

February 7, 2018

Reference: SB #301
Proponent of Guide Registration

Dear Distinguished Committee Members,

As the President of the Kansas Outfitters' Association and a full time Outfitter/Guide for over 20 years in Kansas I have been highly involved in the legislative discussion on guides and guide licenses.

First, I would like to educate the committee members on Outfitters vs. Guides. Outfitters are the business owners. They may guide, but they own and operate a business. In most cases "guides" (unless they are the business owner) are simply employees of outfitters.

I want to give my support for registering of Outfitters, or in other words, guiding **business owners** in Kansas, but I also want to state that this is a very weak bill to help insure that outfitting in Kansas is done professionally and to protect consumers traveling to Kansas who are spending their tourist money with us.

I would like to suggest strengthening this bill by setting the following minimum requirements for all Outfitters (business owners).

1. Minimum of \$1,000,000 Liability Insurance.
2. Minimum of \$25,000 Bond
3. \$500 Owner License Fee
4. High Penalties for Outfitting without a License.

Just a few years ago the Outfitters' Association helped introduce SB 189 that did not make it out of this committee. I have attached that short bill to this presentation. Please look at it. It has the essential components of a strong Outfitting and Guide regulation process.

As Outfitters who are running strong, professional businesses in Kansas, we are continually battling the negative feedback that comes from terrible, unprofessional operations that wouldn't even be in business if Kansas wasn't so lenient on the Outfitting licensing process. If regulated correctly, the Outfitting industry has the potential to bring in a great deal of revenue to the state this year and for years to come. Without proper regulation, we reputable Kansas Outfitters fear that more and more negative stories will circulate, dragging down the reputation of all Kansas Outfitting operations and greatly impacting the overall revenue potential for our state.

We are businesses with a great deal riding on reputation; without proper business regulation, a few bad apples can quickly give the impression that the whole cart is spoiled. This bill will not completely eliminate all of the unethical outfitters within the state, but the Kansas Outfitters' Association strongly believes it will curb it substantially if the bill is passed and then the laws are enforced with fidelity by Kansas Wildlife and Parks.

Thank you for your consideration,

SENATE BILL No. 189

By Committee on Natural Resources

2-3

9 AN ACT concerning the secretary of commerce; creating an outfitter
10 license; prescribing requirements therefor.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this section:

14 (1) "Guide" means an employee of a licensed outfitter who provides
15 direct service to individuals hunting in the field.

16 (2) "Landowner" means a resident owner of farm or ranch land of
17 80 acres or more located in the state of Kansas.

18 (3) "Outfitter" means a licensed owner and operator of a hunting
19 guide business who provides individuals guided, semi- guided or un-
20 guided hunting opportunities for big game, as defined in K.S.A. 32-701,
21 and amendments thereto, in the state of Kansas for monetary
22 compensation.

23 (4) "Secretary" means the secretary of commerce.

24 (b) On and after July 1, 2010, a valid outfitter license is required to
25 provide outfitter services in this state. Landowners providing outfitter
26 services exclusively on land owned by such landowner shall be exempt
27 from such licensing requirements.

28 (c) A person who desires to provide outfitter services, other than a
29 landowner providing outfitter services exclusively on land owned by such
30 landowner, shall apply annually to the secretary for an outfitter license.
31 The secretary may issue an outfitter license upon proper application and
32 payment of an annual license fee of up to \$500. Such licenses shall expire
33 on June 30 of each year.

34 (d) The secretary shall verify that the licensed outfitter maintains the
35 following:

36 (1) A certificate of liability insurance. The certificate of liability in-
37 surance shall be executed by an insurance company authorized to do
38 business in Kansas or by a licensed insurance agent operating under au-
39 thority of K.S.A. 40-246b, and amendments thereto, and shall state the
40 effective date and the expiration date of the policy. Such liability insur-
41 ance shall be subject to the insurer's policy provisions filed with and ap-
42 proved by the commissioner of insurance pursuant to K.S.A. 40-216, and
43 amendments thereto, except as authorized by K.S.A. 40-246b, and

1 amendments thereto. The liability insurance policy shall include, but not
2 be limited to: (A) Coverage for not less than \$1,000,000 for personal injury
3 liability for each occurrence, with a general aggregate limit of not less
4 than \$3,000,000; and (B) coverage up to \$50,000 for property damage to
5 rented premises. The certificate shall be executed on a form approved by
6 the secretary.

7 (2) A surety bond in an amount not less than \$25,000 per year. The
8 bond shall be executed by a corporate surety and shall state the effective
9 date and the expiration date. The surety bond shall be executed on a form
10 approved by the secretary. The licensed outfitter shall be named as the
11 principal in the bond. Such bond shall be to the state of Kansas and shall
12 be conditioned upon compliance by the principal and by the principal's
13 officers, agents, representatives and employees, with the provisions of this
14 section.

15 (e) In addition to any other penalty prescribed by law, the secretary,
16 in accordance with the Kansas administrative procedure act, may refuse
17 to issue, suspend or revoke an outfitter license if the secretary finds that
18 the applicant or licensee has:

19 (1) Been convicted of one or more felony violations of the wildlife
20 laws of this state, or any comparable law of another jurisdiction, in the
21 previous five years; or

22 (2) been convicted of three or more misdemeanor violations of the
23 wildlife laws of this state, or any comparable law of another jurisdiction,
24 in the previous five years.

25 (f) The secretary upon request shall receive from the Kansas bureau
26 of investigation such criminal history record information relating to ar-
27 rests and criminal convictions as necessary for the purpose of determining
28 initial and continuing qualifications of applicants for an outfitter license.

29 (g) In addition to any other penalty prescribed by law, the secretary,
30 in accordance with the Kansas administrative procedure act, may fine a
31 person for providing outfitter services in this state without a valid outfitter
32 license as follows:

33 (1) For a first violation, up to \$1,000;

34 (2) for a second violation, up to \$2,000 and ineligibility for an outfitter
35 license for one year;

36 (3) for a third or subsequent violation, up to \$10,000 and ineligibility
37 for an outfitter license for life.

38 (h) All fines assessed and collected under this section shall be remit-
39 ted to the state treasurer in accordance with the provisions of K.S.A. 75-
40 4215, and amendments thereto. Upon receipt of each such remittance,
41 the state treasurer shall deposit the entire amount in the state treasury
42 to the credit of the state general fund.

43 (i) The secretary is hereby authorized to promulgate rules and reg-

1 ulations necessary to implement and administer the provisions of this
2 section.

3 (j) In addition to any other penalty prescribed by law, any person who
4 intentionally provides outfitter services in this state without a valid out-
5 fitter license shall be guilty of a class C misdemeanor.

6 Sec. 2. This act shall take effect and be in force from and after July
7 1, 2010, and its publication in the statute book.