potential issues, both for and against the resolution (Attachment 3). He said that because the laws and regulations are governed at the state level, the proposal of constitutional rights could result in litigation. Mr. Tymeson recommends allowing more time for constituent organizations to become aware of the need for the resolution. In answer to a question from committee members, Mr. Tymeson said Kansas is not being threatened with any lawsuit from anti-hunting organizations as yet; however, he indicated there could be potential litigation in the future.

The Vice-Chairman closed the hearing on **HCR 5037**.

Hearing on: SB 565 - State Fair Board, concerning background investigations for certain employees

The Vice-Chairman opened the hearing on **SB 565**, requesting Staff Raney Gilliland to brief the committee on the parameters of the bill. Mr. Gilliland said the new language brought from the Senate Judiciary Committee authorizes the State Fair Board to conduct a background check of seasonal employees assisting with the functions of the State Fair. He said the background checks would be limited to persons listed on the Kansas Registered Offender Search on the Kansas Bureau of Investigation (KBI) website. Mr. Gilliland said additionally the State Fair Board would be provided immunity from a civil suit for damages a person might bring who has been refused or discharged from employment.

The Committee engaged in discussion and questions. Gordon Self, Kansas Revisor of Statutes, said the kind of offenders investigated are those listed on the violent crimes register and those known sex offenders. Mr.

CONTINUATION SHEET

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Gilliland said the manager of the State Fair spoke as a proponent to the bill in the Senate Judiciary Committee. Mr. Gilliland said this bill differs from the original in that **SB 565** narrows the conducted search to be a more in-depth criminal investigation than KBI provides. He responded to a member's question, saying the wording "may conduct" rather than "shall conduct" gives added discretion to the State Fair Board.

There were no proponents, opponents or neutral positions presented on the hearing of **SB 565**.

The Vice-Chairman closed the hearing on **SB 565**.

The Chairman announced that a bill was introduced in the House Taxation Committee as an alternative to **SB 89** -litigation moneys. In addition, there is a possibility of working **SB 565** next week.

The meeting was adjourned at 4:45 p.m. The next meeting is scheduled for March 24, 2008, at 3:30 p.m.