

MINUTES OF THE Senate COMMITTEE ON Energy and Natural ResourcesThe meeting was called to order by Senator Fred A. Kerr at
Vice-Chairperson8:00 a.m. ~~1983~~ on Thursday, January 20, 1983 in room 123-S of the Capitol.All members were present ~~except~~:

Committee staff present:

Ramon Powers, Research Department
Don Hayward, Revisor's Office
LaVonne Mumert, Secretary to the Committee

Conferees appearing before the committee:

Bill Hanzlick, Director, Fish and Game Commission

Senator Werts moved that the minutes of the January 19, 1983 meeting be approved. Senator Vidricksen seconded the motion, and the motion carried.

Bill Hanzlick used a slide presentation to give a brief overview of the activities of the Fish and Game Commission. The history of legislation concerning the Fish and Game Commission was described. The agency receives more than five million dollars annually from the sale of hunting and fishing licenses and receives no money from the general fund. Last year more than 4,000 violators were arrested. Duties of the wardens, programs and projects of the Commission and activities of the various sections of the Commission were explained. Game Division lands total less than one percent of the total acreage of Kansas. In dealing with the problem of violators, Mr. Hanzlick said the Commission attempts to (1) educate people, and (2) deter violations by making fines more expensive. He reviewed the background and purpose of the bills the Commission is proposing (Attachment 1).

Mr. Hanzlick said the legislation concerned with pursuit of wounded game birds and animals on private land would allow only one hunter to pursue wounded game, alleviating some trespass problems. Senator Gannon moved that the Commission introduce this bill. Senator Roitz seconded the motion, and the motion carried. Mr. Hanzlick said the bill concerning confiscation of property for major fish and game violations was aimed at deterring willful violators and also would change the requirement that confiscated items be sold. Senator Angell moved that the Committee introduce the bill. Senator Rehorn seconded the motion, and the motion carried. Mr. Hanzlick stated that the bill dealing with revocation of licenses for big game poachers would be a deterrent to habitual poachers. Senator Gannon moved that the Committee introduce the bill. Senator Werts seconded the motion, and the motion carried. Mr. Hanzlick explained that the bill revising the bonding schedule would update fees and make the bonding laws applicable to a wider variety of violations. Senator Werts moved that the Committee introduce the bill. Senator Rehorn seconded the motion, and the motion carried.

Mr. Hanzlick said that the House is being asked to introduce another set of bills. He stated that the non-game fund program had received \$128,000 in 1981 and \$135,000 in 1982. Responding to a question from Vice-Chairman Kerr, Mr. Hanzlick said the Commission's budget proposals would be left pretty much intact if the Governor's budget were passed as submitted. This would leave about \$500,000 for new and enhanced projects. He mentioned they would like to build a permanent office facility at Emporia and would like to get their magazine self-supporting. Senator Feleciano asked about the status of the fish hatchery at Milford. Mr. Hanzlick answered that the bonds totaling six million dollars have been sold for an overall rate of 10.9%. The engineering design is 60% complete, and they expect to break ground in June of this year. Senator Vidricksen asked about the lifetime license program. Mr. Hanzlick responded that over 300 have been sold. Answering a question from Senator Vidricksen about the \$3.00 hatchery stamp for fishing licenses, Mr. Hanzlick said they always anticipate a slight drop when the fees are raised but it is really too early to tell the effect of the additional \$3.00. Holders of lifetime licenses are still required to purchase the \$3.00 hatchery stamp yearly. In answer to a question from Senator Chaney, Mr. Hanzlick said they are working with other agencies to maintain adequate streamflows. Vice-Chairman Kerr asked if the Commission was satisfied with the input they have had into the Kansas Water Authority. Mr. Hanzlick replied his agency's people have been very involved and he does not feel they have been excluded at all but are being recognized as a water agency.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 123-S, Statehouse, at 8:00 a.m./~~p.m.~~ on Thursday, January 20, 1983.

The meeting was adjourned at 8:53 a.m. by the Vice-Chairman.

The next meeting of the Committee will be at 8:00 a.m. on January 25, 1983.

Senate Energy + Natural Resources

Jan. 20, 1983

<u>Name</u>	<u>Organization</u>
Kent Jackson	Fish & Game Commission
TED CUNNINGHAM	KANSAS OUTDOORS Unlimited
Jim Power	KDHE
Jim Aiken	KDHE
Roland Wiebe	Ks. Natural Resource Council
Bill Morris	Ks. CITIZEN
Paul E. Fleener	Kansas Farm Bureau
John Blythe	" " "
Jan Meyers	Senate



FACT SHEET

PURSUIT OF WOUNDED GAME BIRDS AND ANIMALS ON PRIVATE LAND

Prepared by: Kansas Fish & Game Commission

Background:

As presently worded, trespass statutes pertaining to hunting allow for the pursuit of wounded game birds and game animals on adjacent lands without permission. It is not uncommon for several hunters to abuse this exclusion by trespass hunting on land without permission under the guise of pursuit.

Some landowners are justifiably irritated by this type of activity. As a result, hunter/landowner relations are strained when such incidents occur.

Allowing only one person out of a hunting party to legally pursue wounded game on adjacent lands without permission would act as an enforceable deterrent to trespassers, and return better control to the landowner.

Proposal:

Amend two existing statutes to allow only one person to pursue wounded game on private land without permission.

Benefit Summary:

This revision would enhance relations between hunters and landowners by removing a problem that the law enforcement officer and landowner are presently powerless to resolve.

BILL NO. _____

By _____

AN ACT relating to unlawful hunting, posting of land to require written permission for hunting; penalty for violation; pursuit of wounded game bird or animal; amending K.S.A. 21-3728 and 32-142a and repealing the existing sections.

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

SECTION 1. K.S.A. 21-3728 is hereby amended to read as follows: 21-3728. Unlawful hunting is fishing, or shooting, hunting, or pursuing any bird or animal upon any land of another or from any traveled public road or railroad right-of-way that adjoins occupied or improved premises, without having first obtained permission of the owner or person in possession of such premises.

Unlawful hunting is a class C misdemeanor. Upon the first conviction
.....

..... A person licensed to hunt and following or pursuing a wounded game bird or animal upon any land of another without 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. Only one person from a hunting party shall be allowed to pursue crippled game birds or animals on land covered by this section.

SEC. 2. K.S.A. 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 on such land shall be by written permission only. Any person
.....

..... 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. Only one person from a hunting party shall be allowed to pursue crippled game birds or animals

on land covered by this section.

SEC. 3. K.S.A. 21-3728 and 32-142a are hereby repealed.

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



FACT SHEET

CONFISCATION OF PROPERTY FOR MAJOR FISH AND GAME VIOLATIONS

Prepared by: Kansas Fish & Game Commission

Background:

Discouraging illegal acts, or deterring crimes before they occur, is an integral part of modern law enforcement. Under existing law, violators face the prospect of forfeiting illegally taken fish, game, furbearers and pelts, traps, snares, and boats used illegally. The law further directs that such confiscated items be sold.

More stringent penalties in the form of equipment confiscation are needed, especially as a deterrent to the more flagrant violations of a premeditated nature, such as deer poaching, spotlight hunting, dynamiting fish, and illegally netting fish. Maximum dollar fines under existing penalties are often considered by violators to be worth the risk.

The provision requiring that all confiscated items be sold is not always in the best interest of law enforcement, or of maximum benefit to the Commission. Offering certain illegally-used implements for sale may actually compound the problem by once again placing them in the hands of potential violators.

Proposal:

Amend statutes to broaden the confiscation list to include firearms and vehicles for major violations of fish and game laws, and remove the provision requiring that confiscated items be sold.

Benefit Summary:

Expanding the list of illegally-used items the Commission can confiscate would boost the deterrent effect of fish and game laws; it would increase the financial risk a would-be violator assumes in violating major fish and game laws.

Revising the requirement that confiscated items be sold would benefit the Commission by allowing it to withhold items which, by their nature, can be used to illegally take fish, game, and furbearers.

BILL NO. _____

By _____

AN ACT concerning fish and game; providing for forfeit and seizure and disposition of same; amending K.S.A. 32-130a.


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

SECTION 1. K.S.A. 32-130a is hereby amended to read as follows: 32-130a. Every person, firm or corporation convicted of violating any fish, game, ~~or~~ trapping or furbearer law shall, in addition to penalties prescribed, at the discretion of the court, forfeit his, her or its license to indulge during the time covered by such license in the sport or employment in respect of which violation of law or rules or regulations occurred. In case of a lifetime license, it shall be revoked for a period of two years from date of conviction. And the director of the ~~forestry,~~ fish and game commission and his authorized ~~deputy-and-county~~ game protectors and deputy game protectors are hereby empowered ~~and directed~~ to seize and possess any fish, game, furbearers, pelts or parts thereof taken, possessed, sold or transported unlawfully, and any ~~steel trap, snare, or other like device, or~~ firearm, boat, conveyance, vehicle and its attachments, or any equipment, implement or appliance used in capturing, killing, transporting or taking fish, game and/or fur-bearing animals unlawfully or during closed season and having reduced the same to possession, the said director, ~~officers-are-authorized-and-directed-to-deposit-the-same-with the-director-of-the-forestry,-fish-and-game-commission,-who~~ shall thereupon (a) retain such authorized confiscated illegally used items as property of the commission or (b) sell the same for the best possible price and account for and pay the proceeds to the state treasurer for deposit in the forestry, fish and game commission fee fund or (c) in the case of fish, game, or fur-bearing animals, or parts thereof, dispose of the same at the discretion of the director.

SEC. 2. K.S.A. 32-130a is hereby repealed.

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

KANSAS FISH & GAME COMMISSION No 868201



Name Willie Walker
 Address 1144 W. 11th
 City Wichita State KS Zip 67201

Hour of Issuance 1:00 (A.M./P.M.)
 Date of Issuance Mo. March Day 15 Yr. 1982 Birth Date 11/15/1918 Wt. 170 Hgt. 5-10
 County Wichita
 County Clerk Signature [Signature]
 County Dealer Name Wichita

TRIP FEE NO EXCHANGE STATE SHOTGUN LICENSE ISSUED NO
 ENTER COUNTY AND CLERK'S SIGNATURE X [Signature]

REVOKED

AFFIX DUCK STAMP TO BACK SIDE OF LICENSE
 A \$25 fee must be collected for county general fund. An additional \$25 fee may be collected by license vendors. Obtain current copy of your hunting and fishing regulations. KNOW YOUR LOCAL GAME PROTECTOR.

NON RESIDENT						
Trap	Fish	Hunt	Fish	Hunt	Controlled Shot Area	5 day Trip Fishing
\$12.00	\$16.00	\$8.00	\$8.00	\$20.00	\$40.00	\$8.00
(A)	(B)	(C)	(D)	(E)	(F)	(G)

Day Starts 12:00 Midnight (H)

FACT SHEET

REVOCATION OF LICENSES FOR BIG GAME POACHERS

Prepared by: Kansas Fish & Game Commission

Background:

Discouraging or deterring illegal acts before they occur is an integral part of modern conservation enforcement. Under existing statutes there is no provision for mandatory revocation of a convicted big game poacher's hunting privileges. Such a provision would stop many potential poachers since they would be risking the loss of future hunting privileges as well as fines and possible imprisonment if apprehended.

Proposal:

Amend the current big game and turkey penalty statute and require the forfeiture of hunting privileges of convicted big game poachers for one year from the date of conviction for the first offense. For the second or subsequent offense, revoke hunting privileges for a minimum of two years or for any amount of time over two years that is set by the presiding judge. This would act as major deterrent to habitual big game poachers.

Benefit Summary:

The mandatory loss of hunting privileges for big game poachers will serve to deter people from violating big game laws. This will result in the conservation officer being able to spend more time in other enforcement efforts and should result in an increase in the deer herd due to a decrease in illegal kills.

BILL NO. _____

By _____

AN ACT concerning fish and game; providing penalties for violations of act; amending
K.S.A. 32-110b.

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

SECTION 1. K.S.A. 32-110b is hereby amended to read as follows: 32-110b. Any person violating any of the provisions of K.S.A. 32-110a, or 32-177, or 32-178 or 32-179, and amendments thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than \$250 nor more than \$1,000, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. In addition to any fines or imprisonment, for the first offense the person shall forfeit the privilege to hunt in Kansas for one year from date of conviction. For the second and subsequent violations, such person shall forfeit the privilege to hunt in Kansas for a minimum of two years. In addition, the presiding judge may remove the hunting privilege for any amount of time to include forfeiture of lifetime hunting privileges.

SEC. 2. K.S.A. 32-110b 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

BONDING SCHEDULE REVISION

Prepared by: Kansas Fish and Game Commission

Background:



Under present law, a person issued a citation by an officer of the Kansas Fish and Game Commission may be required to give a cash bond in the amount specified in the statutes for the applicable offense. The bond is subject to forfeiture if the person does not appear in court at the time specified in the written citation. However, existing law prescribes bond amounts for only a few offenses, including hunting or fishing without a license and several boating violations.

A number of frequently encountered offenses are not included in the bonding schedule. Shooting hen pheasants and exceeding bag limits are just two examples. Therefore, officers cannot take advantage of the desirable features of bonding for such violations.

Fees prescribed under current bonding procedures also are outdated. As a result, the amount of cash bonds specified in the statutes may be less than the minimum fines and court costs being imposed in court appearance for the same violation. In effect, violators who post cash bonds often pay smaller fines than violators who appear in court to answer to the same charge.

Use of the bonding procedures in the past has been helpful and has facilitated law enforcement activities. A more comprehensive bonding schedule would be cost effective since bonding is simpler and faster than having to detain persons cited for violating fish and game laws.

Proposal:

Amend the present bonding laws to make it applicable to a wider variety of violations, and update fees that are out of date.

Benefit Summary:

Use of the bonding procedures facilitates law enforcement activities but is currently limited to only a few fish and game law violations. Updating fees prescribed in the bonding schedule, and expanding the bonding schedule so that it applies to all of the most common fish and game violations, would be cost effective. It would provide more equitable assessment of fines. It would also allow officers to avoid unduly punishing non-resident offenders and Kansans who reside in distant parts of the state by allowing forfeiture of a cash bond in lieu of being detained or required to return for the court appearance.

BILL NO. _____

By _____

AN ACT relating to appearance bonds; offenses for which bond may be given, amounts; forfeiture of bond, costs; amending K.S.A. 32-155b and repealing the existing section.

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

SECTION 1. K.S.A. 32-155b is hereby amended to read as follows: 32-155b.

(a) Whenever any person shall be issued a citation by an officer of the Kansas fish and game commission for any of the violations described in subsection (b), the officer may require such person to give bond in the amount specified in subsection (b) for the offenses for which the person was charged, which bond shall be subject to forfeiture if the person does not appear at the court at the time specified in the written citation. The bond shall be a cash bond and shall be payable using cash or legal tender identified as travelers checks, certified checks, cashiers checks and postal money orders. The cash bond shall be taken in the following manner: The officer shall furnish the person charged with a stamped envelope addressed to the judge or clerk of the court named in the written citation and the person shall place in such envelope the amount of the bond, and in the presence of the officer shall deposit the same in the United States mail. After having complied, the person charged need not sign the citation, but the officer shall note the amount of the bond mailed on the citation and shall give a copy of such citation to the person.

(b) The offenses for which a cash bond may be required as provided in subsection (a) and the amounts thereof shall be as follows:

<u>Hunting or fishing without a license</u>	<u>75.00</u>
<u>No hunter safety card or furharvester card</u>	<u>75.00</u>
<u>Hunt during closed season</u>	<u>75.00</u>
<u>Hunt, take or possess game birds or small game animals illegally</u>	<u>75.00</u>
<u>Exceed bag, creel or possession limit</u>	<u>75.00</u>
<u>Transport game birds or small game animals illegally</u>	<u>75.00</u>
<u>Shooting or hunting before or after legal hours</u>	<u>75.00</u>
<u>Hunt with artificial light illegally</u>	<u>150.00</u>
<u>Illegal display of coyote</u>	<u>50.00</u>
<u>Hunting without written permission</u>	<u>75.00</u>

Fishing-without-a-license-----	50.00
Fish or attempt to take fish by illegal means	<u>75.00</u>
Possession of illegal length fish	<u>75.00</u>
No furharvester's license	<u>300.00</u>
Take or attempt to take furbearers illegally or during closed season	<u>150.00</u>
Operation of motorboat or sailboat without first obtaining a certificate of number	25.00 <u>75.00</u>
Failure to properly display the required identification number on the bow of a motorboat or sailboat when underway	25.00 <u>75.00</u>
Failure to properly display the required lights on vessel during hours of darkness	25.00 <u>75.00</u>
Failure to have on vessel the correct number and type(s) of personal flo- tation device(s) readily-aeessible-or-immediately-available and in good serviceable condition	25.00 <u>20.00 plus 10.00 for each insuf- ficient number of life jackets</u>
Operation of a motorboat or vessel in non-boating area	50.00 <u>75.00</u>
Operating a vessel towing a person or persons on water skis or other device without a proper observer or a rearview mirror on vessel	25.00 <u>75.00</u>

(c) In the event of forfeiture of any of the bonds set forth in this section, then \$10 ~~\$19~~ of the forfeited bond shall be regarded as court costs.

SEC. 2. K.S.A. 32-155b is hereby repealed.

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