

Approved: 2-19-97
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Chairperson David Corbin at 8:00 a.m. on February 18, 1997 in Room -254-E of the Capitol.

All members were present except: Quorum was present.

Committee staff present: Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Clint Riley, Wildlife and Parks
Senator Larry Salmans
Walt Salmans, Landowner, Hodgeman County
Mike Theurer, Kansas Wildlife and Parks
Chris Biesta, Kansas Bow Hunters Association
Cheryl Swayne, Kansas Wildlife and Parks
Spencer Tomb, Kansas Wildlife Federation, Inc.
Rob Manes, Asst. Secretary of Operations, Kansas Wildlife and Parks

Others attending: See attached list

Chairperson Corbin announced a fiscal note for **SB 208** that was passed in committee yesterday had been distributed.

SB 236 - Boating Safety education certification.

Clint Riley supported the bill as it is part of the legislative package proposed by the department for 1997. The bill would require all persons born after Jan 1, 1986 to possess a certificate of completion of boating safety course authorized by the department in order to operate a motorboat or sailboat on Kansas public waters. The courses would be set up much as the hunter's safety program. The bill would "grandfather" any persons who may legally operate a motorboat or sailboat prior to Jan. 1, 1998 (Attachment 1). Mr. Riley and Cheryl Swayne, Wildlife and Parks, responded to questions regarding the instructors, contracting for an approved correspondence course, and the number of hours required to receive a certificate. Fiscal note stating any fiscal effect resulting from the passage of this bill would be in addition to amounts included in the FY 1998 Governor's Budget Report.

The hearing was closed on **SB 236**.

SB 237 - Elimination of competition for design of migratory waterfowl stamp.

Clint Riley, Wildlife and Parks supported **SB 237** that would eliminate the existing statutory requirement that the department contract with a nonprofit waterfowl organization for the purpose of conducting an artwork design competition. The bill would retain the existing law requiring a migratory waterfowl stamp in order to hunt migratory waterfowl (Attachment 2). The fiscal note shows a very nominal savings to the department.

The hearing was closed on **SB 237**.

Chairperson Corbin ask if the committee would like to have **SB 237** be placed on the consent calendar. Senator Karr so moved. Senator Biggs seconded the motion. Motion carried.

SB 288 - Relating to big game permits.

Senator Salmans supported the bill and said it had been introduced to promote tourism in Kansas, by allowing landowners to sell their deer permits to other interested parties. He introduced a constituent of his Walt Salmans who supported the bill as he believes it would allow landowners to recoup some of the dollars that

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES Room 254-E-Statehouse, at 8:00 a.m. on February 18, 1997.

the deer herds cost them in damage to corps and vehicles damage each year (Attachment 3). Mr. Salmans responded to questions.

Mike Theurer, Wildlife and Parks, spoke in opposition to the bill. He stated the department is committed to working with landowners in the management of the wildlife of the state. But this bill could dramatically reduce the ability of general residents to obtain a deer permit and it would make it difficult for the state to manage its deer population (Attachment 4). Mr. Theurer responded to questions.

Chris Biesta, representing the Kansas Bowhunters Association, gave Shawn W. Harding's testimony. They opposed the bill as it would diminish resident hunters availability to hunt, it would reduce the funds to the state due to non-resident permit sales being done by landowners, and destroy the efforts of the Wildlife and Parks to manage their big game program (Attachment 5)

Spencer Tomb, Kansas Wildlife Federation, Inc., opposed the bill, as it would decrease the number of general resident deer permits, and increase the cost of deer hunting for the average person. It would make it difficult for the department to manage the deer population, and runs counter to the time honored tradition that the wildlife belongs to the people of the state (Attachment 6).

The hearing was closed on SB 288.

The meeting adjourned at 8:59 a.m.

The next meeting is scheduled for February 19, 1997.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

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Senate Bill 236 Testimony

Presented to: Senate Committee on Energy and Natural Resource

Provided by: Kansas Department of Wildlife and Parks

Date: February 18, 1997

SB 236 is part of the legislative package proposed by the department for 1997. The bill would require all persons born after Jan. 1, 1986 to possess a certificate of completion of a boating safety course authorized by department in order to operate a motorboat or sailboat on Kansas public waters. The bill authorizes the department to establish such courses, and provides that they be a minimum of 8 hours and recognized by the U.S. Coast Guard. The bill would allow persons to complete such a course by approved correspondence course materials and examination. The bill would allow the department to recognize courses completed in other states. It also provides an exemption to non-residents in the state for less than 30 days, and a 60-day grace period to new residents.

The purpose of this legislation is to address the trend of escalating boating-related accidents, fatalities, and property damage. Kansas has more than sixty boating-related accidents each year, an average of 8 fatalities, and several hundred thousand dollars of property damage and insurance claims.

Currently, a boating safety course is required of persons age 12 to 15 for solo operation of personal watercraft (sometimes collectively referred to by the brand name "Jetski"). The department conducts approximately 40 courses each year, taught by volunteer instructors, and provides a distance-learning alternative by mail. Approximately 1,000 students were certified last year. Prior to the regulation for 12- to 15-year-old boaters enacted two years ago less than

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100 people a year took the course. Although voluntary education has been available for over 25 years, less than three thousand of the estimated half million Kansas boaters have completed the state's boating safety course since 1971.

The bill would "grandfather" any persons who may legally operate a motorboat or sailboat prior to Jan. 1, 1998, since only persons 12 years old or older may legally operate a motorboat or sailboat on Kansas public waters. Therefore, at least during the initial years of implementation, the department would expect to continue to see mostly 12- to 15-year-olds enrolling in boater safety courses. However, as more persons are required to possess a course certificate, the department would expect to make greater use of the correspondence courses in order to address the greater numbers. The department would also explore contracting with an approved private correspondence course, if necessary.

Because the certificate could be revoked, the bill would also provide some assistance to boating law enforcement. Under this bill, a boater who fails to produce a required boating safety certificate when inspected by an officer may be issued a citation, and therefore a boater whose privileges have been suspended by a court is more likely to be discovered when the boater responds to the citation in court. Currently, it is very difficult for an officer to know whether a boater may have been ordered to stay off of public waters due to an earlier boating violation.

At this point, the department expects to be able to conduct the necessary boating safety courses without additional FTEs. Because the bill would allow the department to charge a fee to cover costs of material and supplies, the department expects no negative fiscal impact from the bill. However, the department would expect the bill to provide an overall financial benefit to the state due to the decrease in accidents and property damage.



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TESTIMONY on Senate Bill No. 237

Presented to: Senate Committee on Energy and Natural Resources

Provided by: Kansas Department of Wildlife and Parks

Date: February 18, 1997

SB 237 would eliminate the existing statutory requirement that the department contract with a nonprofit waterfowl organization for the purpose of conducting a design contest for the annual migratory waterfowl habitat stamp. The bill would retain the existing law requiring a migratory waterfowl stamp in order to hunt migratory waterfowl.

In the past, the department has contracted with Ducks Unlimited (DU) under this statute. The intent of the law was to allow DU to sell the original artwork and associated prints for a profit to benefit the work of the organization. The department would use the winning artwork design on the annual migratory waterfowl permit issued to by the department. The department did not receive any funds directly from the sale of the artwork.

Over the last four years, DU has either broken even or operated the program at a financial loss. Consequently, the organization has expressed its desire to discontinue its involvement in the program, and no other equivalent nonprofit waterfowl organization exists that would have the interest or resources to conduct the program. However, termination of the program requires legislative action.

The department would continue to issue the annual waterfowl stamp, but without the artwork component. As the department never received the revenue from the artwork design competition nor funded the competition, elimination of the program would have no financial impact on the department or state revenues.

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*Sen Energy & Nat Rese.
Attachment 2
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TESTIMONY ON SENATE BILL 288
before the
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
February 18, 1997

Senator Corbin and Committee Members,

My name is Walt Salmans and I own a farm in Hodgeman County. Farmers in Western Kansas are seeing deer damage to crops and vehicles and are seeing a negative attitude towards our deer herd. We would like to establish a hunting industry that would involve bringing out-of-state dollars into Kansas to harvest this deer herd we have produced.

I would encourage the committee to examine Section N of Senate Bill 288. A reasonable fee should be established (see page 7, line 5, of the bill) for hunt-on-your-own ~~or use~~ permits that could be sold to anyone in state or out-of-state.

I would like for this hunt-on-your-own provision to be approached with continuity so that guide service, hunting facilities, and deer habitat and management may be developed as an industry. I would like some consideration of a liability limit to be put on this industry to protect farmers and guides and promote the growth of the industry.

I recommend passage of this bill for the following reasons:

- Provides ability to establish a hunting industry in the state of Kansas.
- Allows farmers to recoup some of their losses.
- Will not affect game control purposes and encourages the down sizing of the Kansas deer herd.
- The use of guides will protect landowners from unwanted trespassers while providing additional income in rural Kansas.

*Sen Energy & Nat Rese
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Attachment 3*



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TESTIMONY on Senate Bill No. 288

Presented to: Senate Committee on Energy and Natural Resources
Provided by: Kansas Department of Wildlife and Parks
Date: February 18, 1997

SB 288 would allow landowners to purchase multiple deer permits to hunt on their own land, subject to an acreage formula determined by the department. The landowner would then be able to sell such permits to residents or nonresidents, for a price greater than the \$10.50 fee paid by the landowner for the permit. Such a permit could not be assigned to more than one person, and any hunter receiving such a permit would be required to be accompanied by a guide designated by the landowner.

The provisions in the bill would shift general resident permit availability from a random drawing to an open, competitive sale that would be dependent upon landowner relationship or one's financial ability to afford a permit. Based on current acreage requirements, recent estimates of the number and sizes of Kansas farms, and an average of four additional permits sold to each participating landowner, it would take only 10% of eligible landowners participating to lead to an additional 27,600 hunt-on-your-own-land permits being issued. In 1995, approximately 18,000 deer permits were sold as hunt-on-your-own-land or some other form of landownership privilege, and approximately 47,000 permits were made available to the general public through a random drawing. Based on that year's numbers, if 28,000 more permits were issued to landowners, only 19,000 deer permits would have been made available to the general public.

In addition to reducing the number of deer permits to general residents, these provisions would diminish the department's ability to manage deer populations by specifying the species or

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sex of deer to be harvested. A hunt-on-your-own-land permit allows the taking of "any deer." In areas of the state experiencing high deer population, the department would not be able to focus hunting pressure on does, as is necessary to reduce deer numbers. Deer management would essentially be in the hands of private landowners.

Finally, if as many as 28,000 permits currently sold to residents at \$30.50 were instead sold to landowners at \$10.50, the department would lose well over \$500,000 of revenue. Such a revenue loss could impact the department's ability to receive as much as \$1.5 million in hunter-financed federal reimbursements.

The department understands that deer permits sold under the provisions of this bill can still be technically available to general residents who wish to purchase them from the landowner. Such permits, however, would be excepted from the equitable random drawing process now in place. In addition, such residents would be required to identify such landowners, rather than being able to purchase them from a centralized and identifiable state agency, and must be willing to pay an undetermined price. In addition, such residents would be required to use a guide designated by the landowner, and pay such fee as may be charged by that guide. Landowners would have a financial incentive to enter into agreements with guide services that cater to more financially capable hunters, and many residents might find themselves in competition with nonresidents better able to pay high fees to hunt in Kansas.

The department is committed to working with landowners in the management of the state's wildlife. However, this bill could dramatically reduce the ability of general residents to obtain deer permits and would diminish or eliminate the ability of the state to manage its deer population. For these reasons, the department opposes SB 288.

SENATE BILL #288

The Kansas Bowhunters Association (KBA) opposes Senate Bill #288. Our organization feels this bill will have a negative effect on the Kansas deer herd and big game management for the following reasons:

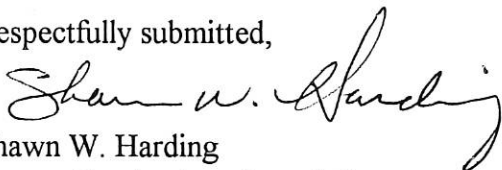
1. This Bill effectively takes big game management away from the Kansas Department of Wildlife and Parks (KDWP) and replaces it with an uncontrolled vending system. Enforcement of who will receive these permits, if you enact Bill 288, would be impossible.
2. The KDWP's biologists look at each management unit and determine carrying capacity and current estimated deer population. Then they apply past seasons' success rates and deer/auto collision information to determine a unit's number of available permits. Hunt Your Own Land permits are taken out of that total first. If this number is allowed to triple, which is possible with Bill 288, it will effectively eliminate leftover permits in some or all units, and this would deplete the number of general resident permits; a sore point with many resident hunters who are unable to always draw tags.
3. If the permit allocation structure is modified to accommodate the extra Hunt on Your Own Land permits, and the possible elimination of the leftover permits, you have essentially taken money out of the pockets of this state. Non-resident hunters willing to pay for a deer permit in Kansas cannot hunt in management units that do not have leftover permits. This problem would require the KDWP to completely rework existing regulations that have been in place and work well. As it is written now, these are potential funds lost that could have helped pay for needed KDWP programs. The only persons who would benefit will be those who sell to the highest bidders (resident or non-resident). Enforcement of this would be impossible. Non-resident hunters will simply bypass the established system to legally obtain a Kansas non-resident deer permit and purchase any number of permits they want from a willing landowner or guide. A guide will act as a broker and the written transfer will more than likely be between the guide and the hunter, as opposed to the landowner and the hunter as written in Bill 288. The only people that will truly benefit are the guides.

The majority of big game hunters will be negatively impacted, as Senate Bill #288 would:

1. Diminish resident hunters availability to hunt, due to an expected increase in land leasing of prime habitat.
2. A loss of funds for the state due to non-resident permit sales being done by landowners/guides.
3. In the long run, destroying the efforts of the KDWP in creating a well managed big game program by allowing uncontrolled participation of non-resident hunters.

In closing, it is the Kansas Bowhunters Association's position that Senate Bill #288 be defeated. We strongly support the KDWP's position and are of the opinion that this Bill is only in the best interest of a select group of individuals.

Respectfully submitted,



Shawn W. Harding
Kansas Bowhunters Association
Legislative Committee Chairperson

*Sen Energy + Nat. Resc.
Attachment 5
2-18-97*

Kansas Wildlife Federation, Inc.

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February 18, 1997

Statement in Opposition to Senate Bill 288

by
Spencer Tomb, Vice President and
Chairperson Conservation Issues and Actions Committee

The Kansas Wildlife Federation is a broad based, state wide conservation and education organization dedicated to the conservation, protection and sustainable and appropriate uses of our natural resources. We are the Kansas affiliate of the National Wildlife Federation.

Senate Bill 288 will establish a transferable landowner deer permit in addition to those already in existence. The new permits could be used only on land owned by the landowner and will require hunters to hire a guide designated by the landowner.

The current Kansas system of the allocation of deer permits is a reasonable, fair and equitable series of compromises between the interests of landowners and general resident deer hunters as well as compromises among muzzleloader, archery and rifle deer hunters. Landowners get several distinct advantages in the system that are not given to the general resident hunter. They get a reduced permit cost and are assured of a permit in most of the state where the hunt on your own land only permits are available.

The changes proposed in Senate Bill 288 will substantially decrease the number of general resident firearms deer permits in most of the management units. These new permits will also increase practices that would further displace and substantially increase the costs of deer hunting for the general resident deer hunter.

The Kansas Department of Wildlife and Parks has taken a conservative approach in deer management. The number of permits was significantly increased in the 1996 season and the results of the season have not been released. The current regulatory complexity is needed in order to manage two species of deer that are very unequally distributed across the state and provide deer hunting opportunity for the average deer hunting family.

Kansas deer hunters do not need or want guided deer hunts and outfitting in Kansas. Most of the non resident deer hunters who come to Kansas come to hunt with friends who have land to hunt on and who will guide them for free.

We oppose Senate Bill 288 for the same reasons that we opposed Senate Bill 667 last year. This bill is even worse as it will be very costly to the department.

As our country was settled our forefathers depended on wild game. Unlike in the Old World where the wildlife is the property of the landowner, American wildlife is owned by all of the people of the state. Senate Bill 288 runs counter to that time honored tradition. We ask that you not recommend this bill for passage.

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