

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Senator Robert Tyson at 8:30 a.m. on March 20, 2003 in Room 423-S of the Capitol.

Members present: Senator Schmidt, Senator Downey, Senator Lee, Senator Tyson, Senator Taddiken, Senator Umbarger, Senator Corbin, Senator Huelskamp, Senator Adkins

Committee staff present: Raney Gilliland, Legislative Research
Lisa Montgomery, Revisor of Statutes
Shannon Stone, Secretary

Conferees appearing before the committee: None

Others attending: See attached guest list

House Bill 2247

Raney Gilliland briefed the Committee on the bill. Discussion on the bill followed the review. Senator Schmidt had concerns regarding language in Subsection C—that the wording may not accomplish its intent. (Attachment 1) Senator Schmidt made a motion to strike lines 25-31 on page 6 of the bill. Senator Taddiken seconded the motion and the motion carried.

Senator Corbin moved to adopt the amendment proposed at the hearing by Representative Sloan. Senator Huelskamp seconded the motion and the motion carried.

Senator Lee made a motion to pass the bill out favorably as amended. Senator Corbin seconded the motion and the motion carried.

House Bill 2078

Senator Umbarger made a motion to strike the floor amendment (lines 4-15) on HB 2078. Senator Lee seconded the motion and the motion carried.

Senator Schmidt proposed new language to the bill that would direct the Department of Wildlife and Parks to file a report containing recommendations for the establishment of a landowner deer management assistance program (DMAP). The report would be presented to the Senate Natural Resources Committee and the House Environment Committee. (Attachment 2)

Senator Downey moved to adopt new language proposed by Senator Schmidt. Senator Corbin seconded the motion and the motion carried.

Senator Downey provided a handout from the Department of Wildlife and Parks describing deer damage facts for the state of Kansas. (Attachment 3)

Senator Umbarger presented the Committee with a balloon amendment. The purpose of the new language he presented was to restrict the use of the transferable permit to the county where the applicant qualifies. Senator Lee requested a modification to the language proposed by Senator Umbarger. Language added to the bill broadened the use of the permit to apply to the “county or counties where the qualifying landowner or tenant’s lands are located”. Additionally, language was stricken in lines 11-14. (Attachment 4)

Senator Huelskamp expressed concern with the proposed amendments. He preferred to see the permit to be useable anywhere within the landowner’s unit, as granted in the original bill.

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:30 a.m. on March 20, 2003 in Room 423-S of the Capitol.

Senator Umbarger moved to adopt language changes. Senator Lee seconded the motion and the motion carried.

Senator Umbarger made a motion to change the sunset year from 2005 to 2008. Senator Schmidt seconded the motion and the motion carried.

Senator Umbarger made a motion to establish the enforcing date as January 1, 2004. Senator Lee seconded the motion and the motion carried.

Senator Schmidt proposed an amendment that would require the Department to dispose of properly seized property in a proper manner. Revenues from the sale of the property would be deposited in the state general funds. He proposed a second amendment that would require the Department of Wildlife and Parks to identify local geographical areas where deer populations are a problem. The Department would be required to find a way to manage the problem. (Attachment 5)

Senator Schmidt made a motion to adopt the amendment. Senator Lee seconded the motion and the motion carried.

Discussion followed over profits from seized property.

Senator Downey made a substitute motion to which would allow the Department of Wildlife and Parks to retain profits from the sale of seized firearms. Senator Umbarger seconded the motion and the motion carried.

Senator Huelskamp made a motion change language in the bill on page 4, line 43 from "50%" to "60%" so that a greater number of transferable permits would be available to landowners. Senator Tyson seconded the motion. The motion failed.

Senator Lee made a motion to pass the bill out favorably as amended. Senator Umbarger seconded the motion and the motion carried.

Substitute House Bill 2219

Senator Schmidt made a motion to introduce an amendment to **Substitute House Bill 2219**. Senator Lee seconded the motion and the motion carried. (Attachment 6)

The meeting was adjourned at 9:30 a.m.

SENATE NATURAL RESOURCES COMMITTEE

GUEST LIST

DATE: March 20

NAME	REPRESENTING
Sarah McKee	Senator Tyson
Haley Wilson	Senator Tyson
JOHN C. BOTTENBERG	WESTAR ENERGY
<i>John Fredrick</i>	<i>Boeing</i>
Todd Johnson	KLA
Greg Arissek	KS Corn Growers
Steve Swaffar	KS Farm Bureau
Leslie Kaufman	" "
Ben Hoppke	KS DAIRY ASSN
Chris Wilson	KS Building Industry Ass'n

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2003

HOUSE BILL No. 2078

By Committee on Environment

1-27

12 AN ACT concerning wildlife and parks; relating to hunting permits; com-
13 mercialization of wildlife; penalties therefor; amending K.S.A. 32-1005
14 and K.S.A. 2002 Supp. 32-937 and 32-988 and repealing the existing
15 sections.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. K.S.A. 2002 Supp. 32-937 is hereby amended to read as
19 follows: 32-937. (a) When used in this section:

20 (1) "Landowner" means a resident owner of farm or ranch land of
21 80 acres or more located in the state of Kansas.

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

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

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

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

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

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1 in the state of Kansas.

2 (7) "Nonresident permit" means a big game hunting permit available
3 to individuals who are not Kansas residents.

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

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

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

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

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

26 (g) The secretary may authorize, by rule and regulation adopted in
27 accordance with K.S.A. 32-805, and amendments thereto, landowner or
28 tenant hunt-on-your-own-land big game permits. Such permits and ap-
29 plications may contain provisions and restrictions as prescribed by rule
30 and regulation adopted by the secretary in accordance with K.S.A. 32-
31 805, and amendments thereto.

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

1 ance with K.S.A. 32-805 and amendments thereto. For the purposes of
2 this subsection, "member of the immediate family" means lineal or col-
3 lateral ascendants or descendants, and their spouses.

4 ~~[(i) The secretary shall authorize, by rules and regulations
5 adopted in accordance with K.S.A. 32-805 and amendments
6 thereto, special landowner or tenant hunt-on-your-own-land deer
7 archery permits. Such special archery permits shall not be issued
8 to landowners or tenants in possession of a hunt-on-your-own-land
9 deer permit as authorized in subsection (g) or (h). The special arch-
10 ery permits shall be transferable to any resident or nonresident
11 through the secretary at the request of the landowner or tenant
12 and by paying a permit fee of \$200. The special archery permits
13 and applications may contain provisions and restrictions as pre-
14 scribed by rules and regulations adopted by the secretary in ac-
15 cordance with K.S.A. 32-805 and amendments thereto.]~~

Reletter remaining subsections accordingly

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

26 ~~(k) [(k)] Members of the immediate family who are domiciled with a
27 landowner or tenant may apply for a resident big game permit as a land-
28 owner or as a tenant, but the total number of landowner or tenant hunt-
29 on-your-own-land or special hunt-on-your-own-land permits issued to a
30 landowner or tenant and a landowner's or tenant's immediate family for
31 each big game species shall not exceed one permit for each 80 acres
32 owned by such landowner or operated by such tenant. The secretary may
33 require proof of ownership or tenancy from individuals applying for a big
34 game permit as a landowner or as a tenant.~~

35 ~~(l) [(l)] The secretary may issue permits for deer or turkey to non-
36 resident landowners, but any such permit shall be restricted to hunting
37 only on lands owned by the nonresident landowner.~~

38 ~~(m) [(m)] The secretary may issue turkey hunting permits to nonres-
39 dents in turkey management units with unlimited turkey hunting permits
40 able.~~

41 ~~(n) [(n)] The secretary may issue deer hunting permits to nonresi-
42 dents, subject to the following limitations:~~

43 (1) The total number of nonresident deer firearm permits of each

1 type specified by rules and regulations that may be issued for a deer
 2 season in a management unit and which may be used to take antlered
 3 deer shall ~~not exceed 10% for the year 2003, not be less than 6% nor~~
 4 ~~more than 12%; for the year 2004, not be less than 7% nor more than~~
 5 ~~14%; for the year 2005, not be less than 8% nor more than 16%; for the~~
 6 ~~year 2006, not be less than 9% nor more than 18%; and for any year~~
 7 ~~thereafter, not be less than 10% nor more than 20%, of the total number~~
 8 of resident deer firearm permits of such type authorized for such season
 9 in such management unit; and

10 (2) the total number of nonresident deer archery permits of each type
 11 specified by rules and regulations that may be issued for a deer season in
 12 a management unit and which may be used to take antlered deer shall
 13 ~~not exceed 15% for the year 2003, not be less than 8.5% nor more than~~
 14 ~~17%; for the year 2004, not be less than 9.5% nor more than 19%; for the~~
 15 ~~year 2005, not be less than 10.5% nor more than 21%; for the year 2006,~~
 16 ~~not be less than 11.5% nor more than 23%; and for any year thereafter,~~
 17 ~~not be less than 12.5% nor more than 25%, of the total number of resident~~
 18 deer archery permits of such type authorized for such season in such
 19 management unit.

20 Nonresident deer ~~archery~~ permits may be restricted to a particular deer
 21 species without regard to resident deer ~~archery~~ permit species restric-
 22 tions, or lack thereof.

23 If an unlimited number of resident deer permits that may be used to
 24 take antlered deer is authorized for a deer season or management unit,
 25 the percentage limitations of subsections ~~(m)(1) and (m)(2)~~ [(n)(1) and
 26 (n)(2)] shall be based upon the total number of resident firearm permits
 27 that may be used to take antlered deer and the total number of archery
 28 permits that may be used to take antlered deer, respectively, issued in
 29 the management unit during the most recent preceding similar season.
 30 If in a management unit there are an unlimited number of resident per-
 31 mits that may be used to take only antlerless deer, the secretary, in the
 32 secretary's discretion and in accordance with rules and regulations, may
 33 authorize the issuance of an unlimited number of nonresident permits
 34 that may be used to take only antlerless deer.

35 ~~(m)~~ [(o)] Any nonresident deer hunting permits authorized under
 36 subsection ~~(m)~~ [(n)] that remain unissued due to an insufficient number
 37 of nonresident applications as of a deadline determined by the secretary,
 38 shall be made available to residents.

39 ~~(o)~~ [(p)] The secretary shall issue nonresident deer permits pursuant
 40 to subsection ~~(m)~~ [(n)] to landowners and tenants applying for such per-
 41 mits, except that the total number of nonresident deer permits of each
 42 type specified by rules and regulations that may be issued to landowners
 43 and tenants for a deer season in a management unit shall not exceed 50%

1 of the total number of nonresident deer permits of such a type authorized
 2 for such season in such management unit. A nonresident deer permit
 3 obtained by a landowner or tenant shall retain the permit's ~~original non-~~
 4 ~~resident and species~~ designation, except that such permit shall *only be*
 5 *valid* ~~upon the qualifying landowner or tenant's land and lands controlled~~
 6 ~~by the landowner or tenant for big game hunting purposes.~~ *The permit*
 7 *shall be transferable, with or without consideration, to any resident or*
 8 *nonresident through the secretary at the request of the landowner or*
 9 *tenant. A landowner or tenant purchasing a nonresident deer permit pur-*
 10 *suant to this subsection shall pay the established fee for a nonresident*
 11 *deer permit.* ~~For purposes of this subsection, "controlled by the landowner~~
 12 ~~or tenant for big game hunting purposes" means lands controlled by the~~
 13 ~~landowner or tenant for big game hunting as evidenced through written~~
 14 ~~agreement.~~

Within a designated county where the
 qualifying landowner or tenant's lands are
 located

15 The provisions of this subsection shall expire on June 30, ~~2004~~ ~~2008~~
 16 ~~2005.~~

2008

17 (p) [(q)] No big game permit issued to a person under 14 years of
 18 age shall be valid until such person reaches 14 years of age, except that
 19 a person under 14 years of age may be issued a wild turkey permit, and
 20 a person who is 12 years or 13 years of age may be issued a permit for a
 21 big game species other than wild turkey. Such permits shall be valid only
 22 while the person is hunting under the immediate supervision of an adult
 23 21 years of age or older, to: (1) Take big game using a firearm; or (2) take
 24 big game using a bow, if the person submits to the secretary evidence
 25 satisfactory to the secretary of completion of a bow hunting safety edu-
 26 cation course.

27 (q) [(r)] A big game permit shall state the species, number and sex
 28 of the big game which may be killed by the permittee. The secretary may
 29 furnish an informational card with any big game permit and, at the con-
 30 clusion of the open season, each permittee receiving such card shall re-
 31 turn the card to the department, giving such information as is called for
 32 on the card.

33 (r) [(s)] The permittee shall permanently affix the game tag to the
 34 carcass of any big game immediately after killing and thereafter, if re-
 35 quired by rules and regulations, the permittee shall immediately take such
 36 killed game to a check station as required in the rules and regulations,
 37 where a check station tag shall be affixed to the game carcass if the kill
 38 is legal. The tags shall remain affixed until the carcass is consumed or
 39 processed for storage.

40 (s) [(t)] The provisions of this section do not apply to big game ani-
 41 mals sold in surplus property disposal sales of department exhibit herds
 42 or big game animals legally taken outside this state.

43 Sec. 2. K.S.A. 2002 Supp. 32-988 is hereby amended to read as fol-

1 lows: 32-988. (a) The secretary is authorized to adopt, in accordance with
2 K.S.A. 32-805 and amendments thereto, rules and regulations fixing the
3 amount of fees for the following items, subject to the following limitations
4 and subject to the requirement that no such rules and regulations shall
5 be adopted as temporary rules and regulations:

6 Big game permits

7 Resident (other than elk permit): maximum \$100

8 Nonresident (other than elk permit): maximum \$400

9 Elk permit: maximum \$350

10 Resident big game tag: maximum ~~\$10~~ \$20

11 Nonresident big game tag: maximum \$30

12 Nonresident applications: maximum ~~\$5~~ \$25

13 Combination hunting and fishing licenses

14 Resident: maximum \$50

15 Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

16 Nonresident: maximum \$200

17 Commercial dog training permits: maximum \$25

18 Commercial guide permit or associate guide permit

19 Resident: maximum \$250

20 Nonresident: maximum \$1,000

21 Commercial harvest or dealer permits: maximum \$200

22 Commercial prairie rattlesnake harvesting permits

23 Resident or nonresident with valid hunting license: maximum \$5

24 Resident or nonresident nonfirearm without valid hunting license: maximum \$20

25 Controlled shooting area operator license: maximum \$400

26 Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

27 Falconry

28 Permits: maximum \$300

29 Examinations: maximum \$100

30 Field trial permits: maximum \$25

31 Fishing licenses

32 Resident: maximum \$25

33 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

34 Nonresident: maximum \$75

35 Five-day nonresident: maximum \$25

36 Institutional group: maximum \$200

37 Special nonprofit group: maximum \$200

38 Twenty-four-hour: maximum \$10

Fur dealer licenses

39 Resident: maximum \$200

41 Nonresident: maximum \$400

42 Furharvester licenses

43 Resident: maximum \$25

- 1 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 2 Nonresident: maximum \$400
- 3 Game breeder permits: maximum \$15
- 4 Handicapped hunting and fishing permits: maximum \$5
- 5 Hound trainer-breeder running permits: maximum \$25
- 6 Hunting licenses
- 7 Resident: maximum \$25
- 8 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 9 Nonresident 16 or more years of age: maximum \$125
- 10 Nonresident under 16 years of age: maximum \$75
- 11 Controlled shooting area: maximum \$25
- 12 Forty-eight-hour waterfowl permits: maximum \$25
- 13 Migratory waterfowl habitat stamps: maximum \$8
- 14 Mussel fishing licenses
- 15 Resident: maximum \$200
- 16 Nonresident: maximum \$1,500
- 17 Rabbit permits
- 18 Live trapping: maximum \$200
- 19 Shipping: maximum \$400
- 20 Raptor propagation permits: maximum \$100
- 21 Rehabilitation permits: maximum \$50
- 22 Scientific, educational or exhibition permits: maximum \$10
- 23 Wildlife damage control permits: maximum \$10
- 24 Wildlife importation permits: maximum \$10
- 25 Special permits under K.S.A. 32-961: maximum \$100
- 26 Miscellaneous fees
- 27 Special events on department land or water: maximum \$200
- 28 Special departmental services, materials or supplies: no maximum
- 29 Other issues of department: no maximum
- 30 Vendor bond: no maximum
- 31 (b) The fee for a landowner-tenant resident big game hunting permit
- 32 shall be an amount equal to ½ the fee for a general resident big game
- 33 hunting permit.
- 34 (c) The fee for a furharvester license for a resident under 16 years of
- 35 age shall be an amount equal to ½ the fee for a resident furharvester
- 36 license.
- 37 (d) The secretary may establish, by rules and regulations adopted in
- 38 accordance with K.S.A. 32-805 and amendments thereto, different fees
- 39 for various classes and types of licenses, permits, stamps and other issu-
- 40 ances of the department which may occur within each item as described
- 41 under subsection (a).
- 42 Sec. 3. K.S.A. 32-1005 is hereby amended to read as follows: 32-
- 43 1005. (a) Commercialization of wildlife is knowingly committing any of

1 the following, except as permitted by statute or rules and regulations:

2 (1) Capturing, killing or possessing, for profit or commercial pur-
3 poses, all or any part of any wildlife protected by this section;

4 (2) selling, bartering, purchasing or offering to sell, barter or pur-
5 chase, for profit or commercial purposes, all or any part of any wildlife
6 protected by this section;

7 (3) shipping, exporting, importing, transporting or carrying; causing
8 to be shipped, exported, imported, transported or carried; or delivering
9 or receiving for shipping, exporting, importing, transporting or carrying
10 all or any part of any wildlife protected by this section, for profit or com-
11 mercial purposes; or

12 (4) purchasing, for personal use or consumption, all or any part of
13 any wildlife protected by this section.

14 (b) The wildlife protected by this section and the minimum value
15 thereof are as follows:

16 (1) Eagles, \$500;

17 (2) deer or antelope, ~~\$200~~ \$400;

18 (3) elk or buffalo, ~~\$500~~ \$600;

19 (4) furbearing animals, \$25;

20 (5) wild turkey, \$75;

21 (6) owls, hawks, falcons, kites, harriers or ospreys, ~~\$125~~ \$200;

22 (7) game birds, migratory game birds, resident and migratory non-
23 game birds, game animals and nongame animals, ~~\$10~~ \$20 unless a higher
24 amount is specified above;

25 (8) fish, the value for which shall be no less than the value listed for
26 the appropriate fish species in the monetary values of freshwater fish and
27 fish kill counting guidelines of the American fisheries society (special
28 publication number ~~13~~ 24);

29 (9) turtles, ~~\$8~~ \$10 each for unprocessed turtles or ~~\$6~~ \$8 per pound
30 or fraction of a pound for processed turtle parts;

31 (10) bullfrogs, \$2, whether dressed or not dressed;

32 (11) any wildlife classified as threatened or endangered, \$200 unless
33 a higher amount is specified above; and

34 (12) any other wildlife not listed above, ~~\$5~~ \$10.

35 (c) Possession of wildlife, in whole or in part, captured or killed in
36 violation of law and having an aggregate value of \$500 or more, as spec-
37 ified in subsection (b), is prima facie evidence of possession for profit or
38 commercial purposes.

(d) Commercialization of wildlife having an aggregate value of \$500
or more, as specified in subsection (b), is a severity level 10, nonperson
41 felony. Commercialization of wildlife having an aggregate value of less
42 than \$500, as specified in subsection (b), is a class A nonperson misde-
43 meanor.

1 (e) In addition to any other penalty provided by law, a court convict-
2 ing a person of the crime of commercialization of wildlife may:

3 (1) Confiscate all equipment used in the commission of the crime
4 and may revoke for a period of up to 10 years all licenses and permits
5 issued to the convicted person by the Kansas department of wildlife and
6 parks; and

7 (2) order restitution to be paid to the Kansas department of wildlife
8 and parks for the wildlife taken, which restitution shall be in an amount
9 not less than the aggregate value of the wildlife, as specified in subsection
10 (b).

11 (f) The provisions of this section shall apply only to wildlife illegally
12 harvested and possessed by any person having actual knowledge that ~~said~~
13 *such* wildlife was illegally harvested.

14 Sec. 4. K.S.A. 32-1005 and K.S.A. 2002 Supp. 32-937 and 32-988 are
15 hereby repealed.

16 Sec. 5. This act shall take effect and be in force from and after its
17 publication in the statute book.

January 1, 2004, and

The department is hereby authorized and directed to develop a report containing recommendations for the establishment of a landowner deer management program. The report shall include recommended procedures, requirements, and guidelines to provide qualified landowners an allotment of antlered and antlerless deer permits that may be transferred by the landowner to resident or nonresident deer hunters for use on such landowner's property and may include such other recommendations as the department finds appropriate. Such report shall be presented to the Senate Natural Resources Committee and the House Environment Committee on or before January 15, 2004.

Senate Natural Resources Committee
Date: March 20, 2003
Attachment 2



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
1020 S Kansas Ave., Room 200
Topeka, KS 66612-1327
Phone: (785) 296-2281 FAX: (785) 296-6953



Deer Damage Facts

Landowners already have significant legal options.

Where crop damage is a problem, landowners may receive deer damage control permits. These permits allow the landowner to harvest a prescribed number of deer on his or her property outside of the normal season dates, free of charge (with the emphasis on doe harvest). In conjunction with normal seasons, these permits allow nearly unlimited harvest, 365 days per year. Last year, in the entire state, only 80 landowners took advantage of this program, harvesting only 254 deer.

In an effort to put hunters in touch with landowners who wish to increase harvest on their property, the department implemented a landowner referral system. Under this system, a landowner may obtain from the department a list of hunters who have registered an interest in harvesting does in this area. While thousands of hunters have signed up for the program, only two landowners asked for this list in 2002.

The department has set up a toll-free number (888-497-8661) for landowners to contact the department to report deer damage. This phone number is advertised in the major newspapers of the state (28 newspapers) and the department's weekly press release four times annually, and is printed in the Hunting Regulations Summary. In 2002, we received only 37 calls to this number.

The agency does not cite these numbers to indicate that crop damage isn't a problem in many areas of the state, but to illustrate that most landowners are not taking advantage of department programs that are already in place.

The bill offers no solutions to the current problem.

Hunting access is the key to reducing crop damage and deer/vehicle accidents. If a landowner does not allow hunting, even if the areas around their property do allow hunting, a refuge is created. Deer quickly learn where these safe havens are located. Deer in these specific areas will continue to multiply, regardless of the number of permits issued.

Simply paying landowners damage claims will not alleviate crop damage.

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- Mailed 1/30/03 (28 newspapers)

Attention Landowners!

Deer Problems?

Call Kansas Wildlife
and Parks toll-free
for information on:



- Damage Control Permits
- Hunter Referral Program
- Fall Leasing Options

1-888-497-8661

Deer Ad Costs		
Publication	Date Run	Costs
Atchison Daily		25.50
Concordia Blade-Empire	11/01/00	13.35
Dodge City Daily Globe	11/30/00	25.95
Garden City Telegram	11/01/00	26.19
Hays Daily News		28.80
Holton Recorder		13.05
Hutchinson News	11/01/00	49.50
Independence Daily Reporter	11/01/00	19.11
Kansas City Star	11/19/00	480.00
Lawrence Journal World		54.45
Manhattan Mercury	11/01/00	23.13
Miami Co. Publishing Co.	11/01/00	16.50
Pittsburg Morning Sun	11/01/00	31.95
Pratt Tribune	11/03/00	18.00
Salina Journal		42.30
Smith County Pioneer	11/02/00	13.50
Washington County News	11/02/00	12.75
Wichita Eagle		135.00
		1,029.03
Concordia Blade Empire	01/03/01	13.65
Dodge City Daily Globe	01/03/01	25.95
Garden City Telegram	01/03/01	26.19
Great Bend Tribune	01/03/01	27.42
Hays Daily News	01/03/01	28.80
Holton Recorder	01/04/01	11.96
Independence Daily Reporter	01/03/01	19.11
Iola Register	01/03/01	19.20
Kansas City Star	01/07/01	480.00
Lawrence Journal World	01/03/01	54.45
Manhattan Mercury	01/03/01	23.13
Miami Co. Publishing Co.	01/03/01	16.50
Pittsburg Morning Sun	01/03/01	29.40
Pratt Tribune	01/03/01	18.00
Salina Journal World	01/03/01	42.30
Smith County Pioneer	01/04/01	10.05
Washington County News	01/04/01	12.75
Wichita Eagle	01/03/01	134.40
		993.26
Concordia Blade-Empire	04/04/01	13.65
Dodge City Globe	04/04/01	27.30
Garden City Telegram	04/04/01	26.19
Great Bend Tribune	04/04/01	27.42
Hays Daily News	04/04/01	28.80

Holton Recorder	04/05/01	11.96
Hutchinson News	04/04/01	30.70
Independence Daily Reporter	04/04/01	19.11
Iola Register	04/04/01	19.20
Kansas City Star	04/08/01	480.00
Lawrence Journal World	04/04/01	59.85
Manhattan Mercury	04/04/01	23.13
Miami Co. Republic	04/04/01	16.50
Pittsburg Morning Sun	04/04/01	48.75
Pratt Tribune	04/04/01	18.00
Salina Journal	04/04/01	42.30
Smith Co. Pioneer	04/05/01	10.35
Washington Co. News	04/04/01	12.75
Wichita Eagle	04/04/01	134.40
		1,050.36
Concordia Blade-Empire	07/05/01	13.65
Dodge City Daily Globe	07/05/01	27.30
Garden City Telegram	07/05/01	26.19
Great Bend Tribune	07/05/01	27.42
Hays Daily News	07/05/01	28.80
Holton Recorder	07/05/01	11.96
Iola Register	07/05/01	19.20
Kansas City Star	07/08/01	480.00
Lawrence Journal World	07/05/01	59.85
Miami County Republic	07/05/01	16.50
Montgomery Communications	07/20/01	25.20
Pratt Tribune	07/05/01	18.00
Salina Journal	07/05/01	42.30
Smith County Pioneer	07/05/01	10.35
Washington News	07/05/01	12.75
Wichita Eagle	07/05-07/23	242.55
		1,062.02
Concordia Blade Empire	10/03/01	13.65
Dodge City Daily Globe	10/03/01	27.30
Garden City Telegram	10/03/01	26.19
Great Bend Tribune	10/03/01	27.42
Hays Daily News	10/03/01	29.55
Holton Recorder	10/03/01	11.96
Hutchinson News	10/03/01	52.50
Independence Daily Reporter	10/03/01	19.11
Iola Register	10/02/01	19.80
Kansas City Star	10/03/01	495.00
Lawrence Journal World	10/03/01	59.85
Manhattan Mercury	09/30/01	23.13
Miami Co. Publishing	10/03/01	16.50

Montgomery Communications	09/07/01	25.20
Pittsburg Morning Sun	10/04/01	29.40
Pratt Tribune	10/03/01	18.00
Salina Journal	10/03/01	52.32
Smith County Pioneer	10/04/01	10.35
Washington County News	10/04/01	12.75
Wichita Eagle	10/03/01	134.40
		1,104.38
Atchison Daily Globe	02/14/02	29.40
Colby Free Press	02/11/02	18.75
Concordia Blade-Empire	02/13/02	14.25
Dodge City Globe	02/13/02	27.30
El Dorado times	02/13/02	23.70
Great Bend Tribune	02/14/02	22.50
Hays Daily	02/14/02	29.55
Holton Recorder	02/13/02	12.10
Hutchinson News	02/13/02	52.50
Independence Daly	02/13/02	19.11
Iola Register	02/14/02	19.80
Kansas City Star	02/10/02	391.89
Lawrence Journal World	02/13/02	54.04
Miami Co. Republic	02/13/02	17.25
Manhattan Mercury	02/13/02	23.82
Montgomery Communicatons	02/14/02	25.20
Pittsburg Morning Sun	02/13/02	30.30
Pratt Tribune	02/13/02	18.30
Salina Journal	02/13/02	52.32
Topeka Capital-Journal	02/14/02	78.48
Washington Co. News	02/14/02	13.35
Wichita Eagle	02/13/02	138.45
		1,112.36
Atchison Daily Globe	02/05/03	30.27
Colby Free Press	02/03/03	19.50
Concordia Blade Empire	02/04/03	14.88
Dodge City Globe	02/08/03	27.30
EIDorado Times	02/04/03	24.00
Garden City Telegram	02/06/03	27.76
Girard Press	02/22/03	23.10
Great Bend Tribune	02/05/03	22.50
Hays Daily News	02/07/03	30.75
Holton Recorder	02/03/03	13.20
Independence Daily Reporter	02/09/03	20.79

Iola register	02/10/03	33.60
Kansas City Star	02/09/03	516.00
Lawrence Journal World	02/06/03	69.75
Manhattan Mercury	02/09/03	24.30
Miami Co. Publishing	02/05/03	17.25
Montgomery Communications	02/02/03	25.20
Pittsburg Morning Sun	02/08/03	33.90
Salina Journal	02/05/03	53.88
Smith County Pioneer	02/05/03	10.35
Topeka Capital Jurnal	02/12/03	100.95
Washington County News	02/06/03	14.10
		1,153.33

Advertising Director
Atchison Daily Globe
PO Box 247
Atchison, KS 66002

Advertising Director
Colby Free Press
155 West 5th
Colby, KS 67701

Advertising Director
Columbus Daily Advocate
PO Box 231
Columbus, KS 67029

Advertising Director
Blade-Empire Publishing
PO Box 309
Concordia, KS 66901

Advertising Director
Dodge City Globe
PO Box 820
Dodge City, KS 67801

Advertising Director
The El Dorado Times
PO Box 694
El Dorado, KS 67042

Advertising Director
Ft. Scott Tribune
PO Box 150
Ft. Scott, KS 66701

Advertising Director
Garden City Telegram
PO Box 1958
Garden City, KS 67846

Advertising Director
Girard Press
PO Box 126
Girard, KS 66743

Advertising Director
Great Bend Tribune
PO Box 228
Great Bend, KS 67530

Advertising Director
Hays Daily News
PO Box 857
Hays, KS 67602

Advertising Director
The Holton Recorder
PO Box 311
Holton, KS 66436

Advertising Director
Hutchinson News
PO Box 190
Hutchinson, KS 67504

Advertising Director
Independence Daily Reporter
PO Box 869
Independence, KS 67301

Advertising Director
The Iola Register
PO Box 767
Iola, KS 66749

Advertising Director
Montgomery Publications
PO Box 129
Junction City, KS 66441

Advertising Director
Kansas City Star
1729 Grand Blvd.
Kansas City, MO 64108

Advertising Director
Lawrence Journal-World
PO Box 888
Lawrence, KS 66044

Advertising Director
Manhattan Mercury
PO Box 787
Manhattan, KS 66505-0787

Advertising Director
Miami County Publishing Co.
PO Box 389
Paola, KS 66071

Advertising Director
The Morning Sun
PO Box H
Pittsburg, KS 66762

Advertising Director
Pratt Tribune
PO Box 909
Pratt, KS 67124

Advertising Director
Salina Journal
333 S. 4th
Salina, KS 67401

Advertising Director
Smith County Pioneer
PO Box 266
Smith Center, KS 66967

Advertising Director
Topeka Capital-Journal
616 Jefferson
Topeka, KS 66607-1119

Advertising Director
Washington County News
PO Box 316
Washington, KS 66968

Advertising Director
The Wichita Eagle
PO Box 820
Wichita, KS 67201

March 19, 2003

Dear Advertising Director:

We would appreciate your one-time placement of the enclosed one-column display advertisement in your newspaper at your earliest convenience. Our objective is to reach farmers, ranchers, and other landowners with this message. I would appreciate if you would place the ad in the edition and section of your publication which is most appropriate for that audience, if possible.

Please remit tear sheets along with invoices for the advertisement to my attention at the address on this letterhead. Thank you.

Sincerely,

Bob Mathews
Chief of Information & Education
Kansas Department of Wildlife & Parks

As requested by the Department.

A nonresident deer permit obtained by a landowner or tenant shall retain the permit's original *nonresident and species* designation, except that such permit shall *only be valid upon the qualifying landowner or tenant's land and lands controlled by the landowner or tenant for big game hunting purposes* within a designated county where the qualifying landowner or tenant's lands are located. *The permit shall be transferable, with or without consideration, to any resident or nonresident through the secretary at the request of the landowner or tenant. A landowner or tenant purchasing a nonresident deer permit pursuant to this subsection shall pay the established fee for a nonresident deer permit. For purposes of this subsection, "controlled by the landowner or tenant for big game hunting purposes" means lands controlled by the landowner or tenant for big game hunting as evidenced through written agreement.*

The provisions of this subsection shall expire on June 30, 2004 ~~2008~~
~~2005~~ 2008.

Alternatives to "within a designated county where the qualifying landowner or tenant's lands are located."

- 1) within a designated county where the qualifying landowner or tenant's lands are located and up to one additional adjoining county where a qualifying landowner owns land
- 2) within a designated county where the qualifying landowner or tenant's lands are located and any additional counties where a qualifying landowner owns land
- 3) within the designated counties where the qualifying landowner or tenant's lands are located.

Senate Natural Resources Committee
Date: March 20, 2003
Attachment 4

9 Sec. 4. K.S.A. 2002 Supp. 32-1047 is hereby amended to read as
10 follows: 32-1047. The department is hereby empowered and directed to
11 seize and possess any wildlife which is taken, possessed, sold or trans-
12 ported unlawfully, and any steel trap, snare or other device or equipment
13 used in taking or transporting wildlife unlawfully or during closed season.
14 The department is *hereby* authorized and directed to:

15 (a) Sell the seized item, *including wildlife parts with a dollar value,*
16 and remit the proceeds to the state treasurer in accordance with the
17 provisions of K.S.A. 75-4215, and amendments thereto. *If the seized item*
18 *is a firearm that has been forfeited pursuant to K.S.A. 21-4206, and*
19 *amendments thereto, then it may be sold unless: (1) The firearm is sig-*
20 *nificantly altered in any manner; or (2) the sale and public possession of*
21 *such firearm is otherwise prohibited by law.* Upon receipt of each such
22 remittance, the state treasurer shall deposit the entire amount in the state
23 treasury to the credit of the ~~fee fund designated by the secretary, ~~the~~~~ *state*
24 ~~general fund;~~ *general* *fund;* or

25 (b) retain the seized item for educational, scientific or department
26 operational purposes.

27 New Sec. 5. The secretary shall identify local geographical areas in
28 which deer populations are causing significant property damage. The sec-
29 retary is hereby authorized and directed to take such actions as are nec-
30 essary to reduce the deer populations in such areas for the purpose of
31 reducing damage to private property.

Senate Natural Resources Committee
Date: March 20, 2003
Attachment 5

Proposed Amendments to
Substitute for HOUSE BILL No. 2219

On page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 4 and inserting the following:

"Sec. 1. K.S.A. 2002 Supp. 82a-2001 is hereby amended to read as follows: 82a-2001. As used in this act:

(a) (1) "Classified stream segments" shall include all stream segments that are waters of the state as defined in subsection (a) of K.S.A. 65-161, and amendments thereto, and waters described in subsection (d) of K.S.A. 65-171d, and amendments thereto, that:

(A) Are indicated on the federal environmental protection agency's reach file 1 (RF1) (1982) and have the most recent 10-year median flow of equal to or in excess of ± one cubic foot per second based on data collected and evaluated by the United States geological survey or in the absence of stream segment flow data, calculations of flow conducted by extrapolation methods provided by the United States geological survey;

(B) have the most recent 10-year median flow of equal to or in excess of ± one cubic foot per second based on data collected and evaluated by the United States geological survey or in the absence of stream segment flow data, calculations of flow conducted by extrapolation methods provided by the United States geological survey;

(C) are actually inhabited by threatened or endangered aquatic species listed in rules and regulations promulgated by the Kansas department of wildlife and parks or the United States fish and wildlife service;

(D) (i) scientific studies conducted by the department show that ~~pooling--of-water~~ during periods of ~~zero~~ flow less than one cubic foot per second stream segments provides provide important refuges for aquatic life and ~~permits~~ permit biological recolonization of intermittently flowing segments; and

(ii) a cost/benefit analysis conducted by the department and

Senate Natural Resources Committee
Date: March 20, 2003
Attachment 6 - 1

taking into account the economic and social impact of classifying the stream segment indicates that the benefits of classifying the stream segment outweigh the costs of classifying the stream segment, as consistent with the federal clean water act and federal regulations; or

(E) are at the point of discharge on the stream segment and downstream from such point where the department has issued a national pollutant discharge elimination system permit other than a permit for a confined feeding facility, as defined in K.S.A. 65-171d, and amendments thereto.

(2) Classified stream segments other than those described in subsection (a)(1)(E) shall not include ephemeral streams; grass, vegetative or other waterways; culverts; or ditches.

(3) Any definition of classified stream or "classified stream segment" in rules and regulations or law that is inconsistent with this definition is hereby declared null and void.

(b) "Department" means the department of health and environment.

(c) "Designated uses of classified stream segments" shall be defined as follows:

(1) "Agricultural water supply use" means the use of a classified stream segment for agricultural purposes, including the following:

(A) "Irrigation" means the withdrawal of water from a classified stream segment for application onto land; or

(B) "livestock watering" means the provision of water from a classified stream segment to livestock for consumption.

(2) "Aquatic life support use" means the use of a classified stream segment for the maintenance of the ecological integrity of streams, lakes and wetlands, including the sustained growth and propagation of native aquatic life; naturalized, important, recreational aquatic life; and indigenous or migratory ~~semi aquatic~~ semiaquatic or terrestrial wildlife directly or indirectly dependent on surface water for survival. Categories of aquatic life support use include:

(A) "Special aquatic life use waters" means classified

stream segments that contain combinations of habitat types and indigenous biota not found commonly in the state, or classified stream segments that contain representative populations of threatened or endangered species, that are listed in rules and regulations promulgated by the Kansas department of wildlife and parks or the United States fish and wildlife service.

(B) "Expected aquatic life use waters" means classified stream segments containing habitat types and indigenous biota commonly found or expected in the state.

(C) "Restricted aquatic life use waters" means classified stream segments containing indigenous biota limited in abundance or diversity by the physical quality or availability of habitat, due to natural deficiencies or artificial modifications, compared to more suitable habitats in adjacent waters.

(3) "Domestic water supply" means the use of a classified stream segment, after appropriate treatment, for the production of potable water.

(4) "Food procurement use" means the use of a classified stream segment for the obtaining of edible forms of aquatic or ~~semi-aquatic~~ semiaquatic life for human consumption.

(5) "Groundwater recharge use" means the use of a classified stream segment for the replenishing of fresh or usable groundwater resources. This use may involve the infiltration and percolation of surface water through sediments and soils or the direct injection of surface water into underground aquifers.

(6) "Industrial water supply use" means the use of a classified stream segment for nonpotable purposes by industry, including withdrawals for cooling or process water.

(7) (A) "Recreational use" means:

(i) Primary contact recreational use is use of a classified stream segment for recreation during the period from April 1 through October 31 of each year, provided such classified stream segment ~~(a)-by-law-or-written-permission-of-the-landowner-is-open-to-and-accessible-by-the-public-and-(b)~~ is capable of supporting the recreational activities of swimming, skin diving, ~~water-skiing~~ water skiing, wind surfing, boating or mussel harvesting where the body is intended to be immersed in surface

water to the extent that some inadvertent ingestion of water is probable.

(a) Primary contact recreational use-Class A: Use of a classified stream segment for recreation during the period from April 1 through October 31 of each year, and the classified stream segment is a designated public swimming area. Water quality criterion for bacterial indicator organisms applied to Class A waters shall be the geometric mean of at least five samples collected in separate 24-hour periods over a 30-day period and set at a minimum illness rate of eight per 1000 swimmers. The water quality criterion for primary contact recreation use-Class A waters during the period November 1 through March 31 of each year shall be equal to the criterion applied to secondary contact recreation use-Class A waters.

(b) Primary contact recreational use-Class B: Use of a classified stream segment for recreation, where moderate full body contact recreation is expected, during the period from April 1 through October 31 of each year, and the classified stream segment is by law or written permission of the landowner open to and accessible by the public. Water quality criterion for bacterial indicator organisms applied to Class B waters shall be the geometric mean of at least five samples collected in separate 24-hour periods over a 30-day period and set at a minimum illness rate of 10 per 1000 swimmers. The water quality criterion for primary contact recreation use-Class B waters during the period November 1 through March 31 of each year shall be equal to the criterion applied to secondary contact recreation use-Class A waters.

(c) Primary contact recreational use-Class C: Use of a classified stream segment for recreation, where full body contact recreation is infrequent during the period from April 1 through October 31 of each year, and is not open to and accessible by the public under Kansas law and is capable of supporting the recreational activities of swimming, skin diving, water-skiing, wind surfing, boating, mussel harvesting, wading or fishing. Water quality criterion for bacterial indicator organisms applied to Class C waters shall be the geometric mean of at least five

samples collected in separate 24-hour periods over a 30-day period and set at a minimum illness rate of 12 per 1000 swimmers. The water quality criterion for primary contact recreation use-Class C waters during the period November 1 through March 31 of each year shall be equal to the criterion applied to secondary contact recreation use-Class B waters.

(ii) Secondary contact recreational use:

~~(a) is use of a classified stream segment for recreation, provided such classified stream segment (1) by law or by written permission of the landowner is open to and accessible by the public and (2) is capable of supporting the recreational activities of wading or fishing where the body is not intended to be immersed and where ingestion of surface water is not probable or.~~

(a) Secondary contact recreational use-Class A: Use of a classified stream segment for recreation capable of supporting the recreational activities of wading or fishing and the classified stream segment is by law or written permission of the landowner open to and accessible by the public. Water quality criterion for bacterial indicator organisms applied to secondary contact recreational use-Class A waters shall be the geometric mean of at least five samples collected in separate 24-hour periods over a 30-day period and shall be nine times the criterion applied to primary contact recreational use-Class B waters.

(b) Secondary contact recreational use-Class B: Use of a classified stream segment for recreation capable of supporting the recreational activities of wading or fishing and the classified stream segment is not open to and accessible by the public under Kansas law. Water quality criterion for bacterial indicator organisms applied to secondary contact recreational use Class B waters shall be the geometric mean of at least five samples collected in separate 24-hour periods over a 30-day period and shall be nine times the criterion applied to primary contact recreational-Class C use waters.

~~(b) is use of a classified stream segment for recreation, provided such classified stream segment (1) is not open to and~~

~~accessible--by--the--public--under--Kansas--law--and--(2)--is--capable--of
supporting--the--recreational--activities--of--swimming,--skin--diving,
water--skiing,--wind--surfing,--boating,--mussel--harvesting,--wading--or
fishing.~~

(B) If opposite sides of a classified stream segment would have different designated recreational uses due to differences in public access, the designated use of the entire classified stream segment may be the higher attainable use, notwithstanding that such designation does not grant the public access to both sides of such segment.

(C) Recreational use designations shall not apply to stream segments where the natural, ephemeral, intermittent or low flow conditions or water levels prevent recreational activities.

(d) "Ephemeral stream" means streams that flow only in response to precipitation and whose channel is at all times above the water table.

(e) "Secretary" means the secretary of health and environment.

Sec. 2. K.S.A. 2002 Supp. 82a-2001 is hereby repealed."

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9 by striking all after "ACT"; by striking all of lines 10 and 11 and inserting "concerning classified stream segments; amending K.S.A. 2002 Supp. 82a-2001 and repealing the existing section."