

Approved February 15, 1990  
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Dennis Spaniol at  
Chairperson

3:30 ~~am~~/p.m. on February 13, 1990 in room 526-S of the Capitol.

All members were present except:

Representative Charlton (Excused)

Representative Sughrue (Excused)

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research

Pat Mah, Legislative Research

Mary Torrence, Revisor of Statutes' Office

Maggie French, Committee Secretary

Conferees appearing before the committee:

Representative Jack Lacey, Second District

Mr. Spencer Tomb, President, Kansas Wildlife Federation, Inc.

Mr. Darrel Montei, Special Assistant, Kansas Department of Wildlife and  
Parks

Ms. Jean Barbee, Executive Director, Travel Industry Association of Kansas

Chairman Dennis Spaniol called the meeting to order.

House Bill No. 2843 concerning wildlife; requiring a permit to engage in certain commercial guide services relating to hunting and fishing activities.

Representative Jack Lacey was recognized by the chairman and testified as a proponent on House Bill No. 2843 (Attachment 1). In response to questions from the committee, Representative Lacey stated nearly all of the western states and most of the eastern states license guides; he believes it would be beneficial for guides to know rules and regulations for commercial participation as well as safety rules to better inform the public. Discussion followed on maximum and minimum fees for guide permit applications.

The chair recognized Mr. Spencer Tomb, President of Kansas Wildlife Federation, Inc., who presented testimony in favor of House Bill No. 2843 (Attachment 2). Discussion following included examples of persons receiving services who are not charged a fee by the group providing the services; the possibility of requiring a guide permit for fee fishing activities, etc. Representative McClure requested examples of the policies of neighboring states regarding commercial guide licenses be provided to the committee. Mr. Tomb stated the Kansas Wildlife Federation, Inc., feels this legislation is needed and that fees should be charged for persons earning profit from natural resources in Kansas.

Mr. Darrel Montei, Special Assistant, Kansas Department of Wildlife and Parks testified as a proponent on House Bill No. 2843 (Attachment 3). Discussion continued regarding the number of persons expected to register as commercial guides; the potential promotion use of a list of guides, and the possibility of permissive approach in issuing commercial guide permits. Representative Lacey stated this bill would not interfere with what landowners do on their own land. Mr. Montei emphasized the fees should cover the costs of administering the program.

Ms. Jean Barbee, Executive Director, Travel Industry Association of Kansas, testified as a proponent on House Bill No. 2843 (Attachment 4), stating that the travel industry services would be upgraded by requirement of commercial guide permits. Discussion followed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
room 526-S Statehouse, at 3:30 ~~xxx~~ p.m. on February 13, 1990

Hearings on House Bill No. 2843 were concluded by the chairman.

The meeting adjourned at 4:32 p.m.

The next meeting of the committee is scheduled at 3:30 p.m. on February 15, 1990.





JACK LACEY  
REPRESENTATIVE, SECOND DISTRICT  
CHEROKEE, LABETTE, AND  
MONTGOMERY COUNTIES  
P.O. BOX 6  
OSWEGO, KANSAS 67356



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: AGRICULTURE AND SMALL BUSINESS  
ENERGY AND NATURAL RESOURCES  
TRANSPORTATION

February 13, 1990

Testimony before House Energy and Natural Resources Committee  
on H.B. 2843.

Chairman Spaniol and members of the committee, H.B. 2843 will:  
Establish a guide permit.

Anyone guiding others for commercial purposes would need a  
permit.

Establish an associate guide permit.

Anyone working as a guide for a commercial guide would need  
an associate guide permit.

Sets a fee structure for guide and associate guide permits.

Permit requirements would become effective January 1, 1991.

Application process would be established by the Department of Wildlife  
and Parks.

Requires those guiding to have appropriate licenses and stamps.

Guides could not actually take fish and wildlife for others, but  
can assist.

Provides a guide service brochure for public information.

Allows permit exemptions:

Landowners on their own land.

Controlled Shooting Area operators on their CSA.

Those assisting with a department approved event.

*H ENERGY AND NR  
2-13-90*

*ATTACHMENT 1*

Need for Bill:

Management of wildlife is the responsibility of Wildlife and Parks.

A growing non regulated business dealing in wildlife resources.

Permitting will enhance:

Public confidence

User enjoyment

Recreation

Tourism

Knowledge of guides

Public safety

Public welfare

This bill is not intended to stop or even curtail commercial guiding, in fact, it is intended to elevate the status of commercial guiding, and promote tourism in a positive and business like manner.

Suggested amendments:

Page 2 line 18, change to 1, Jan. 91

Page 2 line 40, change to Dec. 31, each year

Page 5 line 31, change to Statute Book

# Kansas Wildlife Federation, Inc.

P.O. Box 5715  
Topeka, Ks. 66605  
TESTIMONY HB2843

Affiliate of National Wildlife Federation  
913/266-6185

200 S.W. 30th  
Suite 101  
Topeka, Ks. 66611

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE  
PRESENTED By Spencer Tomb  
February 13, 1990

The Kansas Wildlife Federation is a not-for-profit, natural resource conservation and education organization. Our 8000 volunteer members join with the 10,000 Kansas members of our national affiliate organization, The National Wildlife Federation, to support the sound use, management and enjoyment of our vital air, water, soil and wildlife resources.

The Federation thanks you for this opportunity to testify in support of HB 2843.

In the 1960's and early 1970's, most of the Federal Reservoirs were constructed in Kansas. These reservoirs provided Kansans and non-residents with a new fishing experience - that of a larger lake, open-water fishing. This type of fishing led to new business opportunities such as bait and tackle dealers and marinas. This type of fishing, to be successful, also required more specialized fishing gear and greater knowledge of fish habits and the lake. Thus, guide services, for successful fishing on these waters, became a very attractive business venture, and these services continue to expand today.

At the present time Kansas has many good fishing guides that not only are interested in the profit to be made, but who are also interested in the fisheries resource and its wise management. However, there are a few guides who may be only interested in the quick and easy money and have no consideration for the resource or for the safety of, or the service to, the buyer. Unfortunately, the State has no regulatory process, thus little is known about the real status of fishing guides in Kansas.

We are now seeing hunting guide services develop throughout the State at an increasing rate. As with fishing, these guide services probably range from those who provide quality services and a positive resource ethic to those who exploit the resources for the quick dollar. In the Manhattan area a local dog trainer guides quail hunters in the fall for \$400 per day plus expenses. So we have guides in Kansas. Should this bill pass and we hope it will, the Federation will work with the Secretary of Wildlife and Parks and the Wildlife and Parks Commission through the Regulatory process to see that guides and associate guides licensed in Kansas have an examination on wildlife conservation, outdoor ethics and either fisheries or wildlife biology. The guides should also have a continuing education requirement for re-licensing. Guides that violate wildlife laws should lose their permit to guide and there should be a stiff fine for guiding without a guide permit. The maximum fee should be higher than \$50, as a guide is making a hefty profit from our Kansas resources.

The KWF membership in its 1988 Annual Meeting considered the guide issue and expressed its concern by passing a resolution calling for State regulation of guides. This resolution, 1988-7, is attached.

H ENERGY AND NR  
2-13-90

ATTACHMENT 2

Resolution 1988-7

REGULATION OF GUIDES AND OUTFITTERS IN KANSAS

WHEREAS, some individuals in Kansas are providing services to hunters, fishermen, and other recreationists for pay and the number of these individuals is growing; and

WHEREAS, recreationists paying for such services deserve to receive quality service and freedom from unscrupulous guides and outfitters; and

WHEREAS, in many other states guides and outfitters are regulated for the benefit of natural resources, the public, the recreationists paying for such services, and the guide and outfitter business itself;

NOW, THEREFORE, BE IT RESOLVED that KWF, Inc. in annual meeting assembled on October 30, 1988, in Lawrence, Kansas, calls on the Kansas Legislature to pass a statute giving the Kansas Department of Wildlife and Parks authority to establish rules and fees to regulate the guiding and outfitting business in Kansas.



H.B. 2843

Testimony Presented to the House Energy and  
Natural Resources Committee

February 13, 1990

Provided by: Kansas Department of Wildlife and Parks

H.B. 2843 would create a commercial guide permit requirement for persons who provide hunting or fishing guide services for others on a commercial basis. Associate guides are defined and included. A permitting system is established and a fee structure for permits is created.

The Department supports H.B. 2843. A permitting system for commercial guides is used in most of the western states and to a lesser extent in the east. Commercial guiding is a growing business in Kansas and provides a valuable service both for residents and visitors to our state. Establishment of a state permitting system will enhance the credibility of those offering guide services and the confidence level of those engaging the services of a guide.

The Department receives many inquiries each year about where to hunt or fish in Kansas and how to best go about those activities. Many of these people inquire as to the availability of guides. A listing of licensed guides would be a valuable asset to help attract sportspersons and provide those people an enjoyable experience in our state.

*H ENERGY AND NR  
2-13-90*

*ATTACHMENT 3*

STATEMENT



Travel  
Industry  
Association of  
Kansas

810 Merchants National Bank  
8th & Jackson  
Topeka, Kansas 66612  
913/233-9465 FAX 913/357-6629

DATE: February 13, 1990  
TO: HOUSE ENERGY & NATURAL RESOURCES COMMITTEE  
FROM: Jean Barbee  
Executive Director  
RE: HB:2843 - Commercial Guide Services Permits

Mr. Chairman, members of the committee, my name is Jean Barbee. I am the Executive Director of the Travel Industry Association of Kansas (TIAK). TIAK membership is made up of both public and private sector companies or organizations who are interested in the promotion of tourism in Kansas. For example, hotels and motels, restaurants, chambers of commerce, convention and visitors bureaus, museums and other attractions, make up the bulk of our membership.

I am here today to support Representative Lacey's House Bill 2843, requiring a permit to engage in commercial guide services for hunting and fishing activities in the State.

I do not fish or hunt and I do not own any land in Kansas other than a house lot. But I do know that our natural resources of fish and fowl are drawing many tourists to our state annually.

TIAK has two members who are involved daily with hunting and fishing activities in their community — Marv McCown, Executive Director of the El Dorado Chamber and CVB and Chris Collier, CVB Director of Great Bend.

They tell me they have no objection to this bill. In fact, they believe that these minimum requirements would serve to upgrade the services available to our tourists who seek assistance in hunting and fishing in Kansas.

Chris Collier told me that several years ago she was in the process of putting together a list of referrals to respond to the many requests she has. Before publishing the list, she had it reviewed by her local game warden. She was astonished to find that several of the people she had been recommending as guides had actually been fined several times by the game warden for various infractions and the game warden would prefer that the name was not distributed.

Chris said that most of her out of state hunters come from Oklahoma and Texas and they are used to paying for the service. In fact, they prefer that to going out alone and taking the chance of hunting on the wrong land. She also said she did not believe her local guides would object to paying the permit fee, since the establishment of the permit would lend credibility to what they are doing and they would be able to charge a larger fee to recoup their expenses.

On the whole, it appears to the travel industry that a commercial guide permit would serve to upgrade the services of this segment of our industry. We support the legislation.

I will be happy to attempt to answer any of your questions.

H ENERGY AND NR  
2-13-90  
ATTACHMENT 4