

Approved April 7, 1987
Date

MINUTES OF THE SUB- COMMITTEE ON NATURAL RESOURCES

The meeting was called to order by Representative Spaniol at
Chairperson

3:30 ~~am~~/p.m. on March 30, 1987 in room 526-S of the Capitol.

All members were present except:

Representative Sifers (excused)

Committee staff present:

Ramon Powers, Legislative Research Department
Arden Ensley, Revisor of Statutes
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Bill Hanzlick, Director, Kansas Fish and Game, Pratt, Kansas
Ted Cunningham, Kansas Furharvesters, Herington, Kansas

Hearing on Senate Bill 59--Fee schedule for hunting, fishing and furharvesting licenses and permits.

Bill Hanzlick of Kansas Fish and Game was a proponent, noting that since license and permit fees are the major source of income for his agency, they were an integral part of this plan. Mr. Hanzlick felt that the agency had not abused the privilege of setting their own fees by rule and regulation within a framework established by statute in 1978, but the major licenses have now reached their maximum framework limits. (Attachment 1)

During discussion, it was noted that lifetime hunting and fishing licenses were permanently set and were not affected by this legislation. It also was explained that the hatchery fee is funded through the sale of bonds and when enough money has been accumulated to pay off the bonds, the hatchery fee will be removed from lifetime fishing licenses. Regarding comparison of fees with other states, Mr. Hanzlick said that Missouri accumulates \$35 million through sales tax and another \$35 million from sales of licenses, while Kansas operates on a budget of \$11 million. He felt that Kansas was reasonably comparable with other neighboring states except for Missouri. Regarding trapping and shipping of rabbits out of state, Mr. Hanzlick told the committee that Kansas is one of the few states that allows this; there are only four rabbit shippers in the state and it is a big business.

Ted Cunningham represented the Kansas Furharvesters in opposing Senate Bill 59. He expressed concern especially relating to the proposed fee increases for furharvesting activities. Mr. Cunningham suggested that this bill be held in committee this year. With the apparent reorganization beginning in July, this would allow the administration of the Kansas Department of Wildlife and Parks to have input regarding the legislation on fee increases. (Attachment 2) Discussion followed.

Hearing on Senate Bill 60--Designation of free two-day fishing periods. Bill Hanzlick spoke in support of Senate Bill 60 as well as the State Park amendment, which if enacted, would also allow two free days of recreational activity during the year. The two free fishing days would be during National Fishing Week, which is the first full week of June. (Attachment 3) Committee discussion followed.

Ted Cunningham spoke as a proponent of Senate Bill 60. He represented himself, not the furharvesters, on this bill. Mr. Cunningham favored some kind of free fishing day in Kansas to promote Kansas fishing, especially to encourage new constituents to fish. He felt that it was impossible to predict the amount of lost revenue. He thought perhaps clarification needed to be made to exempt city or county lakes from this legislation.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE _____ SUB- COMMITTEE ON _____ NATURAL RESOURCES _____,
 room 526-S Statehouse, at 3:30 ~~xxx~~ p.m. on March 30 _____, 1987

During discussion, Mr. Cunningham recalled that the language relative to the Park Authority was already in an existing statute and had been amended into this one to combine the free days of both departments. Mr. Hanzlick commented that in some cases the local entities' fishing fees were actually access fees for maintaining roads, facilities, etc. Staff felt that the subsection (i) on page 7 had been added to allow people to get into a park free in order to make use of the free fishing days. Representative Barr inquired about a fiscal note. Mr. Hanzlick noted that it could not be determined how much revenue might be lost or how much might be generated by this legislation.

Discussion and action--Senate Bill 60.

Representative Lacey made a motion to amend Senate Bill 60 on line 69 preceding "license" by inserting "state fishing". Representative Barr seconded and the motion passed.

Representative Mollenkamp, seconded by Representative Barr, moved to pass Senate Bill 60 favorably as amended. Representative Barr suggested that it would be good for Fish and Game, as well as for the committee, if some kind of marketing test to survey the results, such as asking people upon entering if they were there to take advantage of the free day could be done. Representative Rezac suggested that the park rangers could check how many permits were on windows as a method of surveying the results. Staff noted that the park portion had been amended onto the bill and that the Park and Resources Authority had added an additional fiscal note which indicated that lost revenue for the two free park access days would be \$7,796. Representative Lacey made a substitute motion to strike Section 2, but there was no second.

Representative Barr, seconded by Representative Shore, moved to sunset in two years. The motion carried.

Representative Barr, seconded by Representative Rezac, moved to report Senate Bill 60 favorably as amended. The motion carried.

STANDING COMM. 3/31/87

Senate Bill 59.

Representative Lacey, seconded by Representative Sallee, moved to table Senate Bill 59. The motion passed. STANDING COMM. 3/31/87

Senate Bill 42.

Representative Shore, seconded by Representative Rezac, moved to limit to riparian and wetland protection. Representative Sallee made a motion to table Senate Bill 42. Representative Mollenkamp seconded. The motion failed. A vote was taken on Representative Shore's amendment to limit to riparian and wetland protection. The motion passed.

There was considerable discussion relative to the area included in the conservation easement in order to preserve the wetlands as well as tax exemptions. Representative Lacey, seconded by Representative Barr, moved to delete the language in lines 52-55, following "governmental entity". The motion passed. There was further discussion regarding developmental rights and access.

Representative Spaniol presented an amendment requested by Southwestern Bell on page 3, to strike the language on lines 90, 91 and 92 and insert instead of, "account the cost of restoration and other usual rules of the law of damages." (Attachment 4) Southwestern Bell was concerned about the definition and meaning of the language relative to the loss of scenic, aesthetic and environmental values. Representative Rezac, seconded by Representative Shore, moved to add this amendment. The motion carried.

Representative Shore moved to report Senate Bill 42 favorably as amended. Representative Lacey seconded. A vote was taken and division requested. There were five votes in favor and three opposed. The motion carried.

(Attachment 5)

STANDING COMM. 3/31/87

The meeting was adjourned at 5:00 p.m.

Kansas Fish & Game

HEADQUARTERS
BOX 54A, RT. 2, PRATT, KS 67124



(316) 672-5911

Senate Bill 59

Legislative Testimony by Kansas Fish and Game Commission

1987 Session

The Kansas Fish and Game Commission operates under a comprehensive long-range plan. This includes planning of both income and expenditures based on current and future needs. Since the license and permit fees are the major source of income for the agency, they become an integral part of this plan.

The 1978 session of the Legislature gave the Commission authority to set license and permit fees by rule and regulation within a framework established by statute (K.S.A. 32-164b). With the license increase that became effective January 1, 1987, the major licenses have reached their maximum framework limits.

The initial framework for resident hunting and fishing licenses was from \$5.00 to \$10.00. The plan was for a \$1.00 increase every two years, except for the first increase which was \$2.00. The increase scheduled for January 1, 1986, was delayed for one year due to a better than expected fiscal position.

We feel that this process has worked well for us and has allowed for better management of our fiscal resources. We do not feel that we have abused this authority since the initial approval of the \$5.00 framework. This has covered a period of 10 years and our license structure is in line with most of our surrounding states. (See attached schedule.) Missouri is the exception where about \$35,000,000 is obtained annually from sales tax. Our agency has also just recently reduced its operating budget by over 5% as a long-range austerity effort.

No fee increase would occur with the passage of this legislation, but would allow us to obtain a fee increase by the regulatory process. Since this must be done by permanent regulation only, the earliest possible fee increase date is January 1, 1989.

It is felt that this process is vitally important to the fiscal management of this agency, and we urge that this legislation be passed. We have no objection to the House amendments.

Fact Sheet

Fee Structure Adjustment

Prepared by: Kansas Fish and Game Commission

Background: The 1978 session of the legislature gave the Commission authority to set license and permit fees by rule and regulation within a framework established by statute (K.S.A. 32-164b). With the license increase effective January 1, 1987, several of the license fees will have reached their maximum.

Proposal: It is felt that this procedure has worked well for everyone involved and new maximums should be established to allow for future license increase by rule and regulation.

Recommended Legislation: Amend K.S.A. 32-164b with new maximums as follows.

Recommended Increases in License Maximums

| <u>License/Permit Type</u> | <u>Current Maximum</u> | <u>January 1, 1987 Price</u> | <u>Recommended Maximum</u> |
|-----------------------------------|------------------------|------------------------------|----------------------------|
| Resident Hunting | \$ 10 | \$ 10 | \$15 |
| Nonresident Hunting | 50 | 50 | 75 |
| Resident Fishing | 10 | 10 | 15 |
| Nonresident Fishing | 30 | 25 | 35 |
| 24-hr Fishing | 2 | 2 | 5 |
| Resident Furharvester | 15 | 15 | 25 |
| Nonresident Furharvester | 400 | 250 | 750 500 |
| Resident Duplicate Hunt/Fish/Furh | 3 | 3 | 5 |
| Nonresident Duplicate | 5 | 3 | 10 |
| Resident Furdealer | 200 | 100 | 200 |
| Combination Hunt/Fish | 20 | 20 | 30 |
| Nonresident Furdealer | 400 | 200 | 750 500 |
| Controlled Shooting Area | 10 | 10 | 15 |
| Resident Mussel Fishing | 200 | 25 | 200 |
| Nonresident Mussel Fishing | 400 | 100 | 400 |
| Game Breeder | 15 | 10 | 25 |
| Live Rabbit Trapping | 15 | 10 | 25 |
| Rabbit Shipping | 200 | 200 | 400 300 |
| Collecting | 10 | 5 | 25 |
| Disabled Persons Vehicle Permit | 5 | 3 | 15 |
| Resident Big Game Permit | 100 | Various | 100 |
| Nonresident Big Game Permit | 400 | Various | 400 |
| Field Trial (Birds) | 25 | 20 | 50 |
| Field Trial (Furbearers) | 25 | 20 | 50 |
| Commercial Dog Training | 25 | 20 | 50 |
| Hound Trainer/Breeder Running | 25 | 20 | 50 |
| Water Event | 25 | 20 | 50 |

Fiscal Impact: There would be no fiscal impact with the passage of this legislation.

Benefit Summary: By being able to set license fees by regulations, it is felt the license buyer has more direct input in the regulatory process with the required public hearings. The agency may chart its own destiny and tends to assume more of the consequences of a license increase.

SUMMARY OF KANSAS LICENSE FEE STRUCTURES
 COMPARED WITH THOSE OF NEIGHBORING STATES
 1987

| License | Kansas | Oklahoma | Missouri | Colorado | Nebraska |
|--|-------------------------------------|----------------------------|---------------------------|----------------------------|----------------------------------|
| Resident Fish | \$ 10.00 (1) | \$ 10.00 | \$ 6.00 | \$ 11.00 | \$ 9.50 |
| Resident Hunt (Small Game) | 10.00 | 10.00 | 6.00 | 7.50 | 8.50 (2) |
| Resident Combination | 20.00 (1) | 18.25 | 10.50 | 15.00 | 17.50 (2) |
| Nonresident Fish (Annual) | 25.00 (1) | 18.25 | 15.00 | 35.00 | 20.00 |
| Nonresident Fish (Trip) | 5-day 10.00 (1) 24-hour 2.00 (4) | 3-day 6.50 10-day 12.25 | 3-day 5.00 14-day 8.00 | 2-day 7.00 10-day 18.00 | 3-day 6.00 |
| Nonresident Hunt (Small Game) | 50.00 | 68.75 | 40.00 | 32.50 | 40.00 (2) |
| Res. Furharvester (Resident Trap) | Junior 7.50 Adult 15.00 | 5.75 Tags 10.75 (3) | 6.00 | Youth 10.00 Adult 30.00 | 15.00 (2) |
| Nonres. Furharvester (Nonresident Trap) | 250.00 | 345.00 Tags 50.75 (3) | 250.00 | 200.00 | 200.00 (Min) (2) (Reciprocal) |
| Habitat or Wildlife Stamp | --- | --- | --- | --- | 7.50 |
| Resident Fur Dealer | 100.00 | 68.00 | 100.00 | --- | 100.00 |
| Nonresident Fur Dealer | 200.00 | 325.00 | 300.00 | --- | 500.00 |

- (1) Fish Hatchery Fee (\$3.00) is required in addition to license
- (2) Habitat Stamp (\$7.50) is also required with each hunting and trapping license
- (3) Tags are required for raccoon, bobcat and gray fox
 Vendor's fee is included in the prices shown above for Oklahoma, Missouri and Colorado
 Nebraska - Vendor's fee (50¢) is not included in prices shown above
 Kansas - County Clerk/Vendor's fee (50¢ or \$1.00) is not included in prices shown above
- (4) Fish Hatchery fee of \$1.00 is required in addition to 24-hour license fee
 Oklahoma Has a short-term nonresident hunting license for small game only, 5 days - \$14.50

Mr. Chairman and Members of the Committee:

For the record I am Ted Cunningham and I represent the Kansas Furharvesters. I suspect many thousands of Kansas license buyers might raise the same questions we raise could they be here today.

Our position will not be appreciated by the Kansas Fish and Game Commission but we believe it is a position that must be explored.

We testified in favor of the original legislation, during the 1978 session, that gave the agency statutory authority to raise fees by rules and regulations. At that time we felt such authority was necessary to keep pace with increasing agency costs and that it would be much simpler to create an increase by rules and regulations than by the legislative process. We believed the agency would only use its authority as an emergency tool and not make increases whenever the statute allowed them to do so.

We believe Senate Bill 59 is, in fact, a projected price list of license fees we face when time constraints have expired on this new bill. We believe the listed fee increases are going to come on line at regular intervals until maximums are reached.

We base our assumptions on at least two points: 1. Almost every fee has increased to the allowable limit within the time frame set down in the existing statute and 2. The agency has used its fee increase authority in lieu of any other funding sources.

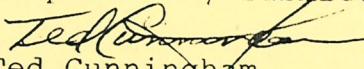
The Kansas Fish and Game Commission has absolutely no commitment for new funding sources in its 1987 legislative program. Their only source of funding is once again placed on licence buyers. There must be a change in attitude on the agency's part, as well as a change in thinking by the general public and this body if the agency is to remain viable and survive in future years.

We are deeply concerned with proposed fee increases relating to furharvesting activities. We believe fees are based on what some feel are high profits from fur taking and therefore high fees are justified. We tend to forget the hundreds of farm kids and part time trappers who pursue the sport with little or no profit each year. We are not in favor of the fees as listed and we ask that a new fee schedule be examined before Senate Bill 59 progresses. We ask the agency to meet with the Kansas Furharvesters so our concerns may be addressed before the fact.

Presently, we believe this bill may even be premature.

We feel if there is a reorganization the new administration should certainly be involved in fee changes wherever necessary and if necessary.

Respectfully submitted,


Ted Cunningham
303 South E Street
Herington, Kansas 67449

Kansas Fish & Game

HEADQUARTERS
BOX 54A, RT. 2, PRATT, KS 67124



(316) 672-5911

Senate Bill 60

Legislative Testimony by Kansas Fish and Game Commission

1987 Session

I am here today to discuss with you the provisions of Senate Bill 60, which, if enacted, will allow for the establishment of "free fishing days" in Kansas.

During calendar year 1985, an estimated 550,000 anglers exerted in excess of ten million days fishing Kansas waters. Total fishing license sales for this period were 298,979. As is apparent by the above figures, this legislation would promote one of our state's already most popular and enjoyable pastimes.

This proposal is not without trial in other states across the U.S. As of September of 1986, the following states have celebrated free fishing days:

| | |
|-----------|--------------|
| Arizona | Missouri |
| Arkansas | New Jersey |
| Idaho | Oklahoma |
| Illinois | Pennsylvania |
| Michigan | South Dakota |
| Minnesota | Wisconsin |

The general consensus of other states' experiences with this approach is that "free fishing days" involves more people (in state and out of state) in the sport of fishing.

Free fishing days represent an invitation to out-of-state anglers to fish Kansas. It is an invitation for Kansas residents who have not recently fished to become re-involved with sport fishing and its many benefits. Also, it is an opportunity "non-fishing" parents have to take their children out for a day of fishing at a minimal cost.

During free fishing days, tackle manufacturers and sporting goods stores do better business. Participants purchase food and gas, stay in motels, and circulate dollars, benefiting local communities.

The Fish and Game Commission hopes to attract new anglers who will purchase future licenses which generate more revenues, translating to a brighter angling future.

Free fishing days work because everyone benefits.

FREE FISHING DAYS—SOME THOUGHTS

The Sport Fishing Institute pursues a course of husbanding more and better sport fishing opportunities. Under proper management of our renewable fisheries resources, sport fishing opportunities can expand and flourish in this country. The rewards of sport fishing are both diverse and generous. Most *SFI BULLETIN* readers can readily recall days of their youth spent afield with their folks and/or friends in unflinching pursuit of some finny quarry. The conversation, companionship and equality of purpose engendered by such days on the water, are perhaps reward enough to keep the SFI program humming. But the nutritional contributions and enormous economic activity generated by sport fishing have become further catalysts for our continuing and expanding efforts. The full range of benefits associated with fishing often last a lifetime, and youngsters who have never been exposed to sport fishing have been, in a very real sense, deprived of a lasting enrichment in their lives.

One excellent means of increasing public awareness of the many benefits of family fishing excursions, and one fully endorsed and promoted by the Sport Fishing Institute, is the annual Free Fishing Days concept. At least three states (Oklahoma, Pennsylvania and Illinois) have now initiated such programs.

A rationale for Free Fishing Days appeared in a recent edition of the Illinois Department of Conservation's *Outdoor Highlights*. This sage statement entitled "Why Free Fishing Days?" is reproduced below in its entirety.

Why Free Fishing Days?

That's a question we've heard from time to time since the announcement that June 7-10 will be Free Fishing Days in Illinois. On those four days anyone can fish Illinois waters without having a fishing license. That includes all public waters in the state, private waters if the angler obtains permission from the owner, and is for residents and non-residents alike. The only requirement is that participants must obey fishing laws that govern the sport of fishing.

But why Free Fishing Days?

Some people have speculated that it is a measure to help bait shops and sporting goods stores. Others have guessed the Department of Conservation wants to increase the number of persons visiting state parks throughout the state. A few have suggested it is a way to give some business to fishing guides and tackle manufacturers.

All are partially correct, but the best guess, and the one that is the most correct, is that it is a public relations gimmick dreamed up by the Department of Conservation. That's exactly what it is.

But it goes beyond being *just* a public relations gimmick.

It's the State of Illinois' way of telling the public that if they are going fishing, to give Illinois a try. It's an invitation to out-of-state anglers to put a hook in our waters. It's an invitation for persons who may have been anglers a few years

ago to give it a try again, and a chance to introduce non-anglers to the sport of fishing at a minimal cost. It's also a means that will enable a non-fishing parent to take the kids out for a day of fishing.

That's a little bit of why we say it's a public relations gimmick, but there's more.

It's also the Department of Conservation's way of saying that Illinois has some of the best fishing to be found anywhere. It's no secret that Illinois has been handicapped the past two to three decades by an outdated fish hatchery system, and that many Illinois anglers began fishing other states that could offer better fishing.

That's all changed, however. With the construction and operation of the new Sand Ridge Fish Hatchery, plus the increased production of the renovated Little Grassy Fish Hatchery, the continued support of the Spring Grove Fish Hatchery, and the innovative creation of spawning and rearing ponds by fisheries biologists, Illinois today is stocking literally millions more fish of many more species into the waters that dot the state.

Those millions of fish mean Illinois can compete with fishing areas throughout the United States. No longer do anglers have to drive hundreds of miles for good fishing; Illinois anglers can fish, with minimal expense, near their home. The dedicated Illinois angler—those that fish our waters regularly—already know that statement is true.

During Free Fishing Days the tackle manufacturers and sport and tackle stores stand to do better business. Other businesses will profit, too. Participants will buy gas and food, stay in motels and hotels, and they will circulate dollars that will benefit entire communities.

The Department of Conservation hopes to attract new anglers during Free Fishing Days—anglers that will purchase licenses that will generate revenues which will go toward raising more fish for our lakes and streams. That translates to even better fishing in the future.

But the real winner—the persons we think Free Fishing Days really is designed for—are the new or renewed angler. Those persons will benefit the most because they will have been introduced to one of the most popular activities of all time—the sport of fishing. Once they're hooked on fishing they become part of the Department of Conservation's family of boosters.

We suspect our angling readers would have been on the lakes and streams of Illinois this June 7-10 whether we had Free Fishing Days or not. We hope each of them will take the opportunity to introduce at least one of their non-angling friends to the sport.

Why Free Fishing Days: Because everyone benefits!

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Energy and Natural Resources

Recommends that Senate Bill No. 60 (As Amended by Senate Committee)

"AN ACT authorizing the establishment of fee free fishing and state park usage periods; amending K.S.A. 32-104 and K.S.A. 1986 Supp. 74-4509b and repealing the existing sections."

Be amended:

On page 2, in line 69, preceding "license" by inserting "state fishing"; in line 72, after the period, by inserting "The provisions of this subsection shall expire on July 1, 1989.";

On page 7, in line 249, after the period, by inserting "The provisions of this subsection shall expire on July 1, 1989.";

And the bill be passed as amended.

Chairperson

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Energy and Natural Resources

Recommends that Senate Bill No. 42 (As Amended by Senate Committee)

"AN ACT concerning conservation easements; relating to the creation thereof."

Be amended:

On page 1, in line 21, preceding "When" by inserting "(1)"; in line 24, by striking all after "to"; in line 25, by striking "water" and inserting in lieu thereof "wetlands and riparian areas"; in line 26, by striking "land, water or air space," and inserting "wetland or riparian area"; in line 31, by striking all after "diversity"; by striking all of line 32; in line 33, by striking all preceding the period; following line 33, by inserting:

"(2) When used in this act "riparian areas" means areas along streams which through the predominance of woody plants, abundance of water and varying habitat structure supports a high diversity of wildlife.

(3) When used in this act "wetland" means any area where standing water or wet soil conditions exist for a significant part of the growing season of most years.";

On page 2, in line 52, by striking all after "entity"; by striking all of lines 53 and 54; in line 55, by striking all preceding the period;

On page 3, in line 90, by striking all after "account"; by striking all of line 91; in line 92, by striking all preceding the period and inserting "the cost of restoration and other usual rules of the law of damages";

And the bill be passed as amended.

Chairperson

Attachment 5

Attachment 4

0082 easement may be prohibited or restrained by injunctive relief
0083 granted by any court of competent jurisdiction in a proceeding
0084 initiated by the grantor, such grantor's heirs, successors or as-
0085 signees, or by the owner of the easement.

0086 (c) In addition to the remedy of injunctive relief, the owner of
0087 a conservation easement shall be entitled to recover monetary
0088 damages for injury thereto or to the interest to be protected
0089 thereby. In assessing such damages, there may be taken into

0090 ~~account, in addition to the cost of restoration and other usual~~
0091 ~~rules of the law of damages, the loss of scenic, aesthetic and~~
0092 ~~values.~~=====

-----account the cost of restoration and other usual rules of the
law of damages.

0093 Sec. 5. Real property subject to one or more conservation
0094 easements shall be subject to assessment and taxation or exemp-
0095 tion therefrom in accordance with general laws applicable to the
0096 assessment and taxation of interests in real property.

0097 Sec. 6. No interest in real property cognizable under the
0098 statutes, common law, or custom in effect in this state prior to
0099 July 1, 1987, nor any lease or sublease thereof at any time, nor
0100 any transfer of a water right or any change of a point of diversion
0101 at any time shall be impaired, invalidated or in any way ad-
0102 versely affected by reason of any provision of this act. No provi-
0103 sion of this act shall be construed to mean that conservation
0104 easements were not lawful estates in land prior to July 1, 1987.

0105 **Sec. 7. Nothing in this act shall be construed so as to impair**
0106 **the rights of a public utility with respect to rights-of-way,**
0107 **easements or other property rights upon which facilities, plants**
0108 **or systems of a public utility are located or are to be located.**

0109 Sec. 7 8. This act shall take effect and be in force from and
0110 after its publication in the statute book.