

Approved

Ken Grotewiel

Date 3/23/92

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Representative Ken Grotewiel at
Chairperson

3:40 a.m./p.m. on March 18, 1992 in room 526-S of the Capitol.

All members were present except:

Representative Charlton, excused	Representative McClure, excused
Representative Glasscock, excused	Representative McKechnie, excused
Representative Krehbiel, excused	Representative Stephens, excused

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research Department
Pat Mah, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Lenore Olson, Committee Secretary

Conferees appearing before the committee:

Lynn Hall - State Judge Advocate, Department of Kansas, VFW
Jack Lacey - Secretary of Department of Wildlife and Parks
DeVern Phillips - State Sealer and Administrator of the Weights and
Measures Program, Division of Inspections, Board of Agriculture
Rebecca Rice - Legislative Counsel, Amoco Oil Company

Chairperson Grotewiel opened the hearing on SB 562.

SB 562 - An act relating to fish and game; concerning fishing and hunting
by military personnel while on leave.

Lynn Hall, VFW, testified in support of SB 562, stating that the provision
to allow Kansans in the military to hunt or fish for free while they are
on leave or furlough should be reinstated. He also said that the cost
to the state will be minimal. (Attachment 1)

Jack Lacey, Secretary of Wildlife and Parks, testified in opposition to
SB 562. He stated that the Department opposes this bill because of license
revenue lost, erosion of the Department's revenue base, and reduced
apportionment of federal aid funds which are based in part on the number
of licenses sold. (Attachment 2)

Written testimony in support of SB 562 was submitted by Chuck Yunker,
American Legion. (Attachment 3)

Chairperson Grotewiel closed the hearing on SB 562.

The Chair opened the hearing on SB 675.

SB 675 - An act concerning the oil inspection law; renaming such law
the petroleum products inspection law.

Devern Phillips, Division of Inspections, testified in support of SB 675,
stating that it will bring Kansas into closer compliance with neighboring
states who have already adopted ASTM standards for fuel quality.
(Attachment 4)

Rebecca Rice, Amoco Oil Company, testified in opposition to SB 675 in its
present form. She requested amendments as shown on (Attachment 5).

The Chair closed the hearing on SB 675.

The meeting adjourned at 4:20 p.m.



VETERANS OF FOREIGN WARS OF THE UNITED STATES



DEPARTMENT OF KANSAS

SENATE BILL 562
HUNTING AND FISHING LICENSES
FOR ACTIVE DUTY MILITARY PERSONNEL

Prior to the 1989 Kansas Legislature, State Statutes provided that a person who was on active duty with any branch of the armed forces of the United States and who was a resident of Kansas immediately prior to entry into the armed forces, while on military leave or furlough, could fish and hunt in this state and upon demand of any game warden, present their military leave or furlough papers and the game warden would accept their leave or furlough papers as adequate authority to hunt and fish in Kansas.

The 1989 Kansas Legislature repealed this provision and Kansans on active duty are now required to purchase hunting and fishing licenses while home on leave or furlough. Senate Bill 562 reinstates their exemption from purchasing licenses.

According to Department of Defense records, as of March 12, 1992, Kansas has 15,921 of her citizens serving on active duty in the military who show Kansas as their home-of-record. In view of current World trends, it is anticipated that number will reduce in the same proportion as the total strength of our armed forces are reduced over the next few years.

Kansas resident hunting and fishing licenses each cost \$10.50. As a generous estimate, IF 100% of those Kansas Citizens on active duty come home on leave; and IF they came home on leave during hunting or fishing season; and IF they were inclined to go hunting or fishing; and IF 10% of them purchased a hunting or fishing license, the enactment of SB562 would cost the State something less than \$17,000 annually.

That is a small price to pay for Kansas to say "thank-you" to OUR citizens who are in the service of our Country. These Kansans continue to pay taxes in our State during their active service, even though they may be serving in the far-reaches of the World. The provision to allow these Kansans to hunt or fish for free while they are HOME, should be reinstated.

Handwritten note: 3/18/92 House E+NR Attachment 1

JAY RITCHIE
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CHARLIE STEPHENS
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VFW TESTIMONY IN SUPPORT OF SENATE BILL 562 (CONT'D)

Current statutes which permits individuals on leave or furlough to purchase residence licenses, etc., as if they were Kansas residents, is unnecessary because these individuals maintain their Kansas residency during their active duty under the provisions of the "Soldiers and Sailors Relief Act of 1941" and are, by definition, Kansas residents. Existing State statutes give them nothing that is not provided by Federal law.

If this proposal is passed, the cost to the State will be minimal, however, the gratitude of our service personnel and their families will be great. Kansas residents serving on active duty in the Army, Navy, Air Force, Coast Guard and Marines, are deserving of this special consideration. I emphatically ask this body to pass Senate Bill 562.

Respectfully submitted,



LYNN HALL
State Judge Advocate
Department of Kansas



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DEPARTMENT OF WILDLIFE AND PARKS
JOAN FINNEY, Governor
JACK LACEY, Secretary
JOHN S. C. HERRON, Assistant Secretary

S.B. 562

TESTIMONY PRESENTED TO: HOUSE ENERGY AND NATURAL RESOURCES
COMMITTEE

PROVIDED BY: KANSAS DEPARTMENT OF WILDLIFE AND PARKS

DATE: MARCH 18, 1992

Mr. Chairman and members of the Committee, my name is Jack Lacey, Secretary of the Kansas Department of Wildlife and Parks. Thank you for the opportunity to appear before you to express our concern and opposition to S.B. 562.

S.B. 562 as amended provides that any Kansas resident on active duty in the armed forces may hunt and fish without a hunting or fishing license while on military leave or furlough. Currently, active duty military personnel who were Kansas residents upon entry are eligible to purchase any department issue as a resident. Any active duty nonresident military personnel stationed in Kansas may purchase hunting and fishing licenses as a resident.

This bill is almost identical to H.B. 2171 which addressed active duty military personnel who were Kansas residents upon entry into a branch of the armed forces. That 1991 bill was reported unfavorably by the Senate Energy & Natural Resources Committee earlier in the 1992 session. S.B. 562 will result in an estimated \$136,600 loss to the Wildlife Fee Fund.

Fisheries and wildlife type activities of the Department are funded through the Wildlife Fee Fund. That fund is maintained through the sale of hunting and fishing licenses and other income related to fisheries and wildlife. The revenue base for the fund is decreasing due to an aging population (those 65 and over are not required to buy a license) and fewer young people are taking

\$ 68,000 loss

Kansas Outdoors "America's Best Kept Secret"

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Attachment 2

up fishing and hunting related activities. Other exemptions also contribute to the diminishing revenue base. Basically, fewer and fewer are being asked to pay more and more to compensate the difference. As their costs to participate increase, some reach a point where they cease to be active. Thus, the revenue base is further reduced. At the same time, costs to manage the resource and provide recreational opportunities to the public continue to escalate.

Providing our citizens in the military with free hunting and fishing appears to be popular. However, creation of additional exemptions deserves very careful consideration regardless of their popularity. The entire exemption issue should be addressed as it pertains to the Department's funding base before any more exemptions are awarded. Exemptions are adversely impacting our ability to carry out the duties and responsibilities expected and demanded of this Department.

The Department sincerely appreciates the service and commitment of our military personnel. Several of our own personnel served proudly in the Gulf War and more are active in the National Guard. Our citizens serving in the military deserve the honor and respect of all the citizens of Kansas. The exemption of S.B. 562 recognizes only those wishing to hunt or fish and further, it places that recognition only on the license buying public, not with the citizens of our state.

The Department must oppose S.B. 562 because of license revenue lost, erosion of the Department's revenue base and reduced apportionment of federal aid funds which are based in part on the number of licenses sold.



1314 TOPEKA AVENUE TOPEKA, KANSAS 66612 (013) 232 0316

KANSAS DEPARTMENT

AMERICAN LEGION
STATEMENT ON
SENATE BILL 562

An Act relating to fish and game; concerning fishing and hunting by military personnel while on leave.

Thank you for accepting my written testimony on SE 562 in lieu of my personal appearance before you today as a prior commitment dictates my being at Ft. Riley this afternoon.

While serving in the U. S. Navy for over four years I was lucky enough to schedule my personal leave to coincide with the fall hunting season in Kansas on three occasions. I still recall those 3 seasons as some of the most enjoyable I've ever experienced as they were spent with friends whom I had not seen for months.

When on military leave the typical service person wants to spend their time with friends and family; however those friends and family have other pursuits, including jobs, they must maintain. Thus the service person seeks and needs other activities to occupy their time. Many times that activity is a hunting or fishing trip.

Although military pay has improved since I served my country it has not kept up with inflation. Therefore a hunting or fishing license is just one more added expense to someone who has saved their money to return to Kansas for one or two weeks. The cost of a license is small to you and I, but that is not the case to a service person on leave.

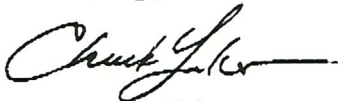
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Attachment 3

By allowing those who were Kansas residents at the time they entered military service the privilege to hunt and fish without purchasing a license, we are sending them the message that Kansas, and its citizens, appreciate their service to this country. This message will also help encourage those same people to return to Kansas as civilian taxpayers with important job skills which will contribute to our overall economy.

Again thank you for accepting my written testimony in support of SB 562.

Sincerely,



CHUCK YUNKER
Department Adjutant

CY/mat

HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

TESTIMONY - SENATE BILL 675

March 18, 1992

Mr. Chairman, Members of the Committee. My name is DeVern H. Phillips. I am the State Sealer and Administrator of the Weights and Measures Program of the Division of Inspections. Senate Bill 675 modifies the current Oil Inspection Law, K.S.A. 55-434 et al.

The responsibilities for the enforcement duties of this law were transferred from the Department of Revenue to the Kansas State Board of Agriculture in July of 1989.

This law primarily establishes the authority to test refined fuels. The existing act was written in 1935. Some of the technical data and specifications referred to in the existing bill relates to fuels available in 1935, not the multitude of fuels and blends available to the consumer today.

The activities of the staff involved in enforcement of this law are funded through a 1 cent per 50 gallon barrel of fuel sold in Kansas (.02 cents per gallon) which is collected by the Department of Revenue and is paid into State General Funds. The Kansas State Board of Agriculture utilizes 6 full-time employees in this program. The Department of Revenue utilized 11 full-time employees for enforcement activities under this law. Reduction in staffing resulted in \$135,000 in the first year (1989) savings to the State. Accuracy of refined fuel devices has risen also from 60% to nearly 90% under our current enforcement program.

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There are currently 2,986 retail facilities selling refined fuels in Kansas through more than 23,000 pumps. According to the National Petroleum News, 1,629,000,000 gallons of refined fuels were sold in Kansas during 1990. The changes requested in Senate Bill 675 permits the Board of Agriculture to establish necessary rules and regulations for fuel quality paralleling those of the testing as prescribed by American Society of Testing and Materials (ASTM). This will bring Kansas into closer compliance with neighboring States who have already adopted ASTM standards for fuel quality.

Senate Bill 675 will also incorporate utilization of civil penalties for violations of any portion of this act. Previously only criminal penalties could be invoked.

In the activities of the enforcement of the existing Oil Inspection Law, minimal fuel quality testing is being performed. This is due to lack of funding of fuel quality testing. 21% of the gasoline samples taken in Kansas to date have shown violations of the Kansas Consumer Protection Act (under the current law this is the only enforcement tool we have to prevent misrepresentation of products). The violations have ranged from misrepresentation of product (unleaded fuel as leaded; lower octane product being sold as a higher grade) alcohol present in fuels (without notification to consumers) to 25% diesel blended with gasoline.

Adoption of the proposed changes in Senate Bill 675 will no longer necessitate the involvement of the Attorney General's office nor County Attorney offices for enforcement purposes. The changes as requested will provide for a better program and will parallel other Kansas State Board of Agriculture enforcement activities.

It is anticipated that the staff attorney currently assigned to the Division of Inspections will handle any and all enforcement activities of this program. No additional administrative or field staff is requested.

No adverse fiscal impact upon industries regulated through this act is anticipated.

No increase in revenues are requested nor are costs of enforcement expected to rise, other than normal costs of printing and distribution, which is anticipated to be less than five hundred dollars (\$500.00).

We would request the adoption of the proposed changes to the Oil Inspection Law and will entertain questions at the Committee's pleasure.

4-3

TESTIMONY PRESENTED TO THE
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
re: SB 675

March 19, 1992

by Rebecca Rice, Legislative Counsel
to the Amoco Oil Company

Thank you Mr. Chairman and members of the committee. I appear before you today on behalf of Amoco Oil Company. We oppose SB 675 in its present form. We do have suggested amendments which, if adopted, will eliminate our opposition.

The proposed amendments are as follows: On page seven, line one, strike the words "insofar as practicable". Also on page seven, line three, strike the words "whenever possible".

These changes will allow Amoco Oil to receive appropriate notification of the labeling requirements to which they will be subjected. Without these changes we are concerned we will be subjected to possible whims within the Department of Agriculture.

Thank you, Mr. Chairman.

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