

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Representative David J. Heinemann at
Chairperson

3:30 ~~XXX~~ a.m./p.m. on January 20, 1983 in room 519-S of the Capitol.

All members were present except:

Representative Betty Jo Charlton (excused)

Committee staff present:

Ramon Powers, Research Department
Theresa Kiernan, Revisor of Statutes' Office
La Nelle Frey, Secretary to the Committee

Conferees appearing before the committee:

Bill Hanzlick, Director, Fish and Game Commission.

Bill Hanzlick discussed the Fish and Game Commission's legislative proposals for the 1983 legislative session. He outlined the Wildlife Education Funded By Fine Monies proposal. This proposal would have money collected as fines from fish and game law violators earmarked to provide wildlife education assistance to Kansas schools and wildlife information to the general public to improve their understanding and appreciation of Kansas wildlife resources. Currently, fines paid by violators of fish and game laws are deposited in the state's General Fund, and the Commission gets no part (see attachment 1).

Another proposal is the Exemption For Hunter Safety Certificate. This proposal exempts all persons who have reached the age of 26 from taking a hunter safety course and presenting such a certificate before purchasing a hunting license. The present statute requires everyone born on or after July 1, 1957 to take a hunter safety course and present such a certificate for the rest of their lives before they can purchase a hunting license (see attachment 2).

Mr. Hanzlick outlined the Furbearer Fine Update. This proposal would allow a minimum fine of \$100 to be assessed for the illegal taking and possessing of furbearers. Currently, fines assessed violators of laws relating to the taking and possessing of furbearing animals carry no minimum fine (see attachment 3).

He detailed the Credit Interest From Fish & Game Commission Funds To Fish & Game Fee Fund proposal. This proposal would authorize that any income or interest earned from investments of Fish and Game Fee Funds be credited to the Fish and Game Commission. Currently, all interest from the Fish & Game Fee Fund is credited to the state General Fund, of which the Commission gets no part (see attachment 4).

Representative Ron Fox made a motion that these proposals be introduced as committee bills and referred back to the committee. Representative Harold Guldner seconded the motion. The motion was unanimously passed.

Mr. Hanzlick concluded by saying the Commission was presently focusing their efforts in two major areas: conservation education and law enforcement deterrent. He said the Commission had also devoted time to the state's trespassing, or landowner-sportsman problem which is very acute. In an attempt to remedy this situation, the Commission sponsored six law enforcement-landowner seminars throughout the state last year, and plans to sponsor 50 seminars this year. A brief question and answer period followed the presentation.

There being no further business to come before the committee, the meeting adjourned at 4:00 p.m.

The next meeting of the committee will be held at 3:30 p.m., January 25, 1983.

Rep. David J. Heinemann, Chairman

Date January 20, 1983

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

NAME

ADDRESS

ORGANIZATION

D. Wayne Zimmerman

Topeka

Electric Companies Assoc. of Ks.



FACT SHEET

WILDLIFE EDUCATION FUNDED BY FINE MONIES

Prepared by: Kansas Fish & Game Commission

Background:

Currently, fines paid by violators of fish and game laws are deposited in the state's General Fund, of which the Fish & Game Commission gets no part. For 1983, it is estimated that law violators will pay nearly \$175,000 in fines.

The Wildlife Education Service's goal is to make available a voluntary wildlife education program to all public and private schools in Kansas. The Wildlife Reference Center provides free loan films, filmstrips, books, slide series and other wildlife-related materials to Kansas schools. Curriculum guides for kindergarten through senior high school students are in the process of being completed. The guides include student booklets and an accompanying teacher's guide. The demands from school districts on this statewide program are so great that additional funding sources are needed.

More funding is also required for the Commission's adult information-education programs. It is essential that adults understand the importance of wildlife resources to Kansas citizens. This understanding will leave more people with an appreciation of the need for laws that protect wildlife and could reduce violations as a result.

Proposal:

Money collected as fines from fish and game law violators would be earmarked to provide wildlife education assistance to Kansas school districts and to provide wildlife information to the general public to improve their basic understanding and appreciation of Kansas wildlife resources.

Application:

1. Development and further expansion of a voluntary Wildlife Education Service for Kansas' public and private school districts. Through this program, 600,000 Kansas children can be reached.
2. Production of informational materials for the general public to broaden their understanding and appreciation of wildlife.
3. Use of fine monies for wildlife education will lessen the number of future violators and help to reduce a major problem.

Benefit Summary:

1. Expansion of the Wildlife Education Service for Kansas schools as requested by teachers and sportsmen across the state.
2. Provision of more and better information on wildlife to the general public.
3. Violators of fish and game laws would pay for a program that will have statewide application and will eventually reduce the number of violations.
4. No tax monies are involved.
5. Improvement of landowner, hunter and non-hunter relations through better understanding of wildlife resources in Kansas.

BILL NO. _____

By _____

AN ACT concerning the disposition of proceeds from fines, penalties and forfeitures arising from violations of fish and game laws; amending K.S.A. 20-2801 and repealing the existing section.

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

NEW SECTION 1. The proceeds from any fines, penalties or forfeitures arising from violations of any fish and game law as contained in chapter 32 and chapter 82a, Article 8, of the Kansas Statutes Annotated and the proceeds from any fine arising from violation of K.S.A. 21-3728 shall be paid to the state treasurer. The state treasurer, upon receipt of any such remittance shall deposit the same in the state treasury to the credit of the forestry, fish and game fee fund. All expenditures from the forestry, fish and game fee fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the fish and game commission or a person designated by the director. All such expenditures shall be made for the purposes of educating and informing the citizenry of the state with respect to the laws and rules and regulations pertaining to the fish and game commission, the conservation and proper use of fish and wildlife resources, the promotion of safety for persons and property in and connected with the operation of watercraft and related activities, and the promotion of respect for private property by persons desiring access to the same for hunting, fishing and trapping.

SEC. 2. K.S.A. 20-2801 is hereby amended to read as follows: 20-2801. (a) At least monthly the clerk of the district court shall remit all moneys payable to the state treasurer from fines, penalties and forfeitures to the state treasurer, and the state treasurer, except as otherwise provided in section 1, shall deposit the same in the state treasury to the credit of the state general fund.

(b) The director of accounts and reports or the state treasurer, whenever it is deemed necessary by either of said officers in order to determine the amount available under this section, may request of clerks of the district court or any one or more of them the information indicated herein. Within ten (10) days of the receipt of any such request, each clerk receiving the same shall certify the amount of moneys collected to which this section applies to the director of accounts and reports and the state treasurer.

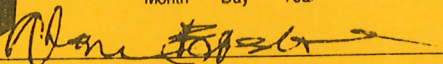
(c) This section shall not apply to municipal courts.

SEC. 3. K.S.A. 20-2801 is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the statute book.

1-20-83

House Energy and
Natural Resources

HUNTER SAFETY CERTIFICATE			
N ^o H096160			
certifies			
John _____			
has completed _____ Kansas _____ Safety Course			
Date of Birth	7	56	
	Day	Year	
Date Certified	1	7	79
	Month	Day	Year
 Instructor's Signature			

FACT SHEET

EXEMPTION FOR HUNTER SAFETY CERTIFICATE

Prepared by: Kansas Fish & Game Commission

Background:

Under present statutes, everyone born on or after July 1, 1957 must take a hunter safety course and present such a certificate before purchasing a hunting license.

The above age group is now required to carry such a certificate of competency while hunting. The Kansas Fish and Game Commission issues duplicates to persons who have lost or destroyed their certificates. The annual replacement rate is approximately 5,000 per year. The issuance of these duplicates is a time consuming task for the Fish and Game Commission.

Proposal:

Amend the present statute to exempt all persons who have reached the age of 26. This change will relieve anyone over 26 of the burden of carrying a certificate for the rest of their lives. Also, the group of persons 26 and over will not continue to increase demands for replacement certificates since they will be exempt. Persons in age groups below 26 years will still be required to take the mandatory course.

Benefit Summary:

Persons over 26 years of age will benefit by not having to continually prove their completion of the course of instruction when they buy hunting licenses. The course of instruction should still be effective since it will be required of persons under age 26. The vast majority of Kansas hunters will have taken the course by then.

The drain on agency manpower to issue duplicates should stabilize at approximate current levels. An increase in demand would result in more manpower being directed to provide this service.

This bill will result in a benefit to older sportsmen as well as curtailing demands on hunter safety program manpower.

BILL NO. _____

By _____

AN ACT concerning fish and game; unlawful for certain persons to procure hunting license after July 1, 1973, without certificate of competency and safety in handling of firearms; amending K.S.A. 32-401.

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

SECTION 1. K.S.A. 32-401 is hereby amended to read as follows: 32-401.

It shall be unlawful for any person born on or after July 1, 1957, to procure a hunting license or to hunt in this state on land other than such person's own land, unless the person shall have first been issued; ~~and exhibits to the issuing agent at the time of purchasing a hunting license; or, in the case of any such person not required by law to obtain a hunting license; unless such person shall be in possession of; while hunting,~~ a certificate of competency and safety in the handling of firearms. Persons not required by law to obtain a hunting license shall be in possession of such certificate while hunting. This act shall not apply to any person who has attained the age of twenty-six years.

SEC. 2. K.S.A. 32-401 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

1-20-83

House Energy and
Natural Resources



FACT SHEET

FURBEARER FINE UPDATE

Prepared by: Kansas Fish & Game Commission

Background:

Penalties for furbearer violations under existing statutes are lenient. For this reason, they do not provide effective deterrents to the violation of laws relating to the taking and possession of furbearing animals. These violations are currently classified Class C misdemeanors and carry no minimum fine. As a result, fines assessed violators of these laws are generally low enough that these violators can easily consider their actions worth the risk, since the price they are paid for a single pelt is often greater than the total fines and court costs of a single conviction.

This situation is especially critical during years when the fur market is strong, resulting in high prices offered for pelts. The high prices not only result in greater pressure on the furbearer but also make the prospect of a minimal fine even less bothersome to potential violators.

Proposal:

Allow a minimum fine of \$100 to be assessed for the illegal taking and possessing of furbearers.

Benefit Summary:

The results of this legislation will protect overharvest of the furbearer resource. By deterring potential violators with a higher fine, the amount of furbearer poaching would be reduced.

BILL NO. _____

By _____

AN ACT relating to fur-bearing animals, taking; use of chemicals, when; trapping of animals; unlawful acts; penalties.

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

SECTION 1. K.S.A. 32-158 is hereby amended to read as follows: 32-158. It shall be unlawful for any person in the state of Kansas, at any time, unless and except as permitted by rules and regulations adopted by the Kansas fish and game commission, to pursue, injure, trap, take, attempt to take, capture, kill, destroy or chase with dogs, or have in possession any of the following furbearing animals, alive or dead, or the pelts, skins, or carcasses of the same: Beaver, otter, muskrat,
.....

..... All trapping devices, except those used for live trapping of rabbits and hares but including those used for the trapping of coyotes, must be tagged with the user's name and address and shall be tended and inspected at least once every twenty-four-hour period. Any violation of this section by any person shall constitute a class-E misdemeanor and shall be punishable by a fine of not less than \$100 nor more than \$500.

SEC. 2. K.S.A. 32-158 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

**FACT SHEET****CREDIT INTEREST FROM FISH & GAME****COMMISSION FUNDS TO FISH & GAME FEE FUND**

Prepared by: Kansas Fish & Game Commission

Background:

Currently, all interest from the Fish & Game Fee Fund is credited to the State General Fund, of which the Commission gets no part. This amounts to between \$250,000 and \$500,000 per year.

The funding of the Fish & Game Commission is based on the user-fee concept. The Commission is funded entirely by sportsmen's dollars--from the licenses they buy and the federal excise tax on sporting equipment. The Commission receives no state taxes or funds, apart from the voluntary contributions Kansas income taxpayers make to the Nongame Wildlife Improvement Program.

It has been argued that Fish and Game interest money should go to the State General Fund to pay for services the state provides to the Commission. It is difficult to estimate the value of these services. The 1980 fiscal year State Cost Allocation of Central Service Costs indicates a value of \$31,879.

On the other hand, little is said of the contributions sportsmen offer the state of Kansas through the Fish and Game Commission. One example is the existence of state fishing lakes and public wildlife areas scattered throughout Kansas; although sportsmen pay for maintenance and operations of these areas, one third of the users of these areas are non-paying users.

Many fish and game agencies in other states receive interest from their fee funds. Several agencies who do not receive their interest do receive substantial state services, such as free offices and utilities. This is not the case in Kansas. Currently, interest earned from sportsmen's dollars far exceeds the cost of annual services supplied to the Commission by the State of Kansas.

Proposal:

Authorize that any income or interest earned from investments of Fish & Game Fee Funds be credited to the Fish & Game Commission.

Benefit Summary:

Revision would provide additional income to improve wildlife programs, directly benefiting those who finance the agency's operation.

Additional revenue would not be the result of newly-imposed taxes or license fee increases.

Revision would reinforce the user-fee concept, using interest earned on sportsmen's dollars to provide better services to sportsmen.

HOUSE BILL No. 2950

By Representatives Rolfs and Hohman

2-10

0017 AN ACT requiring income and interest from investments of
0018 moneys in the forestry, fish and game commission fee fund to
0019 be credited to said fund.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. The pooled money investment board may invest
0022 and reinvest moneys credited to the forestry, fish and game
0023 commission fee fund in obligations of the United States of
0024 America or obligations the principal and interest of which are
0025 guaranteed by the United States of America or in interest bearing
0026 time deposits in any commercial bank or trust company located in
0027 Kansas, or, if the board determines that it is impossible to deposit
0028 such moneys in such time deposits, in repurchase agreements of
0029 less than 30 days' duration with a Kansas bank for direct obliga-
0030 tions of, or obligations that are insured as to principal and interest
0031 by the United States government or any agency thereof. Any
0032 income or interest earned by such investments shall be credited to
0033 such fund.

0034 Sec. 2. This act shall take effect and be in force from and after
0035 its publication in the statute book.