

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at
Chairperson

8:10 a.m./~~p.m.~~ on Tuesday, February 5, 1985 in room 123-S of the Capitol

All members were present ~~except~~.

Committee staff present:

Ramon Powers, Legislative Research Department
Don Haywood, Office of the Revisor of Statutes

Conferees appearing before the committee:

Senator Neil Arasmith
Bill Hanzlick, Director, Kansas Fish and Game Commission
Dr. Gerald Hannah, Commissioner, Mental Health and Retardation Services, SRS
Omar Stavlo, Law Enforcement Chief, Kansas Fish and Game Commission

A motion was made by Senator Martin, seconded by Senator Thiessen, that the minutes of the meetings of January 30 and 31, 1985, be approved. Motion carried.

Senate Bill 43 - An act relating to group fishing licenses for institutions licensed by the secretary of Social and Rehabilitation Services (SRS).

A hearing was held on the bill which was previously introduced by the Committee at the request of Senator Neil Arasmith. Senator Arasmith said the bill was the result of a request from a nursing home in his area to exempt residents who do not qualify for the over-sixty-five exemption from the fishing license requirement. The exemption would apply to only a few nursing home residents in the state most of whom are handicapped or retarded. He noted New Section 1 of the bill, which allows SRS institutions to purchase group licenses for an annual fee, does not cover the original intent of his request for exemption for these residents who would fish mostly on group outings at farm ponds. Senator Arasmith requested that SB 43 be amended to reflect this intent. He had no objection to New Section 1 remaining in the bill.

Bill Hanzlick, Director, Kansas Fish and Game Commission, supported the bill as written, noting he had supported similar bills previously. He pointed out that the suggested amendment would affect nursing homes which are regulated by the Department of Health and Environment (KDHE) and not SRS. He had no objection to the amendment and noted calls he has received from nursing homes with similar problems which the bill, as written, would not solve. He stated his only concern with the bill would be in law enforcement and making determinations regarding exemptions.

Dr. Gerry Hannah, Commissioner, Mental Health and Retardation Services, spoke in support of SB 43. Group fishing by SRS institution residents is an important part of recreational activities and is valuable therapy for mentally retarded adolescents in learning to get along with others. A similar bill last year got caught up in a backlog but had no opposition. He did not believe SRS would object to the suggested amendment. An outline of Dr. Hannah's remarks is attached (Attachment No. 1).

Following discussion, Senator Feleciano made a conceptional motion to amend SB 43 to exempt residents of nursing homes licensed by KDHE from fishing license requirements, seconded by Senator Langworthy. Motion carried. Senator Feleciano then moved to recommend that SB 43, as amended, be passed, seconded by Senator Hayden. Motion carried.

Senate Bill 60 - An act relating to elk hunting permit fee.

A hearing was held on the bill. Mr. Hanzlick said it establishes an elk hunting permit fee structure which would help control the numbers of a wild elk herd pastured on Cimarron Grasslands in Morton County. The permit system would be similar to that presently in use concerning deer and antelope. Although the Fish and Game Commission presently has authority to issue permits, it cannot charge a fee. The bill sets the fee for 1985 and 1986 which, in subsequent years, would be set by rules and regulations. Mr. Hanzlick said there are about

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three dozen elk in the herd.

Senator Kerr moved that SB 60 be recommended favorably for passage and placed on the Consent Calendar, seconded by Senator Hayden. During discussion, the question was raised if the herd was large enough to need diminishing at this time or if the elk could be trapped and moved to other areas. Mr. Hanzlick said trapping or tranquilizing such a large animal was very difficult, and he believed the only plausible method of controlling the herd was through the permits. Only four to six permits would be issued. He noted examples of the free-ranging elk going into fields of alfalfa and that ranchers can presently shoot animals that are damaging crops. The permit system would give Fish and Game authority to be present and control who shot them and which animals were shot. Senator Martin expressed concern that hunting permits should be granted before a need was established. He made a conceptionsal substitute motion to give the Fish and Game Commission authority to set up the machinery to start the fee system but that it not be implemented until the legislature reviews the need during subsequent sessions and gives the go ahead. The substitute motion was seconded by Senator Vidricksen. During discussion, the suggestion was made that the year "1985", on line 94, be stricken which would delay implementation. A member pointed out problems with the herd that presently exist with poachers and free-ranging bulls and believed the Fish and Game people were closer to the problems than the Committee. Another member believed the elk should be transferred which would allow other citizens to enjoy them. Mr. Hanzlick pointed out that 98% of Kansas land is privately owned, and there would not be many places available for transfer.

A vote was taken on the substitute motion, and it failed to carry five to six. The vote was then taken on the original motion, and it carried six to four.

Senate Bill 61 - An act relating to the designation of game protectors as wildlife conservation officers.

A hearing was held on the bill. Omar Stavlo, Law Enforcement Chief, Kansas Fish and Game Commission, explained the need for the bill which would change the title of "game protector" to "wildlife conservation officer". He said these officers were specialized and highly trained in law enforcement, forensic techniques, public relations, environmental matters, and hunting and boating safety. "Game protector" did not reflect the true nature of duties performed. The majority of surrounding states are using the "wildlife conservation" term.

Mr. Stavlo pointed out two errors in the bill: on page 3, line 98, following the word "wardens", the words "game protectors" should be inserted; and on line 105, the number "74-" should be added before "3302b" in the statute citation. Senator Hayden moved that the bill be amended to correct these errors, seconded by Senator Thiessen. Motion carried.

In response to questions, Mr. Hanzlick said that changing the game protector title would result in a minimum increase in salaries of about \$2.00 a month for each employee affected. No additional employees would be added.

Senator Vidricksen moved that SB 61, as amended, be recommended favorably for passage, seconded by Senator Thiessen. Motion carried.

The meeting was adjourned at 9:00 a.m. The next meeting of the Committee will be February 6, 1985.

Attachment 1
2-5-85

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Statement Regarding S.B. 43

1. Title - This bill authorizing the issuance of institutional group fishing licenses for facilities licensed by or under the jurisdiction of the Secretary of Social and Rehabilitation Services.
2. Purpose - Persons that have been admitted to and are currently residing at a S.R.S. state facility, not to exceed 20 at any one time, may fish under an institutional group fishing license within the state while on a group trip, outing, or other group activity which is supervised by the facility. Group fishing is an important patient/resident activity, e.g. group therapy, recreation. It provides an opportunity for patients/residents to practice appropriate individual and group behaviors and tasks.
3. Effect of Passage - Passage of this bill would provide an opportunity for patients/residents residing in S.R.S. state facilities to participate in group fishing activity without requiring the state agency to purchase an individual license for each patient/resident.
5. SRS Recommendation - The Department supports this bill.

Robert C. Harder
Secretary
Social and Rehabilitation Services
296-3271
February 5, 1985

J. E. NR 2/5/85

Attachment 1