

Approved: 3-17-93
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on March 10, 1993 in Room 423-S of the Capitol.

All members were present:

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Don Hayward, Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Darrell Montei, Legislative Liaison, Wildlife & Parks
Mike Beam, Executive Secretary, Cow-Calf/Stocker Division, Kansas Livestock Association

Others attending: See attached list

HB-2034 - concerning Wildlife & Parks; amending statutes

Darrel Montei appeared before the committee in support of HB-2034 noting various requested amendments in a number of statutes. Attachments 1 and 2 After presenting his written testimony Mr. Montei called attention to the balloon amendment, Attachment 1, which deals with acquisitions of real estate or interest in real estate acquired pursuant to the wildtrust program or other donations.

Mike Beam, Kansas Livestock Association, appeared in support of new section 18, HB-2034 noting there will likely be state land acquisition proposals considered by Wildlife and Parks in the future and the legislature should carefully review land acquisition proposals. Therefore, it is appropriate to establish a notification system. Attachment 3

There was considerable discussion concerning KSA 32-901 and the amendment noting that permitting one group to use the area without vehicle permit requirements would open the issue to other groups requesting vehicle permit abatement. Also discussed were concerns about late payment of camping fees and the circumstances under which these would be assessed since there are situations when offices are closed, no personnel available and no other arrangements are made available. Another change discussed by the committee was that of provisions applying to meat of game animals legally taken outside the state and restrictions which could be provided by rule and regulation of the Secretary.

Senator Gerald L. "Jerry" Karr presented written testimony to the committee addressing aquaculture and stating this bill will address some of the concerns of commercial fishgrowers in our state. Attachment 5

HB-2039 - relating to commercial guide service

Darrel Montei, Wildlife & Parks, appeared before the committee and presented testimony noting HB-2039 was basically a housekeeping bill. Attachment 4 Mr. Montei noted that the way the law was written there was no regulatory authority, a fact supported by the Attorney General. Mr. Montei stated the bill would exempt certain individuals from the requirements of obtaining a commercial guide permit by establishing provisional guide permits. Provisional guides would have to register with the Secretary of Wildlife and Parks and would be those individuals who perform commercial guide services for five or fewer days and receive \$500 or less for services. He also noted this bill would prohibit provisional guides from the actual taking or shooting of wildlife for the guided person.

Discussion noted the certified guide program would reassure out of state contacts. The department was also questioned as to what areas of Kansas had the most guides.

The committee returned to SB-2034 for further discussion.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 423-S Statehouse, at 8:00 a.m. on March 10, 1993.

Senator Walker moved, with a second by Senator Wisdom, to amend Section 18, page 5, line 14 to strike "of" and insert "and" and following "the", insert "wildlife and recreation" striking "natural". Line 14 would then read "to the development of conservation and the wildlife and recreation resources". The motion carried.

Senator Lee moved, with a second by Senator Vancrum, page 8, line 14, to strike "attending a Kansas state high school athletic association event".

Senator Walker made a substitute motion to insert on page 8, line 14, to insert following "association", "or other". Senator Hardenburger seconded the motion. The motion failed.

The original motion carried.

Due to time constraints the committee will continue working SB-2034 March 11, 1993.

The next meeting is scheduled for March 11, 1993.

GUEST LIST

SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

DATE March 10, 1993(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Mike Beam
Michelle Greeter
Tom Tunnell
Mike Torrey
Tom Stuer
Bill Fuller

Ks. Livestock Assoc.
K. Gov. Consulting
Kansas Grain and Feed Assoc.
KFCA
KCOO
Kansas Farm Bureau

STATE OF KANSAS



Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

Theodore D. Ensley
Secretary

OFFICE OF THE SECRETARY

900 SW Jackson St., Suite 502 / Topeka, Kansas 66612 - 1233
(913) 296-2281 / FAX (913) 296-6953

H.B. 2034

Testimony Presented To: Senate Energy and Natural Resources Comm.

Provided By: Kansas Department of Wildlife and Parks

March 10, 1993

H.B. 2034 is a housekeeping bill and involves amendment of certain Department statutes. The proposed amendments, by statute, are as follows:

K.S.A. 32-701. The definition of "wildlife" would be amended to exclude agricultural livestock and poultry. The black-footed ferret would be removed from the list of furbearers. These were contained in H.B. 2912.

A definition of "resident" would be created which will help avoid confusion and license fraud problems. This was not contained in H.B. 2912.

K.S.A. 32-807. The proposed amendment would provide the Department with clear authority to deal with abandoned property. Possession and disposal procedures would be developed through rules and regulations. This issue was contained in H.B. 2912.

K.S.A. 32-901. This amendment would allow Kansas State High School Athletic Association events to be conducted without a vehicle permit requirement. This amendment was not included in H.B. 2912.

K.S.A. 32-945. The amendment would discontinue the \$2,000 bond requirement for Controlled Shooting Areas. This amendment was in H.B. 2912.

K.S.A. 32-956. Certain species are restricted from importation into the state as established by regulation. Provisions for limited use permits for specific purposes exist in the statute, but are not broad enough to cover all

Senate Energy & Natural Resources
March 10, 1993
Attachment 1

needs. The amendment would allow the Secretary to issue possession permits for other purposes under controlled conditions. This amendment was proposed last year under H.B. 2497.

K.S.A. 32-1001. This proposed amendment would make the \$5 late payment fee specific to vehicle and camping fees. This amendment was included in H.B. 2912

K.S.A. 32-1002. This proposed amendment would address a wildlife commercialization exemption problem. This amendment was included in H.B. 2912.

K.S.A. 32-1003. This proposed amendment is intended to clarify confusing language concerning use of artificial light and hunting. This amendment was included in H.B. 2912.

K.S.A. 32-1004. This proposed amendment would close certain exemptions for animals taken from outside of this state. This amendment was included in H.B. 2912.

K.S.A. 32-1051. This proposed amendment would provide clear authority for Conservation Officers to use warning tickets. This amendment was included in H.B. 2912.

K.S.A. 32-1102. The dollar amount for reporting boat accidents would be amended to allow for setting under regulation. This was included in H.B. 2912. A new definition for "boat dealer" and "demonstrate" is proposed. This was not included in H.B. 2912.

K.S.A. 32-1111. This proposed amendment would change the boat re-registration period from 90 days to 60 days. This amendment was included in H.B. 2912. K.S.A. 32-1113 would require a similar amendment.

K.S.A. 32-1112. This amendment would authorized adoption of regulations to address how a boat dealer registration could be used on waters of the state. This amendment was not included in H.B. 2912.

H.B. 2034 was amended by the House Energy and Natural Resources Committee to require an annual land acquisition report to the Legislature by the Department. The Department supports the amendment, but requests consideration of further amendments to respect confidential information and to target actual real estate transactions.

1-2

New Sec. 18. (a) The secretary of wildlife and parks shall submit a report to the legislature at the beginning of each regular session detailing all agreements ~~which are proposed or~~ which have been entered into between the department of wildlife and parks and any other party, other than another state agency, which relate to any acquisition of any real estate, or ~~any~~ interest in real estate, by the department of wildlife and parks ~~or any such contracting party.~~

or federal

(b) The report required by this section shall include for each acquisition required to be reported: (1) The legal description of the real estate or interest acquired; (2) the purchase price; (3) the seller's name; and (4) if appropriation of state moneys is required for the acquisition, the form of payment and the appraised value.

← (c)

The provisions of this section shall apply to acquisitions of real estate or interest in real estate acquired pursuant to the wildtrust program or other donations at the time the deeds are filed.

H.B. 2034

Testimony Presented To: Senate Energy & Natural Resources Committee
Provided By: Kansas Department of Wildlife and Parks

March 10, 1993

H.B. 2034 is a housekeeping bill and involves amendment of certain Department statutes. Many of these amendments were contained in H.B. 2912 from the 1992 Legislative Session. There did not appear to be any controversial items in the 1992 Housekeeping Bill. The proposed amendments, by statute, are as follows and items which were in the 1992 bill are so noted:

K.S.A. 32-701. This statute provides definitions which are used throughout other department statutes and in rules and regulations of the Secretary. The definition of "wildlife" is much broader than necessary as it applies to all living animals or any parts or products thereof. This would include livestock and poultry. It is recommended the definition be amended to exclude those species of animals normally considered as agricultural livestock and poultry. It is also recommended that the black-footed ferret be deleted from the list of species comprising furbearers. The black-footed ferret is protected under federal and state threatened and endangered species laws and regulations. This amendment was contained in H.B. 2912.

The Department is recommending that a definition for "resident" be included in this statute. A definition for nonresident currently exists, but no definition for resident is provided in Department statute. This has led to confusion and some license fraud problems. Provisions under K.S.A. 32-980 for full-time nonresident students at secondary, post secondary and vocational schools to secure hunting and fishing licenses at resident costs are included. These proposed amendments were not included in H.B. 2912.

K.S.A. 32-807. The Department does not have direct authority to take into possession abandoned property or equipment or to dispose of the items. It is recommended that subsection (f) be amended to include abandoned property on Department managed properties. Procedures for possession and disposal would be established by rules and regulations. This amendment was contained in H.B. 2912.

K.S.A. 32-901. This statute establishes the requirement of a motor vehicle permit for use of state parks. It also provides for exceptions to that permit. By regulation, the Secretary may issue special permits for the purposes of sightseeing, attending a church service, news media attendance at an approved special

Senate Energy & Natural Resources
March 10, 1993
Attachment 2

event, or for emergency reasons. It is recommended that events sponsored by the Kansas State High School Athletic Association be included in the above list. This proposed amendment was not included in H.B. 2912.

K.S.A. 32-945. This statute addresses Controlled Shooting Areas and the licensing of those areas. By statute, C.S.A.'s are required to secure a \$2,000 "performance" bond. This requirement is not considered necessary as no operator has ever been required to use the bond for purposes as stated in the statute. It is recommended that all reference to the bond be removed from the statute. This amendment was contained in H.B. 2912.

K.S.A. 32-956. This statute provides authority, by regulation, for prohibiting the importation of certain wildlife into the state. Provision are included in current statute for allowing prohibited species by permit for experimental, scientific or display purposes. There is a need to allow these prohibited species for other select purposes when dangers of accidental release can be controlled. It is recommended the statute be amended to allow for importation for other reasons under a permit issued by the Secretary. That permit would establish criteria for the importation, holding and use of the species in Kansas. H.B. 2497 was introduced in the 1991 session to accomplish this amendment, but the bill received no action.

K.S.A. 32-1001. This statute addresses licenses, permits and other issues of the department and specifies unlawful acts. Provisions exist in current statute for a late payment fee of \$5, in lieu of a citation, for failure to purchase any permit required to use a park or other area. The intent is directed at vehicle and camping permits, but is written broad enough that other types of permits would also qualify. It is recommended that the late payment provision be clarified to address only failure to purchase vehicle and camping permits. This amendment was contained in H.B. 2912.

K.S.A. 32-1002. This statute addresses taking or dealing in wildlife and specifies unlawful acts. Wildlife legally taken from outside of the state are excluded from possession and commercial restrictions. It is recommended the exemption from the commercial restrictions be removed. This amendment was contained in H.B. 2912.

K.S.A. 32-1003. This statute addresses methods of taking wildlife and specifies unlawful acts. The use of spotlights and

other artificial lights to aid in taking wildlife is prohibited except for taking furbearers when treed with the aid of dogs. This provision is poorly written resulting in misunderstanding and the dismissal of court cases. It is recommended the provisions be rewritten to more clearly state what is illegal. Exceptions would be developed by regulation and no change of intent is planned. This amendment was contained in H.B. 2912.

K.S.A. 32-1004. This statute addresses possession of wildlife and certain devices. Wildlife legally taken from outside of the state are excluded from all provisions of this statute which includes such items as reasonable inspection. It is recommended the exemption for such animals from all provisions not be allowed. This amendment was contained in H.B. 2912.

K.S.A. 32-1051. This statute describes the duties of a conservation officer. It specifies that an officer shall take action (arrest) for any violation, it does not provide clear authority to issue warning tickets. It is recommended that language authorizing the use warnings or warning tickets be included in the statutes. This amendment was contained in H.B. 2912.

K.S.A. 32-1102. This statute provides boating definitions which are used in department laws and rules and regulations. The definition of a "Reportable boating accident" includes a reference to any damage in excess of \$200. The Coast Guard currently requires reports for those accidents resulting in over \$500 damage. The Coast Guard has amended the dollar amount by regulation twice since 1989. It is recommended the definition be amended to authorize the department to set the minimum dollar damage amount be rule and regulation in order to remain current and in compliance with the U.S. Coast Guard. To perform this change, it will require amendment to K.S.A. 32-1177 as \$200 also appears in that statute. This amendment was contained in H.B. 2912.

Creation of a definition for "dealer" and "demonstrate" as they would apply to boat dealers and testing or demonstration boat registrations is recommended. These amendments were not included in H.B. 2912.

K.S.A. 32-1111. This statute deals with boat regulations and other provisions. It allows any boat registered in another state to use Kansas waters for up to 90 days without re-registering or recording the number in Kansas. It is recommended the 90-day

period be changed to 60 days. That change will bring Kansas law into conformity with the U.S. Coast Guard 60-day registration requirement and will more closely follow the department's definition of a resident. It will also address problems with individuals who register boats in other states to avoid Kansas taxes, but use Kansas waters and those who primarily use Kansas waters and facilities, but do not contribute through registration fees. It would also be necessary to amend K.S.A. 32-1113 from 90 days to 60 days. This amendment was contained in H.B. 2912. **K.S.A. 32-1112.** This statute provides for a Dealer's boat registration to be used when testing or demonstrating a boat on Kansas waters. It is recommended that the statute be amended to authorize the adoption of rules and regulations to address problems and abuses which are presently occurring. This amendment was not included in H.B. 2912.



6031 S.W. 37th Street • Topeka, Kansas 66614-5128 • Telephone: (913) 273-5115
FAX: (913) 273-3399

Owens and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

March 10, 1993

To: The Senate Energy and Natural Resources Committee
Senator Don Sallee, Chairman

From: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

Re: HB 2034 - Amendments to the Department of Wildlife and Parks
Statutes, New Section 18, Reporting to Legislature on Real Estate
Acquisitions

Thank you, Mr. Chairman and committee members, for the opportunity to comment on a provision of House Bill 2034. The Kansas Livestock Association supports the House Committee amendment found in New Section 18 beginning on the bottom of page 20.

In the past, our members have taken an interest in federal/state land acquisition proposals. Most significant land purchase proposals are considered by federal agencies and the issue is typically debated by our Congressional delegation, private land interests, and conservation or environmental organizations.

However, there will likely be state land acquisition proposals considered by Wildlife and Parks in the future. We feel it's appropriate to establish a notification system, in addition to the legislative appropriation process, for lawmakers to learn of proposed acquisitions in the early stages of consideration by Wildlife & Parks.

Private landowners and rural residents are usually concerned about government acquisition of land in their immediate area. The presence of a state park, wildlife refuge, or other public facility impacts local landowners. We feel it's important that Wildlife and Parks and the legislature carefully review land acquisition proposals. This amendment should facilitate this review and we urge this committee to support this provision. Thank you.

Senate Energy & Natural Resources
March 16, 1993
Attachment 3

STATE OF KANSAS



Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

Theodore D. Ensley
Secretary

OFFICE OF THE SECRETARY

900 SW Jackson St., Suite 502 / Topeka, Kansas 66612 - 1233
(913) 296-2281 / FAX (913) 296-6953

H.B. 2039

Testimony Provided To: Senate Energy & Natural Resources Committee
Provided By: Kansas Department of Wildlife and Parks
March 10, 1993

H.B. 2039 addresses the commercial hunting and fishing guide program in Kansas as established under K.S.A. 32-964. That statute was amended during the last days of the 1992 Legislative Session to create an exemption from the commercial guide permit for those individuals guiding five or fewer days and receiving \$500 or less for guiding services. It was intended to provide the Department with rule and regulation authority for these exempted guides, but the final wording of the 1992 bill (H.B. 3115) did not adequately include that authority.

H.B. 2039 defines those exempted guides as "provisional guides" and then exempts provisional guides from the guide permit requirement. They would be required to register as a provisional guide. The bill clarifies that provisional guides would be required to have the proper licenses or stamps, unless otherwise exempt from license or stamp requirements. It also provides that provisional guides could not perform the actual taking of wildlife for clients.

The bill provides rule and regulation authority to the Department in regard to provisional guides. The regulatory effort would primarily address registration and a limited reporting or survey system. It is likely the Department would issue a card to the provisional guide to be carried while guiding.

H.B. 2039 is Department requested legislation and the Department supports the bill.

Senate Energy & Natural Resources
March 10, 1993
Attachment 4, 1993



State of Kansas

Senate Chamber

GERALD L. "JERRY" KARR
SENATOR, SEVENTEENTH DISTRICT
CHASE, COFFEY, GEARY, LYON, MARION,
MORRIS, OSAGE, WABAUNSEE COUNTIES
R.R. 2 BOX 101
EMPORIA, KANSAS 66801



Office of Democratic Leader

STATE CAPITOL
TOPEKA, KANSAS 66612-1504
913-296-3245

March 11, 1993

COMMITTEE ASSIGNMENTS
MEMBER: AGRICULTURE
CONFIRMATIONS OVERSIGHT
INTERSTATE COOPERATION
LEGIS. BUDGET
LEGIS. COORDINATING COUNCIL
STATE FINANCE COUNCIL
WAYS & MEANS

Statement supporting 1993 HB 2034 by Senator Jerry Karr

before the Senate Energy and Natural Resources Committee

Mr. Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 2034.

In particular, I believe that new subsection (3) under section 5 on page 9 of the bill will address some of the concerns of the commercial fishgrowers in our state. Further, it is my understanding that the Kansas Aquaculture Advisory Council has endorsed the language you have proposed in this new subsection. Also, I am working with the Advisory Council on other issues which will enhance the long-term development of the Kansas aquaculture industry. In addition, I have spoken with several members of the professional fishgrowers association and they support the language contained in new subsection (3) of section 5.

Mr. Chairman, I would be glad to answer any questions the Committee might have in regard to this portion of the bill.

*Senate Energy & Natural Resources
March 10, 1993
Attachment 5*