

Approved \_\_\_\_\_ Date 2-19-85

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by SENATOR MERRILL WERTS at \_\_\_\_\_  
Chairperson

8:00 a.m./~~p.m.~~ on February 12, 1985 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Ramon Powers - Research Department  
Don Hayward - Revisor's Office  
Nancy Jones - Committee Secretary

Conferees appearing before the committee:

Gerry Caplinger - Kansas Fish & Game Commissioner, Southwest Region  
Don Schnacke - Kansas Independent Oil & Gas Asso.  
Bill Hanzlick - Kansas Fish & Game, Director  
Kenneth Kern - State Conservation Commission, Executive Director  
Denny Burgess - Kansas Wildlife Federation

A motion was made by Senator Vidricksen, seconded by Senator Yost that the minutes of the meetings of January 23, 24 and 28, and February 5, 6, and 7 be approved. Motion Carried.

Senate Bill 119 - Concerning membership of the Kansas Water Authority.

A hearing was held on the bill which was introduced by a number of members of the Senate, with Senator Morris principal sponsor of the bill. Gerry Caplinger spoke on behalf of the Fish & Game Commission stating they fully support SB 119 and feel the Director of the Commission should be an ex-officio member of Kansas Water Authority. Currently the Director serves as a technical advisor to the Kansas Water Authority.

Don Schnacke as a representative of KIOGA suggested the Director of the Conservation Division should also be added as an ex-officio member. At present the Director, Bill Bryson, reports jointly to the Secretary of Health and Environment as well as the Chairman of the Corporation Commission. Mr Bryson's title in full is Director of the KCC Conservation Division/KDHE Office of Environmental Geology. With this suggestion the oil and gas industry would have representation. Chairman Werts suggested to Mr. Schnacke that, assuming this committee would work the bill, his proposal be considered by the House Committee with advance notice to that committee in order that testimony can be invited by other conferees.

Kenneth Kern stated the State Conservation Commission supports the concept of adding the Fish & Game Commission to the Water Authority and also requests the Director of the State Conservation Commission be added to the Water Authority as they are directly involved with the implementation of the State Water Plan.

Denny Burgess testified in support of SB 119. He asked the committee to consider membership of some non-agency person from the area of wildlife on the Water Authority.

Senator Kerr asked for clarification as to membership on the Authority of a public member, appointed by the Governor. He also pointed out that there is by law a member from the Kansas Association of Conservation Districts, which works very closely with the State Conservation Commission, and duplication of membership is questioned. During discussion by the committee Senator Gordon stated he felt special interest groups should be given consideration as members of the Water Authority. Senator Kerr moved that SB 119 be recommended favorably for passage. Senator Vidricksen seconded the motion, and the motion carried.

CONTINUATION SHEET

Minutes of the SENATE Committee on February 12, 1985

SB 111 - Repealing K.S.A. 32-158a, relating to the taking of coyotes.

Don Hayward explained the bill would repeal the law which provides that it shall be unlawful for a person to take, pursue, hunt or kill any coyote at any time during the period of time designated by the Fish & Game Commission as open season for taking or hunting of deer by firearm.

Senator Frey, sponsor of the bill, stated the purpose of the bill is to address a need expressed by constituents for a change in the law as the ban on hunting coyotes during deer season is unnecessary. The reason for the law in the beginning was to control deer poachers and it remains a fact there is no connection between the two and the prime season for hunting coyotes is at the same time as open season for deer.

Denny Burgess testified in support of this bill stating that it was requested by an affiliate member of the Kansas Wildlife Federation. A resolution passed at Kansas Wildlife Federation convention favoring such a bill was read to the committee. (Attachment A).

Bill Hanzlick testified in opposition to the bill as this is the only law that deals with coyotes which are otherwise virtually unprotected animals. The commission does not favor repeal of the statute but would prefer that language be added to provide that it shall be unlawful for any person to pursue, hunt, kill, take or attempt to take any coyote during the firearms deer season unless so authorized by rule and regulation adopted by the Fish and Game Commission. The Commission feels there should be some control over coyote hunting during the firearm deer season. Mr. Hanzlick stated further that conflict may lie in that some coyote hunters use dogs and vehicles which in turn may cause the deer to leave the usual habitats with which deer hunters are familiar. (Attachment B).

Following committee discussion Senator Martin made a conceptual motion to amend the existing statute by adding language to Subsection (a) which would provide that it shall be unlawful for any person to pursue, hunt, kill, take or attempt to take any coyote during the firearms deer season unless so authorized by rule and regulation adopted by the Fish and Game Commission. Senator Kerr seconded the motion, and the motion carried.

Motion was made by Senator Yost to recommend SB 111 favorably as amended. Senator Martin seconded the motion and the motion carried.

The meeting was adjourned at 9:00 a.m. The next meeting will be on February 13, 1985.

2-10-85

# Guest List

1. Joe HARKINS

KWO

1. Bill HANZlick

KFEG

Garry Caplinger

KFEG

Kent Jackson

KFEG

Bill R. Fuller

KFB

John K. Blythe

KFB

Kenneth F. Kern

SEC <sup>State</sup> <sup>conservation</sup> <sup>commission</sup>

Leland E. Rolf

DWR; KSBA

Russ Wilkin

Scout Scouts

MaryAnn Bumgarner

Sen. Burke-underin

Kevin ROBERTSON

KPL/65c

Mike Beam

Ks. LOSTK. ASSN.

KANSAS WILDLIFE FEDERATION

*Burgess*

Resolution No. 1984-1

Submitted by: The Ford County Sportsman's Club

Regulated Coyote Hunting  
during  
Kansas Firearm Deer Season

WHEREAS, the coyote hunting season is currently closed during the firearm deer season; and

WHEREAS, this closure makes it unlawful for an upland game bird hunter and other hunters to shoot a coyote that he surprises while legally hunting; and

WHEREAS, the dedicated bow hunter can not turn to coyote hunting while the deer bow season is closed for firearm deer season; and

WHEREAS, the coyote caller should have no effect on the firearm deer hunter, and the caller needs to take advantage of all the calm days as the wind blows during the majority of the days in Kansas; and

WHEREAS, many sportsmen of Kansas are therefore denied considerable hunting opportunities; and

WHEREAS, the closing of the coyote season during firearm deer season prohibits harvesting of coyotes during a time when their pelts are prime; and

WHEREAS, regulated coyote hunting during the firearm deer season would be a positive step for the Kansas sportsmen and the resource and would address the known problem areas;

NOW, THEREFORE, BE IT RESOLVED that the Kansas Wildlife Federation, in annual meeting assembled October 13-14, 1984, in Lawrence, Kansas, endorses, in accordance with the following guidelines, regulated coyote hunting during the Kansas firearm deer season:

It shall be unlawful for any person to pursue, hunt, kill, take, or attempt to take any coyote in Kansas when such person has or is in the company of another person who has a valid firearm deer permit during the time legally designated by the Kansas Fish and Game Commission as an open season for the hunting or taking of deer by firearms until the day after such person has killed and tagged deer. It shall also be unlawful for any person to pursue, hunt, kill, take, or attempt to take any coyote from a motorcraft, aircraft, motorcar, or other vehicle during such time. This shall not apply to the taking of coyotes with traps by such persons during such time.

*S. ENR 2/12/85*  
*Attachment A*

PROPOSED CHANGE

- ① It shall be unlawful for any person to pursue, hunt, kill, take or attempt to take any coyote in Kansas any time such person has a valid firearm deer permit during the period of time designated by the fish & game commission pursuant to rules and regulations adopted in accordance with the provisions of K.S.A. 32-178 as an open season for the hunting or taking of deer by firearm or until the day after such person has legally killed and tagged a deer. ② This act would also apply to any person not having a valid firearms deer permit that is in the company of any person in possession of a valid firearm deer permit during such period of time. ③ It shall be unlawful for any person to pursue, hunt, kill, take or attempt to take any coyote from a motorcraft, aircraft, motor car, or other vehicle during such period of time. ④ This act shall not apply to the taking of coyotes with traps by such persons during such period of time.

## EXPLANATION

TO WHOM IT MAY CONCERN,

Our main concern with the firearm deer season has to do with the closing of coyote hunting during this period of time. At the present time, it is illegal to hunt coyotes in any way during the firearm deer season.

We would like to see the coyote season opened back up completely, but we are willing to give a little and take a little. The proposed changes could be implemented with no adverse affects on the deer hunting or the law enforcement by the Game Protectors, as we see it.

Our feelings on this is that there are many hours of hunting opportunities that the sportsmen are not able to take advantage of because of the closing of the coyote hunting season. This eliminates two weekends and five week days of what is normally considered as prime coyote hunting time. For the weekend hunter, which most of us are, this means a period of three weeks between the times they can hunt coyotes. The bow hunter that has not yet been successful in killing his deer, is unable to turn to this sport while his bow season is closed. The coyote caller can not pursue the sport of calling. The person calling coyotes should have no affect on the deer hunter or the deer season. The days allowed afield and the success of the caller is dictated to a great extent by the wind speed, and Kansas is well known for it's wind. Instead of a three week period of not hunting coyotes because of deer season, it could be a period extended to 4, 5 or 6 weeks with the whims of Mother Nature. The caller needs to be able to utilize the calm days whenever they are available. Also the bird hunter can not help offset some of his hunting expenses by shooting a coyote that he surprises while walking a weed patch, which again, should not affect the deer hunting.

I would like to qualify the proposed changes a little further. The first sentence states that anyone with an unfilled firearm deer permit can not hunt coyotes. He can however, start hunting coyotes the day after he has killed a deer. This would give him basically the same hunting opportunities as other hunters under the proposed changes, but would keep him away from the possibility of hunting deer and coyotes at the same time.

Sentence number 2 reads, "This act would also apply to any person not having a valid firearms deer permit that is in the company of any person in possession of a valid firearm deer permit during such period of time". This would still eliminate the possibility of anyone with a high powered rifle in his possession, that is in the company of a deer hunter, from using the excuse of hunting coyotes, when in actuality he is along to illegally shoot a deer if possible.

Sentence number 3, which reads, "It shall be unlawful for any person to pursue, hunt, kill, take or attempt to take any coyote from a motorcraft, aircraft, motor car, or other vehicle during such period of time.", would prevent anyone from using any kind of vehicle to pursue coyotes. This would apply to anyone, whether he had a deer permit or not. We definitely would not want this to apply to any period of time other than just the firearm deer season.

Sentence number 4, which reads, "This act shall not apply to the taking of coyotes with traps by such persons during such period of time.", might not have to be included, but it should be made clear that a deer hunter or anyone else can continue to trap coyotes as he can at the present time.

Another item to be considered, is that when we can not draw a firearm deer permit every year, or in fact not for several years in succession and still can not hunt coyotes, we are being deprived of these hunting opportunities.

We feel these changes would be positive steps in favor of the Kansas sportsmen, by regaining some of the lost hunting opportunities. At the same time, the law would still cover the problem area, as we have heard it, which is mainly the persons that are illegally taking deer under the guise of coyote hunting.

Respectfully submitted,

Ford County Sportsman's Club  
Dale Vice

# SENATE BILL No. 111

By Senator Frey

1-29

0017 AN ACT relating to fish and game; repealing K.S.A. 32-158a,  
0018 relating to the taking of coyotes during firearm deer season.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 32-158a is hereby repealed.

0021 Sec. 2. This act shall take effect and be in force from and  
0022 after its publication in the statute book.

~~Sec. 24. Same; coyotes; unlawful acts; penalties. (a) It shall be unlawful for any person to pursue, hunt, kill, take or attempt to take any coyote in this state at any time during the period of time designated by the fish and game commission pursuant to rules and regulations adopted in accordance with the provisions of K.S.A. 32-178 as an open season for the hunting or taking of deer by firearm.~~

(b) The violation of the provisions of this section by any person is a class C misdemeanor. (K.S.A. 32-158a.)

## *NEW SECTION (a)*

(a) It shall be unlawful for any person to pursue, hunt, kill, take or attempt to take any coyote during the firearms deer season unless so authorized by rule and regulation adopted by the fish and game commission.

### *Regulation Thoughts*

- If (or when) firearms deer seasons increase in length, this would allow us to have a coyote closure if still deemed necessary without having to close the entire deer season(s) to coyote hunting.
- Perhaps only opening week-ends would be closed.
- Trapping would be exempted.

*S. ELNR 2/12/85  
Attachment B*