

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Vice-Chairman Don Sallee at
Chairperson

8:09 a.m./~~p.m.~~ on February 27, 1990 in room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present:

Raney Gilliland, Legislative Research Department
Don Hayward, Revisor of Statutes
Pat Mah, Legislative Research Department
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Helen S. Krahn, Owner, KOA Campground, and member of the Board of Directors
of the KOA Oqners Association
Dan Reichenborn, Owner, Gunsmoke Campground, Dodge City
Fred A Wallace, Owner, Wakeeney KOA Campground, WaKeeney
Pam Somerville, Kansas Department of Transportation
Bob Meinen, Secretary, Department of Wildlife and Parks
William A. Anderson, Jr., Commissioner, Department of Wildlife and Parks
Spencer Tomb, The Kansas Wildlife Federation
Ron Smith, Kansas Bowhunters Association
Bill R. Fuller, Assistant Director, Kansas Farm Bureau
Les Barnes, Land owner, Valley Falls, Kansas

The Chairman opened the hearings on SB 603 - relating to roadside facilities; prohibiting extended parking at such facilities.

Helen S. Krahn representing herself as a owner of a KOA campground, and as a member of the Board of Directors of their state association testified in support of SB 603 (Attachment I).

Mr. Reichenborn owner of a campground at Dodge City supported the bill (Attahment II).

Fred Wallace campground owner at WaKeeney supported the bill (Attach-ment III).

Pam Somerville stated they were taking a neutral position, but if the legislation was enacted they would be required to revise the current regulations (Attachment IV).

The hearing on SB 603 was closed,

The Chairman opened the hearing on SB 595.

Secretary Meinen briefed the committee on the background as to why they had asked for the bill to be introduced (Attachment V), and he gave an overview of the bill (Attachment VI).

William Anderson, Jr., supported SB 595 (Attachment VII).

Spencer Tomb presented written testimony stating why they support the bill (Attachment VIII). He also presented a resolution asking for the removal of age restrictions for wild turkey hunting (Attachment IX).

Ron Smith, Legislative Committee, for the Kansas Bowhunters Assn., supported the bill, but with some amendments (Attachment X).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,

room 423-S Statehouse, at 8:09 a.m./~~pm~~ on February 27, 1990.

Bill Fuller told the committee they believe SB 595 provides some of the opportunities necessary to accomplish their goals less damage caused by wildlife. He proposed some amendments (Attachment XI).

Less Barnes opposed the section of the bill that would increase the acres for landowner's permit privileges to 160 acres (Attachments XII).

A motion was made by Senator Frahm to adopt the minutes of February 20, 21, and 22, 1990. The motion was seconded by Senator Hayden. Motion carried.

The meeting adjourned at 9:03, the next meeting will be on February 28, 1990.

Date February 27, 1990

PLEASE PRINT GUEST LIST

<u>NAME</u>		<u>REPRESENTING</u>
Les BARNES	Valley Falls	Self
Pam Somerville	TOPEKA	KDOT
Steu Hay	Wichita	The Wichita Eagle
BILL ANDERSON	FAIRWAY	WILDLIFE & PARKS COMMISSION
Bob Meinen	Topeka	Wildlife and Parks
Ron Smith	Topeka	Ks. Bowhunters Assn.
Spencer Tomb	Manhattan	Kansas Wildlife Federation
Jerry Hoyle	Topeka	Ks. Wildlife Federation
Darrell Montei	Prott	Ks. DEPT. W.L.D.F. & P.K.S.
BILL R. FULLER	Manhattan	Kansas Farm Bureau
Janis Reichenborn	Dodge City	Kansas Campground Assn
Helen S. Irwin	Grantville	Kansas Campground Assn & KOA Owners
DAN REICHENBORAL	Dodge City	Kansas Campground Assn.
Charles Nicolay	Topeka	Grassmoke Campground
DAN BAILEY	TOPEKA	Ks Oil Marketers Assn
JOE Rickabaugh	Topeka	Ks Oil Marketers Assn.
		Ks. Livestock Assoc.

I am here today as a member of the "Kansas campground Assn." Legislative Committee Member and a Board of Directors Member of The K O A Owners Assn. in support of Bill 603.

As we enter into a new decade changes are necessary and we call upon you, the lawmakers to be aware of facts we consider necessary for services to those who travel our Kansas highways. RV News predicts Travel in the 90's will exceed the 80's . As of Nov. 1988 there were 7.5 Million RV's on our nations roads. 10% of all USA households own RV's, the income of these families was from 50 to 135 Thousand Dollars per year, providing the Tourism industry with an income of \$270 Billion Dollars and employing 5.5 Million People many are teens and students.

With travel growth a real possibility - roadside rest areas must be available to all travelers, not a camping area. We are asking for time restrictions so that all who drive our Highways may find a clean, safe area to rest for a short period of time. Of the 13,431 Public and Private Campgrounds in our Nation, Kansas provides a very adequate number with some of the best accomodations in our industry.

Please meet the 90's with Kansas Rest Areas a "Real Kansas Pride". Limit the time of stay- let those of us who provide goods and services have our share of the \$300 Billion Dollars that the ~~Tourist~~ Industry generates nation wide.

We are Kansas Tax Generators and Tax Payers.

Thank you,



Helen S. Krahn
Owner KOA Campground

R 1

Grantville, Ks. 66429

attachment I

West Highway 50
Dodge City, KS 67801
February 27, 1990

To the Honorable Senator Ross Doyen and
Members of the Energy and Natural Resources Committee:

We, the owners of private campgrounds in Kansas, would like to thank you for the opportunity to address you concerning Senate Bill No. 603. There are a number of concerns that we have regarding overnight camping at rest areas across the state. I would like to speak to you today about those concerns.

First and foremost is the problem of public safety. Rest areas are not, nor were they ever intended to be, areas where people could stay for extended periods of time. Less than three years ago a truck driver was murdered at a rest area near Colby. At the time the Thomas County Sheriff Tom Jones said he considered all rest stops on I-70 dangerous. He further stated, "Instead of safety rest areas, they are crime areas. I wouldn't stop at a rest area." Jones cautioned travelers to use facilities in the communities along the highways instead of the rest areas.

Sheriff Jones was right; communities offer more security for the traveling public. At private campgrounds the owners pride themselves on the safety and security that is offered. Not only do we offer security from violence, but the total safety of the camping public is enhanced. We have had two heart attacks on our campground in recent years. The paramedics were there in four minutes. One of the calls for help

2/27
EVNR
attachment II

was made by our 13-year-old son at 2:00 in the morning. Every-
one that works on our campground knows how to handle emergencies.
Can you imagine what may have happened if those folks had been
camped in some desolate rest area and had serious medical prob-
lems? How far would it have been to the nearest phone, ambulance
service, or hospital? We do have an obligation to protect those
who travel in our state.

In western Kansas we have had rest areas closed because
transients have moved in and trashed the facilities beyond use.
One of the areas that campers use for overnight stays is also
frequented by homosexuals. Doesn't that sound like a great
place to stay overnight with your kids? What a great impres-
sion the state of Kansas must make on these travelers.

I'm a native Kansas; so is my wife. We could live any-
where, but we are Kansans and we're Kansas proud. We believe
our state has a lot to offer. We have natural beauty you
cannot see from the rest areas. We have truly wonderful and
interesting people that you cannot meet when you camp at rest
areas. We have interesting and historical attractions that
cannot be seen from rest areas.

Last but not least, the economic impact on our businesses
and other businesses is tremendous. No other business in the
state suffers such stiff competition from government bodies.
The state does not offer free fuel fillups along the highways
or free restaurants or free anything except overnight parking.
The tax money campgrounds pay is used to help provide this
unfair competition. None of our neighboring states allows

overnight parking in rest areas. Whether out of safety for their travelers or for the economic well-being of their businessmen and women, it's just not allowed. That means if I go to Colorado I must stay in a campground and help their economy; but if they come here, they can breeze through and not spend a cent.

Many campgrounds are signed up for the Linger Longer program. We have spent large sums of money to design and build safe and attractive campgrounds. All we have done is to encourage tourism and enjoyment of our state by our visitors. We can no longer afford to compete with the state of Kansas. We are asking that you support our industry by approving Senate Bill No. 603. Kansas and Kansans have nothing to lose and everything to gain from the bill.

Respectfully,



Dan Reichenborn
Owner, Gunsmoke Campground

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2/27

Truck driver shot to death near Colby

Thursday, June 4, 1987

A Commerce City, Colo., truck driver was found shot to death Wednesday at a rest stop along Interstate 70 west of Colby, according to authorities.

Patrick Cecil Mitchell, 41, had been shot in the head several times. His body was found in the sleeper portion of the cab of his truck.

Authorities went to the scene after receiving a call about a suspicious vehicle parked at the rest stop at 7:30 a.m.

A small-caliber weapon and the victim's wallet were found near the parked truck.

The investigation is continuing and further details won't be known until completion of the investigation.

Friday, June 5, 1987

Murder probe continues

Warns against using rest stops

COLBY, Kan. (AP) — The investigation continued today into the murder of a truck driver at a rest stop on Interstate 70 near Colby, and the local sheriff warned motorists not to use such stops anywhere on the interstate.

Patrick Cecil Mitchell, 41, of Commerce City, Colo., was shot at least twice in the head with a small-caliber handgun early Monday, said Thomas County Sheriff Tom Jones.

"The victim had every appearance of being sound asleep when he was murdered," Jones, calling such rest stops "crime areas" and urging motorists to avoid them.

The motive apparently was robbery, the sheriff said. Mitchell's em-

pty wallet was found a quarter of a mile away. A small-caliber handgun also was found near the scene. The gun was sent to the Kansas Bureau of Investigation laboratory in Great Bend for examination.

Jones said he considered all the rest stops on I-70 dangerous.

"Instead of safety rest areas they are crime areas," he said, "I wouldn't stop at a rest area."

Jones cautioned travelers to use facilities in the communities along the highways instead of the rest areas.

Mitchell worked for Navajo Trucking Company and was driving to Philadelphia and Camden, N.J., Jones said.

2-42/27



Wakeeney KOA

Franchisee of Kampgrounds of America, Inc.

WAKEENEY, KANSAS 67672

Testimony before Energy and Natural Resources Committee as a proponent of SB603,
February 25, 1990.

Mr. Chairman, Members of the Committee:

My name is Fred Wallace, owner of the WaKeeney KOA Campground, WaKeeney, Kansas, speaking for myself as a campground owner, member of the Kansas Campground Association and Vice-President of the Oklahoma-Kansas-Missouri KOA Campground Owners Association.

I would like to advise the committee as to the availability of campgrounds throughout the State. There are approximately 130 campgrounds, both public and private ranging in size from 10 camping sites to about 600 camping sites with a total of about 12,000 sites. In other words, approximately 12,000 campers traveling through our state per day could be accomodated in Kansas campgrounds.

Campgrounds offer travelers a wide variety of camping facilities from the most primitive tenting areas to the most sophisticated recreational vehicle sites which may include cable TV and/or telephone connections.

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E+NR
Attachment III

Probably the most important associated services offered campers are security during their most vulnerable sleeping periods and access to other local services and goods including recreational, sustenance and travel needs.

Access to these latter items are of great importance to the Kansas Department of Commerce "Linger Longer" program which is designed to encourage travelers to contribute to the state economy by staying in Kansas longer than originally planned.

KOA Inc. statistics have shown that if 100 more campers per day stayed in campgrounds, approximately \$2 million dollars would be added to the state's economy through local sales and taxes.

In conclusion, if overnight parking in roadside rest areas is prohibited, campgrounds in the state are well equipped to provide accommodations for all campers traveling through our State.

Thank you for your attentiveness on this important matter.

I am,

A handwritten signature in cursive script that reads "Fred A. Wallace".

Fred A. Wallace

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

*Docking State Office Building
Topeka 66612-1568
(913) 296-3566*

Horace B. Edwards
Secretary of Transportation

Mike Hayden
Governor of Kansas

February 27, 1990

MEMORANDUM TO: SENATE ENERGY & NATURAL RESOURCES
REGARDING: SENATE BILL 603

Good morning Mr. Chairman and members of the Committee. Thank you for the opportunity to appear before you today on Senate Bill 603. The bill, as drafted, defines the use of roadside facilities. Currently, the Department has regulations governing roadside facilities contained in K.A.R. 36-32-1 and 36-32-2. Present regulations permit overnight camping for one night only, and parking for 24 hours. Parking for more than 24 hours is prohibited.

Enactment of this legislation would require the Secretary of Transportation to revise the current regulations.

*2-27-90
attachment IV
ENR*

BIG GAME MANAGEMENT

Department of Wildlife and Parks

Legislative Proposal

Background and Policy Issues - The first modern day deer season in Kansas occurred in 1965. A total of 5,155 hunting permits were issued and 1,504 deer were harvested. By contrast, it is estimated that 75,000+ permits will be issued in 1989 (including a special season in early 1990) and 40,000+ deer will be harvested.

Deer are a valuable natural resource for our state. The man-days of hunting recreation now exceed 455,000 per year. Although the average Kansas hunter spends less for big game hunting than the national average (\$282 vs. \$476), it still represents an estimated \$21 million for the Kansas economy each year.

Nonconsumptive enjoyment of the deer resource through photography, sightseeing and nature study are popular, but the level of participation is unknown.

Deer management is more than management of a resource for recreational and aesthetic purposes. Attention must also be given to agricultural concerns which affect landowner tolerance of deer. As deer populations increase, landowner tolerances become a more focal issue. The majority of landowners still are supportive of a deer population, but opinion is widely varied as to what the population level should be. The 1985 landowner deer survey indicated that 48% of the landowners wanted the population to remain at the 1985 level, while 23% wanted fewer deer. Since the early 1980's, control of the deer herd size has been a primary effort of our Department. Hunting is the most effective and economical method to control the deer population.

Statutes which authorized and provided for deer management and hunting were first enacted in the early 60's. They were basically aimed at establishment and distribution of deer permits and conditions for hunting --- with protection of a limited resource in mind. Although the statutes have undergone several amendments since that time, they do not provide the flexibility to address today's management needs. Deer are no longer a limited resource. New and innovative strategies will be needed to properly manage the resource today and into the future.

Bill Summary - Our proposed legislation would amend L. 1989, Chapter 118, sections 69 and 105 which address big game management and fee structures. The following changes are proposed:

Attachment V
EYNR
2-27-90

- Redefine "tenant." The ability for tenants to receive special hunting preference the same as landowners has existed since the early 60's. This preference is becoming frequently abused by individuals who are not associated with agricultural use of the land, which is counter to the original intent. The abuse can be stopped by providing a more accurate definition of tenant which would require that the tenant be substantially involved with agricultural pursuits and production. The possibility of extending privileges only to landowners may be explored in lieu of redefining tenants.
- Remove the requirement that 50% of the permits for big game hunting be issued to landowners and tenants. A percentage provision has been in law since the early 60's and was to insure that agricultural interests would receive attention in permit distribution. Since 1987, landowners and tenants have been eligible to receive a hunt-on-your-own-land deer hunting permit if unsuccessful in obtaining a regular permit through a drawing. The same provisions will be available by regulation for turkey hunting in 1990.

The process for landowners and tenants to obtain a hunt-your-own-land permit would be simplified. Landowners and tenants would need only to apply for a hunt-your-own-land permit and would be given an extended time period to do so. These permits would be authorized each year for management units with limited permits available, thus landowners and tenants would be assured of receiving a hunting permit. If big game population considerations would prevent authorization of hunt-your-own-land permits, then a 50% distribution process would be followed.

The proposed change will aid in administration of the big game program, but, more importantly, will insure that landowners and tenants can secure a hunting permit with minimal effort on their part. Landowners and tenants could still hunt on lands other than their own, but would have to go through a drawing for limited permits.

This approach for issuance of landowner-tenant permits is similar to processes used throughout the midwest and many other states.

- Provide for limited nonresident big game hunting. Nonresident big game hunting has been an issue with many Kansas sportsmen due to perceived competition for limited permits and hunting sites. The number of permits which are now available makes it possible for nearly all Kansans to receive a deer or turkey hunting permit if they are willing to make the effort. Some nonresident hunting has been made available during the 1980's due to statutory amendment. Nonresidents can hunt turkey in any unit which has unlimited permits available. Nonresident landowners can secure a deer

hunting permit on their own land. Individuals having a lifetime hunting license can apply for big game hunting permits regardless of their current residence.

An expanding deer herd and a need to control that herd has required that different types of deer permits be used, i.e., antlerless only, whitetail only, etc. Each year some of the permits are unissued due to lack of demand. Effective control dictates that a planned level of control be attained. Such control is not realized with unissued permits.

Kansas is the only state left that does not provide for some level of nonresident deer permits. Our proposed legislation would authorize issuance of nonresident deer and turkey permits, but not to exceed 5% of the resident permit number in any limited unit. Kansas can easily accommodate that level of nonresident hunting without jeopardizing resident hunting opportunity or the resource. As a further assurance against competition, nonresidents obtaining a permit in one year would not be eligible to receive a permit during the following year. Department revenues would be benefitted by license and permit sales plus expenditures by the nonresidents would be noticeable to the Kansas economy.

- Lower age limit for big game hunting to 14. Current law authorizes individuals to hunt turkey and to hunt deer, antelope and elk by archery at age 14. They must be 16 to hunt deer, antelope and elk by firearms. The Department proposes that the age limit be lowered to 14 for all big game. It may be necessary to require that firearms deer, antelope and elk hunting for those under 16 be done in the company of an adult.
- Modify fee structure. The Department has been limited in big game management due to lack of authority to create various types of permits and pricing of the various permits based on desirability. Amendment of L. 1989, Chapter 118, section 105 is proposed, which would authorize regulatory setting of different fees for various types of licenses, permits, stamps, etc. issued by the Department. With this authority, it will be possible to provide appropriate pricing more in line with public demand for the item. Several examples that may be treated through subsequent regulation include a further reduced price for "hunt-your-own-land" permits and a reduced price for "antlerless" deer permits.

Establishment of a fee structure for game tags is proposed. Fees would be set by regulation. This will provide for expanded bag limits. Individuals wishing to harvest more than one deer could purchase game tags for additional deer at a reduced price. Currently, the

Department is restricted to selling only permits. Those wishing to harvest additional deer must purchase another permit at the same price and often those permits are somewhat less desirable, thus they remain unissued. In an attempt to obtain adequate harvest, the Department has issued some permits authorizing the taking of more than one deer. This represents a loss of potential income to the Department in order to encourage that harvest.

Fiscal Impact - The basic thrust behind this proposed legislation is directed at improving the Department's ability to manage big game resources. The amendments proposed will not create the need for any new personnel nor appreciably change operating expenses. It can be administered within the Department's FY 91 B or C level budget and the same for future budgets.

If successful, fees would be set by regulation and it is not possible to accurately predict at this time what those amounts may be. It is the intent that the overall effect would generate some additional revenue or at least be revenue neutral.

Impact on Other State Agencies - This proposed legislation is not anticipated to have any noticeable impact on other state agencies.

S.B. 595

Testimony : Senate Energy and Natural Resources
Presented to : Committee

February 27, 1990

Prepared By: Kansas Department of Wildlife and Parks

This testimony on S.B. 595 is presented as an overview of the bill. A more detailed narrative is also provided which covers in greater detail the primary changes to current statutes recommended by the Department for big game management in Kansas. The Department has proposed a number of amendments to the current big game statutes which represents a comprehensive effort to improve management of our big game resources and promote recreational opportunity. The following changes to current statutes are recommended:

- REDEFINE TENANT. (Sec. 1)(a)(2) (page 1) (line 18).
 - Definition intended to provide consideration to those actively engaged in agriculture.
- INCREASE MINIMUM ACREAGE TO QUALIFY AS A LANDOWNER OR TENANT FROM 80 ACRES TO 160 ACRES.
 - (Sec. 1)(a)(1) (and other places).
 - Intended to provide more consideration to those actively engaged in agriculture.
 - Considered necessary in order to ensure availability of hunt-on-your-own-land permits.
- PERMIT EXPIRATION. (Sec. 1)(e) (page 2) (line 9).
- HUNT-ON-YOUR-OWN-LAND PERMITS. (Sec. 1)(g) (page 3) (line 20).
 - Referred to as "special permits" under current statute.
 - Landowner or tenant must have been unsuccessful in a regular drawing to get a special permit.
 - Landowner or tenant will be able to purchase a hunt-on-your-own-land permit direct if so desired.
 - Permits will be available for purchase during an extended time period (probably July 1 through end of big game season).

attachment VI
E+NR
2-27-90

- Would be available for deer and turkey (perhaps also for antelope in some instances).
- The big game could be hunted by legal methods during any established season for that big game.
- Permit fee would be further reduced.
- REMOVE 50% REQUIREMENT BETWEEN GENERAL RESIDENTS AND LANDOWNERS/TENANTS. (Sec. 1) (page 3) (line 27).
 - 50% requirement would be retained for any big game season that would have limited permits authorized and hunt-on-your-own-land permits were not authorized.
- AUTHORIZE ISSUANCE OF NONRESIDENT DEER PERMITS IN LIMITED NUMBERS. (Sec. 1) (page 4) (l and m) (line 9 and 17).
 - The number issued would be restricted to no more than 5% of the resident permits authorized in a unit; or 5% of the number of resident permits issued the prior year if in a unit with unlimited permits available.
 - A nonresident receiving a permit would be ineligible to receive a permit the next year.
 - Creates an economic benefit to the state and benefits Department revenue.
 - All Kansas residents wanting to hunt deer and willing to make the effort can get a deer permit.
 - The 5% would be in addition to established permit quotas.
- REDUCE MINIMUM AGE FOR BIG GAME HUNTING TO 14. (Sec. 1) (page 4) (n) (line 21).
 - Currently it is 14 for all archery hunting and firearms turkey hunting.
 - Change would make it 14 for all big game hunting.
- REDUCE BIG GAME FEE STRUCTURE MINIMUM. (Sec. 2) (page 5) (a) (line 9).
 - Reducing the minimum from \$10 to \$7.50 will allow for lowering the hunt-on-your-own-land permit fee.
- ESTABLISH FEE STRUCTURE FOR BIG GAME TAGS. (Sec. 2) (page 5) (a) (line 11).
 - Creates flexibility for issuance of multiple bag permits.

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 E+NR
 2/27/90

- Would result in permit cost savings to big game hunters.
- Encourage participation and harvest.
- ADD "DEALER" TO COMMERCIAL HARVEST FEE STRUCTURE. (Sec. 2)
(page 5) (a) (line 18).
 - Housekeeping item
- AUTHORIZE SETTING OF VARIABLE FEES WITHIN THE FEE STRUCTURE.
(Sec. 2) (page 6) (d) (line 43).
 - Recognizes difference in value of some Department issues.
 - Marketability of some Department issues (Anterless deer, permit versus any deer permit).
- GENERAL.
 - Page 4, line 18; It appears that a 1 is inserted after the word "subsection". It should be an "l" instead of a "1".
 - Page 6, line 26; The word "than" should be inserted after the word "less".

To: Senate Committee on Energy and Natural Resources

From: William A. Anderson, Jr., Commissioner
Department of Wildlife & Parks

Re: Senate Bill 595 Big Game Management

Date: February 27, 1990

Thank you for the opportunity to testify on behalf of the Wildlife and Parks Commission. At the Commission meeting on February 22, 1990, Senate Bill 595 was discussed in detail and the Commission voted unanimously to ask your favorable action.

Two years ago the Commission conducted a number of public meetings around the state for the purpose of discussing deer management. It was obvious that we were at a crossroads in the management of this resource. The complex farmer/rancher needs and the ambitions of the sportsman had changed dramatically over the past 25 years. In areas of the state we faced the need to substantially increase deer harvest and develop hunter interest in dramatically different programs. During the 1989-1990 regular and special seasons a Kansas sportsman could harvest eight deer.

Although the Commission and the Department have made significant changes in big game management during the past two years, it has not been easy. It is difficult because the current statutes evolved under circumstances quite different than the situation we have today. In the beginning and for many years the key issues in deer management were too few deer and too little sportsmen opportunity. Today, in much of Kansas the deer herd is at optimum levels (considering landowner tolerance) and in a few places there are clearly too many. At the same time our once abundant supply of sportsmen is not infinite anymore. The concept of "bonus" deer permits and three deer permits for the price of one were unthinkable only a few years ago.

We do have a successful big game management program in Kansas. The current statutes have worked for 25 years. However, to continue to have a sound program - one that will work for the farmers and ranchers, sportsmen, and all Kansans who enjoy wildlife - we need new tools. The Commission believes SB 595 will assure continued sound management in the 1990's and into the 21st century. This bill will allow long term management flexibility and the tools the Commission needs to respond to the variables facing big game management today.

Anytime a law or regulation changes there is public interest. This is good! I am keenly aware of public interest in any policy affecting deer management. While I believe recent changes in deer management have been successful, any modification in the future will be of interest to many Kansans. I also know that some people fear that change will adversely affect them. I do not believe anyone should fear changes created in this bill - if anything it encourages sound and fair management.

attachment VII
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Along these lines I would like to address two specific concepts of this bill: (1) landowner permits, and (2) nonresident hunting.

The current system for allocating landowner permits worked well for many years. Today this system is confusing, inefficient and sometimes unfair. When a landowner desires to hunt deer on his own property he or she should be allowed to do so. There is no need for requiring that they go through a maze of paperwork and a lottery. At the same time I do not believe one's landowner status entitles him to displace a sportsman wanting to deer hunt 75 miles away. For example, as a landowner, I could use this status in Linn County to obtain an antlered deer permit to hunt in Crawford County. This decision could prohibit a general resident sportsman in Pittsburg from obtaining an antlered deer permit. There is nothing in SB 595 that is unfair.

Finally, it is time to allow nonresidents to hunt deer in Kansas - just as every other deer hunting state allows. For many years it was not possible to consider out-of-state hunters because we could not meet the needs of our own residents. Every Kansan can now annually pursue the deer of their dreams. And many Kansas can harvest two deer in their home area.

Improperly managed nonresident deer hunting could bring us problems. Competition for permits and hunting access is what many fear about nonresident hunting. SB 595 will not allow improperly managed nonresident hunting. In fact, this bill will stringently limit nonresidents.

I am sure you have realized that I personally enjoy deer hunting. This activity is very important to me and many of my friends. As a Commissioner and a sportsman, I would not support any plan that could jeopardize this activity. To the contrary, limited nonresident deer hunting would be a benefit.

For the Commission, nonresidents would bring in additional hunters to help manage deer population hot spots. But more importantly, nonresidents bring new economic development oportunities to the state. Although the number of nonresidents would be relatively small, their economic impact to rural communities would be substantial. Three weeks ago a special deer season in Chautauqua County concluded. Motels, resturants, gas stations, retail businesses, guide services and landowners all benefitted economically. If you were to talk with Sedan, Kansas, business people today, they might tell you that the color of money is florescent orange.

In conclusion, SB 595 will provide the tools to effectively manage big game hunting well into the 21st century. This bill allows for the responsible treatment of landowners and sportsmen, sound resource management, realistic fee structures for the Department, and new economic benefits for much of rural Kansas.

Testimony SB595

Senate Energy and Natural Resources Committee

27 February 1990

Presented by - Spencer Tomb

For The Kansas Wildlife Federation

The Kansas Wildlife Federation is a not-for-profit, natural resource conservation and education organization. Our 8,000 volunteer members join with the 10,000 Kansas members of our national affiliate organization, The National Wildlife Federation, to support the sound use, management and enjoyment of our vital air, soil, and wildlife resources.

We are here to testify in support of SB595 and we thank you for this opportunity.

For several years, like many other states, Kansas has been mired in a growing controversy - that of deer management. Due to real and perceived, problems surrounding an expanding deer population, many issues have surfaced among the various Kansas deer interest groups. At times, these issues have pitted one interest group against the other and in trying to satisfy as many interests as possible deer management has become a hodge-podge of management practices with out clear resource and user goals and objectives.

In 1988, KWF testified before this Committee of our concern for deer management in Kansas. At that time, we asked this Committee not to pass piecemeal deer legislation, but to join us in asking the Kansas Department of Wildlife and Parks to prepare a comprehensive and objective deer management plan. Before you today, you have SB595 which is based on that planning effort.

This bill provides the framework for future deer management for the good of all Kansans. It gives some needed flexibility to the agency and the Commission for the formulation of regulations to manage deer. The bill is "habitat positive" in the provision for easier landowner access to "Hunt on your own land" permits. Lowering the age for rifle deer hunting is appropriate and is supported by a 1985 KWF resolution. It provides for very limited non-resident deer hunting. This will no doubt be controversial. Our view is that when Kansans go out of state to hunt big game by the thousands and Kansas hunters have the opportunity to take more than one deer per person in Kansas, it would be selfish not to have carefully regulated, limited non-resident deer hunting. We trust you and our Commission more than a federal judge of a neighboring state to devise a reasonable system for non-resident deer hunting in Kansas.

We support SB595 on the basis of a vote by our Board of Directors last Sunday. We consider this bill to be beneficial for the landowner, our deer resources, deer hunters and the states economy. We ask that you pass it more or less intact as it is a complex package with interrelated provisions. However, as you might expect with anything so complex, we have two suggestions we think will improve the bill.

We would like to see the bill ammended to remove the age restriction for wild turkey hunting. Kansas is one of three states that requires a kid to be 14 before they can hunt a

turkey. In other words, Kansas is more restrictive than 46 other states. We are prepared to help word an ammendment that will produce this change and give further justification for removing the age restriction. Copies of the KWF resolution on this subject are attached to this testimony.

We also suggest that a \$5, non-refundable application fee be added for non-resident applicants. The processing of applications is costly. The number of applicants will be high for a limited number of permits. It could be very costly to process these applications. Other states have this fee for out of state applications. We do not want these two suggestions to interfere with the passage of the bill.

In summary, we are convinced that this bill provides the broad and flexible framework that will allow KDWP and the Wildlife and Parks Commision in concert with the Legislature and the public to manage our big game species for the future.

Resolution 1988-2

REMOVAL OF AGE RESTRICTIONS FOR WILD TURKEY HUNTING

WHEREAS, the wild turkey is the ultimate game bird and is now found in every county of the state; and

WHEREAS, the age restrictions for big game hunting were first imposed to limit the number of permits to a household when the resource was limited; and

WHEREAS, statistics show that young hunters are safe and reliable when given adult supervision; and

WHEREAS, young hunters can develop the shooting skills required to be safe and effective turkey hunters before they are teenagers; and

WHEREAS, states with longer traditions of wild turkey hunting (i.e. Texas, Missouri and Oklahoma) do not have age restrictions and have no plans to impose age restrictions;

NOW, THEREFORE, BE IT RESOLVED that the KWF Inc., in annual meeting assembled on October 30, 1988, in Lawrence, Kansas resolves to lobby and take all necessary steps to persuade the Kansas Wildlife and Parks Commission and the Kansas Legislature to remove the age restriction for wild turkey hunting so that young hunters can have the chance to hunt the ultimate game bird when they have immediate adult supervision until age 14, have passed a hunter education course, and their parents have decided they have developed enough hunting skills.

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E+NR



SENATE BILL 595

The Kansas Bowhunters Association has always opposed non-resident big game hunting in Kansas. I have testified before this committee and before the Wildlife and Parks Commission in opposition of non-resident big game hunting. Our membership has a fear that if non-resident big game hunting is allowed in our state, that Kansas will eventually become like Texas; where all of the land is leased up and unless you are wealthy, you can't afford to hunt. Our members, especially along our borders, are afraid of the non-resident hunters leasing up or even buying land that they have hunted for a long time.

The Kansas Bowhunters Association realizes that eventually Kansas will need to allow non-resident big game hunters, and maybe the time is now; provided the regulations that allows non-residents to hunt big game in Kansas also gives some protection to the Kansas resident hunters.

The Kansas Bowhunters Association asks that you support Senate Bill 595 but with the following changes:

1. On Page 4, paragraph 1, we support this paragraph that regulates the number of non-resident permits at a maximum of 5% of the total number of resident permits based on the most recent preceding similar season.
2. On Page 4, paragraph m, this is one of the most important paragraphs in this bill for resident hunters. This paragraph gives some much needed protection to the resident hunters that are afraid of losing their hunting ground. We strongly suggest that this paragraph be reworded to only allow for a non-resident to hunt in Kansas every 3 years. We feel that it gives the opportunity to hunt big game in Kansas to more non-residents. In addition, we feel that a non-resident is less likely to come across our border and lease or buy property if he can only hunt every 3 years.
3. On Page 5, line 10, we ask that this wording be changed so that a non-resident is charged a reciprocal fee based on the difference

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2-27-90

between a resident tag in the non-residents state and the non-resident tag in the non-residents state. Some states gouge the non-residents hunters with a high fee for the privilege of hunting in their state while the resident hunter only pays a nominal fee. The fairest way is to base our fees on their fees. For example: Missouri charges a resident \$12.00 for an archery deer tag and the non-resident \$75.00. The non-resident is charged 6.25 times more than the resident for the same tag. Under this system, we would charge the non-resident Missouri archer: \$187. In Oklahoma, a resident archery tag is \$14.75 and a non-resident is charged \$143.00. The non-resident is charged 9.69 times more than the resident for the same tag. Under this system, we would charge a Oklahoma non-resident archer: \$290. We would be giving our non-resident hunters the same break in our state as we get as non-residents in their state. Some of the other states have been doing this for years. The State of Kentucky is one example. Its the fairest way to determine a fee for the non-resident hunters.

4. On Page 1, line 17, line 21, line 36; and Page 3, line 42, these lines refer to the quantity of land one must own to be classified as a landowner for the purposes of obtaining a landowner deer permit. The KBA feels that the acreage should remain at 80 acres. It was suggested at a Wildlife and Parks Commission meeting last week by a landowner, that its the person that owns the smaller acreage that contributes most to develop habitat for wildlife. In a lot of cases, its the larger farmers and ranchers that are clearing the habitat to plant more crops or make room for more cattle. Its the smaller landowner that is not really trying to make his or her sole living on 80 acres. But its this smaller landowner that may provide more and more habitat. This change would take the landowner status away from someone who may be doing more for wildlife in our state than the owner of 160 acres. We ask that you consider leaving the wording in these sections at 80 acres.

Thank-you for your consideration.

If you have any questions, please contact me at 296-1604 or 266-8466.

Ron Smith, Chairman
Legislative Committee
Kansas Bowhunters Association



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

RE: S.B. 595 -- Issuing Big Game Permits

February 27, 1990
Topeka, Kansas

Bill R. Fuller, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Chairman Doyen and Members of the Committee:

My name is Bill Fuller. I am the Assistant Director of the Public Affairs Division for Kansas Farm Bureau. We certainly appreciate this opportunity to speak on behalf of the farmers and ranchers who are members of the 105 County Farm Bureaus in Kansas.

Discussion of hunting and fishing regulations can be counted upon to create spirited debate at Farm Bureau policy meetings. Many farmers are frustrated with wildlife damage to crops and property.

The 437 voting delegates representing the 105 County Farm Bureaus at the 1989 KFB Annual Meeting reviewed and reaffirmed this resolution.

Hunting and Fishing Regulations

We believe the hunting season for upland game birds should be reduced in length with the season ending the first week in January.

We urge enactment of legislation requiring those who hunt and fish to possess written permission, signed by the landowner or operator, stating the days hunting or fishing is permitted, and giving a description and location of land on which permission is granted. All hunting and fishing licenses issued by the Wildlife and Parks Department should include the printed statement, "Written permission must be obtained from landowner, tenant or other agent." We request a warning be included in Wildlife and Parks Department regulations to indicate clearly that rural littering is unlawful and offenders will be prosecuted.

The number of big game permits should be increased. In addition, the application dates should extend to the opening date of the wildlife species season. In areas of the state where it is evident that there is an overpopulation of some species of "big game" and crop damage is evident, those landowners or tenants should be made "vendors" of a limited number of big game permits to hunt in an area prescribed by the Wildlife and Parks Department.

We believe each farmer, whether landowner or tenant, who requests a big game permit for hunting on his own land or that on which he is tenant or operator should be guaranteed, and such permit should be granted at no cost.

attachment II
ENR 2/27

While S.B. 595 does not strictly follow KFB Policy, we believe some of the proposed changes provide the opportunity to accomplish our major goal ... **less wildlife damage.** S.B. 595 authorizes the Secretary to issue "Hunt-on-your-Land" big game permits to landowners or tenants. In those areas where "Hunt-on-your-Land" permits are not authorized, 50% of the big game permits would be issued to landowners or tenants. While the specifics would be outlined in the rules and regulations that would be adopted, we point out that KFB Policy states ... **"such permit should be granted at no cost."** We believe this is a reasonable request since farmers and ranchers provide the habitat, furnish the feed and absorb the financial losses associated with wildlife damage.

We question the proposal to increase from 80 to 160 the acreage concerning the total number of permits for the immediate family who are domiciled with a landowner or tenant.

It appears the new language (lines 21-25, page 1) defining a "tenant" more clearly identifies a farmer. We do not object to this change if it would prevent abuse.

Thank you for this opportunity to express the views of Farm Bureau on S.B. 595. We would attempt to respond to any questions.

11-2
2/27/90

Apparently it is the feelings of Kansas Wildlife and Parks that land owners of less than 160 acres do not contribute enough to the support and habitat of deer and other wildlife to be eligible for a land owner deer permit.

As you travel around Kansas it is evident the priority of most large farming operations is to get the most tillable acres possible from a tract of land. This is accomplished by removing all fence rows, dozing out tree lines and timber patches, draining and tiling wet land areas and in general removing everything that can not be run over by farm machinery.

Good wildlife habitat areas that still exist are on the old and smaller family size farm operations that have not been seized up in large modern day farming operations. The fence rows, woodlots, timber areas and general good wildlife habitat still remain.

As we sit here today, in the area where I live, two of these smaller adjoining farms, that offered excellent hunting because of good wildlife habitat, are being totally cleared of all trees and cover to increase the size of a large farming operation.

The wildlife that frequented these farms will move to the smaller acreage farms where cover still exists.

How can it be justified to give permit priority to large acreage owners with very little wildlife habitat over the smaller land owner who leaves the wildlife habitat and is the true supporter of Kansas wildlife.

If the small land owner is denied land owner permit privileges, there is no way these farms will remain available to the general public to enjoy the sport of hunting.

A decision to adopt this part of SB595 can only widen the cooperation gap between land owners and the Department of Wildlife and Parks.

Leo Barnes Valley Hall
Russell Voella
Joe Ylvisaker

attachment XII