

Approved 3-22-88
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at
Chairperson

8:00 a.m. ~~PM~~ on MARCH 16, 1988 in room 123-S of the Capitol.

All members were present except:
Senator Yost - Absent

Committee staff present:

Don Hayward - Revisor Laura Howard - Research
Nancy Jones - Secretary Raney Gilliland - Research

Conferees appearing before the committee:

Jerry Hazlett , Kansas Wildlife Federation
Robert Meinen, Secretary, Wildlife & Parks
Darrell Montei, Wildlife & Parks
John Kehler, Rancher, Holton, Ks.

A motion was made by Senator Hayden to approve minutes of the March 1, 2, 3 and 4 meetings; seconded by Senator Gordon. Motion carried.

HB 2729 - Relating to fish & game licenses and permits

Chairman Werts requested Raney Gilliland to review HB 2729 as it was introduced, then with the amendments adopted by the House. New language regarding the distribution of permits will allow the Secretary to issue more than one deer permit to residents whenever the total number of applicants is less than that authorized for a deer management unit. Also, if the total number of applicants for deer permits submitted by Kansas residents and non-resident landowners is less than the permits available, the Secretary may issue permits to landowners and tenants without a fee. The intent of the new language is to encourage issuance of the total allocation of permits for each deer management unit.

Jerry Hazlett stated the Federation recognizes the problems associated with the expanding deer population, and deer management decisions must be based on what is good for our natural resources and all Kansans. Mr. Hazlett feels that management properly is the function of KDWP and the Department should be allowed sufficient time to develop a comprehensive objective deer plan, with oversight and guidance from the legislature. For these reasons the Federation is opposed to enactment of HB 2729 as passed by the House. Mr. Hazlett stated a falconry permit fee has been omitted from the bill and this needs correction as falconry is legal in Kansas. (Attachment I)

John Kehler stated consideration should be given to issuing free permits to landowners. Deer over-population is a constant nuisance but any increase in licensed hunters may only add to the problems now faced by the farmers. Mr. Kehler feels more compensation for the landowners needs to be considered, such as a fee deer permit, and the opportunity to purchase permits from a County Clerks office.

Senator Vidricksen suggested the tag system being used in Wyoming, whereby the farmer is compensated for each deer taken on his property, might be a means to aid farmers. Mr. Kehler was agreeable to such a plan.

Robert Meinen stated the KDWP is in the process of eliminating barriers for distribution of deer permits, considering a second permit system and lengthening of the season. This year 1200 landowners did partake of the option of petitioning for a permit when a regular permit was not granted. Wide parameters are necessary to manage the deer population as it fluctuates yearly. There needs to be authority for changes to be made administratively to deal with this problem.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 123-S, Statehouse, at 8:00 a.m. ~~XX~~ on MARCH 16, 19 88

Darrell Montei stated with passage of legislation in 1986 and 1987, improvements can be seen in a number of areas but other problems still exist. The issue is complex and requires more time with some changes in the regulations for successful control of the deer population and protection of landowners. Mr. Montei discussed proposed amendments to HB 2729, which address the socio-economic aspects, recreational needs and improved regulations to more effectively administer the program. (Attachment II)

Mr. Montei stated the fiscal impact is unclear with regard to free permits and second permits as proposed in HB 2729. The Department does not recommend licenses for general non-resident deer hunters at this time.

Meeting adjourned.

The next meeting is March 17, 1988

3-16-88

Guest List

John Kehler	- 412 W 3rd	Halton, Ks
John Blythe	Kansas Farm Bureau	Manhattan
Bill Fuller	Kansas Farm Bureau	Manhattan
Keith Sexson	Ks. Dept Wildl. & Parks	Emporia
Wm. Moore	Ks. Bowhunter Association	Terre Haute
Jerry Hylton	Ks Wildlife Fed.	Topeka
Bob Meinen	Ks Wildlife & Parks	Topeka
Frank [unclear]	KAWG	Hutchinson

Kansas Wildlife Federation, Inc.

200 S.W. 30th, Suite 101 • P.O. Box 5715 • Topeka, KS 66605

Weyfett

Testimony HB 2729
Senate Committee on Energy and Natural Resources
March 10, 11, 1988

The Kansas Wildlife Federation is a nonprofit natural resource conservation and education organization. Our 8000 Kansas members, and the 10,000 Kansas membership of our National affiliate, The National Wildlife Federation, are dedicated to the proper use, conservation and management of our vital soil, air, water and biological resources.

KWF, like you, recognizes the problems associated with an expanding deer population. As has been experienced in other states, it is not uncommon for these problems to become political issues within state legislatures.

Our concern is, that many times, these problems have no factual base or at best, one that is greatly embellished to fit the wants of special and/or self interests.

The basis for KWF's concern was exemplified at the recent public deer meetings held by the Kansas Department of Wildlife and Parks. Nearly 2000 people interested in deer attended. Nearly as many opinions, concerns and problems were expressed as people attending.

When making deer management decisions these interests must be evaluated as to their validity and scope. In the final analysis, all the opinions and concerns cannot be included in deer management.

The final judgments must be based on what is good for the resource and what is good for all Kansans. KWF believes this is the function of KDWP. Thus, we are asking this Committee to not pass this legislation.

However, KWF is not asking the legislature to ignore the deer issue. Instead, we are asking you to oversee, direct, guide and allow enough time for KDWP to develop an objective, comprehensive deer plan. With the legislature's involvement, this can be a plan that includes what is best for the deer resource, deer recreationists, landowners and the economy of the State.

ATTACH F
3/16/88

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1988

HOUSE BILL No. 2729

By Committee on Energy and Natural Resources

1-29

0021 AN ACT concerning fish and game; relating to licenses and
0022 permits; amending K.S.A. 32-179 and K.S.A. 1987 Supp. 32-
0023 164b and repealing the existing sections.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 Section 1. K.S.A. 1987 Supp. 32-164b is hereby amended to
0026 read as follows: 32-164b. (a) Except as otherwise provided in this
0027 section, the ~~Kansas fish and game commission~~ *secretary of the*
0028 *department of wildlife and parks* is authorized to adopt rules
0029 and regulations fixing the amount of fees for the following items
0030 subject to the following limitations and subject to the require-
0031 ment that no such rules and regulations shall be adopted as
0032 temporary rules and regulations:

0033 Resident hunting license — not less than \$5 nor more than	\$10
0035 Nonresident hunting license — not less than \$25 nor more than .	50
0037 Resident fishing license — not less than \$5 nor more than	10
0039 Nonresident fishing license — not less than \$15 nor more than .	30
0041 Twenty-four-hour fishing license — not to exceed	2
0043 Resident furharvester license — not less than \$10 nor more than	15
0045 Nonresident furharvester license — not less than \$50 nor more	
0046 than	400
0048 Resident duplicate license or permit (hunting, fishing, furharvest-	
0049 ing) — not to exceed	3
0051 Nonresident duplicate license or permit (hunting, fishing, furhar-	
0052 vesting) — not to exceed	5
0054 Resident fur dealer license — not less than \$50 nor more than . .	200
0056 Combination resident hunting and fishing license — not less than	
0057 \$10 nor more than	20
0059 Nonresident fur dealer license — not less than \$50 nor more than	400
0061 Controlled shooting area hunting license — not less than \$5 nor	
0062 more than (to be same as resident hunting license)	10
0064 Resident mussel fishing license — not less than \$25 nor more than	200
0066 Nonresident mussel fishing license — not less than \$50 nor more	
0067 than	400
0069 Game breeders permit — not less than \$2 nor more than	15
0071 Live rabbit trapping permit — not to exceed	15

ATTACH II
3/16/88

ATTACH II
3/16/88

0073	Rabbit shipping permit — not less than \$25 nor more than	200
0075	Collecting for scientific and exhibition permit — not to exceed . .	10
0077	Disabled persons vehicle permit (lifetime) — not to exceed	5
0079	Resident big game hunting permit — not less than \$10 nor more	
0080	than	100
0082	Provided, That the commission secretary may establish different	
0083	permit fees for each class of big game animal within such limit.	
0084	Additional resident deer hunting permit — not less than \$10 nor	
0085	more than	100
0087	Nonresident and Nonresident landowner big game hunting permit	
0088	— not less than \$30 nor more than 400 300	400
0090	Provided, That the commission secretary may establish different	
0091	permit fees for each class of big game animal within such limit.	
0092	Nonresident nonlandowner deer hunting permit — not less than	
0093	\$300 nor more than	400
0095	Forty-eight-hour waterfowl permit — not to exceed \$20	20
0097	Field trial permits (game birds) — not less than \$10 nor more than	25
0099	Field trial permits (fur-bearing animals) — not less than \$10 nor	
0100	more than	25
0102	Commercial dog training permit — not less than \$10 nor more than	25
0104	Hound trainer-breeder running permit — not less than \$10 nor more	
0105	than	25
0107	Water event permit — not to exceed	50

0109 (b) ~~From and after January 1, 1987,~~ the fee for a landowner-
 0110 tenant resident big game hunting permit shall be the amount
 0111 equal to 1/2 of the fee prescribed by law or rule and regulation for
 0112 a general resident big game hunting permit. ←

0113 (c) The fees prescribed for firearm permits shall be the same
 0114 as the fees for archery permits.

0115 (d) For the calendar year 1988, the fee for a forty-eight-hour
 0116 waterfowl permit shall be \$20.

0117 (e) The fee for a furharvester license for a resident citizen
 0118 under 16 years of age shall be the amount equal to 1/2 of the fee
 0119 prescribed by law or rule and regulation for a resident furhar-
 0120 vester license.

0121 (f) For the calendar year 1987: The fee for a general resident
 0122 deer hunting permit shall be \$30; the fee for a general resident
 0123 antelope hunting permit shall be \$35; the fee for a general
 0124 resident elk hunting permit shall be \$75; the fee for a general
 0125 resident turkey hunting permit shall be \$20; the fee for a non-
 0126 resident turkey hunting permit shall be \$30; the fee for a non-
 0127 resident landowner deer hunting permit shall be \$50; the fee for
 0128 a nonresident landowner antelope hunting permit shall be \$60;
 0129 and the fee for a nonresident landowner elk hunting permit shall
 0130 be \$250.

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The fee for a restricted landowner or tenant deer hunting permit shall be equal to 1/4 of the fee prescribed by law or rule and regulation for a general resident deer hunting permit.

0131 (f) ~~For the calendar year 1988,~~ the fee for an additional
0132 resident deer hunting permit shall be ~~\$30,~~ the fee for nonresi-
0133 dent nonlandowner shall be \$400.

0134 Sec. 2. K.S.A. 32-179 is hereby amended to read as follows:
0135 32-179. (a) When used in this act:

0136 (1) "Landowner" means a resident owner of farm or ranch
0137 land of 80 acres or more located in the state of Kansas;

0138 (2) "tenant" means a resident of this state who manages or
0139 [lessee who] operates farm or ranch land of 80 acres or more for
0140 agricultural purposes located in the state of Kansas [for the
0141 production of income or financial gain];

0142 (3) "regular season" means a statewide big game hunting
0143 season authorized annually which may include one or more
0144 seasons restricted to specific types of equipment;

0145 (4) "special season" means a big game hunting season in
0146 addition to a regular season authorized on an irregular basis or at
0147 different times of the year other than regular season;

0148 (5) "general permit" means a big game hunting permit avail-
0149 able to Kansas residents not applying for big game permits as a
0150 landowner or tenant;

0151 ~~(6)~~ "nonresident landowner" means a nonresident of the
0152 state of Kansas who owns farm or ranch land of 80 acres or more
0153 which is located in the state of Kansas.

0154 (b) The ~~Kansas fish and game commission~~ secretary of the
0155 department of wildlife and parks is hereby authorized to issue
0156 through the office of director of the commission at Pratt, Kansas,
0157 permits and game tags pertaining to the hunting, taking and
0158 possessing of big game. Such permits and game tags shall not be
0159 issued until the ~~commission~~ secretary has established a regular
0160 or special big game hunting season and then only in such
0161 number as the ~~commission~~ secretary deems advisable consider-
0162 ing the number of game and the conditions affecting the same.

0163 ~~Fifty percent of the permits authorized for a regular season~~
0164 ~~shall be issued to landowners or tenants and the balance shall be~~
0165 ~~issued as general permits, except that,~~ whenever the total of all
0166 applications submitted by Kansas residents for permits is less
0167 than the number of permits authorized for a regular season, the

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equal to the permit fee as prescribed by
law or by rule and regulation of the
commission.

(6) "landowner/tenant" permit means a big game hunting
permit available to Kansas residents qualifying
as landowners or tenants.

(7) "restricted landowner/tenant" permit means a
big game hunting permit available to Kansas
residents qualifying as landowners or tenants
and is valid only on lands owned or operated
by the landowner or tenant. Such permits
may contain additional restrictions as
prescribed by rule and regulation of the
Commission.

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within a management unit
within a management unit

0168 ~~commission secretary~~ may issue permits to nonresident land-
 0169 owners. The Secretary may issue more than one deer permit to
 0170 any resident whenever the total number of applicants for deer
 0171 permits is less than the number of permits authorized. ~~If the~~
 0172 ~~total number of applications for deer permits submitted by~~
 0173 ~~Kansas residents and nonresident landowners is less than the~~
 0174 ~~number of permits authorized for a regular season in a deer~~
 0175 ~~management unit, the secretary may issue deer hunting permits~~
 0176 ~~to nonresidents [landowners and tenants] in such deer manage-~~
 0177 ~~ment unit, and such permits shall be issued without charge].~~
 0178 The fish and game ~~commission secretary~~ may issue turkey
 0179 hunting permits to nonresidents in unlimited turkey hunting
 0180 zones. Big game permit application procedures shall be estab-
 0181 lished by rule and regulation of the ~~commission secretary~~. Per-
 0182 ~~mits not issued to applicants within the time period prescribed~~
 0183 ~~by rule and regulation may be issued without regard to the 50%~~
 0184 ~~limitation. The commission secretary may authorize additional~~
 0185 ~~permits for landowners or tenants who were unsuccessful in~~
 0186 ~~obtaining a regular season permit after timely application. Such~~
 0187 ~~permits and applications therefor may contain additional restric-~~
 0188 ~~tions as prescribed by the commission secretary. Any resident~~
 0189 ~~landowner who was unsuccessful in obtaining a regular season~~
 0190 ~~deer permit may apply for and shall be issued a deer permit upon~~
 0191 ~~submission of proof of denial of a regular season deer permit.~~
 0192 ~~Such permits shall be valid only for hunting on the landowner's~~
 0193 ~~land and such permits and applications therefor may contain any~~
 0194 ~~other restrictions as prescribed by the secretary. Applications for~~
 0195 ~~such permits may be made to the secretary or to any person~~
 0196 ~~authorized to sell hunting licenses. The commission secretary~~
 0197 may establish special seasons in addition to the regular seasons.
 0198 ~~and permits may be issued without any percentage limitation. A~~
 0199 landowner or tenant is not eligible to apply for a big game permit
 0200 as a landowner or as a tenant in a management unit or zone other
 0201 than that which includes such landowner's or tenant's land.
 0202 Members of the immediate family who are domiciled with a
 0203 landowner or tenant may apply for a big game hunting permit as
 0204 a landowner or as a tenant. The total number of permits issued to

in that management unit

The commission may authorize restricted landowner/tenant big game hunting permits for landowners and tenants within management units and establish procedures for issuance of such permits.

except such family members shall not be eligible to apply for or receive restricted landowner/tenant big game hunting permits.

0205 a landowner or tenant and a landowner's or tenant's immediate
0206 family shall not exceed one permit for each 80 acres owned,
0207 managed or operated by such landowner or tenant.

0208 The ~~commission~~ secretary may require proof of ownership or
0209 tenancy from persons applying for a big game permit as a land-
0210 owner or tenant. The ~~commission~~ secretary may adopt rules and
0211 regulations for each management unit or zone regarding the
0212 procedures for issuance of big game permits. The ~~commission~~
0213 secretary shall not issue any big game archery permit to any
0214 person who has not attained the age of 14 years, ~~on or before the~~
0215 ~~opening day of such season.~~ The ~~commission~~ secretary shall not
0216 issue a big game firearm permit to any person who has not
0217 attained the age of 16 years, ~~on or before the opening day of such~~
0218 ~~season,~~ except that a wild turkey firearm permit may be issued to
0219 any person who attains the age of 14 years, ~~on or before the~~
0220 ~~opening day of such season.~~

0221 (c) The fee for each big game permit shall be as prescribed by
0222 rule and regulation adopted under K.S.A. 32-164b, and amend-
0223 ments thereto. The ~~commission~~ secretary may charge a fee as
0224 prescribed by rule and regulation adopted under K.S.A. 32-164b,
0225 and amendments thereto, for issuance of duplicate permits, tags
0226 or informational cards upon substantiated proof of loss.

0227 (d) The permit shall state the species, number and sex of the
0228 big game which may be killed by the permittee. The permit must
0229 be in possession of the permittee while hunting and the same
0230 must be shown to any officer authorized to enforce fish and game
0231 laws upon demand. The ~~director~~ secretary may furnish an infor-
0232 mational card with any big game permit, and at the conclusion of
0233 the open season each permittee receiving such card shall return
0234 the card to the office of the ~~director of the Kansas fish and game~~
0235 ~~commission, Pratt, Kansas,~~ secretary giving such information as
0236 is called for on the card.

0237 (e) The permittee shall permanently affix the game tag to the
0238 carcass of any big game immediately after killing and thereafter,
0239 if required by rules and regulations adopted by the ~~Kansas fish~~
0240 ~~and game commission~~ secretary, the permittee shall immedi-
0241 ately take such killed game to a check station as may be required

A big game hunting permit may be issued to a person who has not attained the minimum age prescribed by law, but such permit shall be invalid until that person meets the minimum legal age requirement.

0242 in the regulation where a check station tag shall be affixed to the
0243 game carcass if the kill is legal. The tags shall remain affixed
0244 until the carcass is consumed or processed for storage. It shall be
0245 unlawful for any person to possess a carcass of big game, taken in
0246 Kansas, without a tag issued by the ~~commission~~ *secretary* at-
0247 tached to the same and without a check station tag attached to the
0248 same if required by the ~~commission~~ *secretary*. The permittee
0249 shall make the big game carcass available for inspection by any
0250 officer authorized to enforce fish and game laws upon demand.

0251 (f) The form and contents of the permits and tags shall be
0252 determined by the ~~director~~ *secretary*. The permits and tags
0253 issued shall expire ~~on December 31 following date of issuance~~
0254 and all moneys received by the office of director from the same
0255 shall be forwarded quarterly to the state treasurer at Topeka,
0256 Kansas, for deposit in the forestry, fish and game commission fee
0257 fund.

0258 (g) It shall be unlawful for any person to hunt deer or elk in
0259 Kansas during any firearms season for the taking of such game,
0260 without and unless such person is wearing a hat of orange color
0261 and on the upper half of such person's body a minimum of 200
0262 square inches of orange color, at least 100 square inches of which
0263 shall be visible from the front and at least 100 square inches of
0264 which shall be visible from the back. Notwithstanding the pro-
0265 visions of K.S.A. 32-110b, and amendments thereto, any person
0266 violating any provision of this paragraph shall be deemed guilty
0267 of a misdemeanor and, upon conviction thereof, shall be fined in
0268 an amount not less than \$25 nor more than \$100.

0269 Sec. 3. K.S.A. 32-179 and K.S.A. 1987 Supp. 32-164b are
0270 hereby repealed.

0271 Sec. 4. This act shall take effect and be in force from and
0272 after its publication in the statute book.

upon close of the season for which issued