

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Ron Fox at
Chairperson

3:30 ~~xxx~~ p.m. on March 7, 1985 in room 313-S of the Capitol.

All members were present except:

Representative Sughrue (excused)

Committee staff present:

Ramon Powers, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

The first bill under consideration at this meeting was House Bill 2256, relating to establishment of a groundwater regulation advisory committee. Representative Mollenkamp made a motion to adopt the subcommittee's recommended amendments on House Bill 2256. Representative Fry seconded the motion. The motion passed. (See amendments attached to minutes of March 5, 1985.)

Representative Holmes made a motion to add a sunset provision to House Bill 2256. The motion was seconded by Representative Barr. (Attachment 1) Some discussion followed.

Representative Spaniol made a substitute motion to recommend House Bill 2256 as amended for interim study. The motion was seconded by Representative Webb. Representative Webb suggested that all bills related to water might benefit from more study. Speaking to House Bill 2256 and the substitute motion, Representative Barr felt that an interim study would not be required to determine whether or not an advisory committee was needed. Noting that the bill had no fiscal note, she supported the sunset amendment but urged the committee to vote against the substitute motion. Representative Spaniol disagreed with Representative Barr regarding a fiscal note on this bill because he felt one would be necessary. Representative Acheson commented that an interim study would also cost money. On a voice vote, the substitute motion to refer House Bill 2256 as amended for interim study appeared to pass. Division was requested. In a show of hands, there were 11 votes in favor and 7 opposed, so the motion did pass.

Representative Ott moved adoption of the Natural Resources Subcommittee report, which included recommendations to favorably pass House Bill 2307 (relating to 24 hour fishing licenses) and House Bill 2255 (relating to vendor's fee for issuance of non-resident fishing and hunting licenses). Representative Guldner seconded the motion.

Representative Grotewiel asked if the purpose of House Bill 2255 was to alleviate a problem in getting vendors. Representative Guldner answered that this was a problem and that more money needed to be offered in order to secure more vendors. Representative Grotewiel offered an amendment to House Bill 2255. (Attachment 2) He explained the amendment which related to bonding and which he felt would be an incentive for more people to become vendors. Representative Grotewiel moved his amendment to House Bill 2255 and Representative Webb seconded the motion. There was a question as to whether this amendment would be retroactive. It was concluded that the amendment was retroactive as presently drafted. Representative Grotewiel noted that his original motion to amend House Bill 2255 related only to the first page of the bill. A vote was taken and the motion passed.

Representative Ott moved to adopt the Natural Resources Subcommittee's recommended amendments to House Bill 2255. The motion was seconded by Representative Roe. (Attachment 3) It was explained that these amendments merely clarified the original intent of the bill. A vote was taken and the motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 313-S, Statehouse, at 3:30 ~~a.m.~~^{xxx} p.m. on March 7, 1985.

Representative Ott made a motion to adopt the Natural Resources Subcommittee report, which included recommendations to report House Bill 2307 and House Bill 2255 as amended favorably for passage. Representative Roe seconded the motion. The motion carried. Representative Patrick was appointed to carry House Bill 2255 and Representative Roe was appointed to carry House Bill 2307.

Representative Patterson moved that the Energy Subcommittee report as made on March 4 be approved. Representative Spaniol seconded the motion. Motion carried.

Turning to House Bill 2540, Chairman Fox recalled that this bill would make it clear that the Kansas Water Office "shall seek the advice from committees, representatives, of individuals with knowledge of and interest in water issues in the water planning areas." (Lines 28, 29, 30 and 31 of the bill.) (Attachment 4) A motion was made by Representative Ott and seconded by Representative Fry to amend in House Bill 2540, "consist of individuals with knowledge." The motion carried. Representative Grotewiel suggested in line 29 after the word "from", "all interested parties and committees consisting of individuals." Representative Barr made a motion to amend House Bill 2540 by putting after the word "from" on line 29, the words "individuals and" so that section would read "the Kansas Water Office and the Kansas Water Authority shall seek advice from individuals and committees consisting of individuals with knowledge of and interest". The motion was seconded by Representative Patrick.

During discussion, Joseph Harkins, Director of the Kansas Water Office, explained that this section of the law deals specifically with the preparation area for basin planning. He noted that another section of the same statute deals with general public input in the whole planning process that requires public hearings. He said that they had gone a step beyond that this year and held a series of public informational meetings before public hearings. He had no concern with the intent of the amendment, but suggested that the words "general public" would be consistent with the public hearing and public meeting process. Representative Barr amended her motion to insert on line 29 "general public." Representative Patrick agreed with this amendment and the motion passed. Representative Ott recommended House Bill 2540 as amended favorably for passage. Representative Grotewiel seconded the motion. The motion passed. Representative Grotewiel was appointed to carry the bill.

Moving to House Bill 2539, concerning the multipurpose small lakes program act, Representative Patrick commented that since two substitute bills had already been drafted and all three bills were substantively different from one another, and since the bill could involve considerable appropriations in the future, the committee needed time to study it further. Representative Patrick moved that a request be made to have House Bill 2539 rereferred to the Federal and State Affairs Committee and referred back to the Energy and Natural Resources Committee. Representative Acheson seconded the motion. The motion carried.

Regarding House Bill 2542, relating to financing of conservation structures, Representative Webb felt that this was a companion bill with House Bill 2539 dealing with small lakes. Representative Webb made a motion that a request be made to have House Bill 2542 rereferred to the Federal and State Affairs Committee and referred back to the Energy and Natural Resources Committee. Representative Patrick seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 313-S, Statehouse, at 3:30 ~~xxx~~ a.m./p.m. on March 7, 1985.

Turning to House Bill 2544, relating to the powers and duties of the Kansas Water Office, Representative Patrick referred to lines 58-61 which he felt indicated that this bill also was tied to the small lakes program. The Chairman asked if it was the desire of the committee to request that this bill also be rereferred to the Federal and State Affairs Committee. There were no objections to that action.

Before adoption of the minutes of March 4 and 5, Representative Barr had a question regarding the section of the March 4 minutes which related to Senate Bill 1. She asked if it was recorded what the staff had said concerning legislative intent in the use of the words "party" and "person". Chairman Fox noted that this was not recorded. Staff said that she had considered them the same until she was able to check further, but they are not the same in this act. It was noted that if a change were desired, it would need to be made on the floor of the House.

The meeting was adjourned at 4:30 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on March 19, 1985 at 3:30 p.m. in Room 313-S.

PROPOSED AMENDMENT TO HOUSE BILL NO. 2256

On page 2, following line 46, by inserting:

"(c) The provisions of this act shall expire on July
1, 1988."

HOUSE BILL No. 2255

By Committee on Energy and Natural Resources

2-8

Attachment 2 -- March 7, 1985
Energy and Natural Resources

0017 AN ACT concerning fish and game; relating to hunting and
0018 fishing licenses; amending K.S.A. 1984 Supp. 19-328 and
0019 32-104a and repealing the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1984 Supp. 19-328 is hereby amended to
0022 read as follows: 19-328. The county clerk of any county in this
0023 state may appoint such number of persons deemed necessary to
0024 serve the convenience of applicants for hunting, fishing and
0025 furharvester licenses and the clerk may authorize such persons to
0026 issue licenses to both residents and nonresidents of the state
0027 upon the payment of fees prescribed by K.S.A. 32-104a, and
0028 amendments thereto. Any person appointed may purchase the
0029 licenses for cash from the clerk or in lieu thereof, such person
0030 shall be required to execute a corporate surety bond to the state
0031 of Kansas conditioned to the payment of all license moneys
0032 received from the sale of hunting, fishing and furharvester li-
0033 censes and to pay the maximum value for all licenses not settled
0034 for and not returned to the county clerk appointing such person.
0035 The bond shall be in an amount to be fixed by the county clerk,
0036 but such amount shall not be less than the maximum amount
0037 which can be realized from the sale of the licenses in such
0038 person's possession. Such bonds shall be filed in the office of the
0039 county treasurer.

0040 Any person appointed by the county clerk electing to file a
0041 bond, upon the execution and filing of the required bond, shall
0042 be the agent of the county clerk for the issuance of hunting,
0043 fishing and furharvester licenses in the county during such time
0044 as the bond is effective until the appointment shall expire or be
0045 revoked. Persons electing not to file a bond shall become agents

The requirement to execute a surety bond required by this section shall be waived for any person who has issued licenses for at least three years and if such person has not violated the conditions of the bonds executed for those three years. No person shall qualify for a waiver of the execution of a surety bond, if such person violates or has ever violated the conditions of a previously executed bond required by this section or fails to return the license monies or unsold licenses.

0046 immediately upon their appointment. In addition to the license
0047 moneys to be collected by the appointed agents, the agents may
0048 collect a service charge fee of not to exceed \$.25 for each ~~resident~~
0049 ~~license issued and \$.50 for each nonresident license issued,~~
0050 which fee may be retained by the agent for services in connec-
0051 tion with the issuing of the licenses. The agent shall receive no
0052 additional compensation from the county clerk for such services.
0053 No agent appointed by the county clerk shall offer for sale a
0054 hunting, fishing or furharvester license for an amount less than
0055 the fee prescribed for such license by rule and regulation of the
0056 Kansas fish and game commission adopted pursuant to K.S.A.
0057 32-164b, and amendments thereto.

0058 All license fees collected by the bonded agent shall be paid to
0059 the county clerk at such times and places as the clerk shall
0060 designate, but settlement shall be made at least three days before
0061 the expiration date of the licenses in the possession of the agent.
0062 All unsold licenses shall be returned to the clerk. Upon receipt of
0063 such license fees, the clerk shall remit the entire amount thereof
0064 to the county treasurer in the manner provided in K.S.A. 32-104c,
0065 *and amendments thereto*, and such fees shall thereafter be
0066 disposed of in the manner provided for in K.S.A. 32-104c, *and*
0067 *amendments thereto*.

0068 Sec. 2. K.S.A. 1984 Supp. 32-104a is hereby amended to read
0069 as follows: 32-104a. Any citizen residing in Kansas may secure a
0070 license to hunt in Kansas upon application to any county clerk in
0071 this state or to a person appointed by a county clerk pursuant to
0072 K.S.A. 19-328, and amendments thereto, or to the director of the
0073 Kansas fish and game commission or the director's designee, and
0074 payment of a fee as prescribed by rule and regulation adopted
0075 under K.S.A. 32-164b, and amendments thereto. Any nonresi-
0076 dent may secure a license to hunt in Kansas upon application to
0077 any county clerk in the state or to a person appointed by a county
0078 clerk pursuant to K.S.A. 19-328, and amendments thereto, or to
0079 the director of the Kansas fish and game commission or the
0080 director's designee and payment of a fee as prescribed by rule
0081 and regulation adopted under K.S.A. 32-164b, and amendments
0082 thereto. A person may secure from any county clerk or a person

0084 appointed by a county clerk pursuant to K.S.A. 19-328, and
0085 amendments thereto, or the director of the Kansas fish and game
0086 commission or the director's designee a special license to hunt
0087 only on legally established game bird breeding and controlled
0088 shooting areas as provided for in K.S.A. 32-311 to 32-325, inclu-
0089 sive, and amendments thereto, by making application and pay-
0090 ment of a fee as prescribed by rule and regulation adopted under
0091 K.S.A. 32-164b, and amendments thereto. Any person residing in
0092 Kansas 16 years of age or older may secure a license to fish by
0093 applying to any county clerk in this state or to a person appointed
0094 by a county clerk pursuant to K.S.A. 19-328, and amendments
0095 thereto, or to the director of the Kansas fish and game commis-
0096 sion or the director's designee and payment of a fee as prescribed
0097 by rule and regulation adopted under K.S.A. 32-164b, and
0098 amendments thereto. Any nonresident may secure a license to
0099 fish in Kansas upon application to any county clerk in the state or
0100 to a person appointed by a county clerk pursuant to K.S.A.
0101 19-328, and amendments thereto, or to the director of the Kansas
0102 fish and game commission or the director's designee and pay-
0103 ment of a fee as prescribed by rule and regulation adopted under
0104 K.S.A. 32-164b, and amendments thereto. A nonresident fishing
0105 license may be issued for a period of five consecutive days upon
0106 the payment of the fee as prescribed by rule and regulation
0107 adopted under K.S.A. 32-164b, and amendments thereto, for a
0108 resident fishing license.

0108 Both resident and nonresident hunting and fishing licenses
0109 shall be good throughout the state. Any resident of the state of
0110 Kansas or nonresident may secure a furharvester license upon
0111 application to any county clerk in the state or to a person
0112 appointed by a county clerk pursuant to K.S.A. 19-328, and
0113 amendments thereto, or to the director of the Kansas fish and
0114 game commission or the director's designee and payment of a fee
0115 as prescribed by rule and regulation adopted under K.S.A. 32-
0116 164b, and amendments thereto. Such license shall be good
0117 throughout the state. The county clerk shall issue all licenses
0118 under seal. For the purpose of this act any person who has not
0119 been a bona fide resident of the state for 60 days then last past is

considered a nonresident of the state. The county clerk shall
0121 charge and retain \$.25 for each ~~resident license sold and \$.50 for~~
0122 ~~each nonresident license sold~~ and shall deposit the same in the
0123 general fund of the county. No hunting or furharvester license
0124 shall be issued to any person who has not complied with the
0125 provisions of K.S.A. ~~1982 Supp.~~ 32-106b to 32-106d, inclusive,
0126 *and amendments thereto*, or the provisions of K.S.A. 32-401 to
0127 32-403, inclusive, *and amendments thereto*, as the case may
0128 require.

0129 Sec. 3. K.S.A. 1984 Supp. 19-328 and 32-104a are hereby
0130 repealed.

0131 Sec. 4. This act shall take effect and be in force from and
0132 after its publication in the statute book.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Energy and Natural Resources

Recommends that House Bill No. 2255

"AN ACT concerning fish and game; relating to hunting and fishing licenses; amending K.S.A. 1984 Supp. 19-328 and 32-104a and repealing the existing sections."

Be amended:

On page 2, by striking all in lines 68 to 82, inclusive;

On page 3, by striking all in lines 83 to 119, inclusive;

On page 4, by striking all in lines 120 to 130, inclusive

and inserting:

"Sec. 2. K.S.A. 1984 Supp. 19-328 is hereby repealed."

By renumbering section 4 as section 3;

In the title, in line 18, by striking "and"; in line 19, by striking all before the period and inserting "and repealing the existing section";

And the bill be passed as amended.

Chairperson

HOUSE BILL No. 2540

By Committee on Energy and Natural Resources

2-27

0017 AN ACT concerning the state water plan; relating to the for-
0018 mulation thereof; amending K.S.A. 82a-903 and repealing the
0019 existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 82a-903 is hereby amended to read as fol-
0022 lows: 82a-903. In accordance with the policies and long-range
0023 goals and objectives established by the legislature, the office
0024 shall formulate on a continuing basis a comprehensive state
0025 water plan for the management, conservation and development
0026 of the water resources of the state. Such state water plan shall
0027 include sections corresponding with water planning areas as
0028 determined by the office. *The Kansas water office and the*
0029 *Kansas water authority shall seek advice from committees rep-*
0030 *resentative of individuals with knowledge of and interest in*
0031 *water issues in the water planning areas.* The plan shall set forth
0032 the recommendations of the office for the management, conser-
0033 vation and development of the water resources of the state,
0034 including the general location, character, and extent of such
0035 existing and proposed projects, programs, and facilities as are
0036 necessary or desirable in the judgment of the office to accom-
0037 plish such policies, goals and objectives. The plan shall specify
0038 standards for operation and management of such projects, pro-
0039 grams, and facilities as are necessary or desirable. The plan shall
0040 be formulated and used for the general purpose of accomplishing
0041 the coordinated management, conservation and development of
0042 the water resources of the state. The division of water resources
0043 of the state board of agriculture, state geological survey, the
0044 division of environment of the department of health and envi-
0045 ronment, state park and resources authority, fish and game com-

0046 mission, state conservation commission and all other interested
0047 state agencies shall cooperate with the office in formulation of
0048 such plan.

0049 Sec. 2. K.S.A. 82a-903 is hereby repealed.

0050 Sec. 3. This act shall take effect and be in force from and
0051 after its publication in the statute book.