

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE

The meeting was called to order by Chairperson Becky Hutchins at 3:30 p.m. on March 15, 2004 in Room 241-N of the Capitol.

All members were present except: Margaret Long - excused

Committee staff present:

Hank Avila, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Lura Attig, Committee Secretary

Conferees appearing before the committee:

Senator Mark Taddiken
Senator Phillip Journey
Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife & Parks

Others attending:

See Attached List.

Hearing on: SB 363 - Hunter safety education for nonresidents; hunting by persons under 12 years old.

Proponents:

Chris Tymeson, Chief Legal Counsel, Kansas Wildlife and Parks testified in favor of **SB 363 (Attachment 1)**. There are two parts to this bill, the first would create a shortened course for nonresidents who are coming to Kansas to hunt and would be strategically located and timed to coincide with the opening of hunting seasons. Nearly every state has hunter education courses. The Department is proposing a four-hour course in conjunction with an internet-based course. The second portion of the bill would remove hunting minimum age restrictions in Kansas, in an attempt to increase participation. As written, the bill would exempt persons less than twelve years of age from having hunting education but would require them to hunt with an adult. They can take hunter education at age eleven thereby allowing them time to get into a class before they became twelve. In today's society, there are many competing interests, it is hoped by allowing youth to participate without having to invest 14-16 hours, more will participate. This Department realized that we had inadvertently struck the bow hunter education provision which we would like this Committee to amend back in, requiring youths 15 and under to have bow hunter education prior to hunting big game.

Committee questions followed.

Rep. Kauffman asked Chris Tymeson, you said twelve and under may hunt, does that mean my five-year-old grandson could hunt without an adult? Chris Tymeson replied, he could currently come to hunter education and go hunting on his own. This bill would require supervision of an adult without taking the course. The course would however, need to be taken by the time they are twelve.

Rep. Merrick asked, regarding hunter education, what is the logic in a five-year-old who is not mature, yet are old enough to carry a weapon and go hunting before they are twelve? Chris Tymeson replied that at twelve they are physically and psychologically able take the information that is given at hunter education and carry that on the rest of their life. What the Department wishes to encourage, are parents taking their kids out for safe hunting. Removing the restriction on hunter education will get more kids involved going hunting with their parents and get them excited enough to go to hunter education.

Rep. Hayzlett asked, ten and eleven year olds cannot hunt alone? Chris Tymeson replied, that is correct, under the bill as it would be written. Currently they could hunt alone if they had gone through hunter education, or even if they were ages five or six. Rep. Hayzlett asked, not even on your own property? The reply was that you do not have to go through hunter education to hunt on your own property.

Rep. Morrison asked what has prompted this, have there been abnormal accidents or death? Chris Tymeson replied that actually this group has very few injuries from hunting. It is a recruitment and retention aspect. Get them interested in hunting and they will most likely be lifelong hunters.

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Chairman Hutchins said that it is her understanding that Kansas is seeing a decline in the number of kids that are interested in hunting because of other interests. By letting them hunt at a younger age, without the hunter education, we “get them hooked.” She brought the Committee’s attention to the fiscal note by KDWP which states that there would be no net fiscal effect on bill passage. Additional revenues from the nonresident education courses would be offset by the Department cost of the program.

Rep. Kauffman stated that parents are not even reliable when it comes to their school kids. It concerned her that the parents would be responsible for their kids while hunting. Chris Tymeson replied that hopefully when they are hunting with their parents, they will learn the consequences of improper safety.

Opponents: None.

Written: None.

Chairperson Hutchins closed the hearing on **SB 363.**

Hearing on: Sub SB 496 - Concerning criminal hunting and revocation of hunting licenses.

Proponents:

Senator Mark Taddiken spoke as a proponent of Sub. **SB 496 (Attachment 2).** This bill rose out of constituent concerns about people who knowingly trespass while they are hunting. All too often landowners or hunters arrive at a field to find that someone is or has been there hunting. The goal of this bill is to encourage responsible hunting. Our method is to create a new crime called “intentional criminal hunting.” The definitions of hunting does include fishing and fur harvesting. This would apply to someone who is hunting in a posted area without permission or hunting in a non posted area and refuses to leave when told to do so. Forty-eight hours of jail time or 100 hours of community service, is the same penalty as a DUI conviction. An offender would lose their hunting license for up to six months for the first conviction or diversion, up to one year for the second, up to five years for the third or subsequent. The courts are to notify KDHE so they may restrict the hunting license of the defendant.

Committee questions followed.

Rep. Thull asked, regarding two to five hunters with dogs, would they be as required as anyone else to have permission to be on the land? Chris Tymeson replied that currently if you were coyote hunting you’d still need permission even to turn your dogs loose on someone’s property

Rep. Flaharty asked has the Sentencing Commission taken a look at this bill? Do they have any concerns about jail or prison overcrowding? Rep. Thull answered that they had not contacted the Commission and that it would not take space in prisons but in jails. If the jail is full there is the option of community service.

Rep. Osborne asked Sen. Taddiken, in the pursuit of a wounded animal, would you be subject to intentional criminal hunting? The Senator replied it stays the same as current law which gives you permission to track that animal. The only difference under this provision is if you are on that land tracking the animal and the landowner asks you to leave and you don’t, then you are criminal trespassing. Rep. Osborne asked does present law say that you could continue tracking the animal. Chris Tymeson replied, no, if the landowner asks a hunter to leave, he still must leave.

Senator Phillip Journey also spoke as a proponent of **Sub. SB 496 (Attachment 3).** The intention of the bill is to enhance criminal penalties and create a new crime of intentional criminal hunting. The real purpose is to send a message to hunters that they cannot hunt wherever they want. Landowners and law enforcement officers will have a new tool to protect private property.

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks spoke as a proponent to **Sub. SB 496 (Attachment 4).** This bill would make criminal hunting a class B misdemeanor and would go into effect July 1, 2004. The Department cited 245 individuals for these types of violations in 2003. Of the 245, 120 were found guilty or entered into a diversion agreement, 21 were dismissed, and 104 were cited as warnings.

Committee questions followed.

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Rep. Kauffman asked what is the current penalty? Chris Tymeson replied it is a class C misdemeanor with up to a \$500 fine.

Rep. Hayzlett drew attention to the more than \$101,000 fiscal note and asked if that would come from the wildlife fee fund? Chris Tymeson said that was the previous version of the bill where there were administrative hearing costs and the department would have to revoke licenses administratively, which changed substantially in this new format. The fiscal note for the substitute is about \$20,000 statewide for court time. The fiscal note reflects the Department would lose about \$3,400 annually, is that true under the substitute bill? Chris, if you revoke hunting licenses there will be a reduction in income, so that portion of the fiscal note is still somewhat valid. Sen. Journey replied, the most important aspect of this bill is to create the registry so an offender cannot have five different diversion agreements in five different counties.

Chairperson Hutchins clarified fiscal note items and closed the hearing on Sub. SB 496.

The committee began deliberation on HB 363 - Hunter safety education for nonresidents; hunting by persons under 12 years old.

Rep. Thull offered a balloon amendment (Attachment 5). Chairperson Hutchins asked what is the wish of the committee: Rep. Thull made a motion to adopt the amendment, Rep. Osborne seconded the motion. Chris Tymeson explained the balloon amendment. There are two parts to this balloon, the first being the placement of mandatory bow hunter education youths prior to using a big game permit. The second came as a constituent request to allow youths to go up to age 15 without having hunter education versus age 12, and to allow 12 year olds who have been licensed to hunt on their own.

Committee questions followed.

Chairperson Hutchins asked Mr. Tymeson to clarify. He stated, up to 12, you would not need to have hunter education, but hunt with an adult; 12-15 has two options, you can take hunter education and hunt on your own or you could hunt without hunter education, but still with an adult.

Rep. Hayzlett asked Mr. Tymeson for a bow hunter what is the present rule? Chris Tymeson answered, a 13-14 year old has to have bow hunter education to hunt with archery equipment for big game.

Rep. Osborne asked if the Senate had seen this amendment. Chris Tymeson said he had discussed it with the Senate Natural Resources Committee.

A vote was taken and the balloon was adopted.

Rep. Flaharty moved that the Committee approve SB 363 as amended, favorable for passage. Rep. Schwab seconded the motion. Motion passed.

The Committee deliberated on Sub. SB 496 - Concerning criminal hunting and revocation of hunting licenses.

Rep. Thull made a motion to pass Sub SB 496 favorably, Rep. Ruff seconded.

A vote was taken and the motion carried.

Announcements: On Wednesday, March 17, we will have a hearing on SB 364 - the reissuance of permits to be awarded certain organizations, providing for reissuance of permits for certain military personnel, wild turkey not big game. We will be deliberating on SB 334 - agritourism.

On March 4, 2004, Mr. David A. Church, P.E., Chief of Traffic Engineering, Kansas Department of

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Transportation, in a letter, addressed concerns posed by our Committee during our January 28, 2004 meeting. That document was distributed to Committee members (Attachment 6).

Meeting adjourned at 4:55 p.m.