

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Carolyn McGinn at 8:30 a.m. on February 10, 2006, in Room 423-S of the Capitol.

All members were present except:
Senator Terry Bruce- excused

Committee staff present:
Raney Gilliland, Kansas Legislative Research Department
Lisa Montgomery, Revisor of Statutes Office
Judy Holliday, Committee Secretary

Conferees appearing before the Committee:
Christopher J. Tymeson, Chief Legal Counsel, Kansas Division of Wildlife and Parks
Travis Whitt, Area Coordinator for Kansas Boat Education, Kansas Division of Wildlife & Parks
William Rice, Deputy Regional Administrator, Region VII, United States Environmental Protection Agency
John W. Mitchell, Director, Bureau of Environmental Field Services, Kansas Department of Health & Environment
Ron Hammerschmidt, Kansas Department of Health and Environment
Barb Hinton, Legislative Post Auditor

Others attending:
See attached list.

Chairperson McGinn opened the hearing on **SB 417, a bill imposing certain requirements for boating.** Christopher Tymeson, Kansas Wildlife and Parks, presented the Department's testimony on this bill relating to recreational boats in Kansas (Attachment 1). Mr. Tymeson called the Committee's attention to the handout which provided amendments recommended by the Department to definitions contained in the bill, specifically defining "cargo" as skiers being pulled behind a boat; clarification on light requirements and sound; limiting skiing from sunrise to sunset; requiring a skier down flag; requiring a vessel numbering system similar to vehicle numbering to assist law enforcement in marine theft cases; and requiring that fines collected from boating violations be credited to the Boating Fee Fund. Mr. Tymeson called the Committee's attention to a copy of a letter from Kevin Kelly, Recreational Boating Safety Specialist, U.S. Department of Homeland Security, U.S. Coast Guard, favoring passage of **SB 417 (Attachment 2)**.

Travis Whitt, Area Coordinator for Kansas Boater Education through the Kansas Department of Wildlife and Parks, testified in favor of **SB 417 (Attachment 3)**. Mr. Whitt explained that the changes in the bill simplify boating regulations, and pointed out to the Committee that defining direct and audible supervision and adding the flag rule make sense, and he urged the Committee to pass the bill favorably.

Chairperson McGinn told the Committee that another meeting may need to be added to wrap up the current list of bills.

Senator Francisco questioned the term "boat livery," and asked if it pertained to a person and not a vessel. Mr. Tymeson responded that by defining as a person, it covers both.

Chairperson McGinn declared the hearing was still open on the issue, but that the Committee would move on to hear **Senate Bill 453, environmental laws; compliance audit privilege; immunity; lesser penalties for violations.** Ron Hammerschmidt, Director of Environment for KDHE, introduced John Mitchell, Director, Bureau of Environmental Field Services, Kansas Department of Health and Environment, who provided background and proposed changes to existing Kansas environmental audit privilege and immunity law (Attachment 4). Mr. Mitchell testified that EPA has blocked federal authorization for newer state environmental regulatory provisions to force Kansas to change existing audit law. He commented that the proposed changes would bring Kansas in line with other states and would remove the barriers to which EPA objects while continuing the Kansas audit privilege program.

Senator Taddiken asked if there is a problem, and Mr. Mitchell replied that he has no information on a

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criminal problem, but the potential is there for one.

William Rice, Deputy Regional Administrator, Region VII, United States Environmental Protection Agency, offered comments on **SB 453** (Attachment 5). Mr. Rice cited problems within the current Kansas law, the reasons that EPA cannot approve new environmental programs in Kansas, and stated that the proposed revisions in **SB 453** would resolve the issues identified by EPA with existing state law.

Senator Lee asked what the bill accomplishes, and Mr. Rice stated it removes provisions that create a legal barrier for EPA to delegate programs. Senator Lee asked if it takes away the rights from KDHE, and Mr. Rice stated that he believed it does not take away the Department's ability to administer its programs.

Chairperson McGinn recognized Barb Hinton, Legislative Post Auditor, who presented testimony in favor of **SB 453** (Attachment 6). Ms. Hinton called the Committee's attention to specific sections of a balloon on this bill (Attachment 7), and suggested adding language to the bill similar to language added last year to HB 2357 addressing self audits by insurance companies regarding access to confidential records.

Chairperson McGinn asked Committee members to read the minutes for approval at the next meeting. Chairperson McGinn advised Committee members that an extra meeting may be scheduled for next week to wrap up some issues.

There being no further comments to come before the Committee, the meeting adjourned at 9:25 a.m.