

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Jeff Freeman, Vice Chairman at
Chairperson

3:30 ~~xxx~~/p.m. on January 31, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Charlton (excused)

Committee staff present:

Raney Gilliland, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Darrel Montei, Legislative Liaison, Kansas Department of
Wildlife and Parks
Jerry Hazlett, Kansas Wildlife Federation, Inc.
Joyce Wolf, Kansas Audubon Council
Scott Johnson, North American Falconry Association
Junction City, Kansas
Eulalia Lewis, Topeka, Kansas

House Bill 2007--Falconry permit and examination fees. Re Proposal
No. 15.

Darrel Montei, representing the Department of Wildlife and Parks, indicated that this legislation would provide the capability for the falconry program in Kansas to pay for itself. Two amendments were attached to his written testimony. Attachments 1 and 2.

During discussion, Mr. Montei advised that these fees were being requested to be set by statute because a sunset clause was built in and it would only be good for calendar year 1989. Therefore, the fee would be established as soon as the bill becomes effective and the program could be implemented at an earlier time. Personnel, fees and the required testing were also discussed.

Representative Patrick requested Mr. Montei to furnish copies of the written test that was given, as well as an estimate of the projected cost of the program.

Jerry Hazlett, on behalf of the Kansas Wildlife Federation, Inc., testified in favor of House Bill 2007. Attached to his written testimony was a copy of a resolution adopted by the Federation in 1985. Attachments 2 and 3.

Joyce Wolf represented the Kansas Audubon Council, speaking in support of this bill. She indicated that due to the assurance that Wildlife and Parks would carefully monitor the program and that the program would be financially self-supporting, the Audubon Council would support the program. Attachment 4.

Scott Johnson, representing the North American Falconers Association, testified in support of House Bill 2007. He commented that he was a raptor breeder and had worked on falconry legislation for the past ten years. This legislation had been through the Senate and a House Resolution had been passed a few years ago which gave the Fish and Game Commission authority to regulate falconry. He fully supported the fees set forth in this bill.

Committee discussion followed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~xxx~~/p.m. on January 31, 1989.

Eulalia Lewis testified in opposition to House Bill 2007. She gave the committee considerable background on falconry legislation in the past. She felt that the proposed fee schedule was much too low. Attachment 5.

The meeting was adjourned at 4:17 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held at 3:30 p.m. on February 7, 1989 in Room 526-S.

H.B. 2007
Testimony Provided to House Energy and
Natural Resources Committee
January 31, 1989
Prepared by Kansas Department of Wildlife and Parks

H.B. 2007 will establish a framework within which falconry permit fees and testing fees would be set by rule and regulations adopted by the Secretary in accordance with K.S.A. 1988 Supp. 75-3905.

The falconry program in Kansas has been developed with the intent that the program will pay for itself. Enactment of H.B. 2007 will provide that capability. The Department recommends two amendments to establish the 1989 fee amounts and to provide an effective date upon publication in the Kansas Register.

The Department of Wildlife and Parks supports H.B. 2007.

H E & NR
1-31-89
Attachment 1

- (e) For the calendar year 1989, the fee for falconry permits shall be as follows: (1) Apprentice falconry permit --- \$100.00; (2) General falconry permit --- \$200.00; and (3) Master falconry permit --- \$300.00.
- (f) for the calendar year 1989, the falconry testing fee shall be \$50.00.

Sec. 3 ---- statute-book Kansas register.

H E + NR
1-31-89
Attachment 2

Kansas Wildlife Federation, Inc.

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

TESTIMONY HB 2007

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
PRESENTED BY Jerry R. Hazlett
January 31, 1989

The Kansas WILDLIFE FEDERATION is a not-for-profit natural resource conservation and education organization. Our 8000 volunteer members join with the 10,000 Kansas members of our affiliate organization, The National Wildlife Federation to support the sound use, management and enjoyment of our vital air, water, soil and wildlife resources.

For several years, legalizing the sport of Falconry in Kansas has been debated.

KWF too was caught up in this debate, a debate filled with fact, fiction and emotion. In 1985 we set about trying to separate fiction and emotion from the biological facts.

We found that the facts did support the sport of Falconry, with proper regulation and management, as providing a legitimate resource recreational opportunity. Based on these findings, the Federation, in its annual meeting of 1985, passed a resolution for the sport of falconry in Kansas. A copy is attached to this testimony.

I would like to call your attention to two parts of that resolution.

- 1.) Last WHEREAS clause - falconry is legal in 47 states.
- 2.) NOW, THEREFORE BE IT RESOLVED clause - The Kansas Fish & Game Commission (now Kansas Department of Wildlife & Parks) implement regulations using Federal falconry regulations.

In a good faith effort to meet the concerns of many interested in Kansas falconry, the KDWP has developed a falconry management program that is much more restricted than the Federal Regulations. Even though more restrictive than necessary, KWF supports those regulations. KWF also supports the falconry fee structure in HB 2007 and asks for this Committees favorable recommendation and passage.

H E + NR
1-31-89
Attachment 2

KANSAS WILDLIFE FEDERATION

RESOLUTION 1985-9

FALCONRY

WHEREAS, the Kansas Wildlife Federation encourages and advocates the wise use of our state's natural resources; and

WHEREAS, the taking of game by trained birds of prey known as the sport of falconry according to established seasons and bag limits is a legitimate use of our state's natural resources; and

WHEREAS, falconers have made considerable contributions toward the conservation of birds of prey, including the breeding of endangered species and releasing them into the wild such as the peregrine falcon; and

WHEREAS, all raptors are fully protected by both Federal and Kansas laws; and

WHEREAS, falconry is presently legal in 47 other states;

NOW, THEREFORE, BE IT RESOLVED, that the **Kansas Wildlife Federation, Inc.**, in annual meeting assembled on October 19-20, 1985, in Wichita, Kansas, supports the legalization of falconry in Kansas and its regulation by the Kansas Fish and Game Commission under the Federal falconry regulations.

H E + NR
1-31-89
Attachment 3



Kansas Audubon Council

JANUARY 31, 1989

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

Several years ago, the debate over falconry was intense and at times very divisive, so it was no small surprise to many persons when the Kansas Audubon Council voted in October of 1987 to endorse, with certain reservations, the regulations for the establishment of falconry in Kansas.

Those reservations involve our concerns for the protection of the birds during the process of removal of fledglings from the nest. Some of our members feel strongly that the removal of hawks from the nest should be done under the supervision of department personnel and that an additional fee should be charged to help offset the added costs that would be incurred. After discussions with KDWAP staff, the Audubon Society is willing to defer to the department's assurance that they intend to carefully monitor the falconry program. We have been told that if necessary they will consider adopting additional regulations to afford greater protection to the raptors.

The Kansas Audubon Council concurs with the KDWAP Commissioners' desire for the falconry program to be financially self-supporting and we hope that the fees set be at the top of the range listed in HB 2007 in order to achieve that goal.

We want to thank the House Committee for allowing us the opportunity to publicly express our concerns and continuing interest in the progress of the falconry program and to basically support HB 2007.

HE+NR
1-31-89
Attachment 4

Eulalia Lewis
 1285 Mac Vicar
 Topeka, KS 66604

Several years ago this legislature had the wisdom to pass a law that protected all raptors from being hunted, shot or trapped. It is still a good law and is in effect to this day. In keeping the law the birds have their freedom, and the rodent population has a natural control. In spite of the law, there have been raptors shot and kept captive and rehabilitators are kept busy helping those birds return to the wild.

Ten or twelve years ago one person began the process of trying to make it legal for a few to capture and hold raptors for the sport of Falconry. Each year people who care about birds have urged the legislature not to pass such a bill. Each year the legislature listened and agreed that it was not good for the birds, nor good for the Fish and Game Commission to try to monitor such a problem. The cost would be more than they could support. Then that one person indicated he would be willing to bear the whole cost if he were allowed the permit to practice falconry.

Later, the falconers (for then there were more than one by this time) persuaded a legislator from Pratt to introduce a resolution stating that the Fish and Game Commission can do anything it wants with any of the wildlife in the state. The resolution passed. I was assured that it had no more meaning than if my representative introduced a resolution that "Eulalia is a Good Girl". However the Fish and Game Commission accepted it as law and the falconers won that round.

Then came the merging of the Fish and Game Commission and the Department of Parks and new regulations were needed. There is only one biologist on the new commission and they needed to learn about falconry. This was a slow task and the falconers were faster than those who were against falconry. The falconers won another round. This, the final round, is in your hands.

The falconers have maintained that they would pay for the cost of the monitoring of the "Sport". Fish and Game stated about three years ago that it would cost a minimum of \$10,000 to set up the testing program, to inspect the current facilities of those with "Breeding" permits, and to set aside some personnel time to do these two things. Monitoring will be required to: check the places they are keeping the birds, to check on each bird to be sure that there has not been any illegal action such as switching of birds, to observe the facilities, to be present when any birds are taken from the wild and when any birds are added by breeding, and to check all of the records that are kept against the actual birds in captivity. It will take at least one person half time per falconer. For that reason the fee needs to meet these cost demands. It will be necessary to create a new Division of Falconry to keep the falconers honest. It has been just a few years since there were 85 of the nation's top falconers, arrested on infractions of the laws. It is very expensive to take such problems to court.

In reading about falconry it seems clear that the fun is not in having a pet that is an old friend, but to constantly acquire new birds and train them. To "Fly" the birds requires them to be kept hungry and at a low weight so the bird feels dependent on the "Master" and will return. The bird is not in "Breeding" condition when it is to be "Flown". Gatherings and showing off the birds is another type of FUN that should not be allowed to be done in Kansas. It creates more opportunity for illegal exchanges.

To decide on a fee schedule, make certain that there is enough new money to support falconry. No money should be allowed to transfer from existing programs and funds. It should reflect the hours and expenses of one half a position ^(New) of Wildlife and Parks per falconer. That person or persons, would need to be highly qualified in biology, laws of the falconry and dedicated to the enforcement of those laws. Please reject the proposed fee schedule as much too low.

Thank you.

Eulalia Lewis

H E + NR
 1-31-89
 Attachment 5