

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Werts at
Chairperson

8:00 a.m./~~p.m.~~ on February 12, 1986 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Ramon Powers - Research
Don Hayward - Revisor
Nedra Spingler - Secretary

Conferees appearing before the committee:

Bill Hanzlick, Director, Kansas Fish & Game Commission
Darrell Montei, Kansas Fish & Game Commission, Director, Game Division
Paul Fleener, Kansas Farm Bureau
Mike Beam, Kansas Livestock Association
Jerry Hazlett, Kansas Wildlife Federation

A motion was made by Senator Langworthy, seconded By Senator Hayden, to approve the minutes of February 11, 1986. Motion carried.

SB 497 - Relating to the hunting of certain animals.

A hearing on the bill, requested by the Fish & Game Commission, was held. Bill Hanzlick, Director, introduced a member of his staff, Darrell Montei, who explained the bill. It amends the big game hunting law and will enable the Commission to improve management of big game in the state. Provisions of the bill are outlined in Attachment No. I. He proposed an amendment on Line 150, after "permits" by inserting "issued to landowners or tenants" which was omitted in printing. In regard to non-compliance by hunters of wearing the color orange, he said field personnel believed the penalty in current law of \$250 is too steep and suggested it be no less than \$25.00. Following discussion, the following wording was suggested as a proposed amendment to Section 3: "Any person violating any provision of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than \$25 and not more than \$100."

In response to questions, Mr. Montei said the Fish & Game Commission had reviewed provisions of SB 497. There had been some disagreement regarding the non-resident landowner permit provision, but the majority of the Commission endorsed the bill. Concern was expressed that non-resident agricultural landowners would be given preference for permits over Kansas residents. Mr. Montei said an amendment to give Kansas residents first choice for permits would cause problems because each management unit contains different game populations, and each unit should be allowed to issue permits as needed to control population. Concern was also expressed regarding denial of permits. Mr. Montei said population affects the number of permits denied and some farmers fail to check all the options available to them on application forms. It was noted that presently 50% of the permits are issued to landowners and 50% to the general population. SB 497 changes the definition of "landowner" but the general public would continue to receive 50%.

In further discussion, Mr. Montei said there had been no problem concerning a hunter's helper being fined for not wearing orange. He agreed that lowering the age limit would allow 14 year olds to hunt with a high-powered rifle without an adult, but noted they are required to have safety training.

Paul Fleener, Kansas Farm Bureau, gave a statement supporting SB 497 pointing out that farmers have major crop damage in some areas from overpopulated herds. (Attachment II). He noted his organization's resolution urging the Fish and Game Commission to increase the number of cost-free special landowner and firearm permits granted each year to landowners and tenants. Proposed amendments to this effect are contained in Attachment II.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 123-S, Statehouse, at 8:00 a.m./~~p.m.~~^{XX} on February 12, 1986.

In discussion, Mr. Fleener said farmers want the numbers of big game controlled. It made no difference to him whether Kansas residents or non-residents were given preference for permits.

Mike Beam, Kansas Livestock Association, said his organization worked with the Fish & Game Commission in drafting the bill. Clarifying that landowners would not have to have a hunting license to get a permit, non-issued permits being shifted back to a previously denied landowner, a special hunting season when needed, and allowing non-resident landowners to hunt game feeding on his property were positive aspects of the bill.

Jerry Hazlett, Kansas Wildlife Federation, said his group had input in drafting the bill. He noted problems caused by overpopulated herds, and federal authorities have had no problems with allowing landowners special permits during deprivation periods. A Kansas Wildlife Federation resolution in support of lowering the age limit to 14 is attached. (Attachment No III).

The meeting was adjourned at 9:00 a.m. The next meeting will be February 13, 1986.

Energy + Nat. Resources 2/12

Jerry Haylett @ Ks Wildlife Fed. Tozuka
(Last)

~~Hampshire~~ will intro

Darrell Mostei -

Paul Fleenor proponent

Mike Bream Ks Livestock Assn

Senate Bill 497

Testimony Provided to Senate E&NR Comm. on February 12, 1986
By Kansas Fish and Game Commission

Senate Bill 497 would authorize more flexibility for the Commission to manage deer, antelope, elk and wild turkey in Kansas. Our big game populations have expanded and with that expansion comes a need to improve our management capabilities, be more responsive to those changing conditions, and address needs of sportsmen and landowners/tenants.

S.B. 497 will amend K.S.A. 32-110a, 178 and 179 and repeals K.S.A. 32-177. The essential provisions of K.S.A. 32-177 are included in the proposed amendments to K.S.A. 32-110a as contained in S.B. 497. As written, S.B. 497 will create the following conditions:

- 1) Designates deer, elk, antelope and wild turkey as "big game" and creates a definition section in the law.
- 2) Authorizes the Commission to establish big game seasons in any portion of the state using identifiable boundaries rather than only by counties, highways, major streams or federal reservoirs as is the current statutory language.
- 3) Authorizes nonresident landowners (but not tenants) to be eligible to apply for and receive big game permits under the same conditions available to resident landowners.
- 4) Continues the 50% split of regular season big game permits between landowners/tenants and general residents. It will authorize greater flexibility for issuing undersubscribed permits from one group to another.
- 5) Authorizes the Commission to establish "special" big game seasons, primarily in response to over-population or depredation occurrences.
- 6) Authorizes the Commission to issue additional big game permits to landowners/tenants under special conditions.
- 7) Reduces the minimum age for hunting big game with a firearm from 16 to 14.
- 8) Allows the Director to issue information cards to some permit holders rather than all permit holders as is the current requirement.
- 9) Specifies for the wearing of orange while hunting deer and elk with firearms. Current law authorizes both red and orange for deer hunting and elk hunting is not addressed.
- 10) Clarifies conditions under which a hunting license is required to hunt big game and removes hunting license requirement when applying for a big game permit.

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Supplimental Notes on S.B. 497

Many of the changes in management of big game as a result of S.B. 497 would occur through rules and regulations adopted by the Commission. It is our belief that it may assist discussion of S.B. 497 if a general concept is provided of what this agency intends to accomplish by rule and regulation.

- The boundary provision would permit seasons to be established by rule and regulation using any identifiable boundary. Seasons will continue to be set using major highways. However, use of other boundaries such as; state wildlife areas, federal installations, townships, legal land descriptions, etc., would be used when appropriate.
- There are presently 18 deer management units in Kansas, each with varying conditions and deer management needs. It is agency intent to make additional permits available to landowners and tenants under prescribed circumstances for various units through rules and regulations. This may take several forms on a unit by unit basis subject to proper management of the deer herd in a particular unit. In several units, it may be possible to authorize additional permits to landowners and tenants with only similar restrictions as would apply to all landowners and tenants. In other units, landowners and tenants who were unsuccessful in obtaining a permit during a selection process could obtain a permit to hunt on their own land only. Other possibility includes limiting the additional permits to a specified type of deer such as; buck only, whitetail buck only, doe only, etc.
- There are situations that occur due to local over-population of deer or in response to depredation problems where "special" hunting seasons would help alleviate the problem. Agency action in these cases must be prompt. Rules and regulations would be adopted enabling the Commission to designate such seasons on short notice. Issuance of permits would be prearranged, perhaps to affected landowners and/or tenants, or possibly to general residents who were unsuccessful in obtaining a regular season permit. Other options may also be possible and would certainly be considered.

It should be emphasized that "special" seasons will provide the Commission another tool with which to address deer problems along with other methods currently employed. It is not intended nor will it be used to replace other proven methods of treating deer problems.

- It is not necessary to have 100% reporting of all deer hunters in order to adequately manage the deer herd. Informational cards would be issued to an adequate sample of deer hunters to generate data upon which to base management decisions. Informational cards would continue to be sent to all antelope and wild turkey permittees, although it may be possible to start a sampling scheme for turkey hunters in the foreseeable future in some units.

Kansas Farm Bureau



PUBLIC POLICY STATEMENT

Statement To:

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

RE: Big Game Hunting in Kansas - S.B. 497
Topeka, Kansas
February 12, 1986

Presented by:
Paul E. Fleener, Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is Paul Fleener. I am the Director of Public Affairs for Kansas Farm Bureau. We are here today to SUPPORT, with what we consider to be appropriate amendment, S.B. 497, the legislation establishing the declaration that "deer, elk, antelope and wild turkey are big game."

At the business session of the November, 1985, Annual Meeting of Kansas Farm Bureau farmers and ranchers who were delegates from the 105 counties of Kansas reworked our hunting and fishing regulations resolution. A great deal of discussion and thought was given to the topic of hunting and fishing in Kansas. There was considerable discussion ... one could even call it an outcry ... of the rapidly multiplying numbers of deer and antelope particularly and, in many instances, the **damage** done by deer and antelope and other wildlife. The following language is a portion of our resolution. The first paragraph addresses the topic of the legislation before you today. Two additional paragraphs we share

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with you for your consideration, either as amendments to S.B. 497 or for inclusion in other appropriate legislation. The three paragraphs we want to share with you today are as follows:

Hunting and Fishing Regulations

We urge the Fish and Game Commission to increase the number of deer and antelope firearms and bow and arrow permits granted each year. We believe each farmer, whether landowner or tenant, who requests a deer or antelope permit should receive one for hunting on his own land or that on which he is tenant or operator, and such special "landowner" permit should be issued at no cost to the farmer in all 105 counties.

We ask that legislation be enacted that would require the Fish and Game Commission to conduct deer population control measures or pay for damages upon petition from landowner and/or operators.

We urge the Kansas Fish and Game Commission to establish a toll-free telephone number to be used by farmers and other citizens to report wildlife damage to crops and other property.

Mr. Chairman and Members of the Committee we request your consideration of an amendment to S.B. 497 which would accomodate the language in the first paragraph of our resolution which asks for a special "landowner" permit. Our policy position, of course, addressed deer and antelope. Since the bill, however, is lumping those animals in with elk and wild turkey, and calling all of them big game, we have phrased our proposed amendment for you in this way:

Proposed amendment to S.B. 497.

On line 60, following the period after "big game" by inserting the following:

Any landowner or tenant who requests a big game permit shall receive such permit at no cost for hunting big game on land owned or operated by such landowner or tenant.

One other way of achieving the same result would be as follows:

Proposed amendment for S.B. 497.

In line 147 following the period, by striking the balance of line 147, all of 148, 149, 150, and 151 through the word "THE," and by inserting at that point the words **there shall be no** and in line 153 by striking the word shall and the balance of the line and all of 154 before the period. That sentence would then read **There shall be no fees prescribed for firearm permits issued to landowners or tenants.**

Mr. Chairman we thank you for the opportunity to express these views and advance these proposed amendments for S.B. 497. I would be happy to respond to any questions.

KANSAS WILDLIFE FEDERATION**RESOLUTION 1985-6****LOWERING REQUIRED AGE FOR APPLICATION
FOR KANSAS BIG GAME PERMITS**

WHEREAS, a Kansas resident must now reach age 16 to legally apply for a Kansas firearm deer and/or antelope permit; and

WHEREAS, a Kansas resident must reach age 14 to legally apply for a Kansas firearm turkey permit; and

WHEREAS, a Kansas resident must now reach age 14 to legally apply for a Kansas archery deer, antelope, and/or turkey permit; and

WHEREAS, a resident holder of a valid Kansas hunter safety card under age 16 can hunt any legal game except those mentioned above; and

WHEREAS, without the opportunity to hunt Kansas big game, the youth of Kansas below the age 16, who are at an impressionable age, may lose interest in hunting;

NOW, THEREFORE, BE IT RESOLVED, that the **Kansas Wildlife Federation, Inc.**, in annual meeting assembled on October 19-20, 1985, in Wichita, Kansas, urges the Kansas Fish and Game Commission to take all necessary steps to lower the age to 14 for application of all big game permits in Kansas.

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