

MINUTES OF THE House SUB COMMITTEE ON Natural ResourcesThe meeting was called to order by Representative Ron Fox at
Vice-Chairperson8:00 a.m. ~~pm~~ on February 25, 1983 in room 527-S of the Capitol.

All members were present except:

Representative Kent Ott (excused)

Committee staff present:

Theresa Kiernan, Revisor of Statutes' Office
La Nelle Frey, Secretary to the Committee

Conferees appearing before the committee:

HB 2371 - Representative Bill Fuller.
Bud Johnson.
Howard Morrival.
Darrell Montei, Fish and Game Commission.
Jim Dobbins, Kansas Fur Harvesters.
Bob Kiekel, Kansas Fur Harvesters.
Leroy Reeves, Fox and Wolf Hunters Association.
Ted Cunningham, Kansas Outdoors Unlimited.
Representative Robin Leach.HB 2373 - Kent Jackson, Fish and Game Commission.
Bob Kiekel, Kansas Fur Harvesters.HB 2371 - An act concerning fish and game; relating to the use of snares.

Representative Bill Fuller, sponsor of HB 2371, testified in support of the proposed legislation. He said he introduced the bill by request as a reasonable approach to curbing some of the problems caused by people using snares. He noted that the bill requires three things regarding snares: (1) all persons must have written permission from the landowner in order to use snares; (2) persons using snares on another person's land must make a written report to the landowner when livestock or pets are caught in snares; and, (3) persons who use snares are liable for all damages done to the landowner's livestock, pets or other property by snares. Representative Fuller said he thought this bill would help eliminate some of the abuse by snare users.

Bud Johnson, Minneapolis, testified in support of HB 2371. He explained that he raises hounds and must keep them in a pen since he has had dogs get caught in snares. He suggested that it should be posted wherever a snare has been set. He also thought that obtaining written permission was needed, but pointed out that if a landowner received numerous requests, it might be difficult to keep up with the paperwork.

Howard Morrival, Culver, testified in support of HB 2371. He said that he enjoys trapping, but dislikes the problems caused when persons using snares place them with no permission. He would like to see the use of snares outlawed in residential areas or within two miles of residential areas. He also thought snares should be tagged as to who owns the snare.

Darrel Montei, chief of the Fish and Game Commission's game division, testified regarding HB 2371. He said the Commission recommends that the Subcommittee consider modifying the bill to permit landowners' the option of posting land open to access by written permission, rather than requiring such written permission. He said that through the Commission's public meetings and general public communications, landowners have expressed their desire to retain control of the type of access and means of giving permission to persons on their land. He said the Commission would also suggest the wording be such as to cover fishing and trapping instead of just for the use of snares (see attachment 1).

Jim Dobbins, Kansas Fur Harvesters, testified in support of HB 2371. He believes that the landowner should have the say as to who fishes or hunts

CONTINUATION SHEET

MINUTES OF THE House SUB COMMITTEE ON Natural Resources,
room 527-S, Statehouse, at 8:00 a.m./~~p.m.~~ on February 25, 1983

on his property and the type of permission he needs for persons using snares on his property. He also believes that snares should be tagged showing ownership.

Bob Kiekel, Kansas Fur Harvesters, testified in support of HB 2371 on the condition that the Commission's amendment is adopted. He doesn't believe that written permission should be mandatory.

Leroy Reeves, Fox and Wolf Hunters Association, testified in opposition to HB 2371 as it is proposed. He would like to have changes made in the bill. He said he is in favor of requiring written permission and believes the penalty should be stiffer than a Class C misdemeanor.

Ted Cunningham, Kansas Outdoors Unlimited, spoke in opposition to HB 2371. He said he could agree with requiring access to land by written permission. He said he thought violations would still occur even with the passage of HB 2371, but there might not be as many if written permission was required. He would make the penalty a felony instead of a Class C misdemeanor.

Representative Robin Leach testified in support of HB 2371. He said that something needs to be done to remedy the problems caused by people who use snares. He said he has concerns regarding livestock getting caught in snares. He believes that fines should be raised or that written permission should be required. He also believes that the Commission should be given more enforcement tools.

A brief question and answer period followed several of the presentations of testimony on HB 2371.

HB 2373 - An act concerning fish and game laws; relating to penalties for violation.

A copy of HB 2373 with a proposed amendment was distributed to Subcommittee members on behalf of Representative David Heinemann, sponsor of the bill (see attachment 1).

Kent Jackson, assistant director of the Fish and Game Commission, testified in support of HB 2373. He said the Commission supported the bill as amended.

Bob Kiekel, Kansas Fur Harvesters, testified in support of HB 2373 as amended.

There being no further business to come before the Subcommittee, the meeting adjourned at 9:00 a.m.

The next meeting of the Subcommittee will be held February 28, 1983 upon adjournment of the Energy and Natural Resources Committee meeting.

Rep. Ron Fox, Vice-chairman

H.B. 2371

Testimony of Kansas Fish and Game Commission
Provided to House Natural Resources Subcommittee
on February 25, 1983

H.B. 2371 in present form would require all persons to have written permission of the landowner in order to use snares.

The Kansas Fish and Game Commission encourages landowners to utilize provisions of K.S.A. 32-142a which provides for hunting by written permission. This is voluntary on the part of the landowner and allows our enforcement officers to assist landowners on trespass complaints.

The Commission does not endorse a mandatory posting requirement. During our public meetings and general public communications, we have been made aware that many landowners like the hunting by written permission approach on a voluntary basis. Support for a mandatory approach is less evident as many landowners prefer to retain control of the type of access and means of giving permission.

The Kansas Fish and Game Commission would recommend the House Subcommittee on Natural Resources consider modifying H.B. 2371 to permit landowners option on posting land open to access by written permission instead of requiring such written permission. The Commission would also suggest the wording be such as to cover fishing and trapping instead of just for use of snares.

Derrell

HOUSE BILL No. 2371

By Representative B. Fuller

(By request)

2-9

0018 AN ACT concerning fish and game; relating to the use of snares.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. (a) ~~No person shall set, place or use any snare for~~
0021 ~~the purpose of hunting, killing, trapping, catching or taking any~~
0022 ~~fur-bearing animal or coyote without the written consent of the~~
0023 ~~owner of the land on which such snare is placed. Evidence of~~
0024 ~~such written consent shall be presented on demand of any agent~~
0025 ~~or officer authorized to enforce the provisions of this act.~~

0026 (b) Persons using snares upon the lands of another shall make
0027 a written report of any livestock or pets caught in any snares set
0028 by such person to such landowner. The report shall include the
0029 date the livestock or pet was caught and a full description thereof.

0030 (c) When injury is done to the landowner's livestock, pets or
0031 other property by snares, the person setting the snare shall be
0032 liable for all such damages therefor.

0033 (d) Any person violating the provisions of this act shall be
0034 guilty of a class C misdemeanor.

0035 Sec. 2. This act shall take effect and be in force from and after
0036 its publication in the statute book.

Section 1.(a)K.S.A. 1980 Supp. 32-142a is hereby amended to read as follows: 32-142a. Any landowner or person in lawful possession of any land may post such land with signs stating that hunting, *fishing or trapping* on such land shall be by written permission only. Any person who shoots, hunts, *fishes, traps* or pursues any bird, *fish* or animal upon land which is so posted, without having in *his or her* possession the written permission of the owner or person in lawful possession thereof, shall be guilty of a class C misdemeanor. Upon the first conviction thereof after the effective date of this act, and in addition to any authorized sentence imposed by the court, such court may require the forfeiture of the convicted person's hunting, *fishing or trapping* license or, in any case where such person has a combination license, the court may require forfeiture of that part of such license pertaining to hunting, *fishing or trapping* and may order such person to refrain from hunting, *fishing or trapping* for one (1) year from the date of such conviction. Upon any subsequent conviction thereof, and in addition to any authorized sentence imposed by the court, such court shall require the forfeiture of the convicted person's hunting, *fishing or trapping* license or, in any case where such person has a combination license, the court shall require the forfeiture of that part of such license pertaining to hunting, *fishing or trapping* and shall order such person to refrain from hunting, *fishing or trapping* for one (1) year from the date of such conviction. A person licensed to hunt and following or pursuing a wounded game bird or animal on posted land without written permission of the landowner or person in lawful possession thereof shall not be deemed to be in violation of this provision while in such pursuit.

Attachment 1 2-25-83

Talk + Dave

Session of 1983

HOUSE BILL No. 2373

By Representative Heinemann

2-9

0017 AN ACT concerning fish and game laws; relating to penalties for
0018 violations; amending K.S.A. 32-136 and repealing the existing
0019 section.

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

0021 Section 1. K.S.A. 32-136 is hereby amended to read as fol-
0022 lows: 32-136. Any person who ~~shall violate~~ violates any of the

0023 provisions of this act shall be guilty of a misdemeanor and K.S.A.

0024 32-101, 32-103, 32-104, 32-106, 32-107, 32-114, 32-120, 32-123,

0025 32-126 to 32-128, inclusive, 32-130, 32-131 to 32-135, inclusive,

0026 and 32-140, ³²⁻¹³⁴ and amendments to these sections, unless otherwise

0027 provided the following penalties, shall be imposed subject to the

0028 following fines: For the first offense violation, a fine of not less

0029 than \$50; for the second offense violation, a fine of not less than

0030 \$100; for the third and each subsequent offense violation, a fine

0031 of not less than \$200 nor more than \$500, and such person shall

0032 be assessed the cost of the prosecution, and shall be committed to

0033 jail until such cost and fine are paid.

0034 Sec. 2. K.S.A. 32-136 is hereby repealed.

0035 Sec. 3. This act shall take effect and be in force from and after

0036 its publication in the statute book.

32-106a, 32-106b

32-127

32-133

32-134

To: Norm
Furse Room 421

→ K.S.A. (1982 Sess) - 32-106b

~~Fate~~ Talk to Dave

HOUSE BILL 2373

1. 32-101 - No - Powers & Duties of Director
2. 32-103 - No - Authority to Examine Licenses
3. 32-104 - Yes - License Requirement and Aircraft Hunting
4. 32-106 - Yes - License Exhibit - Hunting, Trapping
5. 32-107 - No - Declares Wildlife State Property
6. 32-114 - Yes - Destroy Bird Nests
7. 32-120 - Yes - Obstructing Fish
8. 32-123 - Yes - Scientific Collectors
9. 32-126 - Yes - Unlawful Dealings
10. 32-127 - Yes - Common Carriers
11. 32-128 - No - Complaint Procedures
12. 32-130 - No - Power to Seize Unlawful Devices
13. 32-131 - Yes - Duty to Prosecute
14. 32-132 - No - Appointment of Attorney to Prosecute
15. 32-133 - Yes - Penalty Prescribed in this Section
16. 32-134 - Yes - Failure to Allow Inspection
17. 32-135 - Yes - Illegal Fishing
18. 32-140 - No - Power of Officers to Enforce

Does he want this §
in the bill

Need to Add

1. 32-106b - Furharvesters Cert. Required
2. 32-106a - Exhibit Fish License