

## 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 17, 2000 in 245-N of the Capitol.

All members were present except: Senators Goodwin and Pugh who were excused.

## Committee staff present:

Mary Ann Torrence, Revisor of Statutes Office  
Lila McClafin, Committee Secretary

## Conferees appearing before the committee:

Representative Shari Weber, 68<sup>th</sup> District  
Clint Riley, Kansas Department of Wildlife and Parks

## Others attending:

See attached list.

With a motion from Senator Stephens and a seconded from Senator Morris the minutes of March 13, 2000 were approved.

The hearing was opened on HB 2954—Taking of coyotes; HB 2975—Purple paint bill; and HB 2976—Penalties for taking big game animals.

Written testimony from Representative Sharon Schwartz supporting HB 2975 and HB 2976 was distributed (Attachment 1).

Representative Shari Weber support HB 2954 and attached to her remarks is testimony from Lance Homman, one her constitutions, supporting the bill. His testimony states that to require two separate licenses for the legal pursuit and harvest of coyotes is a glaringly unique oddity (Attachment 2). Representative Weber responded to several questions.

Clint Riley, Wildlife and Parks, supported all three bills. He said HB 2976 is intended to create an added deterrent to help prevent criminal hunting and trespass in pursuit of these animals. HB 2954 amends the definition of furharvesting to include any legal means of taking a coyote, this would allow for those hunters to purchase only one license. HB 2975 would allow a landowner to post land by placing identifying purple paint marks on trees and post surrounding the area, rather than posting actually signs, as it provides additional flexibility for landowners wishing to post their property as no hunting without written permission (Attachment 3).

Mr. Riley responding to questions, said the color of paint was chosen to conform with Missouri, and they thought it would be a helpful management tool. It was suggested by a member of the committee that HB 2976 be amended to increase the penalty on the points on a deer rack rather than inches, and concern was expressed with the “unlawful intentional taking” section of the bill, perhaps some clarification was need in this section.

The hearing on the bills was closed.

Chairperson referred attention to HB 2727 —Deer firearm permits and wild turkey archery permits for persons 12 and 13 years of age.

Senator Tyson made a motion to amended the HB 2727 to strike the language 21 year old and insert parents. The motion died for lack of a second.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

A motion was made by Senator Huelskamp to amend the bill to "the secretary upon written request from a landowner or tenant shall issue two special hunt-on-your-own-land deer permits for each 80 acres owned or leased by such applicant but the total number of such permits issued to a landowner or tenant shall not exceed 5." Senator Tyson seconded the motion. The motion carried. Senator Morris moved the bill be passed as amended. Senator Vratil seconded the motion. Motion carried.

Chairperson opened discussion and possible action on **HB 2762**. A motion was made by Senator Vratil to strike the correspondence course section in the bill. Senator Biggs seconded. The motion was discussed, and committee time expired at 9:06 with no action being taken. The next meeting of the committee will be on March 20, 2000.



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STATE OF KANSAS



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HOUSE OF  
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COMMITTEE ASSIGNMENTS  
MEMBER: HOUSE APPROPRIATIONS  
HOUSE AGRICULTURE &  
NATURAL RESOURCES BUDGET  
HOUSE AGRICULTURE  
HOUSE ENVIRONMENT

March 17, 2000

Chairman Corbin and Committee Members

I am appearing before you in support HB 2975 and HB 2976.

HB 2975 - Most landowners welcome hunters and allow hunting with written permission. Today, all parcels of ground need to be posted with signs indicating HUNTING WITH WRITTEN PERMISSION ONLY. Many times the signs are either ripped off by wind and rain or in some cases by vandalism. HB 2975 would give landowners the option of simply identifying such parcels with a purple paint mark painted on posts.

HB 2976 - Northcentral Kansas boasts of having some of the biggest trophy deer in the state. They are a very valuable commodity needing to be preserved for those who legally hunt. HB 2976 increases the fine from \$250 to \$5000 for those caught poaching trophy deer. This probably will not stop all poaching as the antlers are valuable, but hopefully would make poachers think twice before pulling the trigger.

Senate Energy & Natural Resources

Attachment: 1

Date: 3-17-2000

STATE OF KANSAS

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**HOUSE OF REPRESENTATIVES**  
**68<sup>TH</sup> DISTRICT**  
*Assistant Majority Leader*

**TESTIMONY ON HB 2954**  
**SENATE ENERGY & NATURAL RESOURCES COMMITTEE**  
**March 17, 2000**

Thank you, Mister Chairman and members of the committee, for the opportunity to appear before you today in support of HB 2954. I bring this to you at the request of a constituent whose testimony is attached. This bill would allow for the hunting of coyotes by any individual in possession of a current and valid fur harvesting license **OR** hunting license.

Thank you for time. I ask for your favorable consideration of HB 2954.

Sincerely,

  
Shari Weber

Senate Energy & Natural Resources

Attachment: 2

Date: 3-~~17~~-2000  
17  
2-1

14 February 2000

Greetings. My name is Lance Homman. As a third generation coyote hunter and native of the state of Kansas, I have been a lifelong outdoorsman. I have trapped, hunted and called coyotes across the state of Kansas for nearly thirty years and it is in that capacity that I testify today on behalf of House Bill Number 2954, An Act Concerning the Taking of Coyotes.

By its most modest interpretation, this bill would allow the hunting of coyotes by any individual in possession of a current and valid fur harvesting license **OR** hunting license. Under current statutes, coyotes may be hunted only with a hunting license, and trapped only with a fur harvesting license. The conflict this creates for the sportsman involves the requirement of possessing two separate licenses to pursue and take the same animal. Furthermore, predator calling enthusiasts must currently purchase and carry both a hunting and a fur harvesting license to participate in a form of hunting where there is an equal likelihood that bobcats, foxes, or any of a whole host of other legally harvestable furbearers or predators might respond in addition to coyotes.

There are several reasons that this bill should be supported.

First, we are currently in the midst of what has been recognized as a historical low point for the international fur trade industry. Because of economic instability in major fur buying countries such as China and the former Soviet Union, fur prices are presently at the lowest they have ever been. In response to this, trapping activity has decreased dramatically with fur harvesting enthusiasts resorting to less labor intensive means. Predator calling - a form of hunting where the hunter calls a predator ( i.e., coyote, bobcat, fox) within shooting range by mimicking the sounds of a prey animal in distress - has shown increasing favor among Kansas sportsmen as they seek out the challenge and excitement of hunting nature's most elusive prey - the predator. Passage of HB 2954 would further increase accessibility to hunting coyotes by allowing their harvest under either a hunting **or** furharvesting license.

Second, with trapping activity at an all time low, managing and controlling predators becomes increasingly more difficult. At times like these, we note increases in depredation losses due to increasing numbers of coyotes. Livestock producers across the state can relate stories of coyotes circling and stalking cows as they attempt to calf, or lamb losses resulting in hundreds of thousands of dollars in preventable costs. By increasing access to harvesting coyotes by either a hunting **or** fur harvesting license, we can encourage hunters and trappers alike to take an active role in the proactive management of coyotes.

Third, the state of Kansas can be proud of its longstanding history of being sportsman friendly, especially with respect to the means by which it licenses its hunters and fur harvesters. In many other states, constituents are required to buy separate licenses to hunt small game animals, upland game birds, and so forth. In Kansas, the hunter needs only to buy one license. In doing so, he has provided himself with the legal right to pursue and take any legal game, whether it be a squirrel, a rabbit, a pheasant or a quail.

To require two separate licenses for the legal pursuit and harvest of a species (the coyote) that enjoys no protection whatsoever under present state law makes current statutory requirements a glaringly unique oddity. By enacting HB 2954, you will be reducing the overall number of licenses required to pursue coyotes while, at the same time, increasing opportunities to hunt.

Why is this important? Of what significance is the coyote in Kansas and why should we be concerned?

Coyotes are regarded as one of the most adaptive and opportunistic predators in North America today. Despite repeated attempts to extirpate this species, it has responded by increasing its presence in terms of both overall numbers and range. Today, coyotes are common across the continental United States, having extended their range throughout New England and along the East Coast. Historically, Kansas has boasted one of the highest populations of coyotes in the country. Consider this fact with our agricultural and livestock industries, and the potential for a volatile situation exists.

Conflict between humans and coyotes is well documented. Whether the issue is the slaughter of lambs, newborn calves being attacked and killed, pets being eaten, or increased nesting losses of ground nesting gamebirds, coyotes are and can often be a serious depredation problem if the problem itself is not addressed through reducing their numbers.

Unlike deer, pheasants, or other conventional game species, coyotes do not have the primary attraction of being a potential source of food. They are a carnivore and a scavenger which efficiently responds to the absence of hunting pressure by increasing their numbers at an alarming rate. Through the combined benefits of hunting, predator calling and trapping, coyote numbers can be controlled and managed at a level which minimizes their negative influence on other human interests. In order to achieve these benefits, efforts must be taken to encourage sportsmen and -women to pursue and harvest this challenging and wily predator.

There is no foreseeable downside to passage of HB 2954. Passage of this bill in its present form increases the opportunities to hunt coyotes under either license, while at the same time avoiding the creation of further restrictions on coyote hunting. For the Kansas sportman or woman who limits their outdoor activities to coyote hunting, trapping, running hounds, and predator calling, passage of this bill will reduce their licensing requirements as well as the costs incurred for purchasing those licenses by one-half. Having done this, passage of HB 2954 will be a positive step toward increasing accessibility to coyote hunting, consistent with Kansas' other sportsman-friendly licensing programs.

I request and encourage you to support passage of House Bill 2954, and to provide for coyotes to be taken under either a hunting or fur harvesting license.

Thank you for your time and consideration.

Respectfully submitted,



Lance Homman



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DEPARTMENT OF WILDLIFE & PARKS

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**HOUSE BILL NO. 2976**

**Testimony Provided to  
Senate Committee on Energy and Natural Resources  
March 17, 2000**

House Bill No. 2976 creates a separate, mandatory fine for persons poaching trophy big game animals in Kansas. As such, it is intended to create an added deterrent, and to help prevent criminal hunting and trespass in pursuit of these animals. The Department of Wildlife and Parks supports the bill.

Illegally taking a big game animal is currently punishable by a fine of \$250 to \$1000, as well as imprisonment for up to six months. House Bill No. 2976 would create a separate fine of \$5,000 for persons unlawfully and intentionally taking a trophy big game animal. These animals are defined in the bill as:

- Whitetail deer with an inside antler spread measurement of at least 16 inches;
- Mule deer with an inside antler spread measurement of at least 22 inches;
- Elk with at least six points on one antler; and
- Antelope with at least one horn greater than 14 inches.

Trespass and illegal hunting in Kansas most commonly occurs because an individual is pursuing a trophy animal. The department believes big game animals with these measurements represent the type of animals that can lead to illegal actions by unethical hunters. By establishing an additional penalty for the illegal taking of trophy animals, the department would hope this bill would would deter and prevent some of the illegal hunting that victimizes landowners and the natural resources. In addition, it may help ensure that lawful and ethical hunters have a fair opportunity to see and harvest a Kansas trophy.

The House amended HB 2976 to include increased fines for the importation or possession of feral swine. Although these animals are not considered wildlife within the jurisdiction of our department, and although the relevant statute is not within Wildlife and Parks statutes, we do support this provision. Feral swine negatively impact both native Kansas wildlife and wildlife habitat, and increased penalties for persons who import these animals would be viewed as a benefit, from the perspective of our department's goals.

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Senate Energy & Natural Resources

Attachment: **3**

Date: **3-17-2000**

**3-1**





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**HOUSE BILL NO. 2954**

**Testimony Provided to  
Senate Committee on Energy and Natural Resources  
March 17, 2000**

House Bill No. 2954 would allow coyotes to be hunted by anyone having either a furharvesting license or a hunting license. The bill amends the definition of "furharvesting" to include any legal means of taking a coyote, and adds clarifying language to the statutes requiring hunting licenses and furharvesting licenses.

Under current law, trapping a coyote is defined as "furharvesting," but taking a coyote using firearms or other legal methods is defined as "hunting." These definitions were created in response to hunters who wish to shoot coyotes, but do not wish to buy a furharvester license, as well as furharvesters who wish to trap coyotes, but do not wish to buy a hunting license.

The current definition of "furharvesting," however, includes taking furbearing animals by trapping or hunting methods. Therefore, if an individual is using hunting methods to take bobcats or other furbearers, but wishes also to shoot a coyote, the individual would need both a furharvester license (to shoot the bobcats) and a hunting license (to shoot the coyotes). A few individuals have expressed frustration with this result, because they have no interest in hunting deer, pheasant, or any other non-furbearing animal, and do not wish to buy a hunting license.

The department does not believe this change will affect a great number of people, since only those who hunt coyotes, trap furbearers, and hunt nothing else would be affected. Nonetheless, the department believes HB 2954 is a sensible change that would address the concerns of these individuals. Therefore, the department supports this bill and encourages its adoption.



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**HOUSE BILL NO. 2975**

**Testimony Provided to  
Senate Committee on Energy and Natural Resources  
March 17, 2000**

House Bill No. 2975 provides additional flexibility for landowners wishing to post property as "no hunting without written permission." The Department of Wildlife and Parks supports the bill.

Under current law, a person may post land as "hunting by written permission only," and thereby raise the normal standard for trespassing to require that a person have written permission, rather than verbal permission, before hunting. The department supports posting in this manner, because a law enforcement officer can more immediately determine whether a trespass is occurring without needing to identify and locate the property's landowner.

House Bill No. 2975 would allow a landowner to post land by placing identifying purple paint marks on trees and posts surrounding the area, rather than posting actual signs. The bill defines the marks such that they would be clearly visible. With this legislation, therefore, landowners would be able to post their land at a much reduced cost.

The department recognizes that a great deal of public education would be required, if this bill were to pass, in order to educate the hunting public of the meaning of the purple paint marks. However, the department would undertake this effort, because increased willingness of landowners to post their land would provide added efficiency in law enforcement efforts to address complaints of trespass and criminal hunting.

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