

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 7:45 a.m. on February 23, 2000 in 245-N of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Steve Williams, Secretary, Kansas Department of Wildlife & Parks

Others attending:

See attached list.

Chairperson Corbin referred back to the subcommittee report on **SB 388—enacting the Kansas Water Banking Act.** He said a motion was in order to adopt the report. Senator Tyson moved to adopted the subcommittee report and the numerous amendments recommended in the report. Senator Biggs seconded the motion. The motion carried.

Senator Huelskamp made a motion to amend the bill on “page 2, line 13”, by striking “leased”, and inserting “deposited”. The motion was seconded by Senator Vratil. The motion carried.

Senator Vratil moved **SB 388** as amended be reported favorable for passage. Senator Huelskamp seconded the motion. Motion carried.

A balloon copy of **SB 518** was distributed (Attachment 1). Senator Tyson was called on to explain the amendments. Senator Tyson said he thought **SB 518** would allow landowners to receive some compensation for the damage done on their property by the deer, and for providing habitat, food and caring for the deer population on their land. He said if something was not done to alleviate the over population of deer and if landowners do not receive some financial compensation hunters may have more trouble in the future finding landowners who will allow hunting on their land. Secretary Williams responded to questions.

Several members of the committee expressed concern with the bill as major changes would be made in the deer hunter statutes. Another concern was that it could be unconstitutional to band out of state guides. Support was expressed that **SB 568** that was heard on February 22 be passed.

Senator Pugh moved the amendments as printed in the balloon be adopted. Senator Huelskamp seconded the motion. Motion carried. Senator Tyson moved that the **SB 518** as amended be passed. Senator Pugh seconded the motion. The motion failed.

Committee discussion was opened on **SB 568**. A balloon copy of the bill was distributed. Secretary Williams said the balloon had been submitted by Wildlife and Parks. The amendment would allow unlimited number of permits for antlerless deer; it would establish a toll-free telephone number for landowners and tenants to report property damage caused by deer or to receive other information; it also would have the secretary publish in publications in areas experiencing high deer populations information regarding big game control permits and programs that assist in reduction of high local deer populations; and finally a New Sec 3. that Wildlife and Parks and the Department of Transportation shall cooperate in developing a management plan to address reduction of motor vehicle accidents involving deer in areas of

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

the state experiencing high numbers of such accidents, and the joint report of these two agencies shall be submitted to the Senate Committee on Energy and Natural Resources and the House Environment Committee and the governor on or before February 1, 2000 (Attachment 2).

Senator Vratil recommended on page 3 the departments amendment should have "which" inserted after the "and". The committee discussed the recommendation that Senator Umbarger suggested when he testified.

Senator Tyson moved that the additional revenue generated by increasing out of state hunter permits by 5% be designated to the walk on program. Senator Huelskamp seconded the motion. Secretary Williams responded to questions concerning the amendment. Motion carried.

Senator Morris moved to adopted the amendments suggested by Wildlife and Parks in their balloon along with Senator Vratil's recommendation on page "3". Senator Vratil seconded the motion. Motion carried.

Senator Morris then moved that SB 568 as amended be passed. Senator Vratil seconded the motion. Motion carried.

The meeting adjourned at 8:35 a.m. The next scheduled meeting will be on March 1, 2000.

the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid big game permit and game tags are required to take any big game in this state.

(c) The fee for big game permits and game tags shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

(d) A big game permit and game tags are valid throughout the state or such portion thereof as provided by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a big game permit and game tags are valid from the date of issuance and shall expire at the end of the season for which issued.

(f) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for each regular or special big game hunting season and for each management unit regarding big game permits and game tags. The secretary is hereby authorized to issue big game permits and game tags pertaining to the taking of big game. Separate big game permits and game tags may be issued for each species of big game. No big game permits or game tags shall be issued until the secretary has established, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, a regular or special big game hunting season.

(g) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805, and amendments thereto, landowner or tenant hunt-on-your-own-land big game permits. Such permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(h) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805 and amendments thereto, special landowner or tenant hunt-on-your-own-land deer permits. Such special permits shall not be issued to landowners or tenants in possession of a hunt-on-your-own-land deer permit as authorized in subsection (g). The special permits shall be transferable to any immediate family member of the landowner or tenant, whether or not a Kansas resident, or the permit may be retained for use by the landowner or tenant. The special permits shall be transferable through the secretary at the request of the landowner or tenant and by paying the required fee for a general deer permit. The special permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto. For the purposes of this subsection, "member of the immediate family" means lineal or collateral ascendants or descendants, and their spouses.

(i) *The secretary shall authorize, by rules and regulations adopted in*

accordance with K.S.A. 32-805, and amendments thereto, special landowner or tenant hunt-on-your-own land deer permits that shall be transferable, with or without compensation, by the landowner or tenant to any person, whether or not a Kansas resident. Such permits shall be in addition to any other permits provided for by this section. Each such special permit shall authorize the taking of one antlered deer and one antlerless deer and shall have attached thereto game tags for each deer. The landowner or tenant may apply for and receive a total number of such permits equal to two such permits for each 80 acres owned by the landowner or operated by the tenant. ~~The special permits shall be transferable on the face of the permit. The fee for such permit shall be equal to the fee for a landowner or tenant hunt-on-your-own-land permit issued pursuant to subsection (g).~~

having at least eight antler points not less than one inch in length

The special permit shall be transferable through the secretary. If the permit is transferred to a resident, the

If the permit is transferred to a nonresident, the fee for such permit shall be \$200. No additional fee shall be charged for issuance or transfer of any permit provided for by this subsection.

(j) Fifty percent of the big game permits authorized for a regular season in any management unit shall be issued to landowners or tenants, provided that a limited number of big game permits have been authorized and landowner or tenant hunt-on-your-own-land big game permits for that unit have not been authorized. A landowner or tenant is not eligible to apply for a big game permit as a landowner or as a tenant in a management unit other than the unit or units which includes such landowner's or tenant's land. Any big game permits not issued to landowners or tenants within the time period prescribed by rule and regulation may be issued without regard to the 50% limitation.

(k) Members of the immediate family who are domiciled with a landowner or tenant may apply for a big game permit as a landowner or as a tenant, but the total number of permits issued to a landowner or tenant and a landowner's or tenant's immediate family shall not exceed one permit for each 80 acres owned by such landowner or operated by such tenant. The secretary may require proof of ownership or tenancy from individuals applying for a big game permit as a landowner or as a tenant.

(l) The secretary may issue permits for deer or turkey to nonresident landowners, but any such permit shall be restricted to hunting only on lands owned by the nonresident landowner.

(m) The secretary may issue turkey hunting permits to nonresidents in turkey management units with unlimited turkey hunting permits available.

(n) The secretary may issue deer hunting permits to nonresidents, subject to the following limitations:

(1) The total number of nonresident deer firearm permits of each type specified by rules and regulations that may be issued for a deer season in a management unit shall not exceed 5% of the total number of resident deer firearm permits of such type authorized for such season in

visional guide may assist with the legal taking of wildlife while providing commercial guide services but shall not perform the actual taking or shooting of wildlife for the guided person.

(l) Unless exempt pursuant to K.S.A. 32-919 and amendments thereto, a commercial guide permittee, associate guide permittee or provisional guide shall be required to possess a valid hunting license issued to such permittee or guide in order to conduct hunting activities. Unless exempt pursuant to K.S.A. 32-911 and amendments thereto, a commercial guide permittee, associate guide permittee or provisional guide shall be required to possess a valid fishing license issued to such permittee or guide in order to conduct fishing activities. A commercial guide permittee, associate guide permittee or provisional guide shall be required to possess any stamp as required by law to engage in the activity.

(m) The secretary shall adopt, in accordance with K.S.A. 32-805 and amendments thereto, such rules and regulations as necessary to administer and govern commercial guide services and provisional guides, including such restrictions and conditions as required for wildlife resource protection and to protect the public interest and public safety.

(n) In addition to any other penalty prescribed by law, failure to provide required reports, conviction of a felony within the previous five years or failure to comply with the wildlife and parks laws of this state or rules and regulations of the secretary shall be grounds for the secretary to refuse to issue, refuse to renew, suspend or revoke a commercial guide permit or an associate guide permit. Any such refusal, suspension or revocation shall be in accordance with the Kansas administrative procedure act.

(o) The secretary may prepare a general publication listing commercial guide permittees and services offered by the permittees for the purpose of assisting the public in securing the services of a commercial guide. No commercial guide permittee shall be included in such publication without the written consent of the permittee.

Sec. 3 K.S.A. 32-964 and K.S.A. 1999 Supp. 32-937 are hereby repealed.

Sec. 4 This act shall take effect and be in force from and after its publication in the statute book.

New Sec. 3. (a) All moneys collected by the secretary of wildlife and parks from permits transferred to nonresidents pursuant to subsection (i) of K.S.A. 32-937, and amendments thereto, shall be remitted to the state treasurer. The state treasurer shall deposit the entire amount of the remittance in the state treasury and credit it to the walk-in hunting area fund, which is hereby created in the state treasury.

(b) Moneys in the walk-in hunting area fund shall be used only for paying expenses of the walk-in hunting area program of the department of wildlife and parks, including expenditures for costs of leasing lands for use in the program and costs of administering the program.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the walk-in hunting area interest earnings based on:

- (1) The average daily balance of moneys in the walk-in hunting area fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the walk-in hunting area fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

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SENATE BILL No. 568

By Senators Umbarger, Becker, Bleeker, Bond, Brownlee, Clark, Corbin, Donovan, Emert, Hardenburger, Harrington, Huelskamp, Jordan, Kerr, Langworthy, Lawrence, Morris, Oleen, Praeger, Pugh, Ranson, Salisbury, Salmans, Steffes, Tyson, Vidricksen and Vratil

2-3

12 AN ACT concerning big game; relating to nonresident deer permits;
13 amending K.S.A. 1999 Supp. 32-937 and repealing the existing section.
14

concerning reduction of certain deer populations;

and 32-965

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 1999 Supp. 32-937 is hereby amended to read as
17 follows: 32-937. (a) When used in this section:

sections

18 (1) "Landowner" means a resident owner of farm or ranch land of
19 80 acres or more located in the state of Kansas.

20 (2) "Tenant" means an individual who is actively engaged in the ag-
21 ricultural operation of 80 acres or more of Kansas farm or ranch land for
22 the purpose of producing agricultural commodities or livestock and who:
23 (A) Has a substantial financial investment in the production of agricultural
24 commodities or livestock on such farm or ranch land and the potential to
25 realize substantial financial benefit from such production; or (B) is a bona
26 fide manager having an overall responsibility to direct, supervise and con-
27 duct such agricultural operation and has the potential to realize substan-
28 tial benefit from such production in the form of salary, shares of such
29 production or some other economic incentive based upon such
30 production.

31 (3) "Regular season" means a statewide big game hunting season au-
32 thorized annually which may include one or more seasons restricted to
33 specific types of equipment.

34 (4) "Special season" means a big game hunting season in addition to
35 a regular season authorized on an irregular basis or at different times of
36 the year other than the regular season.

37 (5) "General permit" means a big game hunting permit available to
38 Kansas residents not applying for big game permits as a landowner or
39 tenant.

40 (6) "Nonresident landowner" means a nonresident of the state of
41 Kansas who owns farm or ranch land of 80 acres or more which is located
42 in the state of Kansas.

43 (7) "Nonresident permit" means a big game hunting permit available

Wildlife and parks.

1 to individuals who are not Kansas residents.

2 (b) Except as otherwise provided by law or rules and regulations of
3 the secretary and in addition to any other license, permit or stamp re-
4 quired by law or rules and regulations of the secretary, a valid big game
5 permit and game tags are required to take any big game in this state.

6 (c) The fee for big game permits and game tags shall be the amount
7 prescribed pursuant to K.S.A. 32-988, and amendments thereto.

8 (d) A big game permit and game tags are valid throughout the state
9 or such portion thereof as provided by rules and regulations adopted by
10 the secretary in accordance with K.S.A. 32-805 and amendments thereto.

11 (e) Unless otherwise provided by law or rules and regulations of the
12 secretary, a big game permit and game tags are valid from the date of
13 issuance and shall expire at the end of the season for which issued.

14 (f) The secretary may adopt, in accordance with K.S.A. 32-805, and
15 amendments thereto, rules and regulations for each regular or special big
16 game hunting season and for each management unit regarding big game
17 permits and game tags. The secretary is hereby authorized to issue big
18 game permits and game tags pertaining to the taking of big game. Sep-
19 arate big game permits and game tags may be issued for each species of
20 big game. No big game permits or game tags shall be issued until the
21 secretary has established, by rules and regulations adopted in accordance
22 with K.S.A. 32-805, and amendments thereto, a regular or special big
23 game hunting season.

24 (g) The secretary may authorize, by rule and regulation adopted in
25 accordance with K.S.A. 32-805, and amendments thereto, landowner or
26 tenant hunt-on-your-own-land big game permits. Such permits and ap-
27 plications may contain provisions and restrictions as prescribed by rule
28 and regulation adopted by the secretary in accordance with K.S.A. 32-
29 805, and amendments thereto.

30 (h) The secretary may authorize, by rule and regulation adopted in
31 accordance with K.S.A. 32-805 and amendments thereto, special land-
32 owner or tenant hunt-on-your-own-land deer permits. Such special per-
33 mits shall not be issued to landowners or tenants in possession of a hunt-
34 on-your-own-land deer permit as authorized in subsection (g). The special
35 permits shall be transferable to any immediate family member of the
36 landowner or tenant, whether or not a Kansas resident, or the permit may
37 be retained for use by the landowner or tenant. The special permits shall
38 be transferable through the secretary at the request of the landowner or
39 tenant and by paying the required fee for a general deer permit. The
40 special permits and applications may contain provisions and restrictions
41 as prescribed by rule and regulation adopted by the secretary in accord-
42 ance with K.S.A. 32-805 and amendments thereto. For the purposes of
43 this subsection, "member of the immediate family" means lineal or col-

2-2

1 lateral ascendants or descendants, and their spouses.

2 (i) Fifty percent of the big game permits authorized for a regular
3 season in any management unit shall be issued to landowners or tenants,
4 provided that a limited number of big game permits have been authorized
5 and landowner or tenant hunt-on-your-own-land big game permits for
6 that unit have not been authorized. A landowner or tenant is not eligible
7 to apply for a big game permit as a landowner or as a tenant in a man-
8 agement unit other than the unit or units which includes such landowner's
9 or tenant's land. Any big game permits not issued to landowners or ten-
10 ants within the time period prescribed by rule and regulation may be
11 issued without regard to the 50% limitation.

12 (j) Members of the immediate family who are domiciled with a land-
13 owner or tenant may apply for a big game permit as a landowner or as a
14 tenant, but the total number of permits issued to a landowner or tenant
15 and a landowner's or tenant's immediate family shall not exceed one per-
16 mit for each 80 acres owned by such landowner or operated by such
17 tenant. The secretary may require proof of ownership or tenancy from
18 individuals applying for a big game permit as a landowner or as a tenant.

19 (k) The secretary may issue permits for deer or turkey to nonresident
20 landowners, but any such permit shall be restricted to hunting only on
21 lands owned by the nonresident landowner.

22 (l) The secretary may issue turkey hunting permits to nonresidents
23 in turkey management units with unlimited turkey hunting permits
24 available.

25 (m) The secretary may issue deer hunting permits to nonresidents,
26 subject to the following limitations:

27 (1) The total number of nonresident deer firearm permits of each
28 type specified by rules and regulations that may be issued for a deer
29 season in a management unit shall not exceed 5% 10% of the total number
30 of resident deer firearm permits of such type authorized for such season
31 in such management unit; and

32 (2) the total number of nonresident deer archery permits of each type
33 specified by rules and regulations that may be issued for a deer season in
34 a management unit shall not exceed 5% 10% of the total number of
35 resident deer archery permits of such type authorized for such season in
36 such management unit.

37 Nonresident deer archery permits may be restricted to a particular deer
38 species without regard to resident deer archery permit species restric-
39 tions, or lack thereof.

40 If an unlimited number of resident deer permits is authorized for a
41 deer season or management unit, the percentage limitations of subsec-
42 tions (m)(1) and (m)(2) shall be based upon the total number of resident
43 firearm permits and the total number of archery permits, respectively,

and ^{which} may be used to take antlered deer

that may be used to take antlered deer

1 issued in the management unit during the most recent preceding similar
 2 season. If in a management unit there are ~~an unlimited number of game~~
 3 ~~tags~~ available to residents, the secretary, in the secretary's discretion and
 4 in accordance with rules and regulations, may authorize the issuance of
 5 ~~an unlimited number of deer tags for each unit~~ to nonresidents.

an unlimited number of permits that may be used
 to take only antlerless deer

6 (n) Any nonresident deer hunting permits authorized under subsec-
 7 tion (m) that remain unissued due to an insufficient number of nonresi-
 8 dent applications as of a deadline determined by the secretary, shall be
 9 made available to residents.

of an unlimited number of permits that may be
 used to take only antlerless deer

10 (o) No big game permit issued to a person under 14 years of age shall
 11 be valid until such person reaches 14 years of age, except that a person
 12 who is 12 years or 13 years of age and has been issued a certificate of
 13 completion of an approved hunter education course may be issued: (1) A
 14 deer archery permit if the person submits to the secretary evidence, sat-
 15 isfactory to the secretary, of completion of a bow hunting safety education
 16 course; or (2) a wild turkey firearm permit. Such deer archery permit or
 17 turkey firearm permit shall be valid only while the individual is hunting
 18 under the immediate supervision of an adult who is 21 years of age or
 19 older.

20 (p) A big game permit shall state the species, number and ^{gender} sex of the
 21 big game which may be killed by the permittee. The secretary may furnish
 22 an informational card with any big game permit and, at the conclusion of
 23 the open season, each permittee receiving such card shall return the card
 24 to the department, giving such information as is called for on the card.

25 (q) The permittee shall permanently affix the game tag to the carcass
 26 of any big game immediately after killing and thereafter, if required by
 27 rules and regulations, the permittee shall immediately take such killed
 28 game to a check station as required in the rules and regulations, where a
 29 check station tag shall be affixed to the game carcass if the kill is legal.
 30 The tags shall remain affixed until the carcass is consumed or processed
 31 for storage.

32 (r) The provisions of this section do not apply to big game animals
 33 sold in surplus property disposal sales of department exhibit herds or big
 34 game animals legally taken outside this state.

Insert attached sections and renumber the
 remaining sections accordingly

35 Sec. 2. K.S.A. 1999 Supp. 32-937 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
 37 publication in the statute book.

and 32-965 are

Sec. 2. K.S.A. 1999 Supp. 32-965 is hereby amended to read as follows: 32-965. (a) As used in this section, terms have the meanings provided by K.S.A. 32-701 and amendments thereto.

(b) It shall be a goal of the department to manage big game populations in the state at levels consistent with existing habitat and landowner and community tolerance. For this purpose, the secretary is authorized to issue big game control permits, in addition to big game permits and game tags issued during regularly designated hunting seasons.

(c) For each big game control permit issued, the secretary may designate the period of time, the location and the number and type of big game that may be harvested. Use of any big game control permit shall require the permission of the landowner or tenant of the property where it is to be used.

(d) The secretary shall consult with representatives of farming and ranching organizations, county and city government associations and hunting organizations in the development, modification and implementation of a big game control permit program.

(e) The secretary, in accordance with K.S.A. 32-805 and amendments thereto, may adopt such rules and regulations as necessary to implement to the provisions of this section. Such rules and regulations shall not require an applicant for a big game control permit to attempt to alleviate a problem with big game using any means other than hunting during the regular firearms season for the appropriate species of big game animal.

(f) The secretary shall establish a toll-free telephone number for landowners and tenants to report property damage caused by deer, request information regarding big game control permits and obtain information regarding any other programs that assist in reduction of high local deer populations, including, but not limited to, programs that refer landowners and tenants to hunters willing to hunt on a landowner's or tenant's land and programs that provide for departmental lease of lands for public hunting.

(g) The secretary shall cause to be published quarterly, in newspapers having general circulation in areas experiencing high deer populations, information regarding big game control permits and programs that assist in reduction of high local deer populations, including, but not limited to, programs that refer landowners and tenants to hunters willing to hunt on a landowner's or tenant's land and programs that provide for departmental lease of lands for public hunting. Such information shall be published in a manner calculated to give actual notice to the public and shall be placed in a section other than the classified advertising section of the newspaper.

New Sec. 3. The secretary of wildlife and parks and the secretary of transportation shall cooperate in developing a management plan to address reduction of motor vehicle accidents involving deer in those areas of the state experiencing high numbers of such accidents. The management plan shall include methods to identify those areas and methods to inform and communicate with landowners and tenants in those areas regarding measures to reduce local deer populations. The management plan shall be completed on or before January 1, 2001, and the joint report of the secretary of wildlife and parks and the secretary of transportation shall be submitted to the senate standing committee on energy and natural resources, the house standing committee on environment and the governor on or before February 1, 2001.