

Approved: Carl Holmes

Date 1-26-93

## MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:30 p.m. on January 20, 1993 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Cindy Garland, Committee Secretary

Conferees appearing before the committee:

Senator Gerald Karr  
Darrell Montei, Kansas Department of Wildlife and Parks  
Ken Boughton, Kansas State Board of Agriculture

Chairperson Holmes opened the hearing on HB 2034.

HB 2034 - An act concerning wildlife and parks; amending K.S.A. 1992 Supp. 32-701, 32-807, 32-901, 32-945, 32-956, 32-980, 32-984, 32-1001, 32-1002, 32-1003, 32-1004, 32-1051, 32-1102, 32-1111, 32-1112, 32-1113 and 32-1177 and repealing the existing sections.

Senator Karr testified in support of HB 2034, referring specifically to Section 5. He stated the bill will address some of the concerns of the commercial fishgrowers in Kansas. He further advised the Committee that the Aquaculture Advisory Council has endorsed the language proposed in subsection (3) under Section 5. (Attachment 1)

Darrell Montei, Wildlife and Parks, testified in support of HB 2034. He stated that this bill was requested by the Department and is primarily housekeeping in nature. Mr. Montei reviewed fourteen amendments and requested that K.S.A. 32-701 be further amended to delete the black-footed ferret from the list of furbearing animals under subsection (e). Mr. Montei then responded to Committee questions. (Attachment 2).

Ken Boughton, Kansas State Board of Agriculture, testified on behalf of the Aquaculture Advisory Council in support of HB 2034. He stated that the Council was unanimous in support of the provisions of Section 5 in HB 2034 and that Section 5 would accommodate the framework for aquaculture development yet insure adequate protection of our natural resources. (Attachment 3)

The Chair closed the hearing on HB 2034.

Chairperson Holmes reviewed the Agenda for January 25 through January 28.

The meeting adjourned at 4:45 p.m.

The next meet is scheduled for January 21, 1993.

## GUEST LIST

COMMITTEE: ENERGY & NATURAL RESOURCES

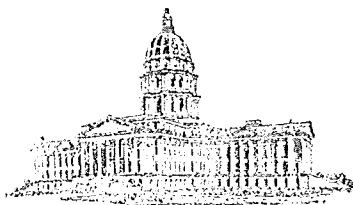
DATE: Jan 20 93

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# State of Kansas

## Senate Chamber

GERALD L. "JERRY" KARR  
SENATOR, SEVENTEENTH DISTRICT  
CHASE, COFFEY, GEARY, LYON, MARION,  
MORRIS, OSAGE, WABAUNSEE COUNTIES  
R.R. 2 BOX 101  
EMPORIA, KANSAS 66801



## Office of Democratic Leader

STATE CAPITOL  
TOPEKA, KANSAS 66612-1504  
913-296-3245  
January 20, 1993

COMMITTEE ASSIGNMENTS  
MEMBER: AGRICULTURE  
CONFIRMATIONS OVERSIGHT  
INTERSTATE COOPERATION  
LEGIS. BUDGET  
LEGIS. COORDINATING COUNCIL  
STATE FINANCE COUNCIL  
WAYS & MEANS

### Statement supporting 1993 HB 2034 by Senator Jerry Karr

### before the House Energy and Natural Resources Committee

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you in support of HB 2034.

In particular, I believe that new subsection (3) under section 5 on page 9 of the bill will address some of the concerns of the commercial fishgrowers in our state. Further, it is my understanding that the Kansas Aquaculture Advisory Council has endorsed the language you have proposed in this new subsection. Also, I am working with the Advisory Council on other issues which will enhance the long-term development of the Kansas aquaculture industry.

Mr. Chairman, I would be glad to answer any questions the Committee might have in regard to this portion of the bill.

*House E & NR 1-20-93  
Attachment 1*

STATE OF KANSAS



Joan Finney  
Governor

DEPARTMENT OF WILDLIFE & PARKS

Theodore D. Ensley  
Secretary

OFFICE OF THE SECRETARY

900 SW Jackson St., Suite 502 / Topeka, Kansas 66612 - 1233  
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**H.B. 2034**

Testimony Presented To: House Energy and Natural Resources Comm.

Provided By: Kansas Department of Wildlife and Parks

January 20, 1993

H.B. 2034 is a housekeeping bill and involves amendment of certain Department statutes. Many of the amendments were contained in H.B. 2912 from the 1992 Legislative Session. There did not appear to be any controversial items in the 1992 Housekeeping Bill. The proposed amendments, by statute, are as follows and items which were in the 1992 bill are so noted:

**K.S.A. 32-701.** The definition of "wildlife" would be amended to exclude agricultural livestock and poultry. This was contained in H.B. 2912.

A definition of "resident" would be created which will help avoid confusion and certain license fraud problems. This was not contained in H.B. 2912.

**K.S.A. 32-807.** The proposed amendment would provide the Department with clear authority to deal with abandoned property. Possession and disposal procedures would be developed through rules and regulations. This issue was contained in H.B. 2912.

**K.S.A. 32-901.** This amendment would allow Kansas State High School Athletic Association events to be conducted without a vehicle permit requirement. This amendment was not included in H.B. 2912.

**K.S.A. 32-945.** The amendment would discontinue the \$2,000 bond requirement for Controlled Shooting Areas. This amendment was in H.B. 2912.

**K.S.A. 32-956.** Certain species are restricted from importation into the state as established by regulation.

*House ENR 1-20-93*

*Attachment 2*

Provisions for limited use permits for specific purposes exist in the statute, but are not broad enough to cover all needs. The amendment would allow the Secretary to issue possession permits for other purposes under controlled conditions. This amendment was proposed last year under H.B. 2497.

**K.S.A. 32-984.** Currently, County Treasurers remit "license" revenue quarterly to the State Treasurer. The proposed amendment would require monthly remittance. This amendment was not included in H.B. 2912.

**K.S.A. 32-1001.** This proposed amendment would make the \$5 late payment fee specific to vehicle and camping fees. This amendment was included in H.B. 2912.

**K.S.A. 32-1002.** This proposed amendment would address a wildlife commercialization exemption problem. This amendment was included in H.B. 2912.

**K.S.A. 32-1003.** This proposed amendment is intended to clarify confusing language concerning use of artificial light and hunting. This amendment was included in H.B. 2912.

**K.S.A. 32-1004.** This proposed amendment would certain exemptions for animals taken outside of this state. This amendment was included in H.B. 2912.

**K.S.A. 32-1051.** This proposed amendment would provide clear authority for Conservation Officers to use warning tickets. This amendment was included in H.B. 2912.

**K.S.A. 32-1102.** The dollar amount for reporting boat accidents would be amended to allow for setting under regulation. This was included in H.B. 2912. A new definition for "boat dealer" and "demonstrate" is proposed. This was not included in H.B. 2912.

**K.S.A. 32-1111.** This proposed amendment would change the boat re-registration period from 90 days to 60 days. This amendment was included in H.B. 2912. K.S.A. 32-1113 would require a similar amendment.

**K.S.A. 32-1112.** This amendment would authorized adoption of regulations to address how a boat dealer registration could be used on waters of the state. This amendment was not included in H.B. 2912.

The Department is also requesting that K.S.A. 32-701 be further amended to delete the black-footed ferret from the list of furbearing animals under subsection (e).

**H.B. 2034**

**Testimony Presented To: House Energy & Natural Resources Comm.**

**Provided By: Kansas Department of Wildlife and Parks**

**January 20, 1993**

H.B. 2034 is a housekeeping bill and involves amendment of certain Department statutes. Many of these amendments were contained in H.B. 2912 from the 1992 Legislative Session. There did not appear to be any controversial items in the 1992 Housekeeping Bill. The proposed amendments, by statute, are as follows and items which were in the 1992 bill are so noted:

**K.S.A. 32-701.** This statute provides definitions which are used throughout other department statutes and in rules and regulations of the Secretary. The definition of "wildlife" is much broader than necessary as it applies to all living animals or any parts or products thereof. This would include livestock and poultry. It is recommended the definition be amended to exclude those species of animals normally considered as agricultural livestock and poultry. This amendment was contained in H.B. 2912.

The Department is recommending that a definition for "resident" be included in this statute. A definition for nonresident currently exists, but no definition for resident is provided in Department statute. This has led to confusion and some license fraud problems. Provisions under K.S.A. 32-980 for full-time nonresident students at secondary, postsecondary and vocational schools to secure hunting and fishing licenses at resident costs are included. These proposed amendments were not included in H.B. 2912.

**K.S.A. 32-807.** The Department does not have direct authority to take into possession abandoned property or equipment or to dispose of the items. It is recommended that subsection (f) be amended to include abandoned property on Department managed properties. Procedures for possession and disposal would be established by rules and regulations. This amendment was contained in H.B. 2912.

**K.S.A. 32-901.** This statute establishes the requirement of a motor vehicle permit for use of state parks. It also provides for exceptions to that permit. By regulation, the Secretary may issue special permits for the purposes of sightseeing, attending a church service, news media attendance at an approved special event, or for emergency reasons. It is recommended that events sponsored by the Kansas State High School Athletic Association be included in the above list. This proposed amendment was not included in H.B. 2912.

**K.S.A. 32-945.** This statute addresses Controlled Shooting Areas and the licensing of those areas. By statute, C.S.A.'s are required to secure a \$2,000 "performance" bond. This requirement is not considered necessary as no operator has ever been required to use the bond for purposes as stated in the statute. It is recommended that all reference to the bond be removed from the statute. This amendment was contained in H.B. 2912.

**K.S.A. 32-956.** This statute provides authority, by regulation, for prohibiting the importation of certain wildlife into the state. Provision are included in current statute for allowing prohibited species by permit for experimental, scientific or display purposes. There is a need to allow these prohibited species for other select purposes when dangers of accidental release can be controlled. It is recommended the statute be amended to allow for importation for other reasons under a permit issued by the Secretary. That permit would establish criteria for the importation, holding and use of the species in Kansas. H.B. 2497 was introduced in the 1991 session to accomplish this amendment, but the bill received no action.

**K.S.A. 32-984.** Under this statute, County Clerks are required to remit daily to the County Treasurer's office any receipts from the sale of issues (licenses, etc.) of the Department. County Treasurers are required to remit

quarterly to the State Treasurer those Department monies. It is recommended that County Treasurers be required to remit those receipts to the State Treasurer on a monthly basis instead of quarterly. This amendment was not contained in H.B. 2912.

**K.S.A. 32-1001.** This statute addresses licenses, permits and other issues of the department and specifies unlawful acts. Provisions exist in current statute for a late payment fee of \$5, in lieu of a citation, for failure to purchase any permit required to use a park or other area. The intent is directed at vehicle and camping permits, but is written broad enough that other types of permits would also qualify. It is recommended that the late payment provision be clarified to address only failure to purchase vehicle and camping permits. This amendment was contained in H.B. 2912.

**K.S.A. 32-1002.** This statute addresses taking or dealing in wildlife and specifies unlawful acts. Wildlife legally taken outside of the state are excluded from possession and commercial restrictions. It is recommended the exemption from the commercial restrictions be removed. This amendment was contained in H.B. 2912.

**K.S.A. 32-1003.** This statute addresses methods of taking wildlife and specifies unlawful acts. The use of spotlights and other artificial lights to aid in taking wildlife is prohibited except for taking furbearers when treed with the aid of dogs. This provision is poorly written resulting in misunderstanding and the dismissal of court cases. It is recommended the provisions be rewritten to more clearly state what is illegal. Exceptions would be developed by regulation and no change of intent is planned. This amendment was contained in H.B. 2912.

**K.S.A. 32-1004.** This statute addresses possession of wildlife and certain devices. Wildlife legally taken outside of the state are excluded from all provisions of

this statute which includes such items as reasonable inspection. It is recommended the exemption for such animals from all provisions not be allowed. This amendment was contained in H.B. 2912.

**K.S.A. 32-1051.** This statute describes the duties of a conservation officer. It specifies that an officer shall take action (arrest) for any violation, it does not provide clear authority to issue warning tickets. It is recommended that language authorizing the use warnings or warning tickets be included in the statutes. This amendment was contained in H.B. 2912.

**K.S.A. 32-1102.** This statute provides boating definitions which are used in department laws and rules and regulations. The definition of a "Reportable boating accident" includes a reference to any damage in excess of \$200. The Coast Guard currently requires reports for those accidents resulting in over \$500 damage. The Coast Guard has amended the dollar amount by regulation twice since 1989. It is recommended the definition be amended to authorized the department to set the minimum dollar damage amount by rule and regulation in order to remain current and in compliance with the U.S. Coast Guard. To perform this change, it will require amendment to K.S.A. 32-1177 as \$200 also appears in that statute. This amendment was contained in H.B. 2912.

Creation of a definition for "dealer" and "demonstrate" as they would apply to boat dealers and testing or demonstration boat registrations is recommended. These amendments were not included in H.B. 2912.

**K.S.A. 32-1111.** This statute deals with boat registrations and other provisions. It allows any boat registered in another state to use Kansas waters for up to 90 days without re-registering or recording the number in Kansas. It is recommended the 90-day period be changed to 60 days. That change will bring Kansas law into conformity with the U.S. Coast Guard 60-day registration requirement and will more

closely follow the department's definition of a resident. It will also address problems with individuals who register boats in other states to avoid Kansas taxes, but use Kansas waters and those who primarily use Kansas waters and facilities, but do not contribute through registration fees. It would also be necessary to amend K.S.A. 32-1113 from 90 days to 60 days. This amendment was contained in H.B. 2912. **K.S.A. 32-1112.** This statute provides for a Dealer's boat registration to be used when testing or demonstrating a boat on Kansas waters. It is recommended that the statute be amended to authorize the adoption of rules and regulations to address problems and abuses which are presently occurring. This amendment was not included in H.B. 2912.

## COMMENTS ON HB 2034

Chairperson Holmes and members of the committee.

I'm Ken Boughton, Kansas State Board of Agriculture. I represent Secretary Brownback on the Aquaculture Advisory Council and it is on behalf of that Advisory Council that I appear this afternoon.

The Aquaculture Advisory Council is made up of industry, institution and agency representatives whose duties are among other things to advise the Board of Agriculture on aquaculture industry problems and needs.

At the Council's meeting December 16, the Council discussed the provisions of Section 5 in HB 2034 and were unanimous in its support of those provisions. The Council felt that this was an important activity to accommodate the framework for aquaculture development yet insuring adequate protection of our natural resources.

Therefore, on behalf of the Council, I speak in favor of Section 5 of HB 2034. Thankyou for allowing me to address the committee.

*House E & NR 1-20-93*  
*Attachment 3*