

Approved: 3-5-96
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on February 20, 1996 in Room 254-E- of the Capitol.

All members were present except:

Senator Vancrum, Excused
Senator Hardenburger, Excused

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

Conferees appearing before the committee:

Others attending: See attached list

SB-473--amending the nongame and endangered species conservation act; concerning the listing of nongame, threatened and endangered species.

Chairperson Sallee called the attention of committee members to a handout provided by William Craven concerning a proposal agreed to by interested parties which would create a task force to review the state endangered species act (Attachment 1).

The Chair stated that the Department of Wildlife and Parks as well as the Kansas Building Industry Association had requested a position on the task force. He further noted the institution of a task force would hold up any further requests for threatened or endangered species declarations other than the Topeka Shiner until such time as the task force could report back to the 1997 Legislature.

A member stated they had no objections concerning the task force but felt assurance was needed on the issue of the Topeka Shiner.

Secretary Williams of the Department of Wildlife and Parks told the committee he could not personally guarantee the Topeka Shiner issue could be held up since it was under the purview of the Kansas Wildlife Commission. The Topeka Shiner issue was addressed in public hearings in January and continued until a meeting scheduled in April. It was suggested Secretary Williams speak with the commissioners in an attempt to learn what their April action might be.

Secretary Williams stated there were no other species being considered at this time, therefore there would be no difficulty in waiting for the task force to report to the 1997 legislature.

A member questioned whether the Kansas Wildlife Commission was advisory in nature. Secretary Williams stated they were both advisory and a regulatory board with the Topeka Shiner issue being a regulatory issue. He further stated the commissioners pass the regulations and the Secretary adopts them. Counsel for Secretary Williams stated the role of the Commission is to set out guidelines for the Secretary to follow but it is the "course of conduct" to have the recommendation of the commission followed. The Secretary is the one who actually adopts the regulations and he could, in his own capacity, suspend that for a period of time.

A member questioned who sets the agenda. Secretary Williams stated the Commission sets the agenda and meeting dates but it would be his intention, with the Commission's approval, to withdraw the Topeka Shiner issue from consideration.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ROOM 254-E-Statehouse, at 8:00 a.m. on February 20, 1996.

In an effort to obtain assurance this issue would be suspended Secretary Williams was asked to attempt to ascertain the feelings of the Commission. This in turn would guide action on the bill.

Chairperson Sallee suggested the possibility of having the bill referred to Senate Ways and Means until proper assurances could be given concerning the Topeka Shiner issue.

A member questioned whether Attachment 1 was in the form of a bill proposal with the Chair stating it was, with two other entities requesting to be added to the list shown in Attachment 1.

Senator Tillotson made a motion to change SB 473 to a substitute bill and refer the bill to Ways and Means Committee to be re-referred, also to add the Department of Wildlife and Parks and the Kansas Building Industry Association to those groups specified in the task force proposal. Senator Lawrence seconded the motion and the motion carried.

The meeting was recessed until adjournment of the Senate when the committee will meet in Room 521-S.

The next meeting is scheduled upon adjournment of the Senate February 20, 1996 in Room 521.

WILLIAM J. CRAVEN

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February 15, 1996

Hand-delivered

Hon. Don Sallee
Senate Energy and Natural Resources Committee
Statehouse
Topeka, KS 66612

Re: State Endangered Species
Taskforce Proposal

Dear Senator Sallee:

On February 13, several of the stakeholders in the endangered species issue met at my office. In attendance was Cynthia Abbott from Kansas Audubon, Bill Fuller and Leslie Kaufman from the Kansas Farm Bureau, Mike Beam from the Kansas Livestock Association, and Duane Hund, the landowner who has been involved in watershed district negotiations with the Department of Wildlife and Parks. Our purpose in meeting was to try and reach agreement on who should be participants in a review of the state endangered species act consistent with my testimony to the committee.

I am pleased to report that we accomplished that goal with little or no difficulty. Our plan is as follows: Kathy George from Junction City, as chair of the Kansas Nongame Advisory Council, was agreeable to chair at least the initial meeting of the task force. We agreed to have the task force select its own chair at the first meeting, and the permanent chair may or may not be Kathy George.

We also agreed that the following groups who are already members of the Nongame Advisory Council should be invited to participate: The Kansas Farm Bureau, the Kansas Advisory Council on Environmental Education, the Kansas Chapter of the American Fisheries Society, the Kansas Herpetological Society, the Kansas Chapter of the Wildlife Society, and the Kansas Ornithological Society. We will leave it to the discretion of each of these groups whether their current representative on the Nongame Advisory Council will attend these task force meetings or whether a new designee will be appointed. In addition, we agreed that a representative of the Kansas Livestock Association, the Kansas Audubon Council, the Kansas Association of Conservation Districts, the Kansas Natural Resource Council, and Duane Hund, as a private landowner, should be invited to participate. Including Kathy George, there will therefore be 12 participants.

The net result is that not all the groups who are members of the Nongame Advisory Council will be asked to send a voting member to this task force. Our attempt was to keep this task force membership to a number that is workable. Those at the meeting at my office agreed that these proposed participants are acceptable representatives of the diverse interests which are involved in this issue. We also agreed that we would try to develop our recommendations through consensus, not by a series of "us against them" votes.

Senate Energy & Natural Res
February 20, 1996
Attachment 1

Our plan is to conduct a series of meetings during the summer and fall. The exact number hasn't been determined, but we generally agreed that at least four meetings will be held. My assumption is that the location will vary. We plan to make recommendations prior to the 1997 legislative session. We intend to keep all of our meetings public, and to allow for interested parties to attend and to give an opportunity to present their views.

I am pleased that we (all of those who participated) have been able to work this out to this point. If you have any questions or comments, I'm sure you will let me know.

Thank you for your consideration in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Bill Craven".

William J. Craven