

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:15 A.M. on March 17, 2005 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Lisa Montgomery, Revisor of Statutes Office
Gina Poertner, Committee Secretary

Conferees appearing before the committee:

John McCannon, Kansas Corporation Commission
Whitney Damron, Kansas Sport Hunting Association
LeAnn Schmitt, Kansas Department of Wildlife and Parks
Ken Corbet, Kansas Sport Hunting Association
Dan Ward, Kansas Wildlife Federation

Others attending:

See attached list.

Raney Gilliland gave a briefing on HB 2390.

Senator McGinn introduced John McCannon of the Kansas Corporation Commission to present testimony in favor of the bill (Attachment 1).

Senator Taddiken asked what the mechanism for responsibility is. Mr. McCannon stated that most people use cash fee option. Some wells will end up without a responsible party and will fall into this fund. Senator Taddiken wanted to know what the Commission has asked the Advisory Committee to do. Mr. McCannon stated that the Advisory Committee is to look at the whole scheme, look at what other states are currently doing, and make recommendations.

Senator Francisco asked if this was a double increase, to which Mr. McCannon replied that it is.

Senator McGinn asked why we are unable to find the responsible parties after 1996, if we could track this. Mr. McCannon stated that they are tracked, however, they may be lost due to bankruptcy or death.

Senator Teichman moved that the Committee pass the bill favorably. The motion was seconded by Senator Ostmeyer. The motion passed by voice vote.

Mr. Gilliland briefed the Committee on HB 2466. This bill repeals the authority of the Kansas Department of Wildlife and Parks to issue commercial guide service permits.

Whitney Damron presented testimony in favor of the bill (Attachment 2). He stated that although licensure of guides and outfitters may appear to be an inappropriate role of the state, current law does little to provide consumers protection.

Senator Francisco asked Mr. Damron why he wants to bring up this bill before agreeing on substitute language. Mr. Damron responded that this is the appropriate step due to the way the law is enacted.

LeAnn Schmitt of the Kansas Department of Wildlife and Parks was next to testify (Attachment 3). The Department remains neutral on this bill.

Dan Ward of the Kansas Wildlife Federation testified in opposition to the bill (Attachment 4). Mr. Ward stated that although there are problems to solve, repealing this statute is not the best remedy. The KWF recommends creating minimum standards that a commercial guide would be required to fulfill before entering the marketplace.

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Senator Lee asked what other states are doing in terms of licensing for guides. Mr. Ward stated that guide and outfitter boards are in place. Mr. Damron stated that Missouri and Nebraska have no licensure.

Senator Taddiken asked about complaints being referred to the Attorney General's Office and if there are a significant number of complaints concerning guides. Mark Rankin of the KDWP stated that the complaints do come from other guides. Senator Taddiken asked if these cases would be similar to non-guide complaints. Mr. Rankin stated that different types of violations are seen, such as permit fraud.

Senator Teichman asked if there is any type of insurance that guides must carry. Ms. Schmitt said there is not.

Ken Corbet of the Kansas Sport Hunting Association was next to testify. Mr. Corbet did not submit written testimony. He stated that licenses work in other states because most of the land is federally owned. In Kansas, however, most land is privately owned and does not require a license.

Senator Taddiken questioned the need for having a guide permit for one sector and suggested a study.

Senator Taddiken moved that the bill be passed favorably by the committee. Senator Ostmeyer seconded the motion. Senator Bruce moved to amend SB 98 into HB 2466, seconded by Senator Huelskamp. Senator Taddiken withdrew his motion. The amendment passed by voice vote. Senator Ostmeyer moved that HB 2466 be passed favorably as amended, seconded by Senator Huelskamp. The measure passed by voice vote.

Senator Francisco asked if there is a background check upon obtaining a hunting license. Mike Hayden, Secretary of KDWP, stated that there are no background checks, but they are going to an automated system that starts in September of this year. It will have the ability to check for prior offenses.

The Committee's attention turned to HB 2253. Mark Rankin of the KDWP briefed the Committee on the amendments. A flow chart was provided as previously requested by the Committee.

Senator Taddiken asked how many repeat offenders have received diversions. Mr. Rankin said it is unknown but they are working to recover data.

Senator Lee moved the amendment, seconded by Senator Bruce. The motion passed by voice vote.

Senator Bruce shared Senator Taddiken's concerns regarding violations and whether or not too many diversions are being granted, and he asked for the Committee's thoughts. Senator Taddiken stated he did not have a balloon prepared but this could be revisited next session after a study. He stated he is willing to take action but did not want to tie up the process today. Senator McGinn asked if Senator Taddiken would offer an amendment on the floor. Senator Taddiken said he was willing to work with Senator Bruce to do the amendment on the floor. Senator Bruce stated he would propose diversion similar to DUI.

Senator Bruce made a motion to move HB 2253 as amended out of Committee. Senator Ostmeyer seconded. The measure passed by voice vote.

HB 2014 was then discussed by the Committee. Mr. Gilliland gave the briefing. The new language requires ex officio members to act as a resource and would not be entitled to make or second motions, or vote at any meeting of the KWA.

Senator McGinn made comments in support of the bill. She stated that it may not be weighted accordingly and it might behoove the state to bring in additional members.

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Senator Francisco stated she could not support the bill. Parliamentary procedure should prevail rather than individual bills to regulate these meetings.

Senator Bruce stated he could see both sides, and that no one has offered a solid example. He stated there is a perception of impropriety, that it seems improper for an ex officio member to make a motion or vote.

Senator Taddiken offered a compromise. He suggested that this issue be studied.

Senator Lee asked if the ex officio members of the KWA are state employees. Senator Taddiken stated they are state employees.

Senator Huelskamp made a motion to pass the bill favorably. Senator Ostmeyer seconded the motion. The motion passed 6-3, Senators Francisco, Lee, and Taddiken voting against the measure.

Senator Teichman moved to approve the Committee minutes of March 3rd and 4th, seconded by Senator Bruce. The motion passed by voice vote.

The meeting was adjourned at 9:20 a.m.