

Approved 4/4/88  
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./~~p.m.~~ on March 25, 1988 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Discussion on bills in Committee:

HB 2870 - Concerning hazardous waste

Chairman Werts asked the Committee to give attention to the conceptual motion made by Senator Vidricksen which remains on the floor from the previous meeting.

The conceptual motion which had been made by Senator Vidricksen was that the KDHE shall adopt rules and regulations which shall require reasonable fees to be charged by those individuals utilizing the program.

Upon reconsideration, Senator Vidricksen proposed changing "which shall require" to "which may require". This motion would allow the state to require the city to charge a fee to individuals for waste collection and the fee would be remitted to the state.

Dennis Murphey stated the intent of a proposed surcharge for solid waste collection is the hope local units of government will assume complete responsibility for the program.

After further consideration, Senator Vidricksen withdrew his motion.

Concerns were expressed about the broad language of "reasonable fees", the Secretary of KDHE able to grant authority to cities to collect a surcharge, the possible exclusion of previous participants of the grant program to continue using the program and the disposition of monies allocated for the grants which are unused. The bill does not guarantee 50% of the cost will be allowed to the grantee conducting collections of hazardous waste.

Mr. Murphey stated local units of government may contract with any waste handling company and the Department will insure the company is bonded. A problem with local units of government conducting collection without proper supervision may be the lack of expertise in handling and disposal of wastes and liability may become a concern. Therefore the Department feels knowledgeable contractors are necessary.

Senator Vidricksen feels an alternate method of collection should be considered to use allocated funds more effectively.

A motion was made by Senator Langworthy to recommend HB 2870 favorably; seconded by Senator Feleciano. Motion failed.

By concensus of the Committee, the bill will remain in the book.

HB 2729 - Relating to fish & game licenses and permits

Senator Thiessen offered amendments to the bill and reviewed the proposed changes. (Attachment I)

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,  
room 123-S Statehouse, at 8:00 a.m./~~p.m.~~ on March 25, 1988

The amendments request issuance of permits to non-residents for areas with deer over population. In addition, landowners would be given the opportunity to sell additional permits in problem areas.

A motion was made by Senator Thiessen to adopt the proposed amendments to HB 2729; seconded by Senator Gordon.

Senator Feleciano stated the Secretary of the Department needs the support of the legislature and time for the reorganization to be fully implemented for effective operation.

A substitute motion was made by Senator Feleciano to recommend adversely HB 2729; seconded by Senator Langworthy.

Senator Vidricksen reminded the Committee that authority to establish a fee for falconry has not been granted the Department and an amendment should be considered. Mr. Meinen stated SB 59 is in the House Energy Committee and this bill could possibly be the vehicle for fee authorization.

During discussion Mr. Meinen stated multiple deer tags are being recommended for problem areas this year along with improved notification to hunters of permits available. However, without action by the legislature, the Department has no authority for definitive action.

Senator Kerr expressed the need for action by the Committee to address the problem this year. Senator Hayden proposed issuing a directive for the Secretaries of Wildlife & Parks and Agriculture to work jointly for solutions of the issues with monitoring by an interim committee.

Senator Feleciano withdrew his motion.

A substitute motion was made by Senator Kerr to recommend HB 2729 for interim study and a resolution be drafted encouraging collaboration of the Departments of Wildlife & Parks and Agriculture in the seeking of solutions to problems of landowners addressed in the bill; seconded by Senator Feleciano.  
Motion carried.

The Chairman advised members that when this resolution is drafted, a brief meeting will be called "at the rail" to consider it's adoption.

Chairman Werts thanked the committee for their work and cooperation during this legislative session.

Meeting adjourned.

3-25-88

QUEST LIST

Darrell Montee

KWEP

Bob Munn

" "

Dennis Murphy

KDHE

Paul E. Fleener

Kansas Farm Bureau

Manhattan

MIKE BEAM

Ks. LVSTK, ASSN.

TOPEKA

HOUSE BILL No. 2729

By Committee on Energy and Natural Resources

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 I  
3-25-88

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3-25-88

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 than . . . . .	100
0083	2 Provided, That the <del>commission</del> <i>secretary</i> may establish different permit fees for each class of big game animal within such limit.	
0084	Additional resident deer hunting permit — not less than \$10 nor more than . . . . .	100
0085		
0087	Nonresident <i>and Nonresident landowner</i> big game hunting permit — not less than \$30 nor more than . . . . .	400
0088		300
0090	Provided, That the <del>commission</del> <i>secretary</i> may establish different permit fees for each class of big game animal within such limit.	
0091		
0092	Nonresident nonlandowner deer hunting permit — not less than \$300 nor more than . . . . .	400
0093		
0095	Forty-eight-hour waterfowl permit — not to exceed . . . . .	\$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 more than . . . . .	25
0100		
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 than . . . . .	25
0105		
0107	Water event permit — not to exceed . . . . .	50

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

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

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

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

0121 (f) For the calendar year 1987: The fee for a general resident deer hunting permit shall be \$30; the fee for a general resident antelope hunting permit shall be \$35; the fee for a general resident elk hunting permit shall be \$75; the fee for a general resident turkey hunting permit shall be \$20; the fee for a nonresident turkey hunting permit shall be \$30; the fee for a nonresident landowner deer hunting permit shall be \$50; the fee for a nonresident landowner antelope hunting permit shall be \$60; and the fee for a nonresident landowner elk hunting permit shall be \$250.

0131 (f) For the calendar year 1988, the fee for an additional  
 0132 resident deer hunting permit shall be \$30; ~~the fee for nonresi-~~  
~~dent landowner shall be \$100.~~

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

(g) The secretary under the provisions of KSA 32-178 shall open a  
 season in the State of Kansas or in any part or area of the  
 state where it is determined that <sup>there is</sup> an overpopulation of big  
 game ~~is causing crop or property damage~~.

Under these conditions a landowner or tenant or a group  
 of landowners and/or tenants in the designated special area  
 during a special season or regular season be granted the  
 opportunity to sell or offer for sale deer permits to persons  
 with a current hunting license. Permits would be furnished by  
 the Wildlife and Parks Department and sold according to rules  
 and regulations of the Department. All proceeds of the permits  
 would be remitted to the Wildlife and Parks Department. Permits  
 could be sold up to the last day of the prescribed season.

The provisions of amendment <sup>this</sup> ~~shall have a trial period of~~  
~~\_\_\_\_\_~~ and shall sunset December 31, 1990.

0163 *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

or it is determined by the Secretary that an overpopulation  
of deer is causing excessive damage to crops and property  
of landowners and tenants,

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-  
ately take such killed game to a check station as may be required



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.

New Section 3. The Secretary of the Department of Wildlife  
 and Parks shall provide a toll-free telephone number for the  
 reporting of damage by wildlife to crops and other property.

4.

5.