

Approved: 2-15-94  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on February 8, 1994 in Room 423-S of the Capitol.

All members were present or excused:

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Don Hayward, Revisor of Statutes  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Senator Bill Wisdom  
Darrel Montei, Legislative Liaison, Department of Wildlife and Parks  
Written testimony only, George T. Allen, President, Kansas Chapter, The Wildlife Society  
Written testimony only, Spencer Tomb, Past President, Kansas Wildlife Federation

Others attending: See attached list

Chairperson Sallee announced the possibility of a joint committee meeting with the House Energy and Natural Resources Committee to hear a presentation dealing with proposed rules and regulations by Bill Bider, Director, Bureau of Waste Management, KDHE.

SB-606 - hunting: daily limit for turkeys

Senator Wisdom told committee members this bill would allow hunters to take two turkeys within one hunting unit in one day.

Darrel Montei, Legislative Liaison, Department of Wildlife and Parks, told the committee that the department's opposition to SB-606 was that such regulatory authority is delegated to the Department of Wildlife and Parks Commission. Mr. Montei stated that the bill required this change be made for the 1994 season; however, the season is already established by regulation. Printed material and permits have already been prepared as the season starts on April 13, 1994. Attachment 1

Further difficulties concerning SB-606 were discussed by Mr. Montei, one being that a limit of one turkey per day was promoted by other areas of state government in an attempt to get out-of-state people to spend more time in the state of Kansas. He also stated that a potential problem could exist in establishing a requirement in statute since an amendment would be required for change.

In answer to a member's question Mr. Montei stated that about four percent of the turkeys are bearded turkeys.

Discussion dealt with the issue of the legislature micro-managing an area which was under the purview of the Department of Wildlife and Parks and the Commission. The suggestion was made that this request could be made at the time public hearings are held dealing with turkey hunting. A compromise amending the bill to become effective for the 1995 turkey season was suggested. Senator Wisdom stated the bill could be amended for the 1995 year and wished it passed out by the committee to gain the attention of the department of Wildlife and Parks.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 423-S Statehouse, at 8:00 a.m. on February 8, 1994.

Written testimony opposing passage of SB-606 was presented by committee members from George T. Allen, President, Kansas Chapter, The Wildlife Society. Mr. Allen stated the Kansas Department of Wildlife and Parks was created by the Legislature and and charged with requesting legislation and creating needed regulations to adequately conserve the state's wildlife reosurces. It was also pointed out that persons requesting changes in laws of this department should be aware they have the right to appear at all Kansas Wildlife and Parks Commission hearings when regulations are set. Attachment 2

Written testimony opposing passage of SB-606 was presented to committee members from Spencer Tomb, past president of the Kansas Wildlife Federation. Mr. Tomb stated the taking of two turkeys in one day was discussed at the Commission meeting when the spring turkey regulations were considered but there was no clamor for change. He further requested that the bill be allowed to die in committee and efforts directed toward the Wildlife and Parks Commission when this issue is again scheduled for discussion. Attachment 3

Senator Wisdom made a motion to amend SB-606 to become effective for the 1995 season. Senator Lawrence seconded the motion. Following further discussion the motion carried.

There was further discussion concerning the possibility of a sunset provision of this statute. Senator Emert moved a conceptual amendment allowing two birds to be taken in one day for the 1995 and 1996 seasons. Senator Wisdom seconded the motion and the motion carried.

Senator Wisdom made the motion to report SB-606 favorable as amended. Senator Lawrence seconded the motion and the motion carried.

The chairman told members that SB-450 needed to be revisited as it appeared the committee did not receive complete information concerning fee charges, that there is a fee being charged concerning the "right to know" as well as a license fee. Something needs to be done to lessen the impact on businesses where there are high numbers of tanks.

The meeting adjourned at 8:45 a.m.

The next meeting is scheduled for February 9, 1994.

GUEST LIST

SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

DATE February 8, 1994

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Darrell Monte

KDWP

STATE OF KANSAS



Joan Finney  
Governor

DEPARTMENT OF WILDLIFE & PARKS

Theodore D. Ensley  
Secretary

OFFICE OF THE SECRETARY

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S.B. 606

Testimony Presented To: Senate Energy and Natural Resources  
Committee

Provided By: Kansas Department of Wildlife and Parks

S.B. 606 would provide for the taking of more than one turkey per day if the legal limit in a turkey hunting unit was more than one and the individual was authorized to take more than one turkey. Currently, under K.A.R. 115-25-6, a person authorized to take more than one turkey is restricted to no more than one turkey per day. The provisions of this bill requires it be effective with the 1994 spring turkey season.

The current restrictions were instituted under regulatory authority of the Department and Commission pursuant to action taken during a public hearing on the regulation. The 1994 spring turkey season has already been set and some permits issued. Printed material, and the permits, address the restrictions. The season starts on April 13 and may be underway before the bill would take effect if passed.

One potential problem with establishing a requirement of this nature in statute is that should harvest become a management problem, then amendment to a statute would be required as opposed to a regulatory change.

Senate Energy & Natural Res.  
February 8, 1994  
Attachment 1



## Kansas Chapter

# THE WILDLIFE SOCIETY

3109 Gary Avenue  
Manhattan, Kansas 66502

February 2, 1994

Honorable Senator Dan Sallee, Chairman  
Honorable Senators Bob Vancrum, Tim Emert, Steve Morris, Carolyn Tillotson, and  
Janice Hardenburger  
Senate Committee on Energy and Natural Resources  
State Capitol Building, Topeka

Dear Senators:

We understand that Senate Bill 606 seeks to establish, by law, the daily bag limit on wild turkeys. The Kansas Chapter of The Wildlife Society, the organization for professional wildlife biologists in the state, opposes passage by the legislature of laws or regulations governing wildlife of the state, and we oppose SB 606.

The Kansas Department of Wildlife and Parks was created by your legislative body and charged with requesting legislation and creating needed regulations to adequately conserve the state's wildlife resources. The Department of Wildlife and Parks is governed by the seven member Wildlife and Parks Commission (KWPC), a citizen board designed to ensure public input into the social aspects of wildlife issues. People who ask the legislature for laws governing wildlife and fisheries harvest should be aware that they have the right to appear at all KWPC hearings when regulations are set. The KWPC has a history of positive response to individuals and groups voicing their concerns at KWPC meetings. Citizens also may convey their views directly to KWPC members.

The public has ample opportunity to provide input and bring change in state wildlife laws without invoking legislative action, and SB 606 is unnecessary. We ask that you not report SB 606 out of committee.

Thank you for considering our views.

Sincerely,

George T. Allen, Ph.D., C.W.B.  
President

Senate Energy & Natural Resources  
February 8, 1994  
Attachment 2

# **Kansas Wildlife Federation, Inc.**

**P.O. Box 5715 200 S.W. 30th Street Suite 106  
Topeka, Kansas 66611 Phone 913-266-6185**

*An Affiliate of the National Wildlife Federation*

February 8, 1994

Testimony for the Kansas Wildlife Federation  
in opposition  
to

Senate Bill 606

Good morning Senator Sallee and members of the Committee, My name is Spencer Tomb. I am from Manhattan and currently serve as Past President of the Kansas Wildlife Federation and as a member of the Federation's Issues and Actions Committee.

The Kansas Wildlife Federation is Kansas' largest, broad based, non profit, wildlife conservation and education organization with 6,000 members across the state of Kansas. The Kansas Wildlife Federation is the Kansas affiliate of the National Wildlife Federation whose 10,000 Kansas members join KWF in our concern for natural resource conservation.

Senate Bill 606 would change a small part of the wild turkey hunting regulations and codify it into Kansas law. Many Federation members are in agreement with the purpose of this legislation as they would also like to take two turkeys in one day. The Federation is neutral on the issue of taking two turkeys on the same day.

We rise in opposition this bill because we think that the best place for making minor modifications of our wild turkey hunting regulations is in the meetings of the Kansas Wildlife and Parks Commission. In the Commission, the issue can be decided in a more public forum by those who have strong and continued interest in wildlife conservation. Each regulation is discussed in a workshop session and then about two months later in a regulatory hearing. In both of these meetings the public has the chance to give input to the Commissioners. The Commission can consult with a number of wildlife biologists based on the public input and concerns before a decision is made.

Taking two turkeys in one day was discussed at the last Commission meeting when the spring turkey regulations were considered, but there was no clamor for a change. We feel very strongly that a minor change like this should be initiated and completed by the Commission and not add to the legislative agenda.

We ask that you let this bill die in the Committee. Those who want this change should be encouraged to direct their efforts toward the Wildlife and Parks Commission when they consider the spring turkey regulations. Our reading of the Commission is that they could be convinced to make this change when they consider spring turkey hunting regulations next fall.

We thank you for this opportunity to share our views with the Committee.

Senate Energy & Nat'l Res.  
February 8, 1994  
Attachment 3