

MINUTES OF THE HOUSE COMMITTEE ON TOURISM.

The meeting was called to order by Chairperson Carol E. Beggs at 3:35 p.m. on January 29, 2001 in Room 522-S of the Capitol.

All members were present except: Margaret Long - Excused
Jeff Peterson - Excused
Broderick Henderson - Excused
Don Myers - Excused

Committee staff present: Renae Jefferies - Advisor
Hank Avila - Research
Russell Miller - Research

Conferees appearing before the committee: Clint Riley of Wild Life and Parks

Others attending: See attached list

Presentation by Wild Life & Parks Department regarding HB 2098

Mr. Clint Riley, counsel for Wild Life & Parks Department, made a presentation regarding **HB 2098**. This bill was requested by the Wild Life & Parks Department, and addresses a number of issues concerning commercial hunting and fishing guides and guides permitting requirements.

The bill is identified as having eleven separate issues which are:

1. Expungement
2. "Provisional Guide" Elimination
3. Educational and not-for-profit events
4. Monetary Compensation
5. Minimum Age
6. Application Date
7. Associate Guides
8. Written Permission of Landowner
9. Grounds for Denial of a Permit
10. Access to Criminal History Information
11. Results of Prosecutions

(Attachment 1)

The requirements for application of a commercial hunting and fishing guide permit are taking a test, showing that you have passed the CPR, boater's safety, criminal background check and payment of \$50.00. This is renewed annually. There are approximately 350 licenses sold per year.

Mr. Riley concluded his presentation by answering questions for the committee members.

Chairman Beggs asked for a motion for approval of the minutes. The motion was made by Representative Ethel Peterson and seconded by Representative Larry Campbell. Minutes were approved as read.

The next meeting will be Wednesday, January 31, 2001 with guest speaker, Dr. Raymond Powers from the Kansas State Historical Society. Also there will be a presentation by Marion Cott of the Kansas Humanities Counsel. Mr. Clint Riley will return as a proponent of **HB 2098** and Jean Barbee will return as an opponent of **HB 2098**.

Chairman Beggs asked for a motion of adjournment. Representative Ballou made the motion of adjournment seconded by Representative Novascone. Meeting adjourned at 4:40 p.m.



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DEPARTMENT OF WILDLIFE & PARKS

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HOUSE BILL NO. 2098

Testimony Provided to
House Committee on Tourism
January 29, 2001

House Bill No. 2098 addresses a number of issues concerning commercial hunting and fishing guides and guide permitting requirements. This bill was one of the department's legislative initiatives and is supported by the department.

Over the last couple of years, a number of comparatively small issues have arisen concerning rules for commercial guide permits. In some cases, these questions came from current guides or from public comments at Wildlife and Parks Commission meetings held throughout the state. HB 2098 pulls together many of those issues into one bill. Most of the bill's proposals are distinct and separate, and are included together in an attempt to address as many issues as possible while the statute is being amended. This testimony will address each issue in the order it appears in the bill, and not necessarily in order of priority or importance.

1. Expungement: Current law allows guide permits to be revoked, denied, or suspended for certain criminal violations. In at least one case, the department has become aware of a guide applicant who has had series of wildlife convictions expunged. The bill would add the department to the list of entities that may receive information about previous convictions, even after expungement, but only for the purposes of evaluating eligibility for a guide permit.
2. "Provisional Guide" Elimination: Under current law, a person is not required to obtain a guide permit if guiding for fewer than 5 days and receiving less than \$500 compensation. However, such an individual is required to register as a provisional guide. Very few of those who perform these incidental guiding services actually do register, however. More important, concerns have been raised that some individuals have abused the provisional guide provision, for example by linking a number of provisional guides so that no single person has to obtain a permit. However, the department agrees that someone who happens to take a friend or relative hunting and receives a token amount of compensation to cover expenses should not be required to obtain a guide permit. Consequently, the bill proposes to eliminate provisional guides, but at the same time establish a definition of "commercial basis" that more accurately reflects the intention of the law.
3. Educational and not-for-profit events: The bill clarifies a current exemption concerning department-approved activities for which a guide permit is not required, including clarification so that a person would still be required to obtain a guide permit if providing guide services other than for that activity.

4. Monetary Compensation: By further defining commercial basis, above, the bill can also eliminate the exemption for “guides” who don’t receive monetary compensation. Confusion has resulted when a person may be guiding for money, but has not yet actually been paid.
5. Minimum Age: The bill would establish a minimum age of 16 years for commercial guides. No minimum age currently exists, and there still would be no minimum age for associate guides who work under a commercial guide.
6. Application Date: The bill would establish authority for the department to set a date by which guide applications must be received. Although different dates may be necessary for different types of guiding (e.g. big game hunting vs. fishing), this would help ensure that the department would be able to review and respond to applicants well before the beginning of the relevant hunting or fishing season.
7. Associate Guides: A person working for a commercial guide as a guide is currently required to obtain a associate guide permit. The bill would specify that, if the person already has a full commercial guide permit, a separate associate guide permit is unnecessary.
8. Written Permission of Landowner: In response to concerns that some commercial guides have either committed trespass or have not informed a landowner that the guide is operating a commercial venture, the bill would require that a guide have written permission of the landowner to perform guide services on that property.
9. Grounds for Denial of a Permit: Current law specifies that a permit may be denied, suspended, or revoked for conviction of a felony within five years or for failure to comply with Kansas Wildlife and Parks laws or regulations. Concerns have been raised that a hunting or other relevant violation in another jurisdiction should also be considered grounds for denial, and that some felonies should be considered even after five years. Any decision to deny, suspend, or revoke a permit would continue to be subject to an administrative hearing.
10. Access to Criminal History Information: Some questions have arisen concerning the department’s authority to conduct certain types of criminal background checks in conjunction with guide applications. In order to allow the department to check the requirements outlined in the law, the bill would specify authority to receive criminal information from the KBI.
11. Results of Prosecutions: The bill would also clarify that the department is to receive reports of the disposition of a Wildlife and Parks related prosecution, even if the prosecution settles and does not actually go to trial.

The department feels each of these distinct proposals in HB 2098 would help improve the quality of service provided by commercial guides in Kansas, and would help the department protect the natural resources. We ask that HB 2098 be approved by the Committee.