

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE

The meeting was called to order by Chairperson Becky Hutchins at 3:30 p.m. on March 17, 2004 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Lura Attig, Committee Secretary

Conferees appearing before the committee:

Chris Tymeson, Kansas Wildlife and Parks
Mike Beam, Kansas Livestock Association

Others attending:

See Attached List.

Hearing on **SB 364** - Issuance of commissioner permits to be awarded certain organizations; providing for reissuance of permits to certain military personnel; wild turkey not big game.

Proponents:

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, spoke as a proponent of **SB 364**. This bill would allow deployed military personnel to reclaim their limited draw permit when returning from duty. It would also remove wild turkeys from big game status (Attachment 1).

Committee questions followed.

Chairperson Hutchins asked Mr. Tymeson what is the effect of removing wild turkeys as big game and he replied that it is a regulatory change to place turkeys into their own class, thus avoiding the confusion caused by having them in the big game class.

Mike Beam, Senior Vice President, Kansas Livestock Association, spoke as a proponent suggesting an amendment to **SB 364** which included implementing a pilot program not to exceed five project locations for the landowner deer management program (Attachment 2).

Committee questions followed.

Chairperson Hutchins asked Mr. Tymeson if KDWP had reviewed the proposed amendment and he said it is the exact language the Department had submitted to the Revisor's office.

Rep. Osborne asked Mike beam what is the intent of the amendment and he said to give KDWP the authority to conduct a pilot program to manage deer herds.

Rep. Merrick asked what are we trying to determine with this pilot project? Mr. Beam replied to approximate the herd size to allow landowners to have a feel of how many hunters they can allow and how many permits will be needed. The concept is that if you have fee hunting on your farm or ranch you are at the mercy of the permit system draw.

Rep. Ruff asked would the amendment compromise the Department's current deer management plan and Chris Tymeson said the Department does not believe it would.

Rep. Merrick said his concern is that there are too many proposals and all parties should come up with one comprehensive plan to eliminate confusion and to facilitate passage of the bill. Chris Tymeson replied that deer management in Kansas is a complicated process.

Chairperson Hutchins asked Mr. Beam if this proposal is currently included in a Senate bill and if so, is the Senate having a hearing? Mr. Beam said yes.

CONTINUATION SHEET

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE at 3:30 p.m. on March 17, 2004 in Room 241-N of the Capitol.

Opponents: None

Written:

Proponents, if not amended:

Larry Konrade, Tamarack Outfitters, Ashland, KS (Attachment 3)

Kent Jamagin, Cimarron River Guided Hunts, Protection, KS (Attachment 4)

Greg Hill, Caldwell, KS (Attachment 5)

Roger Giles, Giles Ranch, Clark County, KS (Attachment 6)

Chairperson Hutchins closed the hearing on **SB 364**.

Hearing on 334 - limiting liability of persons involved in agritourism

Rep. Schwab moved that we pass SB 334 favorable for passage, seconded by Rep. Novascone.

Rep. Hayzlett made a substitute motion to amend the bill, seconded by Rep. Novascone. Adds technical changes, the word "wanton," and registration by agritourism operators with the Department of Commerce. Commerce would promote operators and activities, etc.

Rep. O'Malley asked staff, regarding "wanton," please define and staff replied, wanton means reckless. Rep. O'Malley then asked, is this an additional term? Derenda Mitchell, Attorney, Kansas Livestock Association, said it is the KLA's understanding that the Governor had requested the term "wanton."

Rep. Flaharty said the words are different but the meaning is basically the same.

Rep. Long, asked if an agritourism operator doesn't register with the Department of Commerce are they still protected under the bill and staff replied, yes they are protected.

Rep. O'Malley asked if the Governor has accepted this amendment? Matt Jordan, Department of Commerce replied that the Governor has reviewed and liked the amendment, but would like even additional amendments.

Rep. Schwab asked Mr. Jordan if the Governor would veto the bill if we don't amend? Mr. Jordan said the Governor would need to see the completed bill before making a decision.

Rep. Merrick, last year's agritourism bill was vetoed, and it is now very late in the session. Why the try to make all these changes now instead of earlier? Mr. Jordan replied that he couldn't answer for the Governor.

Rep. Beggs asked Mr. Jordan if he was going to furnish the changes the Governor had suggested. Mr. Jordan said that he could.

Rep. O'Malley asked how much will the tax credit cost Kansans? Staff had no answer. Rep. O'Malley also had concerns about the Tourism Committee handing out tax credits.

Rep. Flaharty replied to Rep. O'Malley regarding tax credits. It would not be from current tax income but future income that would come in from new agritourism business and there is a sunset on the tax credit.

A vote was taken on the motion to adopt Rep. Hayzlett's balloon, the motion carried.

Rep. Thull moved to amend SB 334 and Rep. Flaharty seconded. This bill provides immunity to the agritourism operator for the dangers that are inherent because of livestock but not for acts beyond the dangers of livestock.

Rep Schwab thinks the bill has been diluted enough.

Rep. Flaharty said since we have no immunity on the books currently for the agritourism business. This will encourage new agritourism business and make it easier to get insurance.

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Rep. Novascone made a substitute motion to pass SB 334 as amended, favorably, seconded by Rep. Schwab. Motion passed.

Announcements by Chairperson Hutchins: We will be working **SB 364** on Monday, the 22nd.

Adjourned at 4:20 p.m.