

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE

The meeting was called to order by Chairperson Becky Hutchins at 3:30 p.m. on February 9, 2004 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Legislative Research Department
Russell Mills, Legislative Research Department
Lura Attig, Committee Secretary

Conferees appearing before the committee:

Cecil Walker, Independent Living Specialist/Independent Living Counselor
Chris Tymeson, Chief Legal Counsel, Department of Wildlife and Parks

Others attending:

See Attached List.

HB 2573 - Wildlife and parks, disability assistance permit, fishing, removing license requirement for designated assistant.

Proponents:

Cecil Walker, El Dorado, Independent Living Specialist/Independent Living Counselor, Co-chair of the Board of Directors of Wheatland Fishing Has No Boundaries (Attachment 1). Mr. Walker, an avid hunter and fisherman, supports **HB 2573** as it applies to fishing. Mr. Walker anticipates that many more disabled people will be able to enjoy fishing if they can have an attendant and that attendant is not required to pay for a license. Finding volunteers to assist would be easier.

Chris Tymeson, Chief Legal Counsel Department of Wildlife and Parks (Attachment 2). The Department supports the provisions of **HB 2573**. The Department (KDWP) would like to note however, that this change in statute will make some law enforcement issues difficult as well as reduce the fiscal intake of the Department. The annual estimated number of fishing disability permit holders overall is minimal. There are approximately 25 disabled assistance permits issued annually. In a hunting situation the disabled person must have the deer permit and the assistance person must have a hunting license.

Questions for proponents:

Rep. Merrick asked Mr. Walker why is he opposed to the bill. Mr. Walker is not opposed to the bill, he is confused as to the meaning of the words "proponent and opponent" and is confusing fishing with hunting. The word "opposed" in his testimony is a typo. Hunting is not, at this time, included in this bill.

Rep. Thull asked Chris Tymeson if this bill addresses hunting licenses and would it be difficult to add hunting disability assistance to this bill?

Chris Tymeson suggests that hunting would be more difficult because there are currently 250 hunt-from-motor-vehicle permit holders. It is not known if they would translate into disability permits.

Rep. Osborne, would the Department (KDWP) be against this bill if hunting were added? Would the Department address that issue?

Chairperson Hutchins requested the fiscal impact of adding hunting from KDWP.

Rep. Merrick recommends an amendment to this bill to add hunting when it is worked.

Opponents: none

CONTINUATION SHEET

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE at 3:30 p.m. on February 9, 2004 in Room 241-N of the Capitol.

Written: none

HB 2653 - Wildlife and parks, authority to enter into interstate wildlife violator compact and commercialization of wildlife.

Proponents:

Chris Tymeson, Chief Legal Counsel Department of Wildlife and Parks (Attachment 3). The Department supports this bill. This compact began in 1989, with the states of Nevada, Colorado and Oregon. Currently, there are 18 states in the compact. A reciprocal agreement between the member states causes the violator's record to follow from one state to the others. The Department (KDWP) is a part of The International Association of Fish and Wildlife Agencies which is made up of all 50 states. The International Association has endorsed the compact.

The second portion of the bill deals with an update in the illegal commercialization statutes, special publication number 30. Our statute references special publication number 24.

Opponents: none

Written: none

No Committee questions.

Hearing closed.

The minutes From Jan. 28 and Feb. 2 were distributed. Rep. Morrison pointed out that Limon (as in Limon, Colorado) was spelled incorrectly. Rep. Flaharty made a motion the minutes be approved, with the necessary correction made. Rep. Long seconded the motion. The minutes were approved with one amendment.

The next meeting of the committee is February 11, 2004.

Chairperson Hutchins adjourned the meeting at 4:55 p.m.

Resource Center for Independent Living, Inc.

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February 8, 2004

The Honorable Representative Becky Hutchins
300 SW 10th Street
Topeka, KS 66612-1504

Dear Representative Hutchins and other members of
The Tourism and Parks Committee:

I am Cecil Walker and I would like to thank you for giving me this opportunity to speak on HB 2573. I am here to ~~oppose~~ *support* the amendment relating to licensure of assistants for disabled licensees.

I have been an avid hunter and fisherman before and after becoming disabled. I have to have assistance when I go hunting and fishing, more so for hunting. This amendment will make it harder for me to find an assistant to go and help me hunt if he has to purchase hunting licenses, permits, stamps or other issues of the department if they are there only to help me hunt. Yes, I agree that if my attendant is going to hunt game they need to comply with all hunting and fishing laws. But, if they are there to help me do what I love to do they shouldn't be burdened with the undue cost of buying such mentioned items. They are there to help with assisting myself or anyone that has a disability.

I also think there should be only one attendant per licensed fishing person or hunting person. The license needs to certify that an attendant is eligible with the person with a disability so the game warden or lake officials don't have to do anything other than check the license.

We started a Wheatland Fishing Has No Boundaries event at El Dorado Lake in September of 2002 for people with disabilities and we are going to have our third event this year in September. We assign an attendant with everyone that goes out on a boat and fishes. I want to get a hunting program started there also and we will also assign an attendant with each hunter. If this amendment goes into effect it might be hard to find volunteers to help when this hunting event becomes a reality.

Again, I would like to thank you for letting me speak before this Committee and I am open for any questions.

House Committee on
Tourism and Parks
Meeting Date 2-9-04
Attachment 1

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2573 relating to Disability Assistance for Fishing
To
House Committee on Parks and Tourism**

**By Christopher J. Tymeson
Chief Legal Counsel
Kansas Department of Wildlife and Parks**

9 February 2004

HB 2573 would not require a person assisting a disabled fishing permit holder to hold any fishing licenses, permits, stamps or other issues of the Department required for the fishing activity being engaged in. The provisions of the bill would take effect July 1, 2004.

The Department supports the provisions of HB 2573. HB 2573 only relates to fishing activities of a person designated by a disability assistance permit holder. The provisions related to hunting remain unchanged. The Department would like to note however that this change in statute will make some law enforcement issues difficult as well as reduce the fiscal intake of the Department but the annual estimated number of fishing disability permit holders overall is minimal.

House Committee on
Tourism and Parks

Meeting Date 2-9-04

Attachment 2

Office of the Secretary

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KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2653 relating to the Interstate Wildlife Violator
Compact and Fish and Mussel Valuation
To
House Committee on Parks and Tourism**

**By Christopher J. Tymeson
Chief Legal Counsel
Kansas Department of Wildlife and Parks**

9 February 2004

HB 2653 would allow the Secretary of the Kansas Department of Wildlife and Parks to enter into and participate in the Interstate Wildlife Violator Compact as well as update the fish and mussel valuation process for illegally commercialized wildlife. The provisions of this bill would take effect July 1, 2003.

The IWVC is an agreement between member states recognizing mutual issues concerning law enforcement procedures and license or permit issuance. The IWVC was originally enacted between the states of Colorado, Nevada and Oregon in 1989 to deal with the problem of chronic wildlife law violators who move among the various states. In order to address this problem, wildlife agencies in the western part of the United States sought relief through implementing the IWVC. Participation in such compacts is encouraged by the United States Congress and federal law allows for such compacts to be made.

At present 18 states are members of the IWVC. They include Arizona, California, Colorado, Georgia, Idaho, Indiana, Iowa, Maryland, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming. Other states, including Illinois, Pennsylvania, Florida, West Virginia, Tennessee, Kentucky, Oklahoma, Maine and Alaska are either in the process of enacting legislation to join the IWVC or in the various phases of pursuing legislation to join.

The IWVC establishes a process whereby wildlife violations committed by a non-resident from a compact member state would be handled as if the person were a resident of Kansas. If enacted in Kansas, a nonresident person from a IWVC member state may be allowed to be released under personal recognizance instead of facing arrest, booking and bonding. This process is a convenience for the person cited and additionally increases the efficiency of officers by allowing them more time for public contacts and enforcement duties rather than violator processing procedures required for arrest, booking and bonding of nonresidents.

The Department believes that it is in the overall public interest that persons charged with lesser violations be allowed the ability to responsibly handle the matter in the least obtrusive manner possible. The Department additionally believes that it is in the public interest to invest a law enforcement officer's time toward making public contacts and enforcing the law rather than committing excessive time toward routine booking procedures mandated by the physical arrest of a person who would otherwise respond to the court through personal recognizance.

The IWVC also includes reciprocal recognition of license privilege suspension by member states. This will allow Kansas to deny issuance of a license or permit to a person whose

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House Tourism & Parks Committee
Meeting Date 2-9-04
Attachment 3

privileges have been revoked by an IWVC member state. The purpose of this component of the IWVC is to hold serious violators more accountable for their illegal actions by denying their ability to participate in hunting, fishing and trapping in a large portion of the United States.

The International Association of Fish and Wildlife Agencies, whose membership includes the fish and wildlife agencies of all 50 states, has endorsed the enactment of the IWVC within their respective jurisdictions. It is recognized as an interstate agreement to enhance compliance with the hunting, fishing and other wildlife laws, ordinances and regulations of participating states, while providing for the fair and impartial treatment of wildlife violators.

The second section of the bill deals with updating the valuation process for illegally commercialized wildlife. The American Fisheries Society publishes guidelines for determining monetary values for fish and mussels that are illegally taken. This is applicable in Kansas for cases involving illegal commercialization. The current guideline in statute uses special publication number 24 and the Department is requesting to change to special publication number 30.