

Approved: 2-23-99
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on February 18, 1999 in Room 254-E of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Lila McClafflin, Committee Secretary

Conferees appearing before the committee:

Clint Riley, Wildlife and Parks
John Neal, Hutchinson
Bruce Graham, Kansas Electric Power Cooperative, Inc.
Jon Miles, Kansas Electric Cooperatives, Inc.

Others attending:

See attached list.

The minutes of February 17 were presented for approval. With a motion from Senator Morris and a second from Senator Vratil they were approved as written.

Chairperson Corbin opened the hearing on **SB 285 – Mandatory hunting license revocation for certain big game violations.** He called on Clint Riley.

Clint Riley, Wildlife and Parks, testified in support of the bill. He said the Wildlife and Parks Department asked to have the bill introduced to attempt to address the increase incidents involving landowner property damage done by illegal hunting, and trespassing. The bill would establish some mandatory penalties for persons convicted of taken a big game animal in violations of the statutes. In addition to any other penalty imposed by the convicting court, a person convicted of one of these violations would forfeit all hunting privileges (Attachment 1). Mr. Riley responding to a question concerning illegal hunters losing their hunting privilege said that approach seemed to be working in other states. He was questioned whether out of state persons would be covered under the legislation, he said they would not, but the department was opened to suggestions on what could be done in that area. A member of the committee suggested compensating of firearms, another member disagreed with the taking of firearms. The value of trophy antlers was discussed. Mr. Riley said the poaching of buck deer was based on economic value.

The hearing on **SB 285** was closed.

SB 132 –Drycleaner Environmental Response Act; transfers from state general fund to trust fund.

Steve Kearny told the committee they would support the bill even if the transfer from the state general fund was deleted. John Neal explained why they had asked for the section allowing the secretary of revenue the right to request the director of taxation to provide a report identifying each drycleaning establishment.

Senator Morris moved to amended the bill on page 2, line 10, by striking (2) transfers from the state general fund pursuant to section 4, and on page 7, by striking all of the language in line 14 through 21, and on page 8 strike all on section 7. The motion was seconded by Senator Vratil. Committee discussion followed on the motion. Some concern was expressed with striking the language on page 7 and raising the cap to \$5.0 million. The motion carried. Senator Vratil moved SB 132 as amended be passed. Senator Biggs seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 8:00 a.m. on February 18, 1999.

SB 158 -relating to propane; creating the Kansas propane education and research council; providing for the powers, duties and functions thereof; providing for certain assessments.

Staff distributed a balloon of the bill. On page 1, line 34 (f) amends the definition of "Marketing", and on page 4 of the bill, section (e) line 37 after the word "manner", insert "for marketing or". Bruce Graham, Kansas Electric Power Cooperative, Inc. and Jon Miles, Kansas Electric Cooperatives, Inc. were asked to comment on the amendments, and they both said they supported the recommended language. Senator Biggs moved to adopt the amendment. The motion was seconded by Senator Vratil. The motion carried.

The committee discussed at length if there was a need to setup another quasi governmental agency to regulate and educate the public about the safe use of propane.

Chairperson Corbin said the discussion would be continue until another time. The meeting adjourned at 9:00 a.m. The next meeting will be held on February 23, 1999.



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SENATE BILL NO. 285

**Testimony Provided to
Senate Committee on Energy and Natural Resources
February 18, 1999**

Senate Bill No. 285 would establish a mandatory penalty for individuals convicted of taking a big game animal in violation of K.S.A. 32-1002, 32-1003, or 32-1013, or of commercialization of a big game animal in violation of K.S.A. 32-1005. In addition to any other penalty imposed by the convicting court, a person convicted of one of these violations would forfeit all hunting privileges for:

- One year upon first conviction,
- Three years upon second conviction, and
- Five years upon third or subsequent convictions.

The department has received increasing public comments and complaints regarding instances of big game poaching, and the consequent negative impacts on landowners and their property as well as on the natural resource. Simultaneously, public comment has expressed frustration with the disinclination of certain courts to impose available fines and punishment.

The department has proposed this legislation in an attempt to address these concerns. Restricting hunting privileges appears to be the most effective, and perhaps the most appropriate, penalty for serious wildlife offenses. The department believes that the threat of losing hunting privileges would help prevent poaching and trespass incidents.

Evidence indicates that much illegal hunting, including incidents involving landowner property damage, stems from the desire to harvest a trophy buck, which may be worth thousands of dollars. Consequently, SB 285 would specifically apply to illegal commercialization of a big game animal, in an attempt to strengthen disincentives for such poaching. In addition, the bill's penalties would apply to violations such as shooting from a vehicle, illegal use of radios, hunting at night, or hunting without permission on land posted "written permission only," and similar illegal actions often employed by poachers attempting to take a trophy buck.

Although courts currently have the authority to revoke hunting privileges, they rarely do so, even for this type of violation. Nor do courts tend to impose fines at the level authorized by statute. Consequently, the department believes it is important for the legislature to clearly speak to the importance of these violations, by establishing a mandatory penalty that appropriately matches the violation. The department supports the passage of SB 285.