

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on March 16, 2000 in 245-N of the Capitol.

All members were present except: Senator Pugh who was excused.

Committee staff present:

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

Conferees appearing before the committee:

Clint Riley, Kansas Department of Wildlife and Parks  
Ron King, Lil' Toledo Lodge, Chanute, KS  
George Peterson, Instructor, Kansas Hunters Education Association  
Ray Walton, Hint Oak Ranch, Fall River, KS  
Ron Thomas, Concordia, KS  
Dustin, Thomas, Concordia, KS

Others attending:

See attached list.

Margaret Fast, Kansas Water Office, submitted a memo with their thoughts for consideration regarding **SB 625** (Attachment 1).

The hearing was opened on **HB 2103**—it would more clearly define the requirements for purchase of a Kansas Hunting License; **HB 2727**—Deer firearm permits and wild turkey archery permits for persons 12 and 13 years of age; and **HB 2762**—inspections of controlled shooting areas.

Keith W. Houghton, President, Ringneck Ranch, Inc., written testimony was distributed supporting the bills. (Attachment 2).

Kenneth L. Corbett, Ravenwood Lodge, Topeka, KS, submitted written testimony supporting **HB 2762** (Attachment 3).

Clint Riley, Department of Wildlife and Parks, supported **HB 2103** as it would more clearly define the requirements for purchase of a Kansas hunting license; the department supported **HB 2727**; and finally Mr. Riley said they supported **HB 2762** as originally was introduced, but they opposed the amendments added by the House Committee as a Whole, and therefore opposed the bill in its current form (Attachment 4). Mr. Riley responded to several questions

Ron King, Lil' Toledo Lodge, Chanute, KS, assured the committee that 4 hours of hands on training is sufficient for properly instructing hunters on controlled shooting areas in the necessary skills for gun handling, hunting ethics and other safety procedures (Attachment 5). Responding to a question, Mr. King said he thought all hunters should have some hands on training.

Ray Walton, Flint Oak Hunting Preserve, Fall River, KS., supported **HB 2762**, most people who hunt on a preserve are hunters that have a hunting license from their state or county of residence, and most are from out of state. He thought private hunting preserve need to be accountability, responsibility and liability for conducting a safe hunt (Attachment 6). Mr. Walton responded to several questions regarding the economic development associated with hunting preserves.

Ron Thomas, Concordia, KS, supported **HB 2727**. He told the committee he and his son Dustin started the proceedings to have this bill introduced. His testimony contains a portion of his letter that they submitted to Rep. Freeborn, Senator Hardenburger, and Wild Life and Parks back in September 1999 (Attachment 7).

## CONTINUATION SHEET

### MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

Dustin Thomas, Condordia, KS, said he was disappointed when he was 12 years old to find out he could not go turkey hunting with his dad. If the law allows for 12 and 13 year olds to hunt deer with a bow it should allow them to hunt turkey (Attachment 8). He asked the committee to pass the bill.

George Peterson, Kansas Hunter Education Instructors Association, opposed **HB 2762** as instructor of the Hunters Ed program since 1973 he thought it was important to continue to show the hunters ed card and not be allowed to attest, but if attesting is allowed there should be heavy penalties imposed for anyone attesting to false information. He also expressed concerns with the amendment put on in the House Committee as a Whole (Attachment 9).

Kevin Couillard, former director, Kansas Department of Wildlife and Parks, Wichita, KS, submitted written testimony suggesting the person in the position to certify whether an individual is qualified to hunter on a controlled shooting area is the proprietor. They should be responsible for the safety of their employees and guest. His testimony offered an amendment to allow: "a person who owners a licensed controlled shooting area to certify hunter education in conjunction with the special controlled shooting area license which is only valid while participating in a hunt on the private lands within that controlled shooting area" (Attachment 10).

Mark Gaunt, Topeka, Instructor, Kansas Hunters Education Association, was scheduled as a conferee to oppose **HB 2762** but the time expired.

The hearing was closed on all three bills.

The meeting adjourned at 9:02 a.m. The next committee meeting is scheduled for March 17, 2000.

SENATE ENERGY & NATURAL RESOURCES  
COMMITTEE GUEST LIST

DATE: 3-16-00

NAME	REPRESENTING
Jeff Bottenberg	Kansas Peace Officers Ass'n
Clint Riley	KDWP
Vivian Oiser	Ag Resources & Comm.
Lillian Cole	Sen. Agouri Office
Whitney Damron	Flint Oak Ranch
Ray Walton	Flint Oak Ranch

SENATE ENERGY & NATURAL RESOURCES  
COMMITTEE GUEST LIST

DATE: 3-16-2000

NAME	REPRESENTING
Mark Gauntt	Shawnee County Hunter Education Assn
Ron, Marsha + Dustin Thomas	Testimony for House Bill 2727
Ron Krueger	HB 267
Leresa LaForte	HB 267
George Peterson	Ks Hunter Ed Instr Assoc
Vern Beavers	HB 2762 Ks Sport Hunting Assn
Kevin Couillard	Private shooting preserves
DICK CARTER	TIAK

STATE OF KANSAS



Bill Graves, Governor

KANSAS WATER OFFICE  
Al LeDoux  
Director

901 S. Kansas Ave.  
Topeka, Kansas 66612-1249

MEMORANDUM

785-296-3185  
FAX 785-296-0878  
TTY 785-296-6604

Date: March 14, 2000  
To: Senate Committee on Environment  
From: Margaret Fast, Kansas Water Office *Margaret Fast*  
Subject: S.B. 625

The Kansas Water Office chose not to testify on this bill but wanted to offer some thoughts for your consideration.

- The inventory of existing and potential pollution is very compatible with the *Kansas Water Plan* adopted by the Kansas Water Authority in 1995 which recommends the development of a comprehensive water quality protection strategy for basin priority water quality protection areas.
- Also in 1995, the Kansas Water Authority approved a Water Quality Section of the Lower Arkansas Basin Section of the *Kansas Water Plan* that identified 3 basin priority water quality protection areas - the Equus Beds, the Arkansas River Corridor, and the Cheney Lake Drainage area.
- In 1999, the Kansas Water Office initiated a contract with Equus Beds Groundwater Management District #2 on behalf of the Equus Beds Water Quality Council, which consists of the Health Departments, the Conservation Districts, Extension in the four counties in the Equus Beds.
- This contract was for development of a comprehensive water quality protection strategy. The first step in the development was an inventory of existing local authorities. The deliverable provided an inventory of local activities.
- The Equus Beds Water Quality Council has identified needs to enhance coordination and implementation of water quality protection plans and programs such as holding regular meetings, developing an education program targeted at the Equus Beds, and developing continuing funding sources.
- SB 625 is only a first step. We would support adding a recommendation for a study of the development of a comprehensive protection strategy that includes local, state and federal

Senate Energy & Natural Resources

Attachment: 1

Date: 3-16-2000 1-1

activity. This study should review if appropriate mechanisms exist for the development and implementation of comprehensive water quality protection strategies. There are current efforts that push in this direction - most notably the Governor's Water Quality Initiative, the development and implementation of Total Maximum Daily Loads, Source Water Assessment and Protection, and the Unified Water Assessment Restoration Action Strategies. This study is an appropriate subject for review by the Kansas Water Authority.

I would be happy to provide additional information if you are interested.



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KEITH and DEBRA HOUGHTON  
HOUGHTON RANCH

H.C. 61, Box 7  
Tipton, Kansas 67485  
Telephone (785) 373-4835

March 15, 2000

Senator David Corbin, Chairman  
Committee on Energy & Natural Resources

Dear Senator Corbin & Committee Members:

My professional responsibilities preclude my attending your meeting scheduled for Thursday, March 16<sup>th</sup> in Topeka. I would support HB 2103 in that the responsibility of hunter safety certification belongs to the individual hunter and not the vendor, as it appears to currently exist. As a license vendor that is faced with the burden of writing almost 1,000 hunting licenses a year, the staff have frequently been placed in difficult situations that the current licensing situation presented.

I would also ask your support for HB 2762, as it is especially important in providing for adult hunter safety certification where no practical avenue has been previously available.

The present Kansas hunter safety education with materials designed for a 12 to 13 year old student are good and unquestionably should be continued. The problem that we are encountering is with the grandfather date of July 1, 1957. We have turned away several prospective international groups of guests that have no practical avenue for certification. It should be noted that all states surrounding Kansas have no certification requirements on commercial preserve operations. Safety is not only in the operators' best interest, but essential for their survival as well.

Our present Kansas hunter safety instructors are all volunteers that consider it a conflict of interest, and cannot be expected to teach these adults on demand.

I would have preferred to see this proposed statute wider in scope and not limited to CSA's. This limits guests' opportunities, Wildlife & Parks licensing revenues, and does not help the KDOCH Tourism efforts to develop the entire commercial potential of & access to outdoor resources.

In summary, no one wants a second standard of hunter safety, just an alternative safety certification that can be practically achieved, where our present H.S.I. system does not accommodate this need.

Yours sincerely,

Keith W. Houghton, President  
Ringneck Ranch, Inc.

Cc: Senator Janis Lee  
Lisa Weigt, KDOCH, Tourism  
Steve Williams, Sec./KDWP

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Senator David Corbin, Chairman  
Committee on Energy & Natural Resources

Dear Senator Corbin & Committee Members:

Due to having already scheduled hunters and business groups at our lodge, I will be unable to appear before your Committee at 8am March 16, 2000.

I strongly urge your support for HB 2762. Not one State adjoining Kansas requires hunters (resident or out of state) to have Hunter Safety Certification to hunt on or in a Controlled Shooting Area. Help us make Kansas the No. 1 Hunter destination in the United States and the World.

*Gregory*  
*James A. Corbin*

Senate Energy & Natural Resources

Attachment: 3

Date: 3-16-2000 3-1



JUST THE FACTS

# BIG BUCKS

You probably know that outdoor sports bring in a bundle. But, for most of us, dollar figures expressed with nine zeros are a bit difficult to comprehend.

*So here are some facts that'll help put things into perspective:*

The movie *Titanic* grossed **\$376 million** in nine weeks. The hunting and shooting sports industry generates that much in four days.

The entire motion-picture industry grosses **\$5 billion** annually. Hunting, shooting, and related activities gross that much in two months.

Hunting and shooting generate more annual sales than Coca-Cola, Anheuser Busch, McDonald's, or RJR Nabisco.

The fishing industry supports **1.2 million jobs**—more than 1 percent of the entire U.S. civilian labor force.

Fishing contributes **\$3 billion** in federal income taxes, which equals nearly one-third of the entire federal budget for agriculture.—CELESTE MARSHALL

(SOURCES: SPORTING ARMS AND AMMUNITION MANUFACTURER'S INSTITUTE, INC.; "THE ECONOMIC IMPORTANCE OF HUNTING"; "THE ECONOMIC IMPORTANCE OF FISHING")



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STATE OF KANSAS  
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary  
900 SW Jackson, Suite 502  
Topeka, KS 66612-1233  
785/296-2281 FAX 785/296-6953



**HOUSE BILL NO. 2103**

**Testimony Provided to  
Senate Committee on Energy and Natural Resources  
March 16, 2000**

House Bill No. 2103 would more clearly define the requirements for purchase of a Kansas hunting license. It would substantiate the requirements that have been in place for the last several years. The Kansas Department of Wildlife and Parks believes the bill establishes an appropriate balance between the enforcement role of our public agency, and private vendors who volunteer to sell hunting licenses to the public. Given the public policies involved, the department supports passage of the bill.

In 1989, state statute required that an individual exhibit proof of completion of hunter education when purchasing a hunting license. The same year, a regulation was adopted that allowed an individual to exhibit proof of successful completion of hunter education by attesting through sworn signature. Since 1989, that regulation, approved by the Department of Administration and the Attorney General as required by law, has allowed license buyers to attest to completion of hunter education.

In 1998, a proposal to revoke the regulation was presented to the Joint Committee on Administrative Rules and Regulations. The Joint Committee advised the Wildlife and Parks Commission that the regulation should not be revoked, preferring that individuals be allowed to attest to completion of hunter education. (See attachment, first bullet point.)

Recently, an Attorney General's Opinion stated that "attesting" to completion of hunter education does not meet the statutory requirement to "exhibit proof" of completion. Consequently, the department requested a decision through HB 2103 to clarify legislative intent. If HB 2103 is not approved, the department will recommend that the Wildlife and Parks Commission revoke the relevant regulation.

The department believes that allowing individuals to attest to hunter education certification is both appropriate, and consistent with other information required on the hunting license. The alternative is to require that an individual physically produce a hunter education certificate at the time of purchase. If the buyer does not produce the hunter education certificate, the license vendor must refuse to sell the hunting license to that individual. This places the burden of enforcing the hunter education law on the backs of private vendors, rather than on our agency.

We do not believe that a private vendor should be expected to enforce state law. Without HB 2103, the onus would be on the private vendor to verify that the license buyer has completed

Senate Energy & Natural Resources

Attachment: 4

Date: 3-16-2000

hunter education. We do not believe that a vendor would be willing to take on this burden. When this issue was discussed by the Wildlife and Parks Commission in a series of meetings held in locations across the state, the department and the Commission received comments from a number of vendors opposing the idea of placing this burden on vendors. A primary concern was whether a private vendor would become legally liable if the vendor knowingly sold a hunting license without physically checking the hunter education certificate. While our department does not desire to bring charges against such a vendor, enforcement of state law absent HB 2103 would suggest prosecution of private vendors.

We believe a relevant comparison of private enforcement of state law exists. Private vendors are required to verify that individuals are of legal age to buy alcohol. This issue receives a tremendous amount of national attention. Currently, a greater amount of public financial resources are directed to ensure that vendors enforce this law than could be directed to enforce hunter education requirements. Nonetheless, the Kansas Department of Revenue reports that, based on spot checks of over 700 alcohol vendors in 1999, more than 35% sold alcohol to individuals under the legal drinking age. Of these, 11% actually checked the individual's age, saw that it was under 21 years, and still sold alcohol to the minor. Consider the questionable success of this campaign, which relies on private vendors to administer state law. It seems highly unlikely that private vendors would enforce the hunter education law more strictly, especially when compared to the serious penalties for selling alcohol to a minor.

In contrast, passage of HB 2103 would place responsibility for enforcement with the department's trained law enforcement officers. While not all hunters in Kansas are checked by an officer in a given year, the number of annual field checks conducted by the department's officers equal approximately one-fourth of the total licensed hunters in Kansas.

This method has proven effective and sufficient over the past decade. Based on an informal, random sample of hunting licenses in 1998, 93% of resident hunters who were required to take hunter education had done so, and 89% of combined resident and nonresident hunters had done so. This compares favorably with statistics estimating the compliance rate for all hunting laws to be between 90% and 95%. More important, the department continues to certify approximately 13,000 new students in hunter education each year, and as a result, hunting continues to be one of the safest outdoor recreational activities. Fundamentally, persons have been able to attest to completion of hunter education for the last eleven years, and the Kansas hunter education program has continued to be a tremendous success.

Further, while not the primary reason to approve HB 2103, the department also believes the bill benefits good public service. Current interpretation allows persons to attest to completion of hunter education, which permits the department to sell between 1200 and 1500 hunting licenses by phone each year. More recently, the department established a precedent-setting system allowing for purchase of a hunting license over the Internet, through which the buyer could print out the license at home. Since established in September 1999, over 4000 individuals have purchased a hunting license through this site. The department considers continuous improvement of customer service an important public-policy goal. It would be unfortunate if these programs would be discontinued due to failure of HB 2103.

Hunter education is a critical component of our department's programs. Its past success is unparalleled. The department believes current and past practices allowing individuals to attest to completion of hunter education have been appropriate and effective. In addition, these practices have allowed the department to offer a convenience to resident and nonresident hunters alike. To continue current practices, the department encourages passage of HB 2103.

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BEN F. BARRETT  
DIRECTOR  
WILLIAM G. WOLFF  
ASSOCIATE DIRECTOR  
ALAN D. CONROY  
CHIEF FISCAL ANALYST



STAFF  
LEGISLATIVE COORDINATING COUNCIL  
INTERIM COMMITTEES  
STANDING COMMITTEES  
LEGISLATIVE INQUIRIES

## THE LEGISLATIVE RESEARCH DEPARTMENT

300 W. TENTH—ROOM 545-N  
PHONE: (913) 296-3181/FAX (913) 296-3824  
INTERNET: kslegres@lr01.wpo.state.ks.us  
TOPEKA, KANSAS 66612-1504  
September 18, 1998

Mr. Steve Williams, Secretary  
Kansas Department of Wildlife and Parks  
900 SW Jackson, Suite 502-N  
BUILDING MAIL

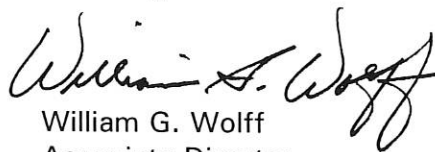
Dear Secretary Williams:

At its meeting on September 9, 1998, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning licenses, permits, and stamps; commercial uses of wildlife; and the local government outdoor recreation grant program. After discussion, the Committee expressed the following comments.

- K.A.R. 115-9-4. It is the Committee's suggestion that this regulation not be revoked as proposed.
- K.A.R. 115-17-14. In subsection (f) and (h)(5) check the proper spelling for "lading" ("lading"?).
- K.A.R. 115-35-1. Consider reducing to 15 percent the amount of money that may be granted to any one applicant.

Please make this comment a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts and reserves any expression of legislative concern to that review. To assist in that final review, please inform the Joint Committee in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

Sincerely,

  
William G. Wolff  
Associate Director

WGW/jl



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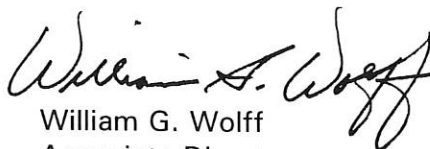
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Sincerely,

  
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Associate Director

WGW/jl



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Topeka, KS 66612-1233  
785/296-2281 FAX 785/296-6953



**HOUSE BILL NO. 2727**

**Testimony Provided to  
Senate Committee on Energy and Natural Resources  
March 16, 2000**

Under K.S.A. 32-937(o), individuals 12 or 13 years of age may legally obtain two types of big game permits:

- Deer archery permit, if the individual has successfully completed a bow hunting safety education course; and
- Wild turkey firearm permit.

In either case, the permit is only valid while the individual is hunting under the immediate supervision of an adult who is 21 years of age or older. Otherwise, the minimum age for an individual to legally hunt big game is generally 14 years of age.

HB 2727 would lower the minimum age legally obtaining a big game permit to 12 years of age. This would include both firearm and archery hunting for deer, turkey, elk, and antelope. Persons 12 or 13 years of age would still have to be under the immediate supervision of an adult over 21 years of age, and bowhunters in this age group would still be required to complete bow hunting safety education. (Of course, all persons born after July 1, 1957 are required to complete the general hunter safety education course.)

The department supports HB 2727. The age at which someone has the mental and physical maturity necessary for safe big game hunting depends more on the individual than on an arbitrary age limit. Because the hunter must be accompanied by an adult until the age of 14, 12- and 13-year-olds would not be allowed to make this decision without adult guidance. We also believe HB 2727 is consistent with the department's ongoing efforts to continue Kansas' hunting heritage through the Hunter Recruitment and Retention program entitled "Pass It On."

The Wildlife and Parks Commission also requested a presentation from department staff on this issue at its meeting on January 26, 2000. HB 2727 had not yet been published in bill form, but the Commission nonetheless expressed its support for legislative action lowering the minimum age for big game hunting, and asked the department to communicate this position to the Legislature. The Commission also expressed confidence that the minimum age could be lowered further, or even eliminated, allowing parents or guardians to decide when a youth is ready to hunt.



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**HOUSE BILL NO. 2762**

**Testimony Provided to  
Senate Committee on Energy and Natural Resources  
March 16, 2000**

Although the Kansas Department of Wildlife and Parks supported House Bill No. 2762 as originally introduced, the department has concerns with amendments to the bill made by the House Committee as a Whole, and therefore opposes the bill in its current form.

As introduced, HB 2762 provides added flexibility to the required process for licensing controlled shooting areas in Kansas. Under current law, the department is required to inspect premises, facilities, and operating abilities of every applicant for a controlled shooting area. Not only can these inspections be time-consuming, but often it becomes difficult for department personnel and the applicant to schedule a date for the inspection.

HB 2762 amends current law by requiring inspection only upon new application for a controlled shooting area license. Thus, if an applicant has been inspected in recent years, and the department has no reason to believe conditions of the premises have changed, no inspection would be required. Nonetheless, the amendment would allow the department to inspect renewal license applicants at its discretion, to ensure that authority remains when there is reason to believe a previously licensed controlled shooting area might no longer meet necessary qualifications. The department supports this provision of HB 2762 as a means of removing unnecessary red tape in the controlled shooting area licensing process.

A second provision was added to the bill on the floor of the House. This amendment would allow an individual to obtain a "restricted certificate of completion" of a hunter education course. This "restricted" certificate would then allow that person to purchase a hunting license valid only for use on controlled shooting areas.

The department does not support this added provision. Current law requires that a person complete a minimum of ten hours of instruction to meet hunter education requirements. The current hunter education program, which requires that any individual born after July 1, 1957 complete hunter education in order to hunt in Kansas, has been credited with a general decrease in hunting accidents since established in 1972, and the department certifies approximately 13,000 students each year, largely through the use of certified volunteer instructors.

Most hunter education courses now include substantially more than 10 hours of instruction. The department does not believe that a four-hour hunter education course would

effectively incorporate either the breadth or depth of the material of a normal course, and would not meet the standards implied by the legal requirement of a 10-hour course. For the state to certify that completion of such a course meets the goals of hunter education, even if only for use on a controlled shooting area, would necessarily lower the current standards of the program. Moreover, volunteer instructors dedicate considerable time and energy to the hunter education program, and the department is skeptical whether they would be willing to certify someone who has completed only a four-hour course.

If the legislature wishes to provide a special allowance for controlled shooting areas, the department would suggest that it create an actual exemption from the hunter education requirements, rather than require the state to certify a reduced hunter education course. Persons hunting on their own land are already exempt from the hunter education requirement, and therefore creation of an exemption is not without precedent. If hunter education is not required for hunting on controlled shooting areas, the controlled shooting area would make its own decision regarding what level of requirements it would impose on its clients. The department would prefer the controlled shooting areas continue to require completion of a full hunter education course. Nonetheless, exempting them from this requirement would be preferable to establishing a second, lower standard for hunter education.

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Possible amendment regarding controlled shooting areas:

Would allow annual renewal applications without an onsite inspection by the department.

**32-945. Controlled shooting areas; license.** (a) Upon receipt of ~~an~~ a new application for a license to operate a controlled shooting area, the secretary shall cause an inspection to be made of:

- (1) The proposed licensed area described in such application;
- (2) the premises and facilities where game birds are to be propagated, raised and liberated;
- (3) the cover for game birds on such area; and
- (4) the ability of the applicants to operate a controlled shooting area.

(b) Upon receipt of a renewal application for a license to operate a controlled shooting area, the secretary may cause an inspection to be made in the manner prescribed in subsection (a).

(c) If the secretary finds that the area contains not less nor more than the number of acres required by K.S.A. 32-944 and amendments thereto, is contiguous and has the proper requirements and facilities for the operation of a controlled shooting area and that the issuing of the license will otherwise be in the public interest, the secretary may approve the application and issue the controlled shooting area license.

~~(c)~~ (d) A controlled shooting area license expires on June 30 of the operational year for which issued.

~~(d)~~ (e) The secretary shall limit controlled shooting areas so that the total acreage licensed as controlled shooting areas in a county does not exceed 3% of the total acreage of such county.

**History:** L. 1955, ch. 230, sec. 3; L. 1989, ch. 118, sec. 76; L. 1990, ch. 140, sec. 2; L. 1993, ch. 185, sec. 4; L. 1998, ch. 180, sec. 2; May 21.

Source or prior law: 32-313, 32-314, 32-321.

Teresa LaForte  
Operational Manager  
Ron King – Owner



10600 170th Rd.  
Chanute, KS 66720  
(316) 244-5668  
Web: www.liltoledo.com  
E-Mail: lilitoled@parl.com

My name is Ron King and I have been a hunter education instructor for 5 years. I am also a Kansas certified guide, Owner and operator of a controlled shooting facility, a farmer and cattle ranch owner. With my experience and personal involvement in both hunter education and controlled shooting I would like you to give you my insight and beliefs on HB 2762.

I can assure each one of you that 4 hours of hands on training is sufficient for properly instructing hunters on controlled shooting areas in the necessary skills for gun handling, hunting ethics and other safety procedures.

There are many areas in our current hunter safety program that are not necessary for those who will only be hunting on controlled shooting lands. It is my opinion that only 4 of the 13 sections of our hunter safety program are necessary for these types of hunters. For example if a customer is coming on our controlled shooting area to hunt pheasants, but they are from another country that does not have hunter safety available, it should not be necessary for them to spend time out from their visit to listen to instructor teach about bowhunting, boating safety, survival, wildlife of Kansas, muzzleloaders, ammunition, and conservation and wildlife management. None of these areas would apply to the type of hunting that they would be limited to with a controlled shooting license.

There are many guests that visit controlled shooting areas that are from other states or even other countries. Since the laws vary from across the nation and the world, it would be in our best interest to offer the controlled shooting area safety classes. In fact, all of our bordering states do not require anyone hunting in a controlled shooting area to have any type of hunter's safety at all. Kansas is losing revenue every year by discouraging hunters who want to visit our controlled shooting lands.

Hunters that hunt in controlled shooting areas are mostly avid hunters who are already well versed in the safety and ethics of hunting and gun handling. However, if Kansas insists on making hunters of controlled shooting areas have a some type of hunter's safety certificate then they should at least allow for the class to cover only the topics that are relevant to a controlled shooting environment. Our current hunter safety program does have it's flaws. I assure you that I can teach a hunter in 4 hours of hands on training more than any 12 hour course that has them sitting in a classroom and reading through a workbook without ever seeing or touching a gun.

Senate Energy & Natural Resources

Attachment: 5

Date: 3-16-2000

5-1

Honorable Committee Members,

I am Ray Walton, founder and owner of Flint Oak, a private hunting preserve located near Fall River, Kansas. The first land for Flint Oak was purchased in 1978. We spent nearly four years developing the preserve into a wildlife habitat that would attract and maintain game birds. We have had a controlled shooting area (CSA) since October of 1982 when we formally opened hunting activities. Most of our employees live in Elk, Wilson, Greenwood or Chautauqua counties, all of which have historically been among the five poorest counties in Kansas as regards economic conditions. Currently Flint Oak averages 53 employees. Our payroll and payroll taxes in 1999 were \$910,000. We are more than a little proud to have helped create job opportunities and tourism dollars in this community.

On August 12<sup>th</sup> and 13<sup>th</sup> Flint Oak will hold our 18<sup>th</sup> annual Hunter Safety Clinic! It is wonderful that some states report as much as 80% decrease in fatal hunting accidents since initiating Hunter Safety. We also recognize the importance of targeting the youth since 60% of firearm accidents are caused by persons under 21 years of age (and that same group represents 40% of the victims). Initial Hunter Safety training is working. This is not at issue.

People with years of hunting experience and legally licensed to hunt in their place of residence are amazed – then angered – when we tell them they cannot hunt on a private preserve in Kansas because they do not meet our Hunter Safety Certification requirements. Please consider the following:

- There is no uniform Hunter Safety certification requirement throughout the USA, let alone the world. Age requirements vary from 1949 (Colorado) to 1987 (Indiana)!
- Most people who visit our private hunting preserve are not Kansas' residents. They cannot be expected to know our Hunter Safety requirements are different than theirs. Factually, no two states are exactly the same!
- Most people who come to our preserve to hunt ARE hunters and have a hunting license from their state or country of residence.
- A private hunting preserve has the accountability, responsibility and LIABILITY for conducting a safe hunt.
  - At Flint Oak we take out about 5,000 hunts each year. We concentrate on making each of them a safe and enjoyable hunt.
  - Because the skill to manage three people and 2 dogs safely in the field is difficult to train, only about 20% of the people we hire to guide actually become certified and take out hunts.
  - Formal training for new guides at Flint Oak takes 6 to 8 weeks (depending on the trainee's previous experience.)
  - We pay thousands of dollars annually for liability insurance.
  - Every time a guide takes out a hunt he takes out Flint Oak. We MUST be extremely serious about safety!

Since 1982 when we opened as a private hunting preserve Flint Oak has encountered the Hunter Safety certification problem, and it has never been solved. It has caused us to lose Members, offended guests who came from long distances (even foreign countries), and

has cost both our business and Kansas many dollars in hunting revenue and the goodwill of visitors.

If you would like to experience some of the anger and frustration our visitors manifest, imagine this scenario. You are responsible to stop all vehicles at the Kansas State border. It is your job to tell any driver 43 years old or younger that he must have already met Kansas licensing regulations (which are different than his state's requirements) or he cannot drive in Kansas! (I think we can agree that auto accidents cause more injuries and fatalities than hunting!) I ask you, what would such an action do to promote Kansas' public image or tourism?

In September of 1999 at a meeting in Pratt the Department of Wildlife & Parks asked me to provide information and a sample of a shortened certification course, which I did. I now learn that nothing has been done with it and they plan to oppose the idea! When I heard that the Department plans to oppose the first proposal that has been made to help solve this problem, I felt betrayed and used.

In frustration I started contacting owners of preserves in the states adjoining Kansas to see how they were coping with this problem. What I learned was that they do not have a problem! Nebraska's age requirement (1977) is far younger than most states so it has not caused problems. Colorado, Missouri, and Oklahoma have all solved the problem. They simply do NOT REQUIRE people who hunt on private hunting preserves to have Hunter Safety certification! The owners I talked to could not recall a time when such a requirement existed. Our current Hunter Safety requirement on private preserves causes Kansas the same type of embarrassment as the liquor law that found our Attorney General trying to arrest stewardesses in airplanes flying over Kansas for selling liquor!

It is important to recognize that public hunting areas are operated far differently than private preserves. Numbers of hunters in a party are not controlled. Neither are there any guides. No one truly has accountability or liability for safety.

As a private hunting preserve we have a stringent review of our business practices, training of guides, and management policies by our insurance underwriters. If we "pass muster" we agree to be responsible and totally accountable for conducting safe hunts. We limit our hunting party to 3 or less hunters. We assign a person who has graduated from our guide school to conduct the hunt. We recognize that we are 100% responsible and assume that liability.

I think we can agree it is essential that the public and private sectors form a partnership and work together to help the people of Kansas capitalize on our natural resources and attract new businesses and tourism dollars. We can take a positive step today to solve a serious business problem that is costing both private business and the state of Kansas hunting tourism dollars. It is my hope that the members of this committee will take action to enact legislation that will allow Kansas' hunting preserve operators to compete on an even playing field with our competition in surrounding states. Our Legislators are the ONLY ones that can "make it happen". Thank you.



March 12, 2000

TO: Ray

FROM: Gary

SUBJECT: TAXES PAID IN 1999

Listed is taxes paid to several state or county agencies in year 1999.

Sales Tax	\$180,744.11
Real Estate Tax	22,901.78
Liquor Tax	8,160.80
Use Tax	6,088.38
Personal Property	4,708.15
CSA, Kennel, Lodging & Food Licenses	1,143.00
<b>TOTAL</b>	<b>\$223,746.22</b>

This is a breakdown that will show all the licenses sold in the year of 1999 and the dollar value. There were 629 resident licenses and 1,361 out of state licenses sold for the year.

***KANSAS RESIDENTS***

TYPE	CLASS	QTY	PRICE	TOTAL
Resident Hunt	D	424	\$15 ea	\$6,360.00
Resident Combination	B	118	\$30 ea	3,540.00
Deer, Special CSA		26	\$30 ea	780.00
Turkey Resident		13	\$20 ea	260.00
Deer, Antlerless 2 <sup>nd</sup>		24	\$10 ea	240.00
Fishing	C	12	\$15 ea	180.00
Deer Archery		2	\$30 ea	60.00
Turkey Landowner		5	\$10 ea	50.00
Turkey Second Tag		5	\$10 ea	50.00
			<b>TOTAL</b>	<b>\$11,520.00</b>

***NON-RESIDENTS***

TYPE	CLASS	QTY	PRICE	TOTAL
Controlled	G	1,287	\$13 ea	\$16,731.00
Hunt (Adult)	F	43	\$65 ea	2,795.00
Turkey Non-Resident		13	\$30 ea	390.00
Fishing	E	3	\$35 ea	105.00
Turkey Second Tag		5	\$10 ea	50.00
Hunt (Jr.)	FF	1	\$30 ea	30.00
Deer, Antlerless 2 <sup>nd</sup>		3	\$10 ea	30.00
Fishing 24 Hour	J	6	\$3 ea	18.00
			<b>TOTAL</b>	<b>\$20,149.00</b>

Ronald D. Thomas  
434 W. 17<sup>th</sup> St.  
Concordia, KS 66901

Senators, Ladies and Gentlemen:

I am Ron Thomas and live in Concordia, Kansas.

I want to give favorable testimony to House Bill 2727. With the help of my son, Dustin, I wrote letters to Kansas Representative Joann Freeborn, Kansas Senator Janice Hardenburger, and all of the Kansas Wildlife and Parks Commissioners, which I believe was the beginning of House Bill 2727. I would like to read a portion of my letter to you this morning.

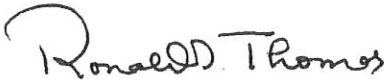
(Written September 23, 1999)

“Last fall (1998), I bought my son (Dustin) a compound bow, with the idea of him and I being able to go spring turkey hunting this year. After hard practice, and getting ready for the hunting season, we found out that he would be unable to hunt because he was 13 years old (DOB 4-27-86), and the hunting laws only allow 14 year olds or older to bow hunt turkey, providing he/she has the hunters and bow safety courses completed, and have adult supervision. The Kansas laws do allow 12 and 13 year olds, provided they complete the above courses and adult supervision, to hunt deer. We are talking about the same territory and hunting styles, with the exception that deer hunters *are able and usually climb and hunt from tree stands*. From the safety standpoint you would think that the 12 and 13 year olds would be restricted from hunting this style. The reasoning between the deer and turkey hunter age restriction laws does not make sense to me.

I know that the laws will have to go through legislature to be changed, and my son will probably be 15 years old or older with even the quickest law change, but this matter should be looked into for the future generations to have equal hunting rights for big game in Kansas.”

I hope you will support House Bill 2727.

Thank you for your time and consideration.

  
Ronald D. Thomas

Senate Energy & Natural Resources

Attachment: 7

Date: 3-16-2000

7-1

Dustin J. Thomas  
434 W. 17<sup>th</sup> St.  
Concordia, KS 66901

Senators:

My name is Dustin Thomas. I am 13 years old. I live in Concordia, Kansas.

In the winter of 1998, when I was 12 years old, I received a compound bow from my dad. I started practicing, pulling my bow, so I would be able to pull a 45 pound compound bow, and be good at shooting a close group at a target. Good marksmanship is a must when hunting any animal or birds.

I wanted to go turkey hunting with my dad in the spring of 1999 after my 13<sup>th</sup> birthday. My dad found out that it was against the law for anyone under the age of 14 to hunt turkey with a bow. The law now allows 12 and 13 year olds to hunt deer with a bow.

Turkey and deer live in the same places. 12 and 13 year olds should be able to hunt both turkey and deer, with bows.

Also, I feel that 12 and 13 year olds, should be able to hunt deer with rifles. I feel that I have the maturity and the responsibility to do it safely. I have shot both 22 caliber rifles and 30 caliber rifles at the rifle range with my Boy Scout Troop Rifle Instructor, Ross Olson.

I have taken the Hunter Safety Course in 1997 and the Bow Hunters Safety Course in 1999.

I would like to see House Bill 2727 passed in the Senate.

Thank you,



Dustin Thomas

Senate Energy & Natural Resources

Attachment: 8

Date: 3-16-2000 8-1

# KANSAS HUNTER EDUCATION INSTRUCTORS ASSOCIATION

Testimony on HB 2103, and HB 2762 as amended.

Mr. Chairman  
Members of the Committee

My name is George Petersen and I am here on behalf of KHEIA.

I am the Vice President of the Association and serve as their contact with the legislature.

We have come before this committee to suggest that there may be changes that will prevent abuses of the intent of this legislation. We, the volunteer instructors of Kansas have served as unpaid volunteers since the beginning of the Kansas Hunter Ed program in 1973. We are well aware that students lose their cards that show successful completion of the course. We know that a random statewide check of 100 licenses from various license vendors show fraudulent information in almost 20% of the licenses sold. With the opportunity to purchase licenses through the Internet there are no provisions made to check the validity of hunter ed numbers from either Kansas residents or those buying from out of state. We have invested too much time carrying out the mandate of the Legislature to not be concerned by this lack of control being suggested in the name of economics. We have greatly lowered the accident rate and have educated 400,000 plus residents in the safe handling of firearms. Lets take this to an interim committee and get some input from the hundreds of volunteers who have invested hundreds of thousands of hours in the name of safety. We feel that the present bill, which would allow a person to attest to having passed a course, is a slap in the face of all present and past instructors. One of the most important parts of our course is the ETHICS and RESPONSIBILITY portion. We try very hard to impress upon each student that they and they alone are responsible for their actions, including the keeping of their hunter ed card. Each of us that have a driver's license must keep the license on our person when we drive. We feel that there needs to be specific and heavy penalties for submitting false information if attesting is to be allowed.

We also have concerns with the amendment to HB 2762. We understand the problems associated with hunting preserves and visitors from other states and countries. The concept of a correspondence class is presently being implemented for a trial run in Kansas this year.

Senate Energy & Natural Resources

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Oklahoma, Wisconsin and Nevada have a correspondence course offered yet none of these states does the whole course by correspondence. All have the student going before an instructor. The course presently being implemented here in Kansas will have 8 hours of home study and approximately 8 hours of field training with an instructor.

Vendors will continue to sell licenses because hunters will just go to another store if there is no legal penalty for selling a license without proof of completion of the course.

We do not suggest that anyone would give out restricted cards for hunting on preserves without the required time being spent. However, as history is a witness here in Kansas, we can all remember a Secretary of Wildlife and Parks being dismissed for giving certification to staff and family members of the Governors office. There were approximately 4000 instructors in the program at that time and the governor was informed that all 4000 would resign if the situation were allowed to stand.

We feel that sufficient financial penalties for fraudulent actions regarding these Hunter Education certifications must be in place so that the present Hunter Education program here in Kansas remains a model for the rest of the states. We have had an outstanding program for 27 years and we do not want to see its reputation diminished by hasty action. We feel a 2 or 4 hour course for a restricted certificate of completion required for preserve hunting would be very difficult to police.

One possible way to maintain the high quality and integrity of the Kansas program is to allow out of area hunters to hunt on preserves if they meet the legal requirements of their area of residence. If they aren't required to have had hunter education in their home state or country, they could be required to sign a statement to that effect and release the Kansas program from having to claim any hunting accidents they may fall victim to.

House Bill 2762  
CONTROLLED SHOOTING AREAS  
Energy and Natural Resources Committee

Ladies and Gentlemen, Honorable Committee Members

My name is Kevin Couillard, former director of Law Enforcement Division for Kansas Department of Wildlife and Parks. I now reside in Wichita and am in the process of starting my own business as a conservation consultant and management planner. I am an avid hunter and fisher. I am a master hunter education instructor and I am here today to testify in favor of House Bill 2762, regarding the requirement for hunter education on controlled shooting areas.

Controlled shooting areas are growing into an important niche in the Kansas tourism industry. Yes I say industry, because tourism in Kansas is growing into a multi-billion dollar business. Hunting, fishing, and natural wonders have begun to make Kansas a destination for recreational travelers and business conferences. Controlled shooting areas are fast becoming the destination of many busy people that still want to participate in a traditional hunting experience or share an outdoor experience with their children or business associates.

Senate Energy & Natural Resources

Attachment: 10

Date: 3-16-2000 10-1

The attraction to a hunting experience on a controlled shooting area is the ability to arrive on short notice, enjoy a personally guided hunt for three or four hours and then be able to move on to your next activity without worry. The controlled shooting area proprietor can provide seasoned guides, trained hunting dogs, plentiful game, hearty meals and meeting and lodging facilities. Some can also provide quality firearms and ammunition. But, whether you bring your own guns or use theirs, you will always receive safety training before you go afield. Do you know why?!

- Because the proprietor is responsible for your safety and the safety of others.
- Because the proprietor has the investment in trained dogs and seasoned guides.
- Because the proprietor has the reputation of the business to protect.

No one is more interested in the safety of all involved than the owners, managers, and employees of a controlled shooting area.

Controlled shooting areas in Kansas are attracting national and international business, as are their competitors in other states surrounding Kansas. In Kansas, every person who purchases a hunting license must show proof of completion of a hunter education class if born after July 1, 1957. Also, Kansas accepts proof of Hunter Education from other states. The glitch comes when another state or foreign country does not have the same requirements. For instance, Nebraska requires hunter education for persons born after

1977. Therefore, an experienced hunter and gun handler from Nebraska born in 1966 could not purchase a hunting license in Kansas until they completed a course. Expand that thought to include any person from England, Australia or another foreign country. Now have these people show up at a world-class hunting club in Kansas, with their business associates, for a meeting and retreat that is to include a guided Kansas hunt. Now tell them they can not participate. Next year they will go to Missouri, Colorado, Oklahoma, or some other state that does not extend the hunter education requirement to private hunting preserves. The question is, “Why should the owners of private controlled shooting areas in Kansas be more restricted than their competitors in surrounding states?”

I submit to you, that the individuals best qualified to certify hunters on controlled shooting areas are the proprietors.

- They are responsible for the safety of their employees and guests.
- They can provide a course of instruction and hands on training that directly relates to a specific hunting activity. For instance, it is not necessary for an upland bird hunter to be able to identify ducks in flight or for a waterfowl hunter to understand tree stand safety in order to safely participate in their chosen activity.



The current statutory requirement for a minimum of ten hours of hunter education instruction is excessive and restrictive as it relates to a three to four hour guided hunt on a controlled shooting area.

I urge you to approve a change in Kansas State Statute that would:

*allow a licensed controlled shooting area to certify hunter education in conjunction with the special controlled shooting area license which is only valid while participating in a hunt on the private lands within that controlled shooting area.*

We should make this exception to promote tourism in Kansas and allow those few that do not meet current State requirements an opportunity to enjoy a quality outdoor experience and contribute to our Kansas economy.

March 27, 2000

TO: Members of the Senate Energy and Natural Resources Co.

FROM: Senator David Corbin, Chairperson

Attached are the minutes of March 17, 20, 21 and 22, please reviewed them and contact my office by noon, Thursday, March 30, 2000 if you have corrections or additions. If we do not hear otherwise we will consider them approved as presented.