

Approved: March 9, 2006

Date

## MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 20, 2006, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Emalene Correll, Kansas Legislative Research Department  
Lisa Montgomery, Revisor of Statutes Office  
Judy Holliday, Committee Secretary

Conferees appearing before the committee:

David Pope, Chief Engineer, Department of Water Resources  
Tracy Streeter, Kansas Water Office  
Brent Haden, Asst. Counsel, Kansas Livestock Assn.  
Mike Hayden, Secretary of Wildlife and Parks

Others attending:

See attached list.

Chairperson McGinn opened the meeting with discussion on **SB 459, Concerning persons who owe arrearages on child support, Secretary of Wildlife & Parks not issue license, permit, stamp or tag to person.** Chairperson McGinn told the Committee in the past there was no centralized system, and the bill has surfaced due to federal changes in child support laws. Senator Francisco made a motion to move the bill out of Committee, seconded by Senator Taddiken. The motion carried.

Chairperson McGinn called the Committee's attention to **SB 540, Requiring submission of breach inundation maps for dams.** She asked the Committee members to read the handout from Dan Riley, Chief Legal Counsel for the Kansas Department of Agriculture, regarding a legal opinion on liability when a state licensed dam fails (Attachment 1). Chairperson McGinn asked for discussion on the bill. Senator Francisco told the Committee that she understood the insertion of the word "may" rather than "shall" meant they would not be requiring maps on every structure, but only when the classification of the dam changed.

David Pope, Chief Engineer, Department of Water Resources, told the Committee the intent of the language was a tool for getting information out to the public regarding a breach in a dam. He stated that maps for all dams are not necessary as they are too expensive, but from now on would be used to make selective decisions regarding zoning for high-hazard dams.

Senator Ostmeyer asked if there had been a problem in asking for this bill, and Mr. Pope stated that the essence of the law was not that maps were required, but that they would be filed with the Register of Deeds in the county.

Senator Bruce asked about the cost of the maps. Mr. Pope stated that it could be around \$5,000 if there is development below the dam or if extensive surveying is needed. Senator Bruce asked about notification of county officials, and Mr. Pope told the Committee that in addition to zoning authorities, developers, and the registers of deeds, the landowners could be notified via registered mail that their properties are in a breach zone. Mr. Pope noted that the language could be inserted, "and such other officials as may be appropriate" to give the Department the latitude to work with various county officials.

Senator Bruce stated that he felt the statute is overly broad, and the use of "shall" is not correct because it does not provide for a dam owner applying for a downgrade of a dam to be covered.

Senator Huelskamp told the Committee he feels it premature to make any recommendations until the Committee hears from some registers of deeds and others with input on where the bill needs to go. Chairperson McGinn stated she felt it was a two-step process and that she would like to move it forward to the Senate floor for debate and perhaps amend it there.

## CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on February 20, 2006, in Room 423-S of the Capitol.

Tracy Streeter, Kansas Water Office, stated that the Shawnee County Register of Deeds was in attendance at the last Committee meeting and was comfortable with the notification process as long as agency personnel worked with them on the proper format in satisfying the intent of the legislation.

Brent Haden, Kansas Livestock Association, stated that the KLA's position on this bill is that if notification goes to the registers of deeds, it needs to go to the landowners and all that are affected, and that the language should be amended to that effect.

Senator Lee made a motion that the bill be blessed and worked on when there is more information received, seconded by Senator Ostmeyer. The motion carried.

Senator Janis Lee testified before the Committee on **SB 526, Concerning deer licenses** (Attachment 2). Senator Lee explained the bill came from Wildlife and Parks after the legislative session last year and without the input of the legislative committee that non-residents would be allowed to purchase non-antler permits over the counter regardless of whether they had been successful in the drawing for antlered tags. The new regulation states that "All deer hunters will be required to have deer permit that allows them to take an antlered deer before they may acquire an antlerless-only permit or game tag." The reason given to her by Wildlife and Parks was that when a wildlife officer found a group of non-resident hunters and only one had a non-resident antler permit, the officer could not be certain which hunter had shot the antler deer. Another reason given was that probably the best marksman in the group who shot the deer may not be the one with the non-resident antler permit. Senator Lee stated that she did not see the logic in the position Wildlife and Parks has taken on this issue.

Senator Lee stated that the statistics have shown that many of the antlerless permits were purchased by non-resident hunters who were not lucky in the drawing but were willing to spend \$320 plus the cost of a non-resident hunting license to hunt deer in Kansas. This impacts the Wildlife and Parks budget and the travel and tourism industry in Kansas.

Senator Lee told the Committee that as she drives across the state, her concern is not about the other drivers but about the abundant population of deer that she may encounter on the roads. She called the Committee's attention to the attachment to her testimony which showed the number of deer-related automobile accidents by county since 1973.

Senator Lee testified that she had talked to numerous Legislators and had not found anyone in favor of the change made last year, and the benefits of the old legislation far outweigh the new regulation with regard to the state's economy and in deer population management. Senator Lee told the Committee that she felt this bill should be tabled at this time.

Chairperson McGinn asked the Committee to entertain a motion that this bill be blessed. Senator Ostmeyer so moved, seconded by Senator Teichman, and the motion carried.

Mike Hayden, Secretary of Wildlife and Parks, testified in opposition to **SB 526**. Secretary Hayden told the Committee that deer poaching by non-residents was a continuing problem and employees of the agency were trying to stop illegitimate hunters. He testified that since the bill would reduce poachers, law enforcement likes the bill. He agreed with Senator Lee that it would be best to hold the bill over for additional discussion. Senator Lee asked Secretary Hayden how much deer poaching was done by Kansas residents, and Secretary Hayden replied that about 17% of poachers are residents.

Christopher Tymeson, Chief Legal Counsel for Wildlife and Parks, was asked about preference points, and he replied that there are preference points whereby a hunter would pay \$20, and if their name is not drawn then they get an extra chance in the drawing for the next year. Senator Lee stated that she felt the system was skewed by allowing this to occur.

With no further discussion to come before the Committee, the meeting adjourned at 9:25 a.m.