

Approved: 4-9-97
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Steve Lloyd at 3:30 p.m. on March 13, 1997 in Room 526-S of the Capitol.

All members were present except: Rep. Richard Alldritt - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Hank Avila, Legislative Research Department
Mary Torrence, Revisor of Statutes
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Senator Robert Tyson
Bill Fuller, Kansas Farm Bureau
Mike Beam, Kansas Livestock Association
Danny Clifton, Williamsburg
Clint Riley, Department of Wildlife and Parks
Spencer Tomb, Kansas Wildlife Federation
Joe Lienemann, Kansas Wildlife Officers Association

Others attending: See attached list

Chairman Steve Lloyd called the meeting to order at 3:30 p.m. He called the committee's attention to information that had been distributed from Ray Aslin, State Forester, (See Attachment 1) regarding **SB 365**.

The Chairman opened public hearing on **SB 110**:

SB 110: An act concerning methods of taking wildlife; unlawful acts; amending K.S.A. 32-1003 and repealing the existing section.

Raney Gilliland, Legislative Research Department, explained the bill.

Rules and regulations from the Department of Wildlife and Parks was provided for the committee to review. (See Attachment 2)

The Chairman welcomed Senator Robert Tyson to the committee. Senator Tyson supports the bill (See Attachment 3) and feels the change will allow a landowner to perform his normal ranching or farming activities at night with a gun in his possession. (See Attachment 4)

The Chairman welcomed Bill Fuller, KS Farm Bureau. Mr. Fuller, on behalf of Kansas Farm Bureau, supports the bill, (See Attachment 5) and believes agricultural producers should have the option of using, on privately owned land, all reasonable means of controlling all damaging wildlife and predatory animals.

The Chairman welcomed Mike Beam, Kansas Livestock Association. He provided testimony in support of the bill. (See Attachment 6) He believes this bill provides an enforcement mechanism for illegal activity while exempting farmers and ranchers who are protecting their property. Discussion and questions followed.

The Chairman welcomed Danny Clifton, Williamsburg, to the committee. Mr. Clifton spoke in a neutral position. He believes the bill will correct a problem that has been facing landowners for years, but feels there needs to be an amendment making it a state law that the Kansas Department of Wildlife and Parks will allow exceptions for fur harvesting. (See Attachment 7)

The Chairman welcomed Clint Riley, Department of Wildlife and Parks. He spoke to the committee in a neutral position. (See Attachment 8) The Department does not oppose the bill but does support the amendment for clarification purposes. Discussion and questions followed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 526-S Statehouse, at 3:30 p.m. on March 13, 1997.

The Chairman welcomed Spencer Tomb, Kansas Wildlife Federation, to the committee. He provided testimony in opposition to the bill, (See Attachment 9) and feels the law should stay as it is. His organization feels that Kansas conservation officers need the statute the way it is to be able to stop poachers.

The Chairman welcomed Joe Lienemann, Kansas Wildlife Officers Association. This association is made up of conservation officers across the state whose primary focus and responsibility is wildlife law enforcement. He provided testimony in opposition to the bill, (See Attachment 10) which includes two amendments. Discussion and questions followed.

The Chairman appointed a subcommittee to work on SB 110, Chairperson, Rep. Joann Freeborn; Rep. Sharon Schwartz; Rep. Eber Phelps; Rep. Vaughn Flora and Rep. Dan Johnson. Hearing no others to testify, the Chairman closed the hearing on SB 110.

The meeting adjourned at 5:00 p.m.

The next meeting is scheduled for March 17, 1997

HOUSE ENVIRONMENT COMMITTEE COMMITTEE GUEST LIST

DATE: 3-13-97

NAME	REPRESENTING
Danny Clifton	Flint Hills Coon Hunters Assoc.
Mark Gault	KS Wildlife Officers Assn
John Purvis	KS Wildlife Officers Assn
Corey Alderson	"
Joe Lienemann	Ks. Wildlife Officer's Ass'n
Spencer Tomb	KS Wildlife Federation
THOMAS WARNER	KANSAS STATE UNIVERSITY
Ray Aslin	Kansas State Extension Forestry
Richard HAROLD	KS WILDLIFE + PARKS.
Clint Rile	" " " "
Hisa Meyer	KS Gov. Consulting
Jamie Clover Adams	Governor's Office
Walt Brown	Mid Am Landowner
Brod Maus	DHS Environment Club
Ryan Henham	" " "
Kyke Smith	" " "
Kara Wallace	" " "
Sarah Hinman	" " "
Clint Tankersby	" " "

HOUSE ENVIRONMENT COMMITTEE COMMITTEE
GUEST LIST

DATE: 3-13-97

NAME	REPRESENTING
Delli Archiel	DHS Environmental Club
Marian N Doll	
Mike Beam	Ks. Lvstk. Assn.




Cooperative Extension Service

Kansas State and Extension Forestry
2610 Claflin Road
Manhattan, Kansas 66502-2798
913-537-7050
FAX: 913-539-9584
Postage Paid

March 12, 1997

TO: The Honorable Steve Lloyd, Chairperson
House Committee on Environment

FROM: Ray Aslin 
State Forester

SUBJECT: Follow-up Request on Information Regarding SB 365

In response to your request for additional information regarding Senate Bill 365, I have enclosed information on the organization, operation and current funding for Kansas State and Extension Forestry (KSEF). The five attachments are discussed separately below.

Attachment 1 is our current organizational chart. KSEF has 13.4 full-time equivalent unclassified (professional) positions and 6 classified (support) positions. One of the 13.4 unclassified FTE's is Extension and the remainder are State Forestry positions. As stated in the Hearing on Monday, March 10, the Extension tenths are assigned to eight different foresters. By consolidating the Extension tenths on one Extension Forester position, a focused Extension Forestry educational program for county Extension agents and their clientele will be more effectively delivered. The Extension Forestry position will be funded out of our current state appropriated funds. There will not be a reduction in our 13.4 FTE's this year due to two recent retirements of long-time employees and the acquisition of an Environmental Protection Agency Wetland and Riparian three year grant. The name change to the Kansas Forest Service reflects our focus on the actual technical assistance and service work required by our cooperative agreements with the USDA Forest Service.

Attachment 2 is a state map outlining our office locations across the state and District Forester districts. The requests for forestry technical assistance in both rural and community forestry are greater than our ability to service them in a timely manner. Districts are large and our foresters are working hard at trying to meet the demand for services.

Attachment 3 lists the major program assignments by forester and support staff at our State Office. It also shows the split between state forestry and Extension

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Attachment 1*

The Honorable Steve Lloyd, Chairman
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forestry tenths. Attachment 4 is a position description for our district foresters. Actual program emphasis may vary from district to district depending upon natural resources and interest of local citizens.

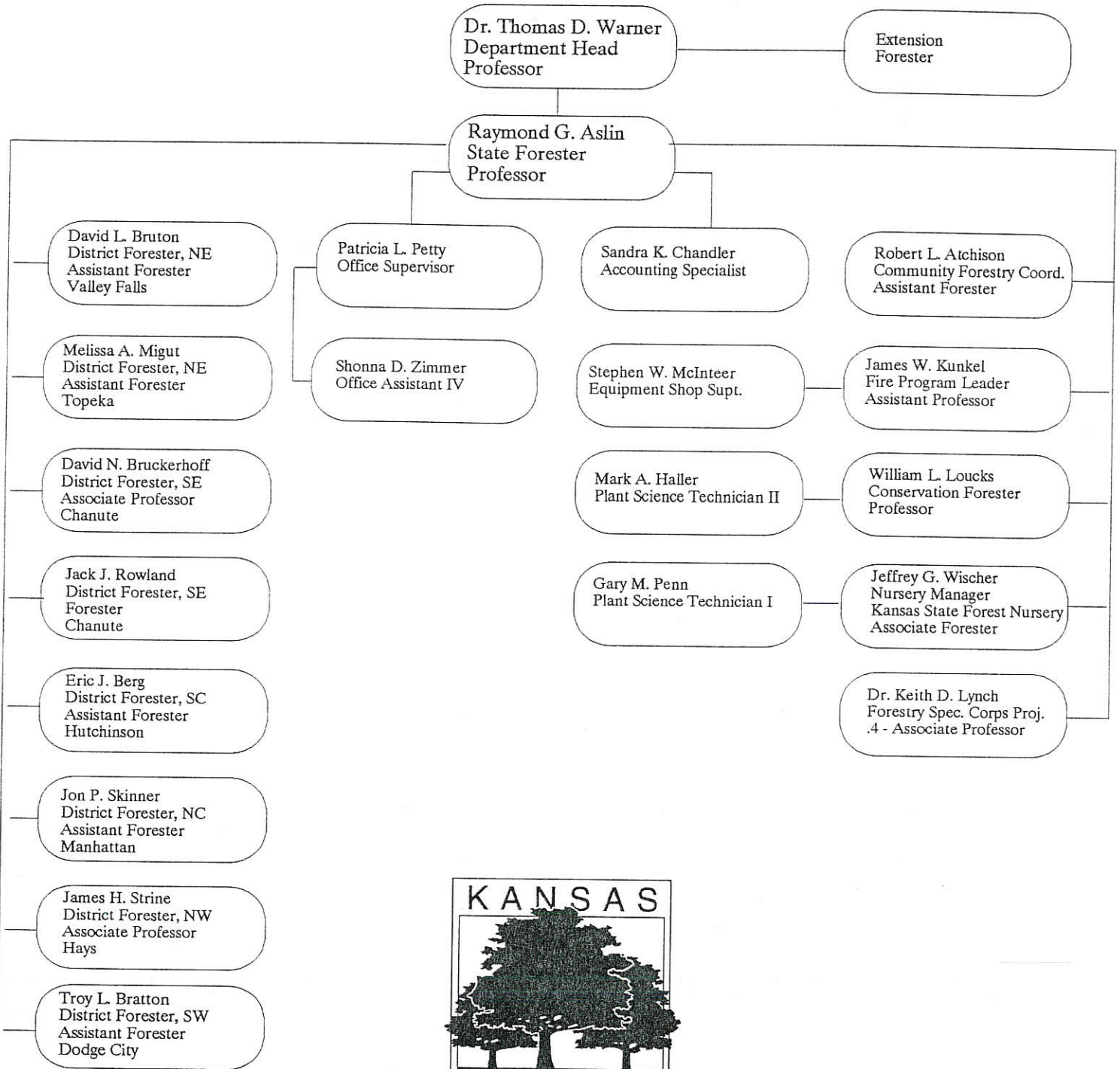
Attachment 5 lists the available funding KSEF is operating with for State Fiscal Year 1997. It is broken down by funding source. Currently, KSEF receives \$285,093 in state appropriated funds to support 6.0 FTE's plus an operating budget of \$55,368; a total of \$340,461. Approximately \$50,000 of these funds will be used to support the Extension Forestry position.

Kansas State and Extension Forestry is the only agency within the state that has forestry expertise and the responsibility for providing forestry programs, technical assistance and service to private landowners, communities, fire departments and other natural resource agencies and organizations. KSEF is the state forestry agency for Kansas and the Extension forestry entity within the Cooperative Extension Service. The University Administration, the College of Agriculture Administration and the Cooperative Extension Service support this proposed separation of state forestry and Extension forestry functions.

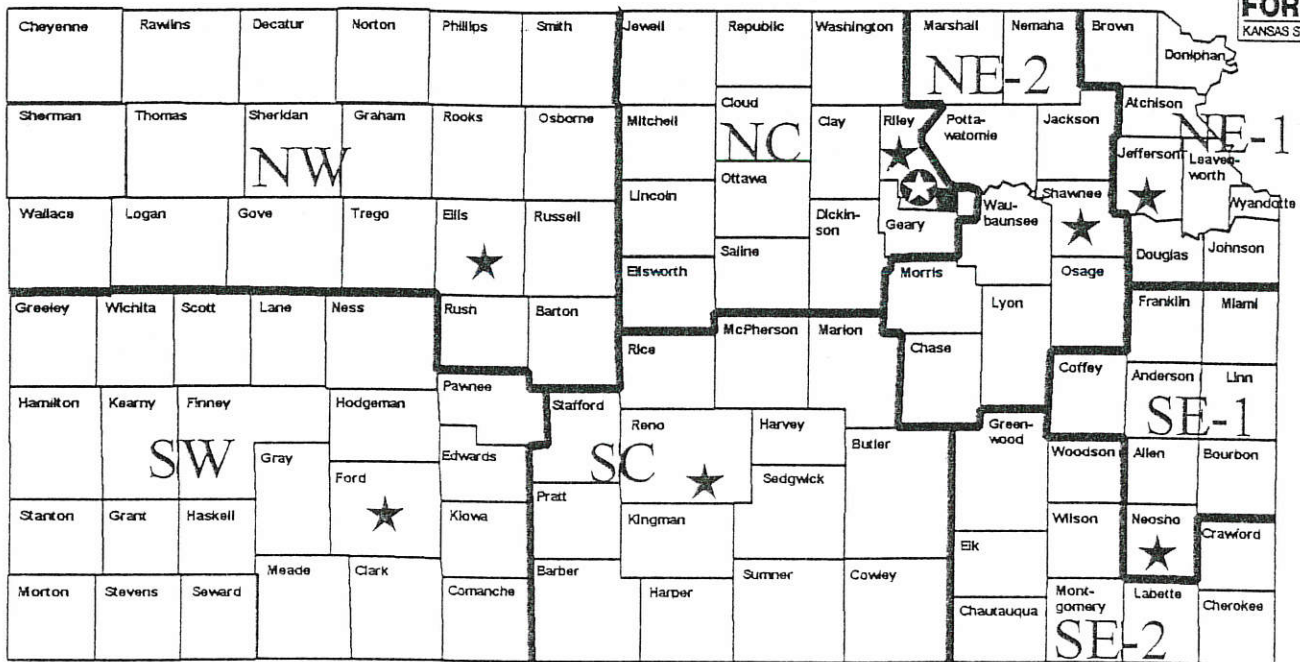
There are two main issues we are trying to solve: (1) the identity as the state forestry agency and (2) the identity of state appropriated funds for state forestry activities. Senate Bill 365 would clarify our roles and responsibilities and allow us to effectively work to accomplish the intent of the Kansas Forest Resource Statutes.

Department of Horticulture, Forestry and Recreation Resources

Kansas State and Extension Forestry



Kansas State and Extension Forestry State and District Offices



★ NW

James H. Strine
District Forester
Kansas State and Extension Forestry
Agricultural Research Center - Hays
1232 240th Avenue
Hays, KS 67601-9228
913-625-3932
Fax: 913-623-4369
Email: JStrine@Oznet.ksu.edu

★ SW

Troy L. Bratton
District Forester
Kansas State and Extension Forestry
107 Layton
Dodge City, KS 67801-2498
316-227-2392
Fax: 316-227-6020

★ NC

Jon P. Skinner
District Forester
Kansas State and Extension Forestry
1125 Westport Drive
Manhattan, KS 66502-2860
913-776-5182
Fax: 913-539-7983

★ NE-1

David L. Bruton
District Forester
Kansas State and Extension Forestry
318 Broadway
Valley Falls, KS 66088-1302
913-945-6292
Fax: 913-945-6882
Email: DBruton@Oznet.ksu.edu

★ SC

Eric J. Berg
District Forester
Kansas State and Extension Forestry
South Central Area Extension Office
Trade Center Building
1600 N. Lorraine, Suite # 125
Hutchinson, KS 67501-5654
316-663-5491
Fax: 316-662-9197
Email: EBerg@Oznet.ksu.edu

■ Kansas State Forest Nursery

Jeffrey G. Wischer
Nursery Manager
KS State and Extension Forest Nursery
2161 W. 40th Avenue
Manhattan, KS 66502-9572
913-539-4616
Fax: 913-539-4627
Email: Jwischer@Oz.oznet.ksu.edu

★ NE-2

Melissa A. Migut
District Forester
Kansas State and Extension Forestry
444 Southeast Quincy
Suite # 190
Topeka, KS 66683-3569
913-295-2531
Fax: 913-295-7630

★ SE-1, SE-2

David N. Bruckerhoff (SE-1)
Jack J. Rowland (SE-2)
District Forester
Kansas State and Extension Forestry
Southeast Area Extension Office
20 South Highland
Chanute, KS 66720-2498
316-431-1530
Fax: 316-431-2108
Email: DBrucker@Oznet.ksu.edu
Email: JJRowlan@Oznet.ksu.edu

● State Office

Kansas State and Extension Forestry
2610 Claflin Road
Manhattan, KS 66502-2798
913-537-7050
Fax: 913-539-9584
Email: Ppetty@Oz.Oznet.ksu.edu

3/11/97

**KANSAS STATE AND EXTENSION FORESTRY
STATE OFFICE AND MAJOR PROGRAM ASSIGNMENTS**

Raymond G. Aslin, State Forester - .8 State Forestry; .2 Extension

- Administers all State Forestry Programs
- Office Operations
- Budget
- Personnel Administration
- National, Regional & State Forestry Representative to Natural Resource Agencies
- State Forestry Long-Range Planning
- Extension Forestry Program Leader
- Kansas Association for Conservation and Environmental Education Representative

Robert L. Atchison, Community Forestry Coordinator - .9 State Forestry; .1 Extension

- Coordinates Statewide Rural Forestry Program
- Coordinates Kansas Forest Stewardship Program
- Coordinates Federal Cost-Share Programs - SIP, FIP, EQUIP & CRP
- Coordinates Utilization & Marketing Program with Forest Industry
- Maintains Timber Buyers & Sawmill Operators Directory
- Maintains Portable Sawmill/Dry Kiln
- Represents Agency on Kansas Water Office Committees (Water Plan)
- Represents Agency with International Walnut Council
- Coordinates Statewide Community Forestry Program
- Coordinates Tree City USA & Growth Recognition Awards Programs
- Coordinates Involvement in Arborist Training with Kansas Arborists Association
- Coordinates State Urban Forestry Advisory Council
- Coordinates Involvement in Statewide PRIDE Beautification Program
- National Arbor Day Foundation Liaison
- Kansas Arborist Association Liaison
- National, Regional & State Forestry Representative to Natural Resource Agencies

William L. Loucks, Conservation Forester - .8 State Forestry; .2 Extension

- Coordinates Conservation Tree Planting Program
- Coordinates Annual Spring and Fall Tree Distribution Program
- Coordinates Container Nursery Production in Greenhouse
- Coordinates PL-566 Watershed Planning Program
- Coordinates Involvement in States Nonpoint Source Pollution Control Program
- Coordinates Internal Reporting System
- Coordinates Statewide Insect & Disease Program
- Coordinates State Fair Exhibit
- Supervises Mark Haller

James W. Kunkel, Rural Fire Program Leader - 1.0 State Forestry

Coordinates Statewide Rural Fire Program
Executes Cooperative Agreements with Volunteer Rural Fire Departments
Represents Forestry on Kansas Fire Service Council
National, Regional & State Forestry Representative to Fire Service Agencies
Conducts Annual Basic Fire Training Sessions
Conducts Annual Advanced Fire Simulator Training Sessions
Coordinates Federal Rural Fire Cost-Share Program
Supervises Steve McInteer

Jeffrey G. Wischer, Nursery Manager - 1.0 State Forestry

Coordinates State Forest Nursery Operations
Coordinates seeding, growing and lifting of tree seedlings
Maintains Nursery Equipment
National and Regional Forestry Representative to Nursery Associations
Supervises Gary Penn
Supervises Students and Temporary Laborers

Keith D. Lynch, Forestry Specialist, Vegetative Management - .4 State Forestry

Coordinates Vegetative Management Contracts with Corps of Engineers
Consults on 6 Corps of Engineers Reservoirs

Patricia L. Petty, Office Supervisor - 1.0 State Forestry

Administers Personnel Records and Fair Labor Standards Act
Processes Payroll
Processes Student Employment
Supervises Office Operations
Supervises Zimmer and Student Assistants
Coordinates Custodial Services
Responsible for Aslin, Kunkel and McInteer

Shonna D. Zimmer, Office Assistant IV - 1.0 State Forestry

Processes Conservation Tree Seedling Orders
Coordinates Smokey Bear Fire Prevention Program
Provides Computer Assistance to Staff
Maintains Publication Supply
Responsible for Loucks and Atchison

Sandra K. Chandler, Accountant Specialist - 1.0 State Forestry

Responsible for Recording and Paying Bills
Processes and Monitors Grants (Forest Service, EPA, etc.)
Processes Invoices and Payments
Prepares and Distributes Quarterly Budget Printouts to Staff
Processes Purchases
Arranges and Processes Travel

Stephen W. McInteer, Equipment Shop Superintendent - 1.0 State Forestry

Coordinates Federal Excess Personal Property Program
Inventory, Screening, Acquisition, Transportation, Distribution, Retrieval,
Disposal and Parts Supply
Coordinates Maintenance and Repair of State Office Vehicles
Responsible for Shop Building
Assists in Conducting Annual Advanced Fire Simulator Training Sessions
Supervises Student

Mark A. Haller, Plant Science Technician II - 1.0 State Forestry

Supervises Shipping of Tree Seedlings
Supervises Container Grown Greenhouse Operation
Maintains Greenhouse Equipment
Responsible for Grounds
Responsible for Building Maintenance
Supervises Students

Gary M. Penn, Plant Science Technician I - 1.0 State Forestry

KSEF Safety Coordinator
Responsible for growing, lifting and grading bareroot seedlings at State Forest Nursery
Maintains Nursery Equipment
Supervises Students and Temporary Laborers

District Foresters - Duties Listed in District Forester Position Description

David L. Bruton -	1.0 State Forestry
Melissa A. Migut -	1.0 State Forestry
David N. Bruckerhoff -	1.0 State Forestry
Jack J. Rowland -	0.9 State Forestry; .1 Extension
Eric J. Berg -	0.9 State Forestry; .1 Extension
Jon P. Skinner -	0.9 State Forestry; .1 Extension
James H. Strine -	0.9 State Forestry; .1 Extension
Troy L. Bratton -	0.9 State Forestry; .1 Extension

2/7/97

**POSITION DESCRIPTION
FOR
DISTRICT FORESTER
KANSAS STATE AND EXTENSION FORESTRY**

PRINCIPAL DUTIES AND RESPONSIBILITIES OF POSITION

Rural Forestry Assistance

1. Provide technical forestry assistance to landowners, operators, federal, state and local agencies and organizations in preparation of woodland management plans and conservation tree planting plans such as farmstead, livestock and field windbreaks; living snowfences; wildlife habitat; riparian zones; and woodlots. Also, provide technical assistance for all federal and state cost-share programs including approval and follow-up inspections.
2. Represent KSEF on state, area and local planning and review committees providing forestry advice and input.
3. Provide assistance in diagnosis and control of insect and disease problems in tree plantings and native woodlands.
4. Assist State Tree Farm Committee in certification and reinspection of Tree Farms.
5. Participate in landowner forestry recognition programs including KSEF recognition awards, the State Forester's Conservation Tree Planting Awards and Annual Landowner Recognition Program.

Urban and Community Forestry

1. Assist communities in planning, managing and developing tree resources to improve environmental, beautification and recreational benefits. Develop tree boards, assist with tree maintenance and management planning and provide technical assistance to communities.
2. Design tree planting plans on publicly owned property.
3. Provide training to city tree personnel and private arborists in proper tree planting and maintenance.

4. Provide assistance to municipalities and tree boards in diagnosis and control of insect and disease problems.
5. Participate in the National Arbor Day Foundation's Annual Tree City USA and Growth Awards Recognition Programs and State Forester's Awards in Urban and Community Forestry.

Rural Fire

1. Conduct biannual inventory of Federal Excess Property on loan to rural fire districts.
2. Provide assistance to volunteer rural fire districts in promoting fire prevention and safety.

General

1. Serve as a forestry subject matter specialist to county Extension agents, District Conservationists, and other federal, state and local conservation agencies and organizations.
2. Conduct public information and education programs in forestry through effective use of public meetings and mass media.
3. Establish and maintain cooperative working relationships with federal, state and local conservation agencies and organizations on forestry related programs.
4. Provide forestry advice, leadership and expertise on other special projects as assigned by the State Forester.
5. Participate in Quarterly Staff Meetings and serve on Departmental Committees as assigned.

PERFORMANCE STANDARDS

1. Plan, develop and conduct a creative, well-balanced full service forestry program to meet the needs of the resource and clientele in a positive and professional manner.
2. Effectively utilize the mass media and meetings and workshops to educate other natural resource professionals and the public on forestry programs and issues.
3. Provide strong leadership in carrying out forestry programs and assignments.

4. Provide assistance to municipalities and tree boards in diagnosis and control of insect and disease problems.
5. Participate in the National Arbor Day Foundation's Annual Tree City USA and Growth Awards Recognition Programs and State Forester's Awards in Urban and Community Forestry.

Rural Fire

1. Conduct biannual inventory of Federal Excess Property on loan to rural fire districts.
2. Provide assistance to volunteer rural fire districts in promoting fire prevention and safety.

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5. Participate in Quarterly Staff Meetings and serve on Departmental Committees as assigned.

3/12/97

KANSAS STATE AND EXTENSION FORESTRY
STATE FISCAL YEAR 1997
FUNDING AND FUNDING SOURCES

State Appropriations	
Salary & Benefits	\$285,093
Operating	<u>55,368</u>
	\$340,461
 Federal Funding Allocation	
Forest Resource Management Program	\$ 45,000
Forest Resource Planning	7,000
Forest Stewardship Program	96,000
Nursery & Tree Improvement	20,000
Urban & Community Forestry Program	245,000
Rural Fire Program	199,700
Forest Pest Management Program	22,050
Forestry Incentive Program (Tech. Assist.)	1,000
Stewardship Incentive Prog. (Tech. Assist.)	5,900
Natural Resources Conservation Education	<u>8,000</u>
	\$649,650
 Renewable Resources Extension Act (Federal Funds)	\$ 15,000
 Corps of Engineers Vegetative Management	\$ 18,391
 EPA Wetland and Riparian Grant	\$ 13,375
 Conservation Tree Receipts	<u>\$450,000</u>
	\$1,486,877

* KSEF also administers direct cost-share programs: Rural Community Fire Protection (\$44,300) and Stewardship Incentives (\$53,000). In addition, we received \$5,000 for Rural Development through Forestry grants to interested parties.

(c) Any holder of a filled current year big game permit for the species pursued may herd or drive big game for the holder of a valid big game permit, but shall not possess firearm or archery equipment while herding or driving. Horses or mules shall not be used for the herding or driving of elk. (Authorized by K.S.A. 1990 Supp. 32-807 and K.S.A. 1990 32-937; implementing K.S.A. 1990 Supp. 32-807, K.S.A. 1990 Supp. 32-937 and K.S.A. 1990 Supp. 32-1002; effective May 27, 1991.)

Article 5.—FURBEARERS

115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions. (a) Hunting equipment permitted during furbearer hunting seasons and during coyote hunting seasons shall be:

- (1) centerfire and rimfire rifles and handguns, except fully automatic rifles and handguns;
- (2) shotguns;
- (3) muzzleloading rifles, shotguns and pistols;
- (4) cap and ball pistols;
- (5) archery equipment; and
- (6) crossbows.

(b) Trapping equipment permitted during furbearer and coyote trapping seasons shall be:

- (1) steel traps, both leg hold and body gripping;
- (2) padded leg hold traps;
- (3) box traps;
- (4) live traps;
- (5) snares; and
- (6) dead falls.

(c) The following general provisions shall apply to the taking of furbearing animals and coyotes:

(1) Calls may be used in the taking of furbearers and coyotes.

(2) Hand-held, battery powered flashlights, hat lamps and hand-held lanterns may be used while trapping furbearers or coyotes or while running furbearers.

(3) .22 caliber rimfire rifles and handguns may be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) .22 caliber rimfire rifles and handguns may be used while using a hand-held, battery powered flashlight, hat lamp or hand-held lantern to take furbearers treed with the aid of dogs.

(5) Lures, baits and decoys may be used in the taking of furbearers and coyotes.

(6) The use of horses and mules shall be permitted while hunting, trapping, or running furbearing animals and coyotes.

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes.

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes.

(9) The use of dogs for hunting and during running seasons shall be permitted.

(10) Any conibear type body gripping trap with a jawsread of eight inches or greater shall be used only in a water set.

(11) Only landowners or tenants of land immediately adjacent to the right-of-way of a public road, or their immediate families or authorized agents, may set slide-locking wire or snare-type cable traps as dryland sets within five feet from a fence bordering a public road or within 50 feet of the outside edge of surface of a public road. Only these landowners or tenants, or their immediate families or agents, may possess the fur, pelt, skin or carcass of any furbearing animal or coyote removed from these devices located within these location limits.

(12) A person shall not have in his/her possession any equipment specified in subsection (a) while pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with the user's name and address and shall be tended and inspected at least once every calendar day. (Authorized by K.S.A. 1992 Supp. 32-807 as amended by L. 1993, Chapter 185, section 2; implementing K.S.A. 1992 Supp. 32-807 as amended by L. 1993, Chapter 185, section 2, K.S.A. 1992 Supp. 32-1002 as amended by L. 1993, Chapter 185, section 9 and K.S.A. 1992 Supp. 32-1003 as amended by L. 1993, Chapter 185, section 10; effective March 19, 1990; amended Nov. 15, 1993.)

115-5-2. Furbearers and coyotes; possession, disposal and general provisions. (a) Raw furs, pelts or skins of furbearers may be possessed for whichever of the following time periods is less:

(1) for no more than 30 days following the closing of the season in which that species of furbearer may legally be taken; or

(2) until the day prior to the beginning of the running season in which that species of furbearer may legally be run.

(b) Requests to possess beyond the possession period section (a) shall be submitted and, if granted, shall be submitted to the secretary. Each request shall include the number of each species of furbearer, the applicant's name, address and license number.

(c) Live furbearers legal during the furbearer season may be possessed until the last day of the season in which they were taken.

(d) Unskinned carcasses of furbearing animals possessed no more than 30 days following the closing of the season in which they were taken. Furbearer and meat of furbearers may be taken and possessed by another person if the person has a license which includes the address and furharvester number of the person who possesses the carcass or meat.

(e) Legally taken raw furs, pelts or skins of coyotes or legally taken furs, pelts or skins of furbearers may be possessed without limitation as provided in K.A.R. 28-1-14.

(f) Any person in lawful possession of a furbearing animal or coyote carcass may sell or ship or transport the same to licensed furbearer or to a person legally authorized to purchase furbearing animal or coyote furs, pelts.

(g) Any bobcat pelt legally taken may be sold to any fur dealer, but shall not be sold for the purpose of selling to a person who has not been licensed by the department. The pelt of any bobcat legally taken shall be presented to the department within 30 hours following closure of the trapping season. A pelt presented to the department shall be accompanied by the furbearer number under which the pelt was taken.

(h) Bobcat pelts tagged with a furbearer number may be possessed without limitation.

(i) Properly licensed furbearers may take furbearing animals during the established opening or trapping of furbearers and coyotes. Furbearing animals and coyotes may be disposed of as authorized by L. 1989, Chapter 185, section 10, implementing L. 1989, Chapter 185, section 10, and K.S.A. 32-154(b).

ROBERT TYSON

SENATOR, TWELFTH DISTRICT

Home Address: ROUTE 1, BOX 229

PARKER, KANSAS 66072

(913) 898-6035

Office: STATE CAPITOL BUILDING—143-N

TOPEKA, KANSAS 66612-1504

(913) 296-7380

1-800-432-3924



TOPEKA

KANSAS SENATE

COUNTIES

ANDERSON, BOURBON,
FRANKLIN, LINN & MIAMI

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE
ENERGY AND NATURAL RESOURCES
TRANSPORTATION AND TOURISM
JOINT COMMITTEE ON PENSIONS,
INVESTMENTS & BENEFITS

Testimony before the
House Committee on Environment
By
Senator Robert Tyson
March 13, 1997

SB 110 will change K.S.A. 32-1003 (g) to allow a landowner to perform his normal ranching or farming activities at night with a gun in his possession. As this statute presently reads a farmer or rancher cannot drive out his back gate into his pasture and check his cows at night with a gun in the truck. The Kansas Constitution's Bill of Rights section 4 says "The people have the right to bear arms for their defense and security." We cannot let our basic rights sunset at sundown. We on Tyson Ranch have been carrying a gun with us, either on horseback or in our vehicle on our ranch since 1870. SB 110 will once again give the landowners this right.

I worked with the Kansas Farm Bureau, The Kansas Livestock Association, Kansas Wildlife and Parks, members of the Kansas Wildlife Officers Association, and fellow legislators in crafting this change. I feel we've worked together to produce a good bill that needs passing. SB 110 passed the Senate with 36 yeas and 3 nays. Thank you for your consideration.

*House Environment
3-13-97
Attachment 3*

person holds a valid handicapped hunting and fishing permit issued to such person pursuant to K.S.A. 32-931 and amendments thereto;

(b) provide or receive information concerning the location of any game animal or furbearing animal by radio or other mechanical device for purposes of taking such bird or animal;

(c) use sodium fluoroacetate, commonly called formula 1080, except as permitted by rules and regulations of the secretary;

(d) use poison, poisonous gas, smoke or ferrets, or any smoke gun or other device for forcing smoke or any other asphyxiating or deadly gas or liquid into the holes, dens, runways or houses of wildlife, except as permitted by rules and regulations of the secretary;

(e) fish by placing in or upon any lake, pond, river, creek, stream or any other water, bordering on or within the state of Kansas, any deleterious substance or fishberries;

(f) place or explode any dynamite, giant powder, lime, nitroglycerine or any other explosive of any character or kind in any waters of the state of Kansas with the intent to take or stun fish;

(g) throw or cast the rays of a spotlight, headlight or other artificial light on any highway, roadway, field, grassland, woodland or forest for the purpose of spotting, locating or taking any animal while having in possession or control, either singly or as one of a group of persons, any rifle, pistol, shotgun, bow or other implement whereby wildlife could be taken.

History: L. 1972, ch. 160, § 1; L. 1981, ch. 175, § 6; L. 1989, ch. 118, § 115; L. 1993, ch. 185, § 10; July 1.

Source or prior law:

32-104, 32-135, 32-154a, 32-154b, 32-154c, 32-156, 32-158.

32-1004. Possession of wildlife or certain devices. (a) It is unlawful for any person to:

(1) Possess a carcass of a big game animal, taken within this state, unless a game tag issued by the secretary is attached to it, and a check station tag is attached to it if required by the secretary, or refuse to make such carcass available for inspection by any officer authorized to enforce the laws of this state or rules and regulations of the secretary;

(2) possess any wildlife unlawfully killed or otherwise unlawfully taken outside this state;

(3) cause to be shipped within, from or into this state any illegally taken or possessed wildlife;

(4) intentionally import into this state, or possess or release in this state, any species of wildlife prohibited pursuant to K.S.A. 32-956 and amendments thereto;

(5) refuse to allow any conservation officer or deputy conservation officer or any law enforcement officer to inspect and count any wildlife in such person's possession; or

(6) refuse to allow any conservation officer or deputy conservation officer or any law enforcement officer to inspect any devices or facilities of such person which are used in taking, possessing, transporting, storing or processing any wildlife subject to the wildlife and park laws of this state or rules and regulations of the secretary.

(b) The provisions of subsection (a)(1) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state.

History: L. 1989, ch. 118, § 116; L. 1993, ch. 185, § 11; July 1.

Source or prior law:

32-112b et seq., 32-127, 32-134, 32-153, 32-164a, 32-179.

32-1005. Commercialization of wildlife.

(a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:

(1) Capturing, killing or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(2) selling, bartering, purchasing or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(3) shipping, exporting, importing, transporting or carrying; causing to be shipped, transported, imported, transported or carried; delivering or receiving for shipping, exporting, importing, transporting or carrying all or any part of any wildlife protected by this section for profit or commercial purposes; or

(4) purchasing, for personal use or consumption, all or any part of any wildlife protected by this section.

(b) The wildlife protected by this section and the minimum value thereof are as follows:

- (1) Eagles, \$500;
- (2) deer or antelope, \$200;
- (3) elk or buffalo, \$500;
- (4) furbearing animals, \$25;
- (5) wild turkey, \$75;
- (6) owls, hawks, falcons, kites, harrons or ospreys, \$125;

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PROPOSED AMENDMENT TO S.B. 110, AS AMENDED BY SCOW

Strike all the new language in subsection (g) and insert the following:

“...except that nothing in this subsection shall apply to any person conducting surveillance, actively caring for livestock or agricultural equipment or conducting activities described in subsection (c)(2) of K.S.A. 32-1002 and amendments thereto, while on land under the person’s control, if the person owns such land, is in lawful possession of such land or is regularly employed for purposes of livestock or agricultural management on such land”

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and regulations of the secretary shall be convicted thereof unless such person refuses to purchase such permit after receiving a permit violation notice, which notice shall require the procurement of the proper permit or permits and payment, within 24 hours, of a late payment fee of \$5.

(c) (1) In any prosecution charging a violation of subsection (a)(1) for failure to obtain a permit required by K.S.A. 32-901 and amendments thereto, proof that the particular vehicle described in the complaint was in violation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the time when and place where the violation occurred.

(2) Proof of a written lease of, or rental agreement for, a particular vehicle described in the complaint, on the date and at the time of the violation, which lease or rental agreement includes the name and address of the person to whom the vehicle was leased or rented at the time of the violation, shall rebut the prima facie evidence that the registered owner was the person who parked or placed the vehicle at the time when and place where the violation occurred.

(d) No person who is a resident of this state and charged with violating subsection (a)(1) or (a)(2) shall be convicted thereof if such person produces in court or the office of the arresting officer the appropriate license, permit, stamp or other issue of the department, lawfully issued to such person and valid at the time of such person's arrest.

History: L. 1911, ch. 198, § 10; L. 1921, ch. 196, § 3; R.S. 1923, 32-106; L. 1970, ch. 154, § 1; L. 1982, ch. 175, § 8; L. 1989, ch. 118, § 113; L. 1991, ch. 107, § 1; L. 1993, ch. 185, § 8; July 1.

Source or prior law:

L. 1905, ch. 267, § 9; 32-104, 32-104j, 32-105a, 32-106, 32-106a, 32-106b, 32-406, 74-4509b, 74-4509c.

32-1002. Taking or dealing in wildlife.

(a) Unless and except as permitted by law or rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, it is unlawful for any person to:

(1) Hunt, fish, furharvest or take any wildlife in this state by any means or manner;

(2) possess, any wildlife, dead or alive, at any time or in any number, in this state;

(3) purchase, sell, exchange, ship or offer for sale, exchange or shipment any wildlife in this state;

(4) take any wildlife in this state for sale, exchange or other commercial purposes;

(5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish spear, fish trap or other device, contrivance or material for the purpose of taking wildlife; or

(6) take or use, at any time or in any manner, any game bird, game animal, coyote or furbearing animal, whether pen-raised or wild, in any field trial or for training dogs.

(b) The provisions of subsections (a)(2) and (a)(3) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state, except the provisions of subsection (a)(3) shall apply to:

(1) The meat of game animals legally taken outside this state; and

(2) other restrictions as provided by rule and regulation of the secretary.

(c) The provisions of this section shall not be construed to prevent:

(1) Any person from taking starlings or English and European sparrows; or

(2) owners or legal occupants of land from killing any animals when found in or near buildings on their premises or when destroying property, subject to the following: (A) The provisions of all federal laws and regulations governing protected species and the provisions of K.S.A. 32-957 through 32-963, and rules and regulations adopted thereunder; (B) it is unlawful to use, or possess with intent to use, any such animal so killed unless authorized by rules and regulations of the secretary; and (C) such owners or legal occupants shall make reasonable efforts to alleviate their problems with any such animals before killing them.

History: L. 1989, ch. 118, § 114; L. 1993, ch. 185, § 9; July 1.

Source or prior law:

32-110a, 32-112b et seq., 32-114, 32-120, 32-126, 32-127, 32-152, 32-154a, 32-156, 32-157, 32-158, 32-160, 32-162, 32-163, 32-173, 32-183, 32-186, 32-1, 110.

32-1003. Methods of taking wildlife. It is unlawful for any person, unless authorized by law or rules and regulations of the secretary, to:

(a) Take any game animal or furbearing animal from a motorboat, airplane, motor vehicle or other water, air or land vehicle unless such



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON THE ENVIRONMENT

Re: SB 110 - Landowner use of an artificial light to
protect or survey property.

March 13, 1997
Topeka, Kansas

Presented by
Leslie Kaufman, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Chairman Lloyd and members of the House Committee on the Environment, I am Leslie Kaufman, Assistant Director of Public Affairs for Kansas Farm Bureau. We appreciate the opportunity to appear before you today and comment on SB 110.

Farm Bureau is a voluntary, general farm organization. Our voting delegates, themselves agriculture producers, have adopted policy which we believe supports the general philosophy of SB 110:

"We believe agricultural producers should have the option of using, on privately-owned land, all reasonable means of controlling all damaging wildlife and predatory animals."

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For example, we believe it is reasonable for a livestock producer to check animals with a spotlight. It is also reasonable, in our opinion, to have both a spotlight and a firearm in one's possession while checking on livestock. Currently, this practice could be interpreted as is a technical violation of the law. SB 110, as passed by the Senate, goes a long way in correcting this.

We understand K.S.A. 32-1003, the law SB 110 seeks to amend, is intended to prevent inappropriate hunting practices and we respect that position. However, we do not feel the intent of the statute will be harmed by implementing SB 110 or the provisions in an amendment which we are proposing.

We support the intent of SB 110 as passed by the Senate. Through this proposed amendment, we believe the original intent of SB 110 can be preserved while modifying language in section 1 (g) to address concerns of our association, KDWP, and based on testimony before the Senate Energy and Natural Resources Committee, some opponents of original SB 110.

As such, we respectfully request you consider favorably the proposed amendment and SB 110's intent to allow landowners to use reasonable means to control wildlife and predator damage and care for livestock and agricultural equipment. Thank you.

Wildlife Damage and Predator Control AG-22

We believe agricultural producers should have the option of using, on privately-owned land, all reasonable means of controlling all damaging wildlife and predatory animals.

The coyote is a predatory animal and we are opposed to proposals to designate this predator as a fur bearing animal.

Hunting, trapping, or otherwise taking coyotes should be allowed at all times.

ASSESSMENT AND TAXATION



Since 1894

March 13, 1997

To: House Environment Committee
Rep. Steve Lloyd, Chairman

Fr: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

Re: Senate Bill 110 - Amendments to Illegal Spotlighting Statute

The Kansas Livestock Association (KLA) is a statewide trade organization consisting of over 7,000 individuals. Many of our members are farmers and ranchers who use spotlights while caring for livestock at night. It's quite common for these producers, during the spring calving or lambing season, to drive the fields and pastures day and night.

Frequently a gun is located in the truck. A spotlight is generally used to check for animals having difficulty giving birth at night. On occasion, the light and gun are used if a predator is found disturbing or harming livestock.

I'm confident most producers are unaware that Kansas law (K.S.A. 32-1003, subsection g) states it's a misdemeanor to carry a gun while using a spotlight on their own property. Consequently, KLA supports Senate Bill 110.

We understand and appreciate the need for a statute prohibiting illegal hunting or poaching with an artificial light. Furthermore, we recognize the merits of a law that's enforceable. This bill, we believe, still provides an enforcement mechanism for illegal activity while exempting farmers and ranchers who are protecting their property.

The proposed change to K.S.A. 32-1003 does not apply to game animals or species designated as threatened, endangered, or in need of conservation. Furthermore, the change only applies to land under the control of a landowner or employee. (We'd support an amendment allowing tenants such privilege.)

Again, KLA supports Senate Bill 110 and we are anxious to work with this committee and others in addressing this issue. Thank you!

March 13, 1997

Honorable Representative's of the Great State of Kansas

My name is Danny Clifton . After reading Senate bill#110 I became concerned at the lack of exemption for fur harvesting .

While I believe this bill will correct a problem that has been facing landowners for years , there needs to be an ammendment making it state law that the Kansas Department of Parks and Wildlife will allow exceptions for fur harvesting .

I realize fur harvesting is allowed under Park and Wildlife regulations but I feel that the ommission of language specifically allowing furharvesting invites lawsuits from groups like P.E.T.A. (people for the ethicle treatment of animals) H.S.U.S. (humane society of the United States) or other extremest groups .

Such an ammendment will close the door to any claim that fur harvesting while in possession of a firearm and light , during seasons and under regulations set forth by Fish and Wildlife , conflict with state law .

Now is a good time to protect our age old hunting heritage tradition and privaledges .

Currently hunting with hounds has been either severly curtailed or banned in several states , with the aid of so called animal rights groups . These states include California Colorado Oregon and Washington . There are bills being discussed in other states to limit hunting privaledges . My hope is to see our tradition of hunting continue here in our State of Kansas .

Thank You
Danny Clifton



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STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612
913/296-2281 FAX 913/296-6953



Senate Bill No. 110: Testimony

Presented to: House Committee on Environment
Provided by: Kansas Department of Wildlife and Parks
Date: March 13, 1997

SB 110 would amend K.S.A. 32-1003, concerning methods of taking wildlife. Currently, subsection (g) of the statute prohibits the use of a spotlight, headlight or other artificial light for the purpose of spotting, locating or taking any animal while having in possession or control any rifle, pistol, shotgun, bow or similar implement. The department is not aware that there have been problems in the past concerning the implementation of the statute. However, the department recognizes the needs of landowners to manage and protect their property, and does not oppose the intention of clarifying landowners' continued rights under the statute. We understand this to be the intent of SB 110, and therefore do not oppose the bill.

The operations of the department would not be materially altered by this bill. Landowners currently are allowed to kill animals in order to protect their property, under K.S.A. 32-1002(c)(2), subject to certain conditions. The bill would explicitly state that spotlights, headlights or other artificial lights may be used in so doing. This is the interpretation of K.S.A. 32-1002 currently used and enforced by the department. In addition, using a spotlight, headlight or other artificial light while in possession of a rifle or similar instrument is only prohibited by the current law when such lights are used for the purpose of spotting, locating, or taking an animal. As it currently stands, SB 110 intends to make these current department enforcement practices and interpretations of K.S.A. 32-1003 more explicit.

However, the department is concerned that the current language of SB 110, resulting

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from a variety of amendments on the Senate side, may not effectively or clearly achieve the intent behind the bill. As currently written, the bill may confuse and hamper efforts to enforce the statute's prohibition of illegal use of spotlights, without necessarily guaranteeing that the concerns of landowners, agricultural tenants, and similar interests are appropriately protected.

The department does not wish K.S.A. 32-1003 to impede legitimate agricultural or livestock management practices, and does not feel the law has been enforced in a way that any such impediments have been created in the past. In fact, the statute has often allowed our law enforcement officers to respond to landowner concerns in the protection of their property. The department also believes it is vital that the statute remains enforceable against persons, including landowners, who use spotlights for poaching or other illegal hunting purposes. Drawing the line between these interests to the satisfaction of all parties has proved difficult, but the amendment presented today by Kansas Farm Bureau is an attempt to do so. Consequently, we support the amendment, and believe that it more effectively represents the intent behind SB 110, while also better preserving the enforceability of the underlying statute.

In summary, the department does not oppose SB 110, but does support the amendment for clarification purposes.

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KANSAS WILDLIFE FEDERATION

The Voice of Outdoor Kansas

Statement in Opposition
to
Senate Bill 110

March 13, 1997

The Kansas Wildlife Federation is a non profit conservation and education organization dedicated to the conservation and responsible and sustainable use of natural resources. The Kansas Wildlife Federation is the Kansas affiliate of the National Wildlife Federation.

We oppose Senate Bill 110 as not being needed because current Kansas law gives landowners the right and means to protect their property. The current Kansas statute that prohibits spotlighting of deer is strong and very useful. It has stood the test of time and has stopped trespassing, illegal hunting and the nighttime poaching of wildlife especially deer and fur bearers. This law has not prevented landowners from protecting their property because the Conservation Officers consistently have been reasonable and thoughtful in their application of the statute.

We think that Kansas Conservation Officers need this statute the way it is to be able to stop poachers. The spotlight section of the law was not intended to restrict the rights of landowners to protect their livestock and other property. Conservation Officers have encountered landowners using lights at night to check livestock and we know of no examples of landowners, operators or employees being charged with spotlighting with out substantial additional evidence or a history of wildlife violations.

In conclusion we are sympathetic to the needs of landowners to have firearms in their vehicles, to protect their property, and to have a means of taking problem wildlife even at night with artificial light if that is needed. We think that changing this section of the current law will increase poaching and trespass problems because Conservation Officers will not pursue spotlighters as vigorously if this huge loophole is put into the law.

(This position statement was prepared by KWF Vice President Spencer Tomb for the KWF Conservation Issues and Actions Committee. He can be reached at 913 537-8265 or 532-6640 or Email astomb@ksu.edu .)

200 SW 30th St., Suite 102 - Topeka, KS 66611
913-266-6185 Fax 913-266-6226

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KANSAS WILDLIFE OFFICERS ASSOCIATION

TESTIMONY ON S.B. 110

PRESENTED TO THE HOUSE COMMITTEE ON THE ENVIRONMENT

WHO WE ARE: The Kansas Wildlife Officers Association (KWOA) is made up of Conservation Officers across the state whose primary focus and responsibility is wildlife law enforcement. We have had wildlife laws in Kansas since 1861. Since 1895, Kansas Fish & Game officers, known by many different titles over the years, have been enforcing these wildlife laws. For the past 102 years, we have worked directly with landowners across the state..

WE SUPPORT LANDOWNER RIGHTS: Landowners are some of our most important constituents that we have. We work with them on a daily basis in the performance of our duties. Landowners are usually our first contact when a wildlife violation has occurred. They know that we will respond when they call us. Both landowner and wildlife resources benefit by our response to these calls.

MANY CONSERVATION OFFICERS ARE ALSO LANDOWNERS: Several of us also own land for agricultural purposes. We know our rights as landowners, and we respect those rights for all landowners.

THIS ISSUE HAS NEVER BECOME A PROBLEM BEFORE: For years, we have come upon landowners using a spotlight while out checking their livestock and fences, or bringing hay or grain in from a field. Many of these landowners had firearms with them in their vehicles. And when we would make contact with these landowners, they seemed surprised and pleased that their local Conservation Officer was out patrolling the county keeping an eye on their property at night.

WHAT WE HOPE OUR AMENDMENT WILL ACHIEVE: We hope to achieve a balance of three things with this amendment: 1) Landowners being able to take care of their livestock and property, without affecting landowner rights; 2) Conservation Officers being able to enforce the spotlighting law, without it becoming a weaker law; and 3) continued protection of the wildlife resources of this state, without any loss to the wildlife itself.

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KANSAS WILDLIFE OFFICERS ASSOCIATION
TESTIMONY ON S.B. 110

PRESENTED TO THE HOUSE COMMITTEE ON THE ENVIRONMENT

RECREATIONAL SPOTLIGHTING AMENDMENT

- **This would eliminate all recreational spotlighting between the dates of November 1 through February 28th.

- **Landowners and lessees would be exempted for their normal agricultural businesses and practices.

- **This would eliminate Conservation Officers going on spotlighting calls only to find out that someone is out recreational spotlighting during our busiest time of the year.

- **This would help eliminate overtime accrued from these call-outs that turn out to be recreational spotlighters.

- **As far as a fiscal note attachment, this amendment would be a plus to our Agency, as it is during this time span when many of our officers run out of hours, and have to accrue overtime status during a pay period.

Kansas Wildlife Officers Association
March 1997
Legislative Proposal
The House Committee on the Environment

We propose amending K.S.A. 32-1003 by adding a subsection (h).

(h) November 1 through the February 28 it shall be unlawful for any person singly or as one of a group to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, roadway, field, grassland, woodland, or forest for the purpose of spotting, locating, or taking wildlife; except that nothing in this subsection shall apply to landowners and lessees on their own land.

Kansas has a very small group of Conservation Officers who along with Sheriffs Deputies are literally run ragged chasing down complaints of spotlighting. This would limit persons doing recreational spotlighting during the cold weather months when spotlighting complaints are very high. It exempts landowners. It leaves 8 months when persons can participate in recreational spotlighting. It should be noted that Missouri enacted similar legislation two years ago because of this growing problem.

The House Committee on the Environment
March 13, 1997

Kansas Wildlife Officers Association
Amendment to SB 110

Mr. Chairman,

We propose the following amendment to SB110, as amended by the Senate.

We propose on page one (1) to strike all of line 43 after the comma; on page two (2) striking all of lines 1 through 9; on page 1 line 43 after the comma inserting "**except that nothing in this subsection shall be construed to prevent the owners, agricultural lessees, and regular agricultural employees at the direction of the owner from using artificial light for the surveillance of livestock, farm buildings, and farm equipment on land under their control while carrying a firearm or other weapon.**"

Retain lines 10 through 12 on page 2 as written.