

## MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on March 16, 2007, in Room 423-S of the Capitol.

All members were present except:  
Tim Huelskamp- excused

Committee staff present:  
Raney Gilliland, Kansas Legislative Research Department  
Art Griggs, Revisor of Statutes Office  
Judy Holliday, Committee Assistant

Conferees appearing before the committee:

Others attending:  
See attached list.

Chairman McGinn asked the Committee to look over the minutes of the March 7 and March 8 Committee meetings for approval at the end of the meeting.

Chairman McGinn brought **SB 267, Failure to comply with a wildlife and parks citation**, before the Committee for discussion. She told the Committee that they had passed this bill out on February 9 but it was re-referred because of some problems. She asked Raney Gilliland of the Legislative Research Department to give an overview of the bill. Mr. Gilliland explained that the proposed bill will create a new crime for failure to comply with a Wildlife and Parks citation, and make it a class C misdemeanor. The failure to comply means failing to appear in a district court for a citation or failure to pay fines or court costs associated with the appearance. In addition, failure to comply would subject the person to forfeiture of any license, permit, stamp or other issue of the Department of Wildlife and Parks. There is a reporting requirement from the courts to the Department of Wildlife and Parks for a conviction for failure to comply.

Chairman McGinn asked Christopher Tymeson, Chief Counsel, Kansas Department of Wildlife and Parks, to clarify the reason for changing this bill. Mr. Tymeson explained that the issue of failure to comply had come up twice in the past year, and that one of the county commissioners had asked that this bill be introduced.

Douglas Sebelius, County Prosecutor for Norton County and a Wildlife and Parks Commissioner, handed out written testimony (Attachment 1). Mr. Sebelius told the Committee that existing laws are being ignored, and there are no repercussions for failure to comply at this time.

Written testimony in favor of **SB 189** submitted by Jordan Austin, Kansas State Liaison for the National Rifle Association, was provided to the Committee. (Attachment 2).

Senator Taddiken called attention to some technical cleanup language on the bill, and moved the technical amendment, seconded by Senator Francisco. The motion carried.

Senator Ostmeyer moved to pass the bill out as amended, seconded by Senator Francisco. The motion carried.

Chairman McGinn turned the Committee's attention to **SB 189, Hunter education requirements**. There was discussion on hunters taking a "crash course," both in-state and over the Internet, that would allow them to get their license.

Christopher Tymeson, Chief Counsel, Kansas Department of Wildlife and Parks, told the Committee that there is an Alternative Delivery course run by approximately 1200 volunteers which involves 6 hours on the Internet and the remaining time as hands-on (supervised) instruction. Mr. Tymeson told the Committee that only thirteen people used the "crash course" last year and it is becoming obsolete. He told the Committee that the one-time deferral is an attempt to get people to come to Kansas, to be supervised and safe while hunting, and then seek hunter safety classes at their convenience when they return home.

Minutes of the Senate Natural Resources Committee meeting at 8:30 a.m. on March 22, 2007, in Room 423-S of the Capitol.

Wayne Doyle, Hunter Education Coordinator, Kansas Department of Wildlife and Parks, told the Committee that all states adopt standards for hunter education and that the states have a "reciprocity" option for deferral. There was discussion on whether there are states that have a "test out" option and what states would accept a Kansas card if a test out option was adopted. Mr. Doyle told the Committee that in some states, a person who supervises or mentors another hunter must be twenty-one years of age and a graduate of a hunter education course. Kansas did not opt for that because the Department felt that most people who are going to be mentors of either youth or adults are probably already hunter education certified.

Some Committee members questioned why the Department would support allowing people to come in without hunter education, and yet unwilling to look at a 'test out' for people who could show the skills needed to hunt safely.

There was discussion on the rationale for the language in the bill regarding "controlled shooting areas." Chris Tymeson told the Committee that the sunset provision on controlled shooting areas was removed two years ago, thus making it permanent. The explanation offered by the people from controlled shooting areas was that they would have to give a mandatory safety briefing under the provisions of their liability insurance. The Department opposed this provision, but the controlled shooting people actively recruit hunters from out of state, which generates millions of dollars, and they are responsible for the safety of people hunting on their property. There was discussion on section E regarding the controlled shooting areas and whether that provision should remain in the bill.

There was discussion among those Committee members who have attended the hunter education courses with their children or grandchildren about the positive aspects of the course, but reservations about the requirement for the hunter being 21-years of age before he or she can supervise younger hunters. Chris Tymeson addressed the issue of 21-year old hunters by saying that the federal government requires 21-year olds to supervise for the youth duck hunt, and the Department was merely trying to standardize with the federal government.

Chris Tymeson told the Committee that the Department has done a good job of recruiting youths and the US Fish and Wildlife Service has showed that there is a slight increase in recruiting. He said he feels recruiting resident adults and getting them involved in hunting translates to millions of dollars for the economy of the State of Kansas.

Mr. Tymeson told the Committee that a minor who takes the hunter education course can hunt. There was discussion about the actual hands-on or apprenticeship hunting experience with an adult and how valuable it is compared to classroom courses with regard to hunter safety. Mr. Tymeson told the Committee that as a hunting instructor, he requires a parent to accompany their child in the hunter safety hands-on experience.

Senator Ostmeyer offered an amendment to the bill to change the age requirement from 21-years of age to 18-years of age, seconded by Senator Taddiken. The motion passed, with one dissenting vote by Senator Francisco.

Senator Taddiken made a motion to reinsert the stricken language referring to the special education course in Section 2 of the bill, seconded by Senator Lee. The motion carried.

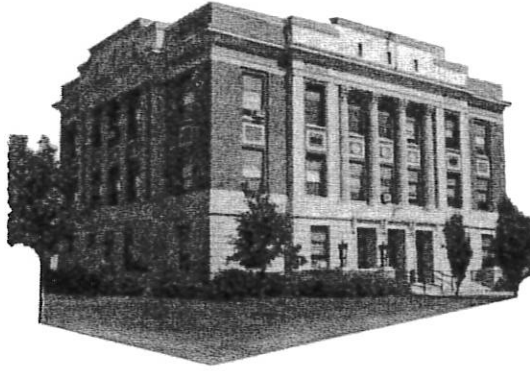
Senator Bruce made a motion to move SB 189 out favorably as amended, seconded by Senator Pyle. The motion carried, with one dissenting vote by Senator Wysong.

Senator Taddiken made a motion to approve the minutes of the March 7 and March 8 Committee meetings. There was discussion on changes to the minutes of the March 7 meeting, and the Chairman directed the Committee Secretary to make the needed changes. Senator Taddiken withdrew the motion. The March 7 minutes were not approved. Senator Taddiken made a motion to approve the minutes of the March 8 meeting, seconded by Senator Francisco. The motion carried.

The meeting adjourned at 9:35 a.m.



# NORTON COUNTY, KANSAS



## NORTON, KANSAS

March 9, 2007

Senator Carolyn McGinn, Chairperson  
Senate Natural Resources Committee  
Room 222 E, State Capitol Building  
300 SW 10<sup>th</sup> Avenue  
Topeka, KS 66612

RE: Senate Bill No. 267

Dear Senator McGinn:

I am submitting this testimony in support of Senate Bill No. 267 relating to failures to comply with Wildlife and Park citations. This bill proposes to amend K.S.A. 32-1054, and create a new offense for failing to comply as a Class C Misdemeanor.

I address the Committee in my capacity as a State prosecutor for more than 26 years. Over the years, I have handled numerous cases involving violation of hunting and fishing laws and regulations, and Park violations. In my opinion, Kansas does not have in place strong enough sanctions to enforce failures to comply. As the law currently exists, there is no practical procedure that law enforcement could pursue, or the Courts initiate, that would coerce compliance with a citation or judgment and sentence. This legislation was written to address not only those persons who disregard citations when given a notice to appear, but also those persons who fail to satisfy sentences, or have retained license or permit privileges when they have not fully satisfied the sentence imposed.

The legislation would enact sanctions that are somewhat similar to the failure to comply system in the State's traffic code. The sanction in the traffic code allow not only for a new defense to be pursued for failing to comply, but also to mandate suspension of driving privileges, which stays in effect until compliance. At present, failures to comply with Wildlife and Park citations do not mandate a suspension of privileges or permits issued by the Department. If the sentencing court does not suspend the privileges during the disposition of the citation, then no failure to comply is reported to the Department, and the violator can continue to receive benefits of the permits and licenses they possess, as well as seek future permits and licenses. Traditionally, Wildlife and Park law violators are fined, and rarely given terms of incarceration or placed on probation. This leaves the State without much coercive power to collect fines

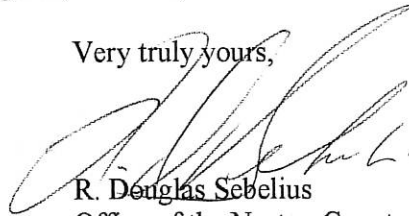
*Senate Natural Resources  
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Attachment 1*

and provide the sufficient deterrence to future violations. With mandated suspension of hunting and fishing privileges, and Park access, as well as the possibility of facing a new offense, the violator is substantially less likely to continue to thumb his or her nose at the Court. Further, if the offender is a nonresident, a suspension could be made through the Interstate Compact, and face the same license and permit suspension issues in their home state.

During 2005, I prosecuted two hunters for Big Game violations, one of which involved the failing to tag a trophy-sized deer. Both hunters vigorously opposed their charges, and were each convicted. Despite the prosecution's request, the Court did not suspend the hunting privileges of either hunter. Both have refused to pay the full amount of the judgments imposed, and there is no sentence of incarceration. One of the hunters, who owes the Court more than \$2,000.00 in fines, fees and costs from his 2005 sentence, obtained another deer license and tag during 2006. Should this legislation be adopted, the Court will be able to report the failure to comply to the Kansas Department of Wildlife and Parks, and the violator's ability to obtain future privileges in Kansas will be locked until compliance.

I have a deep and abiding respect for the natural resources of our state, and I hope that we can put in place additional tools with which to protect those resources. I greatly appreciate the opportunity to address the Committee. Best personal regards, I remain;

Very truly yours,



R. Douglas Sebelius  
Office of the Norton County Attorney  
105 South Norton Street  
P. O. Box 10  
Norton, KS 67654-0010  
Phone: 785-877-5143  
Fax: 785-877-3456

RDS/jn





## NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030-7400

Dear Senator Lee,

On behalf of the National Rifle Association I would like to extend my support for SB 189. This important legislation is of particular interest to our organization due to its benefit to the sport of hunting. As research from the U.S. Sportsmen's Alliance and National Wild Turkey Federation has shown, hunter retention rates are critically low in Kansas. SB 189 promises to increase hunter retention while *improving* on Kansas' already outstanding hunter safety record.

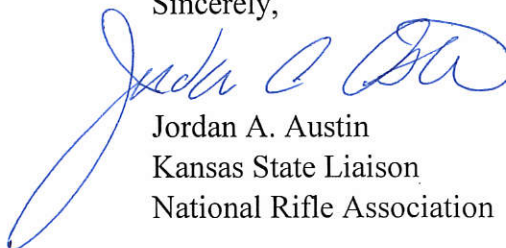
This legislation will provide a unique opportunity for individuals who have never hunted to participate in a program that has been experiencing widespread success in many states throughout the country. This mentored hunting program has already been proven as one of the safest ways for new hunters to experience the sport in a supervised environment.

Currently, for every 100 hunters who are lost to old age or other factors, only 53 replace them. At this rate, Kansas' rich sporting heritage will be in great jeopardy after the passage of only a few generations. While hunting is absolutely essential as a means of managing the state's natural resources, it also instills individual responsibility and respect for the outdoors in our youth and bolsters family relationships like few other activities can. Hunting must be preserved and encouraged through all means available.

Evidence from other states shows that mentored hunting is the safest form of what is already one of the safest recreational activities that Americans enjoy. This stands to reason when taking into account that two minds, instead of one, are present to make every decision in the field. A key factor is that the knowledge gained through experience or the hunter education program is always present with the youth or novice hunter who is being mentored.

I again encourage you to support this important legislation which I feel will provide many more individuals with the opportunity to try hunting and become lifelong sportsmen.

Sincerely,



Jordan A. Austin  
Kansas State Liaison  
National Rifle Association

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March 16, 2007  
Attachment 2