

Approved: Carl Dean Holmes  
Date 3-22-93

## MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:30 p.m. on March 17, 1993 in Room 526-S of the Capitol.

All members were present except: Representative Powers, excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Mary Torrence, Revisor of Statutes  
April Howell, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Chairman Holmes opened the discussion and debate on SB 167-Abandonment of Natural Gas Storage Facilities. Representative Shore made a motion to favorably pass the Bill. The motion was seconded by Representative Kejr. Upon verbal vote, the motion carried. Representative Long will carry this Bill on the floor.

The Chair opened the discussion and debate on SB 309-Definition of Electric Utility for Electric Generation Facility Siting Act Purposes. Representative Kejr made a motion to favorably pass the Bill. The motion was seconded by Representative Freeborn. Upon verbal vote, the motion carried. Representative Rezac will carry this Bill on the floor.

The Chair opened the discussion and debate on SB 168-Injector's Rights to Natural Gas Stored in Underground Storage Facility. Representative Shore made a motion to adopt the balloon presented (Attachment 1). The motion was seconded by Representative Lawrence. Discussion was opened on the balloon. After discussion, Representative Shore made a motion to pass the Bill favorably as amended. Representative Grotewiel seconded. The motion carried. Representative Shore will carry this Bill on the floor.

The Chair opened the discussion and debate on SB 137-Commercial Harvest of Rattlesnakes. Representative Gatlin outlined amendments to set up rules and regulations. (Attachment 2) Representative Gatlin made a motion to adopt and approve amendments. The motion was seconded by Representative McClure. A representative from the Department of Wildlife and Parks was in attendance and stated that the Department had no objections with these amendments. The motion carried. Representative Shore made a motion to pass the Bill favorably as amended. The motion was seconded by Representative Gatlin. The motion carried. Representative Gayle Mollenkamp will carry this Bill on the floor.

Representative Long made a motion to approve the minutes for March 8, March 9, March 10 and March 11. The motion was seconded by Representative Webb. The motion carried.

The meeting adjourned at 4:05 p.m.

The next meeting is scheduled for March 18, 1993.

Date:

## GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

[illegible]

[As Amended by Senate on Final Action]

As Amended by Senate Committee

Session of 1993

SENATE BILL No. 168

By Committee on Energy and Natural Resources

2-3

11 AN ACT relating to natural gas; concerning rights of an injector of  
12 natural gas into an underground storage facility.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. (a) All natural gas which has previously been reduced  
16 to possession, and which is subsequently injected into underground  
17 storage fields, sands, reservoirs and facilities, whether such storage  
18 rights were acquired by eminent domain or otherwise, shall at all  
19 times be the property of the injector, such injector's heirs, successors  
20 or assigns, *whether owned by the injector or stored under contract.*

21 (b) In no event shall such gas be subject to the right of the owner  
22 of the surface of such lands or of any mineral interest therein, under  
23 which such gas storage fields, sands, reservoirs and facilities lie, or  
24 of any person, other than the injector, such injector's heirs, suc-  
25 cessors and assigns, to produce, take, reduce to possession, either  
26 by means of the law of capture or otherwise, waste, or otherwise  
27 interfere with or exercise any control over such gas. *[Nothing in*  
28 *this subsection shall be deemed to affect the right of the owner of*  
29 *the surface of such lands or of any mineral interest therein to drill*  
30 *or bore through the underground storage fields, sands, reservoirs*  
31 *and facilities in such a manner as will protect such fields, sand,*  
32 *reservoirs and facilities against pollution and the escape of the nat-*  
33 *ural gas being stored.]*

34 (c) With regard to natural gas that has migrated to adjoining  
35 property or to a stratum, or portion thereof, which has not been  
36 condemned as allowed by law or otherwise purchased:

37 (1) The injector, such injector's heirs, successors and assigns shall  
38 not lose title to *or possession of* such gas if such injector, such  
39 injector's heirs, successors or assigns can prove by a preponderance  
40 of the evidence that such gas was originally injected into the un-  
41 derground storage, *whether such injection occurred before or*  
42 *after enactment of this section.*

43 (2) The injector, such injector's heirs, successors and assigns, shall

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1 have the right to conduct such tests, at such injector's sole risk and  
2 expense including, but not limited to, the value of any lost production  
3 of other than the injector's gas, as may be reasonable to determine  
4 ownership of such gas.

5 (3) The owner of the stratum *and the owner of the surface* shall  
6 be entitled to such compensation, *including compensation for use*  
7 *of or damage to the surface or substratum*, as is provided by law.

8 (4) The injector, such injector's heirs, successors and assigns shall  
9 have the right to compel compliance with this section and subsections  
10 by injunction or other appropriate relief by application to a court of  
11 competent jurisdiction.

12 (d) ~~The state corporation commission is hereby authorized~~  
13 ~~to adopt rules and regulations deemed necessary to administer~~  
14 ~~and enforce the provisions of this act.~~

15 Sec. 2. This act shall take effect and be in force from and after  
16 its publication in the statute book.

on any existing wells on adjoining property

, and shall be entitled to recovery of all costs and expenses,  
including reasonable attorney fees, if litigation is necessary  
to enforce any rights under this section and subsections and  
the injector does not prevail.

1-2

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1 and amendments thereto.

2 "Section 1. K.S.A. 1992 Supp. 32-941 is hereby amended to read  
3 as follows: 32-941. (a) Except as otherwise authorized by law or  
4 rules and regulations of the secretary, a commercial harvest permit  
5 is required, in addition to any other license, permit or stamp re-  
6 quired by law or rules and regulations of the secretary, to take any  
7 wildlife in this state on a commercial basis.

8 (b) Subsection (a) does not apply to:

9 (1) A person acting within the scope of a valid furharvester or  
10 valid fur dealer license issued to such person; or

11 (2) a private water fishing impoundment.

12 (c) Subject to the requirements of law and rules and regulations  
13 of the secretary, a person may obtain a commercial harvest permit  
14 from the secretary or the secretary's designee by making application  
15 and paying the fee prescribed pursuant to K.S.A. 1992 Supp. 32-  
16 988.

17 (d) The area and period of time for which a commercial harvest  
18 permit is valid shall be in accordance with rules and regulations of  
19 the secretary.

20 (e) Any person having a valid hunting license or any person not  
21 required to have a hunting license pursuant to K.S.A. 1992 Supp.  
22 32-919, and amendments thereto, may annually obtain a special  
23 permit to harvest prairie rattlesnakes on a commercial basis upon  
24 payment of the fee prescribed therefor by K.S.A. 1992 Supp. 32-  
25 988, and amendments thereto. Any person may annually obtain a  
26 special nonfirearm permit to harvest prairie rattlesnakes on a com-  
27 mercial basis upon payment of the fee prescribed therefor by K.S.A.  
28 1992 Supp. 32-988, and amendments thereto.

29 (e) (f) The secretary may adopt, in accordance with K.S.A. 1992  
30 Supp. 32-805 and amendments thereto, rules and regulations nec-  
31 essary to implement, administer and enforce the provisions of this  
32 section and to govern the taking of wildlife on a commercial basis.

33 (f) (g) Rules and regulations adopted by the secretary pursuant  
34 to this section may include, with regard to fishing on a commercial  
35 basis, establishment and designation of:

36 (1) Certain portions of the Missouri river bordering on this state  
37 and certain streams, lakes and impoundments, or parts thereof, in  
38 this state to be open to commercial fishing for such period of time  
39 as the secretary specifies;

40 (2) methods and equipment for the taking of fish on a commercial  
41 basis;

42 (3) inspections and frequency of inspections;

(4) size and specifications of seines, nets, traps and other com-

, and amendments thereto

except that, for calendar year 1993, the following provisions shall govern the commercial taking, selling, buying, trading and possession of prairie rattlesnakes:

(1) The harvest and possession of prairie rattlesnakes for commercial purposes shall occur only between the effective date of this act and June 30;

(2) the possession limit shall not exceed 30 prairie rattlesnakes;

(3) prairie rattlesnakes may be taken only by hand, snake hook or snake catchers;

(4) prairie rattlesnakes legally taken by a commercial harvest permittee may be sold to: (A) A commercial prairie rattlesnake dealer; (B) a person legally authorized by another state to purchase prairie rattlesnakes; or (C) any other person if the prairie rattlesnakes are not purchased for resale or sold;

(5) any person desiring to purchase prairie rattlesnakes for resale or export from the state shall obtain a commercial prairie rattlesnake dealer permit;

(6) a commercial prairie rattlesnake dealer may possess and sell legally-acquired prairie rattlesnakes without regard to time or numbers;

(7) the cost of a commercial prairie rattlesnake harvest permit for any person in possession of a valid hunting license issued to such person or any person not required to have a hunting license pursuant to K.S.A. 32-919 and amendments thereto shall be \$5;

(8) the cost of a commercial prairie rattlesnake harvest permit for any person without a valid hunting license shall be \$20;

(9) the cost of a commercial prairie rattlesnake dealer permit shall be \$50; and

(10) commercial prairie rattlesnake harvest permittees and commercial prairie rattlesnake dealer permittees shall report permit activities if requested by the department

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Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game hunting permit shall be an amount equal to  $\frac{1}{2}$  the fee for a general resident big game hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to  $\frac{1}{2}$  the fee for a resident furharvester license.

(d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

Sec. 3. K.S.A. 1992 Supp. 32-988 is 32-941 and 32-988 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the ~~statute book.~~

Kansas register

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Attachment 2-2  
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