

Approved: 3-10-99  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:12 a.m. on March 9, 1999 in Room 254-E of the Capitol.

All members were present except: Senator Vratil who was excused.

Committee staff present:

Raney Gilliland, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Clint Riley, Wildlife and Parks

Others attending: See attached list.

The minutes of March 3 and 4 were presented for approval. With a motion from Senator Morris and a second from Senator Biggs the minutes were adopted.

Chairperson Corbin opened the hearing on **HB 2104-- concerning controlled shooting areas would delete "turkey" from the definition of "game bird"**. He called on Clint Riley.

Clint Riley, Wildlife and Parks, supported the bill as the department considers it to be relatively simple clean-up legislation (Attachment 1).

The hearing was closed.

A motion was made by Senator Goodwin to have HB 2104 placed on the consent calendar. The motion was seconded by Senator Morris. The motion carried.

The hearing on **HB 2105** was opened. **HB 2105**—Boating under the influence of alcohol or drugs. Clint Riley was called to testify.

Clint Riley, Wildlife and Parks, said their department asked to have the bill introduced to reconcile inconsistencies among current boating under the influence (BUI) laws, and would bring BUI laws once more in line with DUI laws. He discussed the four basic components of the bill (Attachment 2). Mr. Riley responded to questions about the conformity with the DUI statutes. Concern was raised regarding new paragraph 2 in Section 1 (page 1, lines 20-22). The committee asked whether this accurately reflects the "zero tolerance" provision in the current laws for driving under the influence. Mr. Riley said it was their intention that the legislation would parallel the established penalty for violation of the "zero tolerance" provision in the driving statutes. He was asked to review the statutes and to bring the committee language that would confirm.

The hearing was closed on **HB 2105**. Chairperson Corbin said the bill would be scheduled for discussion next week, and he asked that Mr. Riley review the statutes and bring the committee some cleanup language.

The meeting adjourned at 8:29 a.m. The next meeting is scheduled for March 10, 1999.





STATE OF KANSAS  
DEPARTMENT OF WILDLIFE & PARKS

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**HOUSE BILL NO. 2104**

**Testimony Provided to  
Senate Committee on Energy and Natural Resources  
March 9, 1999**

For purposes of controlled shooting area law and regulation, the current definition of "game bird" includes "turkey" (K.S.A. 32-943). This conflicts with other statutory definitions, in which turkeys are classified as big game animals. To reconcile these statutes and prevent confusion, HB 2104 would delete turkeys from the definition in K.S.A. 32-943.

Records submitted to the department by current controlled shooting areas indicate that no current areas release pen-raised turkeys, and therefore no current areas would be affected by the bill. To the extent the release of pen-raised turkeys may spread certain diseases to wild populations, which has been documented in certain instances, the bill could have positive long-range impact by preventing such disease.

The department considers HB 2104 to be relatively simple clean-up legislation, and supports its passage.

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Senate Energy & Natural Resources

Attachment: /

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**HOUSE BILL NO. 2105**

**Testimony Provided to  
Senate Committee on Energy and Natural Resources  
March 9, 1999**

House Bill No. 2105 would reconcile inconsistencies among current boating under the influence (BUI) laws, and would bring BUI laws once more in line with DUI laws. The four basic components include:

- Establish that an alcohol concentration level of .08 would constitute prima facie evidence of boating under the influence (the legal alcohol concentration was lowered to .08 along with DUI laws, but the concentration for prima facie evidence exists in a different statute, and was left at .10).
- Establish a minimum fine of \$100 for second and subsequent conviction of BUI (a minimum fine of \$100 already exists for first conviction).
- Establish the same "zero tolerance" provision as DUI for persons less than 21 years of age (prohibit an alcohol concentration of .02 or greater).
- Establish the use of a preliminary screening tests for BUI, to mirror DUI laws.

In the past, BUI alcohol concentration limits have been consistent with those of DUI laws, and the fact that they were not adjusted at the same time as those of DUI laws seems to be simple oversight. Strong BUI laws are important to the state for much the same reason as are strong DUI laws: At a minimum, 50% of the boating-related fatalities in Kansas reported to the Department in the last three years involved alcohol. Perhaps most striking, this percentage is much higher than the estimate for non-fatal boating accidents, demonstrating the importance of prevention of over-indulgence of alcohol while on the water. And, of course, when a boater who has over-indulged leaves the water to drive home, they are no safer just because they are on the state's highways.

These amendments to the BUI laws may be considered a minor, technical adjustment, but the Department of Wildlife and Parks believes they serve a vital interest of the state, and strongly supports HB 2105.

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Senate Energy & Natural Resources

Attachment: 2

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