

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Ralph Ostmeier at 8:35 a.m. on March 3, 2011, in Room 159-S of the Capitol.

All members were present except:
Senator Steve Morris, Excused

Committee staff present:
Tamera Lawrence, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Heather O'Hara, Kansas Legislative Research Department
Laura Younker, Kansas Legislative Research Department
Dana Wethington, Committee Assistant

Conferees appearing before the Committee:
Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks
Jordan Austin, State Lobbyist, National Rifle Association
Patricia Stoneking, President, Kansas State Rifle Association
Synthia Wilson, Olathe, Kansas

Others attending:
See attached list.

SB 214 – Redefining "person" in the groundwater management district act

Chairman Ostmeier opened the hearing on **SB 214**.

Revisor Tamera Lawrence gave an overview. It would change the existing definition of "person" for the purposes of the Groundwater Management District Act to mean any natural person, public or private corporation, municipality, or any other legal commercial entity. The existing definition of "person" does not include the term "or any other legal commercial entity."

Mark Rude, Groundwater Management Districts provided written testimony in support of the **SB 214**. In addition, the Kansas GMDs recommended an amendment to the language of the bill that would strike "an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency or instrumentality; public corporation" and insert "any natural person, public or private corporation, municipality" in its place. (Attachment 1) Discussion followed.

Senator Teichman made a motion, Senator Schmidt seconded and motion carried to amend **SB 214**.

There being no further discussion, Chairman Ostmeier closed the hearing and called for final action on **SB 214**.

Senator Teichman made a motion, seconded by Senator Schmidt; motion carried that **SB 214** as amended be passed out favorably.

SB 152 – Clarifying that a person with a concealed carry permit may carry a concealed firearm while legally hunting, fishing or furharvesting

Chairman Ostmeier opened the hearing on **SB 152**.

Revisor Tamera Lawrence gave an overview. **SB 152** would permit a person with a concealed carry license to carry a concealed handgun while lawfully hunting, fishing, or fur harvesting. The bill also would permit a person with a legally acquired suppression device to use the device while lawfully hunting, fishing, or furharvesting.

CONTINUATION SHEET

Minutes of the Senate Natural Resources Committee at 8:35 a.m. on March 3, 2011, in Room 159-S of the Capitol.

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, provided testimony in support of **SB 152**. (Attachment 2) He stated that concealed carry has long been allowed while hunting or angling, except during archery only seasons and spotlighting. He added the bill would allow the use of suppressors while hunting.

Jordan Austin, State Lobbyist, National Rifle Association, testified in support of **SB 152**. (Attachment 3) He said the bill would allow bow hunters to protect themselves from dangerous predators by using a weapon other than the one for which they are licensed.

Patricia Stoneking, President of the Kansas State Rifle Association testified in support of **SB 152**. (Attachment 4) She stated that they have received many reports of hunters happening upon situations that made them feel that their personal safety was in peril.

Synthia Wilson, resident of Olathe, Kansas, testified 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)

Discussion followed.

There being no further conferees, Chairman Ostmeyer closed the hearing and called for final action on **SB 152**.

Senator Love made a motion, seconded by Senator Teichman that **SB 152** be passed out favorably. Following discussion, Chairman Ostmeyer announced additional time will be given for consideration of **SB 152**.

The next meeting is scheduled for March 4, 2011.

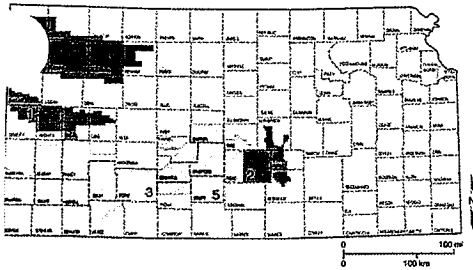
The meeting was adjourned at 9:30 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: March 3, 2011

NAME	REPRESENTING
Dorcia Stonking	Kansas State Rifle Association
Sarah Green	KDA
Paul Graves	KDA
Sean Miller	CAPITOL STRATEGIES
Michael T. Egan	KANSAS STATE RIFLE ASSN.
Kent Astren	KFB
Nate Lindsey	Kearney & Associates
Chris Tymeson	KDWP
Jordan Astren	NRA
Synthia Wilson	Self - testify
Mary Jane Staniewicz	KAEP
Woody Moses	KAPI



The Kansas Groundwater Management Distr

Western Kansas GMD1, PO BOX 604, Scott City, KS
Equus Beds GMD2, 313 Spruce St, Halstead, KS
SW KS GMD3, 2009 E. Spruce St, Garden City, KS
NW KS GMD4, PO BOX 905, Colby, KS
Big Bend GMD5, PO BOX 7, Stafford, Ks

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**Proponent Testimony on SB 214
to
the Senate Natural Resources Committee
by
Mark Rude
for
The Kansas Groundwater Management Districts (GMD's)
March 3, 2011**

Good morning, Chairman Ostmeyer and members of the committee. I am Mark Rude, Executive Director of GMD3 and currently serving as President of the Kansas Groundwater Management District Association. I am providing this written testimony on behalf of all five GMD's in support of Senate Bill 214, which updates the definition of a "person" in K.S.A. 82a-1021(i) of the Kansas Groundwater Management Act (K.S.A. 82a-1020 et. seq.)

The goal of this legislation is to update the definition of a "person" to ensure that all land and water right owner entities within the boundaries of a groundwater management district can be recognized as a voting member and participate in the activities of the District. For example, the current language in the statute does not recognize a limited liability company (LLC) business structure as a "person" that is eligible to vote in district elections, and yet there are many land and water right owner LLC's.

The interest of the GMD's with SB214 is to insure that land owners and groundwater users within a GMD can participate in the local groundwater management and program financing decisions of their district. We support a simple updating of the existing definition to recognize the different forms of a "person" landowner/water user that can be found within a district to continue, as intended, the important purposes of the Kansas GMD Act.

I appreciate the committee taking the time to receive our supporting testimony on SB 214 and provide the attached suggested simplified language as a revision to the bill for your consideration.

Senate Natural Resources
3-3-11
Attachment 1

(i) "Person" means ~~any natural person, private corporation, or municipality, or other public corporation [an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency or instrumentality, public corporation]~~ or any other legal or commercial entity.

any natural person, public or private corporation, municipality

Strike: "an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency or instrumentality; public corporation"

(j) "Water right" shall have the meaning ascribed to that term in K.S.A. 82a-701, and amendments thereto.

(k) "Water user" means any person who is withdrawing or using groundwater from within the boundaries of the district in an amount not less than one acre-foot per year. If a municipality is a water user within the district, it shall represent all persons within its corporate limits who are not water users as defined above.

Sec. 2. K.S.A. 2010 Supp. 82a-1021 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

1-2



**Testimony on SB 152 relating to Suppressors and Concealed Carry
To
The Senate Committee on Natural Resources**

**By Christopher J. Tymeson
Chief Legal Counsel
Kansas Department of Wildlife and Parks**

March 3, 2011

SB 152 seeks to allow permitted concealed carry and suppressors while hunting. The Department supports the provisions contained in the bill.

The provisions in the bill would allow concealed carry permit holders to carry concealed while hunting. 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. In 2007, after passage of the concealed carry permit laws, the Department requested an Attorney General's opinion on which law was applicable. The Attorney General opined that the Department's specific narrowly tailored prohibitions took precedence over the broader allowances. Since that time, there have been increasing requests to allow the use of permitted concealed carry while hunting. The KDWP Commission looked at the issue last year but took no action. The Department feels there would be no biological impact from the passage of this bill.

The provisions of the bill would allow the use of suppressors while hunting. An unofficial survey of states via the Internet showed that approximately fifty percent of states that responded allowed the use of suppressors while hunting. Prior to the passage of a bill by the Legislature allowing the possession of suppressors by Kansas residents, this was non-issue. Since that time, there have been increasing requests to use suppressors for hunting. The Commission is currently considering the use of suppressors when conducting wildlife damage control operations permitted by the Department. The Commission briefly considered the issue in relation to all hunting last year but took no action. The Department feels there would be no biological impact from the passage of this bill and there is merit in the use of suppressors in various hunting scenarios.

While there would be no biological impact as a result of these provisions, there is a concern related to the use of the devices for unlawful take of wildlife. In order to adequately address those concerns, the Department suggests mandatory loss of hunting privileges as well as revocation of the concealed carry permit for a minimum period of time should the implements be used unlawfully to take wildlife.

In summary, the Department supports the provisions in the bill and requests minor modification to address the concerns raised. **The Department appreciates the support of the Committee in amending and passage of the bill.**



National Rifle Association of America
Institute for Legislative Action
11250 Waples Mill Road
Fairfax, Virginia 22030-7400

Chairman Ralph Ostmeyer,
Senate Natural Resources Committee
Room 159-S
Kansas State Capitol
Topeka, KS 66612

Mr. Chairman,

March 3, 2011

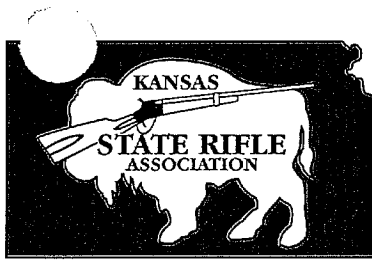
On behalf of the National Rifle Association I would like to express my support for SB 152. This important legislation has been overlooked for sometime now and it is vitally important that we make a statutory change so that these two issues concerning the right to carry firearms while hunting and hunting with legally possessed firearm suppressors are made legal in Kansas.

The first aspect addressed in SB 152 would allow hunters to carry concealed handguns for self-defense while hunting. This is an option provided to hunters in many states throughout the country and these states have experienced no problems. There is no reason that sportsmen and women should be prohibited from choosing to legally carry a self-defense sidearm. One of the obvious examples of when this might serve as a life-saving measure is when a female bow hunter who is being stalked or harassed chooses to hunt. Under the current prohibition, she could be defenseless against an attack while in the field. Another example is protection from dangerous predators while bow hunting. There have been increasing numbers of cougars in Kansas and well as rabid coyotes. Hunters should be able to protect themselves from these animals while hunting and not be limited to the weapon they are licensed for.

The second proposal would allow hunters, who legally possess suppressors, to use those suppressors with their firearms while hunting. Many hunters would choose to use suppressors to protect against hearing loss, allow them the option of taking varmints while in the field without disturbing the primary game species they are pursuing, and also to help prevent noise complaints from neighbors and other land users. When the Kansas Legislature repealed the state prohibition on Title II firearms, there was considerable discussion as to the extensive background checks that individuals who choose to possess these firearms and suppressors must go through. These people are the most law-abiding in the country and have willingly agreed to be monitored by the federal government at all times. If they chose to hunt with a suppressor it would not be for reasons of poaching or hunting on lands without permission. It would simply be for the reasons previously stated regarding varmints and noise.

I would like to thank this committee for the opportunity to speak and would urge this committee to pass SB 152 favorably out of committee for consideration before the full senate. Thank you for your time.

Jordan Austin
State Lobbyist
NRA-ILA



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Kansas State Rifle Association
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Bonner Springs, Kansas 66012-0219
(913) 608-1910
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March 3, 2011

RE: Senate Committee on Natural Resources
Senate Bill No. 152 Hearing

Dear Chairman Ostmeyer and Honorable Members of the Committee:

Thank you for allowing me to submit testimony to you as a proponent of SB 152, An Act amending KSA 32-1002 concerning the ability for concealed carry licensee's to exercise their right to carry firearms while in the act of hunting, fishing and fur harvesting, without restriction as to caliber or type of firearm as well as the use of suppressed firearms.

I am the President and Registered Lobbyist for the Kansas State Rifle Association. I speak for our membership which now hedges on 6000 individual members and over 20,000 club members. Many of our members are licensed for concealed carry under the Personal and Family Protection Act as well as being avid hunters and sportsmen.

The issue before you has been of strong concern to our membership and we ask that you vote in support of SB 152 which will amend an area of Kansas Statute that makes no sense and is actually contrary to existing concealed carry law. The amending of this Statute will in no way affect the lawful compliance with KSA 75-7c01 et seq.

Kansas law currently restricts the ability for hunters and fishermen to carry their regular concealed carry firearm by placing unreasonable restrictions on them. Currently they are prohibited from having any firearm on their person while hunting during archery or non-firearms related hunting seasons. They are also restricted to certain cartridge types and sizes during certain firearms seasons such as deer hunting. This is a clear violation of a licensee's right to carry concealed for their personal protection under the concealed carry law. The Personal and Family Protection Act is clear that no individual jurisdiction or municipality has the right to regulate concealed carry. We believe the prohibition to regulate concealed carry extends to agencies such as the Kansas Department of Wildlife and Parks. Also, by amending KSA 32-1002 it will bring Kansas State law into line with the intent of the Personal and Family Protection Act.

There are many reasons why this prohibition should be repealed in addition to it being a clear violation of rights to continue the restrictions. We have received many reports of hunters running into situations that made them feel that their personal safety was in peril.

There have been incidents where unlawfully armed trespassers on private land have confronted hunters in an aggressive manner. In one particular case, a female huntress was in a ground blind on her privately owned property deer hunting during archery season and a gang of older teenage boys came up on her. They were smoking marijuana and talking and behaving in a manner that made her fear for her personal safety. In another reported incident, two hunters were on their privately owned land deer hunting during archery season when a group of poachers approached them and began a confrontation that was only ended by the landowners vacating their own land. Additionally, hunters have reported finding marijuana crops on hunting land and have become fearful that the illegal farmer of this illegal drug would confront them as these drug dealers would no doubt use deadly force to protect their crops as it may appear to them the hunter is there to "steal" their crops or they fear it being exposed to law enforcement. We have received many reports regarding this type of behavior. I have to ask, why would we prohibit hunters to exercise their right to protect themselves? It does not make sense.

Mr. Chairman and members of the Committee, thank you for considering our position in this most important matter. We respectfully urge that you vote in support of SB 152, recommend it for passage, and send it to the floor of the Senate for a vote.

Respectfully Submitted,

President
913-667-3044 Direct Line
913-522-4765 Cell

Senate Natural Resources
3-3-11
Attachment 4

Synthia Wilson
14209 S Summertree Lane
Olathe, Kansas 66062-2005

February 28, 2011

Re: Senate Bill No152

Dear Senator Ralph Ostmeier
Chairman, Senate Natural Resources Committee
Kansas State Capitol
300 W 10th St, Room 225-E
Topeka, KS 66612

Dear Chairman Ostmeier and Members of the Committee,

Thank you for allowing me to submit testimony to you as a proponent of SB 152, Clarifying that a person with a concealed carry permit may carry a concealed firearm while legally hunting, fishing or furharvesting.

I am a Kansas resident and have hunted for 20 years. I am a certified Hunter Education Instructor for KDWP and a Bowhunter Instructor for National Bowhunting Education Foundation. I have a valid Concealed Carry license. I am a member of various hunting organizations; Kansas State Rifle Association, Kansas Bowhunters Association, Quality Deer Management Association, Safari Club and National Wild Turkey Federation. I speak for myself and other hunters who have the same concerns.

The issue before you is of significant concern to me and other hunters. I ask that you vote in support of SB 152 to allow Concealed Carry While Hunting.

Kansas law currently allows Concealed Carry with a license. It does not specify that this is allowed while hunting. Having researched this issue I feel that our state must align itself with other states CCH laws. My primary source of was www.carryconcealed.net, which gives by state listings of CC laws.

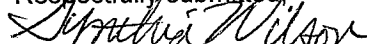
Below are some instances that have taken place where extreme danger existed, with no defense. Furthermore, while bowhunting, you have no other protection in poor circumstances.

- My 60 year old father was assaulted by trespassing hunters, when they were told to leave.
- While hunting in a ground blind with a bow I was approached by a group of 5 juveniles on drugs.
- While hunting I encountered a poacher with a rifle. He pointed his rifle at me in a threatening stance and held his position for about 3 minutes before lowering his gun and disappearing.
- While hunting in my tree stand a trespasser came by. I asked him to leave and he challenged me.
- While hunting I encountered a pack of 7 wild (farrell) dogs in a pack, which threatened to attack.
- During rut season while using a deer call I lured in 2 bucks, which began to fight 6 feet from me. When they stopped, one left and the other one rushed at me but stopped short of goring me.
- While walking back in the dark from a hunt, I had a pack of 5 coyotes follow me thinking I was a deer, due to the scent of deer oil on my clothes. A frightful confrontation took place in a creek bed, which led to me having a stroke shortly after.

Many hunters such as I hunt alone. When isolated in the woods, no person is there to assist or hear a plea for help. As a free American the right for self protection under the law is necessary.

Mr. Chairman and members of the Committee, thank you for considering this testimony and this position on such a critical matter. I respectfully ask that you vote in support of SB 152 and submit it to the floor of the Senate for a vote.

Respectfully submitted,


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Senate Natural Resources
3-3-11
Attachment 5