

Approved: February 22, 2008
Date

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on February 5, 2008, in Room 783 DSOB.

All members were present except:

Representative Clay Aurand- excused
Representative Carl Holmes- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Hank Avila, Kansas Legislative Research
Gordon Self, Revisor of Statutes
Kristen Kellems, Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Representative Candy Ruff
Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks

Others attending:

See attached list.

Representative Candy Ruff appeared before the Committee to request introduction of a bill to amend the Kansas Constitution to include the right to hunt and fish. There being no objection, the bill will be introduced.

The Chair opened the hearing on **SB 267 - failure to comply with a wildlife and parks citation**

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, testified in support of the bill, saying that the bill creates a new crime of failure to comply with a Wildlife and Parks citation and amends **K.S.A. 32-1054 (Attachment 1)**.

Answering a question, Mr. Tymeson said the bill applies to both residents and nonresidents.

Douglas Sebelius, Norton County District Attorney, provided written testimony in support of the bill, noting that the bill will put in place an additional tool to protect Kansas resources (Attachment 2).

The Chair closed the hearing on **SB 267**.

The meeting was adjourned at 3:50 p.m. The next meeting is scheduled for February 11, 2008, at 3:30 p.m.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 5, 2008

NAME	REPRESENTING
John A. Donley	KS Lusk, Ass'n
Berend Koops	KDWP
CV Cotsoyadis	KDA
Chris Tymeson	KDWP
Kevin Jones	KDWP

**Testimony on SB 267 regarding Failure to Comply
With a Wildlife and Parks Citation
To
The House Committee on Agriculture and Natural Resources**

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

5 February 2008

SB 267 seeks to create a new crime of failure to comply with a Wildlife and Parks citation and amend K.S.A. 32-1054. The provisions of the bill would be effective on publication in the statute book. **The Department supports the provisions contained in SB 267 and requested introduction of the bill.**

SB 267 seeks to create the new crime of failure to comply with a Wildlife and Parks citation, a class C misdemeanor. This proposal is similar to statutes currently in place for failure to comply with traffic citations.

Failure to comply with a Wildlife and Parks citation would be failing to appear in any district court for a citation and failing to pay or satisfy all fines, court costs, assessments or fees imposed by the court. In addition to the penalties applicable by the crime of failure to comply, the court can notify the Department to forfeit or suspend any license, permit, stamp or other issue of the Department until or unless the violator complies with the citation or the sentence of the district court. The bill also contains provisions for a reinstatement fee to be charged when a violator who has been suspended or revoked to pay to the court and be deposited in the state general fund. The reinstatement fee can be waived for certain actions related to military service.

The Department appreciates the opportunity to address the bill and appreciates the support of the Committee in making this modification to the statute that would enable the court system to assist in providing more efficient wildlife law enforcement.

SEBELIUS & GRIFFITHS, LLP
Attorneys at Law

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R. DOUGLAS SEBELIUS
KAREN L. GRIFFITHS

January 31, 2008

Representative John Faber, Chairperson
House Agriculture & Natural Resources Committee
Room 241 N, State Capitol Building
300 SW 10th Avenue
Topeka, KS 66612

RE: Senate Bill No. 267

Dear Representative Faber:

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 27 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 offense 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

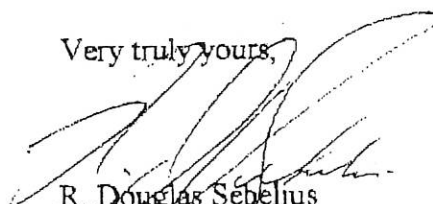
HS Ag & Nat'l. Resources
2-5-08
Attachment 2

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 persist in his or her contempt of 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 the case of 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 blocked 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,



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RDS/jn