

Approved: 2-7-97
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:07 a.m. on January 31, 1997 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Mary Ann Torrence, Revisor of Statute
Linda Bradley, Committee Secretary

Conferees appearing before the committee: Ms. Jamie Clover Adams, Legislative Liaison for Governor Bill Graves

Others attending: See attached list

Chairperson Don Sallee called the meeting to order and opened the meeting to bill requests.

Jamie Clover Adams, Legislative Liaison for the Governor, asked to have a bill introduced regarding voluntary environmental clean-up. She noted that Governor Graves supports the concept of incentives, rather than command and control approaches to protect our environment. The bill provides incentives, primarily a "no further action" determination from the Kansas Department of Health and Environment, to induce entities to clean-up marginally contaminated sites. The entity will work with KDHE to clean-up the site. It is hoped that the "no further action" determination will enhance the redevelopment and transfer of property. While this does not guarantee the EPA will accept the clean-up, there will be language requiring KDHE to work with EPA to get them to accept the clean-up.

Senator Goodwin, with a second from Senator Schraad moved to introduce the legislation. The motion carried.

Senator Sallee asked to have legislation introduced on the following issues:

1. Statutory Authorization for KDWP to Exceed Established Expenditure Limitations.
2. Creation of Wildlife and Parks Nonrestricted Fund.
3. Designation of Prairie Spirit Rail Trail State Park.
4. Elimination of Art Competition for Migratory Waterfowl Habitat Stamp Program.
5. Boating Safety Education Certification.

See (Attachment 1).

Senator Schraad, with a second from Senator Biggs moved to introduce the package of legislation. The motion carried.

The meeting adjourned at 8:14 a.m.

The next meeting is scheduled for February 4, 1997.



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



Memorandum

To: Senator Don Sallee, Chairman, Senate Energy and Natural Resources Committee
Representative Steve Lloyd, Chairman, House Environment Committee

From: Secretary Steve Williams

Re: Suggested Text for Department Legislative Initiatives

Date: January 29, 1997

The Kansas Department of Wildlife and Parks requests that you consider for introduction by your committee legislative initiatives in the following area:

- 1 • Statutory Authorization for KDWP to Exceed Established Expenditure Limitations (Document No. 1 - See corresponding number designation in upper right hand corner)
- 2 • Creation of Wildlife and Parks Nonrestricted Fund (Document No. 2)
- 3 • Designation of Prairie Spirit Rail Trail State Park (Document No. 3)
- H - • Boating Under the Influence (Document No. 4)
- 5 • Boating Safety Education Certification (Document No. 5)
- H - • Permitting the Use of Crowbows to take Wild Turkey and Elk (Document No. 6)
- 4 • Elimination of Art Competition for Migratory Waterfowl Habitat Stamp Program (Document No. 7)
- H - • Deer Permits for Nonresident Students and Military Personnel (Document No. 8)
- H - • Nonresident Deer Permits (Document No. 9)
- H - • Clarification of Law Enforcement Authority (Document No. 10 - two statutes are being revised)

Suggested language for each initiative is attached.

Energy & Natural Resources
January 31, 1997
Attachment 1

We have submitted suggested remedial language related to enforcement authority (Document No. 10), necessitated by Attorney General Opinion No. 96-82, to the Chairmen of the House and Senate Judiciary committees, but to our knowledge it has not yet been introduced. Such suggested language would amend K.S.A. 32-808 and K.S.A. 32-1048. A copy of such language is attached for your reference. The remedial language related to the enforcement authority has already been reviewed by Mary Ann Torrence of the Office of the Revision of Statutes and Camille Nohe, Assistant Attorney General, who assisted in the preparation of the Opinion.

We are prepared to discuss with you and your respective committees the concepts supporting such legislative initiatives. We request your collective direction as to the allocation between your respective Committees as to your preference to introduce such initiatives. We understand the deadline for submission of bills by the Committees to the Revisor of Statutes is February 3, 1997, and are providing courtesy copies of the legislative initiatives to the staff of the Office of the Revisor of Statutes.

cc: Mary Ann Torrence, Office of Revisor of Statutes
Raney Gilliland, Office of Revisor of Statutes
Jamie Clover Adams, Governor's Legislative Liaison

C:\OFFICE\WPWIN\WPDOCS\BILLS97\SENRCHEC.MEM

DRAFT - revised 1/28/97

An act authorizing the Kansas Department of Wildlife and Parks to exceed established expenditure limitations for compliance with federal aid expenditure requirements.

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

Section 1. (a) The Kansas Department of Wildlife and Parks may make additional expenditures from the funds listed in subsection (b) for the purposes of allocating appropriate funds to programmatic expenditures if necessary in order to comply with requirements established by the United States Fish and Wildlife Service for the utilization of federal aid funds. Such expenditures shall be in addition to any expenditure limitation imposed upon the funds listed in subsection (b) as contained within legislation establishing expenditure limitations for a state fiscal year as described within any such legislation.

(b) The provisions of subsection (a) shall apply only to the Wildlife Fee Fund created by KSA 32-990; the Park Fee Fund created by KSA 32-991; and the Boating Fee Fund created by KSA 32-1173.

Section 2. The secretary of wildlife and parks shall prepare an annual report on all expenditures authorized by Section (1)(a). Such report shall be presented to the Governor and the Legislature on the first day of the regular Legislative session.

Section 3. This act shall take effect and be in force from and after its publication in the Kansas register.

C:\OFFICE\WPWIN\WPDOCS\BILLS97\EXPLIMIT.DFT

DRAFT - revised 1/28/97

AN ACT creating the wildlife and parks nonrestricted fund.

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

Section 1. (a) All moneys received from sources other than those identified and restricted in K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994, and 32-1173, and amendments to such sections, or identified and allocated to a restricted fund in any legislative appropriation act, shall be remitted in accordance with the provisions of K.S.A. 75-4215, to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit such amount to the wildlife and parks nonrestricted fund, which is hereby created.

(b) All expenditures from this fund may be for federal aid eligible expenditures at the discretion of the secretary.

(c) On the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the wildlife and parks nonrestricted fund, interest earnings based on:

(1) the average daily balance of moneys in the wildlife and parks nonrestricted fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the wildlife and parks nonrestricted fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

Section. 2. This act shall take effect and be in force from and after its publication in the Statute book.

C:\OFFICE\WPWIN\WPDOCS\BILLS97\NONRESTR.DFT

DRAFT - revised 1/28/97

An ACT designating Prairie Sprit Rail Trail as a part of the state park system

Amend K.S.A. 32-837 State Parks. Add to subsection (a) item (24) Prairie Spirit Rail Trail in Anderson, Allen, and Franklin counties.

C:\OFFICE\WPWIN\WPDOCS\BILLS97\PSRT97.DFT

DRAFT - revised 1/28/97

Boating Under the Influence

32-1131. Same; crime. (a) No person shall operate or attempt to operate any vessel within the state while:

(1) The alcohol concentration in the person's blood or breath, at the time or within two hours after the person operated or attempted to operate the vessel, is .08 or more;

(2) *The alcohol concentration in the person's blood or breath, at the time or within two hours after the person operated or attempted to operate the vessel is .02 or more and the person is less than 21 years of age.*

~~(2)~~ (3) under the influence of alcohol;

~~(3)~~ (4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating a vessel; or (5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vessel.

(b) No person shall operate or attempt to operate any vessel within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.

(c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(d) No person shall operate or attempt to operate any vessel within this state for three months after the date of refusal of submitting to a test if such person refuses to submit to a test pursuant to K.S.A. 32-1132, and amendments thereto.

(e) Violation of this section is a misdemeanor punishable;

(1) On the first conviction, by imprisonment of not more than one year or a fine of not less than \$100 nor more than \$500, or both; and

(2) on the second or subsequent conviction, by imprisonment for not less than 90 days nor more than one year and, in the court's discretion, a fine not ~~exceeding less than \$100 nor more than \$500.~~

(f) In addition to any other penalties prescribed by law or rule and regulation, any person convicted of a violation of this section shall be required to satisfactorily complete a boater *safety* education course of instruction approved by the secretary before such person subsequently operates or attempts to operate any vessel.

32-1134 Same; use as evidence.

In any criminal prosecution for violation of the laws of this state relating to operating or attempting to operate a vessel while under the influence of alcohol or drugs, or both, or the commission of manslaughter while under the influence of alcohol or drugs, or both, or in any prosecution for a violation of a city ordinance relating to the operation or attempted operation of a vessel while under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:

(a) If the alcohol concentration is less than $\pm 10 .08$, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol, or both alcohol and drugs.

(b) If the alcohol concentration is $\pm 10 .08$ or more, it shall be prima facie evidence that the defendant was under the influence of alcohol to a degree that renders the person incapable of safely operating a vessel.

(c) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapable of safely operating a vessel, that fact may be considered to determine if the defendant was under the influence of drugs, or both alcohol and drugs, to a degree that renders the defendant incapable of safely operating a vessel.

32-1138. Preliminary screening test of breath for alcohol concentration; request by officer, grounds; notice required; refusal to take test is a class C misdemeanor; use of results of test; additional tests. A law enforcement officer may request a person who is operating or attempting to operate a vessel within this state to submit to a preliminary screening test of the person's breath to determine the alcohol concentration of the persons breath if the officer has reasonable grounds to believe that the person: (a) has alcohol in the person's body; (b) has committed a boating law violation; or (c) has been involved in a vessel accident or collision. At the time the test is requested, the person shall be given oral notice that: (1) there is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a class C misdemeanor; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test. Refusal to take and complete the test as requested is a class C misdemeanor. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 32-1132 and amendments thereto. A law enforcement officer may arrest a person in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 32-1132 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 32-1132 and amendment thereto.

DRAFT - revised 1/29/97

Boating Safety Education Certification

Statutory Sections to be designated, but should be within Article 11.--BOATING AND WATER ACTIVITIES

NEW SECTION 1. Boater safety education; certificate of completion. (a) On and after January 1, 1998, any person born on or after January 1, 1986 shall possess a certificate of completion of an approved boater safety education course which has been issued to that person in order to operate a vessel of either of the following types on public waters of this state:

(1) motorboats; or

(2) any vessel designed to be propelled by wind action upon a sail, except sail boards.

(b) No owner or person in possession of a vessel of the types described in subsection (a) shall permit a person born on or after January 1, 1986 to operate such vessel unless that second person has been issued a certificate of completion of an approved boater safety education course.

(c) No person who is a resident of this state and charged with violating subsection (a) shall be convicted thereof if such person produces in court or the office of the arresting officer a certificate of course completion lawfully issued to such person and valid at the time of such person's arrest.

NEW SECTION 2. Same; courses of instruction. (a) The secretary shall prescribe a course of instruction of not less than a total of eight hours concerning the safe operation of motorboats and vessels designed to be propelled by wind action upon a sail, except sail boards. Such course shall be recognized by the United States Coast Guard in order to gain approval of the secretary.

(b) The secretary shall institute and coordinate such course of instruction through the use of department personnel, as well as through cooperation with local subdivisions of government, federal governmental entities, reputable individuals, or any reputable organization having boater safety education as one of its objectives, as the secretary deems necessary and appropriate.

(c) At the secretary's discretion, such course of instruction may be fulfilled through completion of correspondence course materials recognized by the United States Coast Guard and approved by the secretary, including satisfactory completion of a written examination. Each person requesting a certificate of completion of such correspondence course shall attest, to the satisfaction of the secretary, that the substance of the answers on the written examination were provided by that person without assistance. Persons requiring assistance to read examination questions or to mark examination answers may receive such assistance, provided that they receive no assistance in the determination of the substance of the answers.

(d) The secretary may require a fee to cover the costs of services, material or supplies from any person enrolling in such course of instruction, pursuant to K.S.A. 32-988.

NEW SECTION 3. Same; recognition of prior course of instruction; certificates from other jurisdictions. (a) On and after January 1, 1998, the secretary may issue a certificate of completion to any person for course work completed prior to January 1, 1998, upon submission of evidence of successful completion of a boater safety education course as formerly approved by the secretary prior to January 1, 1998, and such other information as requested by the secretary and upon payment of such fee as may be prescribed pursuant to K.S.A. 32-988.

(b) The secretary shall designate those persons who are authorized to issue a certificate of completion of an approved boater safety education course to persons who successfully complete, on and after January 1, 1998, such course of instruction, and such authorization shall continue until revoked by the secretary. Certificates issued by authorized designees remain valid until revoked. In addition to any other penalties prescribed by law or rule or regulation, any person convicted of a violation of any statutory provision in Article 11 of Chapter 32 of the Kansas Statutes, may at the discretion of the Secretary, have their certificate revoked, and upon such revocation shall be required thereafter to satisfactorily complete an approved boater safety education course prior to operation of the vessels specified in NEW SECTION 1 (a).

(c) Any similar certificate issued outside the state of Kansas by a governmental agency, or by a public or private association or club, in compliance with an approved governmental program having boater safety education as one of its objectives and recognized by the United States Coast Guard may at the discretion of the secretary be accepted as complying with the requirements of NEW SECTION 1.

NEW SECTION 4. Same; exemption. (a) Any non-resident who has been within this state for a period less than 30 consecutive days, and any person who has been a resident of this state for a period less than 60 days, shall be exempt from the requirements of NEW SECTION 1.

NEW SECTION 5. Same; liability insurance for persons conducting course. The committee on surety bonds and insurance, within the limitations of appropriations made therefore, shall purchase such liability insurance as it deems necessary for the protection of persons engaged in conducting an approved boater safety education course against any liability for injuries or damages arising from the conducting of such course of instruction by such persons.

DRAFT - revised 1/28/97

Permitting the Use of Crossbows to Also Take Wild Turkey or Elk

32-932. Physical Disability, Crossbow Permits. (a) Any person having a permanent disability to the extent that such person cannot physically use a conventional long bow or compound bow, as certified by a person licensed to practice medicine and surgery in this state, shall be authorized to hunt and take deer, or antelope, *elk, or wild turkey* with a crossbow.

(b) The secretary of wildlife and parks shall adopt, in accordance with K.S.A. 1989 Supp. 32-805, and amendments thereto rules and regulations requiring permits to hunt deer, or antelope, *elk, or wild turkey* pursuant to subsection (a) and providing for the approval of applicants for such permits and the issuance thereof. In addition, the secretary may adopt rules and regulations limiting the times and areas for hunting and taking deer, and antelope, *elk and wild turkey* limiting the number of deer, and antelope, *elk and wild turkey* which may be taken pursuant to subsection (a).

(c) Falsely obtaining or using a permit authorized by this section is a class C misdemeanor.

C:\OFFICE\WPWIN\WPDOCS\BILLS97\CROSSBOW.DFT

DRAFT 1-29-97

AN ACT repealing K.S.A. 32-940; relating to mandatory contract with a nonprofit waterfowl organization for the purpose of providing the form and design of a waterfowl stamp.

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

Section 1. K.S.A. 32-940 is hereby repealed.

Section 2. This Act shall take effect and be in force from and after its publication in the statute book.

C:\OFFICE\WPWIN\WPDOCS\BILLS97\WTFOWL.STM

DRAFT - revised 1/28/97

Deer Permits for Non-resident Students and Military Personnel

32-980. Form, content; resident, nonresident; armed forces personnel. (a) The secretary shall adopt in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, rules and regulations prescribing:

(1) Procedures for, the form and content of and the requirements for applications for licenses, permits, stamps and other issues of the department, and duplicates thereof; and

(2) procedures for issuance of and the form and content of licenses, permits, stamps and other issues of the department, and duplicates thereof.

(b) The secretary shall provide for both resident and nonresident licenses, permits, stamps and other issues of the department, and duplicates thereof, except that:

(1) A nonresident who is on active duty with any branch or department of the armed forces of the United States while stationed within this state ~~shall be entitled to obtain a resident hunting or fishing license, or both;~~ *may purchase licenses, permits, stamps and other issues of the department, except a lifetime fishing, hunting or combination hunting and fishing license as provided in K.S.A. 32-930, and may engage in any activity authorized by such license, permit, stamp or other issue under the same conditions as a resident of this state;* but such person is required to carry in the person's possession when fishing or hunting such license and a card or other evidence identifying such person as being on active duty in the armed forces of the United States;

(2) a person who is on active duty with any branch or department of the armed forces of the United States and who was a resident of this state immediately prior to entry into the armed forces may purchase licenses, permits, stamps and other issues of the department and may engage in any activity authorized by such license, permit, stamp or other issue under the same conditions as a resident of this state; and

(3) a nonresident who is a registered full time student in residence of a public or private secondary, post-secondary or vocational school located in this state ~~shall be entitled to obtain a resident hunting or fishing license, or both;~~ *may purchase licenses, permits, stamps and other issues of the department, except a lifetime fishing, hunting or combination hunting and fishing license as provided in K.S.A. 32-930, and may engage in any activity authorized by such license, permit, stamp or other issue under the same conditions as a resident of this state;* but such person is required to carry in the person's possession when fishing or hunting such license and a card or other evidence identifying such person as a full time student.

History: L. 1989, ch. 1998, sec. 97; L. 1993, ch. 185, sec. 6; July 1.

DRAFT - revised 1/29/97

K.S.A. 32-937. Big game permits. (a) When used in this section:

(1) "Landowner" means a resident owner of farm or ranch land of 80 acres or more located in the state of Kansas.

(2) "Tenant" means a resident of this state who is actively engaged in the agricultural operation of 80 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities or livestock and who:

(A) Has a substantial financial investment in the production of agricultural commodities or livestock on such farm or ranch land and the potential to realize substantial financial benefit from such production; or

(B) is a bonafide manager having an overall responsibility to direct, supervise and conduct such agricultural operation and has the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production.

(3) "Regular season" means a statewide big game hunting season authorized annually which may include one or more seasons restricted to specific types of equipment.

(4) "Special season" means a big game hunting season in addition to a regular season authorized on an irregular basis or at different times of the year other than the regular season.

(5) "General permit" means a big game hunting permit available to Kansas residents not applying for big game permits as a landowner or tenant.

(6) "Nonresident landowner" means a nonresident of the state of Kansas who owns farm or ranch land of 80 acres or more which is located in the state of Kansas.

(7) "Nonresident permit" means a big game hunting permit available to individuals who are not Kansas residents.

(b) Except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid big game permit and game tags are required to take any big game in this state.

(c) The fee for big game permits and game tags shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

(d) A big game permit and game tags are valid throughout the state or such portion thereof as provided by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a big game permit and game tags are valid from the date of issuance and shall expire at the end of the season for which issued.

(f) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for each regular or special big game hunting season and for each management unit regarding big game permits and game tags. The secretary is hereby authorized to issue big game permits and game tags pertaining to the taking of big game. Separate big game permits and game tags may be issued for each species of big game. No big game permits or game tags shall be issued until the secretary has established, by rules and regulations adopted in

accordance with K.S.A. 32-805, and amendments thereto, a regular or special big game hunting season.

(g) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805, and amendments thereto, landowner or tenant hunt-on-your-own-land big game permits. Such permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(h) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805 and amendments thereto, special landowner or tenant hunt-on-your-own-land deer permits. Such special permits shall not be issued to landowners or tenants in possession of a hunt-on-your-own-land deer permit as authorized in subsection (g). The special permits shall be transferable to any immediate family member of the landowner or tenant, whether or not a Kansas resident, or the permit may be retained for use by the landowner or tenant. The special permits shall be transferable through the secretary at the request of the landowner or tenant and by paying the required fee for a general or nonresident deer permit and the additional payment of the permit transfer fee. The special permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto. For the purposes of this subsection, "member of the immediate family" means lineal ascendants or descendants, and their spouses.

(I) Fifty percent of the big game permits authorized for a regular season in any management unit shall be issued to landowners or tenants, provided that a limited number of big game permits have been authorized and landowner or tenant hunt-on-your-own-land big game permits for that unit have not been authorized. A landowner or tenant is not eligible to apply for a big game permit as a landowner or as a tenant in a management unit other than the unit or units which includes such landowner's or tenant's land. Any big game permits not issued to landowners or tenants within the time period prescribed by rule and regulation may be issued without regard to the 50% limitation.

(j) Members of the immediate family who are domiciled with a landowner or tenant may apply for a big game permit as a landowner or as a tenant, but the total number of permits issued to a landowner or tenant and a landowner's or tenant's immediate family shall not exceed one permit for each 80 acres owned by such landowner or operated by such tenant. The secretary may require proof of ownership or tenancy from individuals applying for a big game permit as a landowner or as a tenant.

(k) The secretary may issue permits for deer or turkey to nonresident landowners, but any such permit shall be restricted to hunting only on lands owned by the nonresident landowner.

(l) The secretary may issue turkey hunting permits to nonresidents in turkey management units with unlimited turkey hunting permits available.

(m) The secretary may issue deer hunting permits to nonresidents, subject to the following limitations:

(1) The total number of nonresident deer firearm permits issued for a deer season in a management unit shall not exceed 5% of the total number of resident deer firearm permits authorized for such season in such management unit; and

(2) the total number of nonresident deer archery permits issued for a deer season in a management unit shall not exceed 5% of the total number of resident deer archery permits authorized for such season in such management unit.

If an unlimited number of resident deer permits is authorized for a deer season or management unit, the percentage limitations of subsections ~~(f)~~(m)(1) and ~~(f)~~(m)(2)~~[*]~~ shall be based upon the total number of resident firearm permits and the total number of archery permits, respectively, issued in the management unit during the most recent preceding similar season. Notwithstanding the foregoing provisions of this subsection, nonresident firearm deer permits of a particular type and nonresident archery deer permits of a particular type may be issued in a firearms management unit only if resident firearm permits of such type remained unissued after the close of the previous year's first permit selection process in that management unit.

~~(n) Any recipient of a nonresident deer hunting permit as authorized under subsection (f)[**] shall be ineligible to apply for or to receive a nonresident deer hunting permit for any deer season established for the following year.~~

(n) Any nonresident deer hunting permits as authorized under subsection (m) which remain unissued, due to an insufficient number of nonresident applications as of a deadline determined by the secretary, shall be made available to residents.

(o) No big game permit issued to a person under 14 years of age shall be valid until such person reaches 14 years of age, except that a wild turkey firearm permit may be issued to any individual who is 12 years of age or older but is under 14 years of age if the individual has been issued a certificate of completion of an approved hunter education course. Such turkey firearm permit shall be valid only while the individual is hunting under the immediate supervision of an adult who is 21 years of age or older.

(p) A big game permit shall state the species, number and sex of the big game which may be killed by the permittee. The secretary may furnish an informational card with any big game permit and, at the conclusion of the open season, each permittee receiving such card shall return the card to the department, giving such information as is called for on the card.

(q) The permittee shall permanently affix the game tag to the carcass of any big game immediately after killing and thereafter, if required by rules and regulations, the permittee shall immediately take such killed game to a check station as required in the rules and regulations, where a check station tag shall be affixed to the game carcass if the kill is legal. The tags shall remain affixed until the carcass is consumed or processed for storage.

(r) The provisions of this section do not apply to big game animals sold in surplus property disposal sales of department exhibit herds or big game animals legally taken outside this state.

*Reference should be to (m)(1) and (m)(2).

DRAFT - revised 1/15/97

32-808. Wildlife and parks conservation service and conservation officers. (a) The secretary shall ~~organize a wildlife and parks conservation service and employ conservation officers and other employees, regardless of title, to exercise the law enforcement authority set forth in subsection (b) below provided that such conservation officers and other employees successfully complete the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center.~~ The secretary may appoint permanent conservation officers and employees of the department as deputy conservation officers, including in the capacity as a deputy conservation officer, and may appoint law enforcement officers temporarily assigned to the department pursuant to K.S.A. 74-5610 and amendments thereto, to assist in the wildlife and parks conservation service enforcement of all laws of the state as more fully set forth in subsection (b) below, in a manner determined by the secretary. All deputy conservation officer appointments shall be on a voluntary basis and shall expire on December 31 following the date of any such appointment.

(b) Conservation officers, deputy conservation officers, any other department employee who has completed the course of instruction specified in subsection (a), and any other law enforcement officers authorized to enforce the laws of the state of Kansas shall have the power and authority to:

(1) Enforce all the wildlife and parks laws and statutory provisions of this Chapter 32, or the rules and regulations adopted thereunder, or any other laws of the state anywhere within the state, including but not limited to Chapter 8 of the Kansas Statutes Annotated, and amendments thereto and the rules and regulations of the secretary. The secretary shall establish a policy under which such employees primarily direct their efforts toward the protection of natural resources of this State and the provision of safe and orderly department controlled lands. Such officers shall also have the powers of arrest set forth in K.S.A. 22-2401, and amendments thereto, and are empowered to make arrests, pursuant to K.S.A. 22-2307, and amendments thereto, as required by any policy adopted by the secretary. A conservation officer acting under authority of this subsection shall be considered an employee of the department and shall be subject to its direction, benefits and legal protection.

(2) Serve any where in the State warrants and subpoenas issued for the examination, investigation or trial of all offenses against the wildlife and parks laws and rules and regulations of the secretary and of violations of department controlled lands and waters, of any law and of any rule and regulation of the state of Kansas, of state laws specified in subsection (b)(1) above.

(3) Carry firearms or weapons, concealed or otherwise, in the performance of their duties but only if the officer has completed the required course of instruction for law enforcement officers at the law enforcement training center, unless otherwise qualified pursuant to K.S.A. 74-5608a and amendments thereto.

DRAFT - revised 1/24/97

32-1048. Arrest; *jurisdiction*; appearance before court. *Any department employee who has successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center, Conservation officers and deputy conservation officers in the wildlife and parks conservation service and any other law enforcement officer authorized to enforce the laws of this state, shall have the power to arrest; without warrants and with warrants at any place in the state of Kansas, any person or persons found violating any of the wildlife and parks laws of this state, or the rules and regulations adopted thereunder, without warrants, and with warrants where not found violating such state laws and rules and regulations, pursuant to the authority granted in K.S.A. 32-808, as may be amended, and to bring such persons forthwith before the nearest proper judge of the district court of the county within which such violation took place for trial.*

C:\OFFICE\WPWIN\WPDOCS\BILLS97\32-1048.DFT