

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE

The meeting was called to order by Chairperson Becky Hutchins at approximately 3:30 p.m. on February 11, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Candy Ruff- excused

Committee staff present:

Hank Avila, Legislative Research Department

Mary Torrence, Office of Revisor of Statutes

Lura Attig, Committee Secretary

Conferees appearing before the committee:

Representative Clay Aurand

Representative Sharon Schwartz

Chris Tymeson, Kansas Department of Wildlife and Parks

Dan Ward, Kansas Wildlife Federation

Others attending:

See Attached List.

**HB 2668-Special deer season in a county where 25% of traffic accidents are deer related.**

**Proponents:**

Representative Clay Aurand testified in favor of this bill, using a 1998 map and a 1990-2002 deer population chart (Attachment 1). More than 40-50 percent of traffic accidents in his district are deer related. There has been an effort to lower the deer population that has decreased the herds in the past few years. There remains a large deer population in his district. Adding an additional seven days to the current hunting season should decrease the deer population enough to lower the accident rate. Costs and human safety should override the need to maintain deer population.

Representative Sharon Schwartz proposed the need to control deer overpopulation in rural counties where 25 percent or more of the county's reported auto accidents are caused by deer (Attachment 2). In 2003, out of all the car accidents in Washington County, 45 percent were deer related. In addition, many accidents are not reported due to higher insurance premium concerns. Insurance industry figures were not available. Many deer are hit by truckers who do not stop to make reports. Residents are hesitant to make short trips, fearing an encounter with a deer.

**Questions for proponents:**

Representative Scoggins-Waite inquired regarding the percent of vehicle accidents, and the map, where did the figures come from? Representative Aurand replied they were furnished by The Kansas Department of Wildlife and Parks.

Representative Osborne- the map is from 1998, and according to the graph, we *are* getting the job done. We have had the extra season for the past three years and the graph shows the program is working. He thanked the Kansas Department of Wildlife and Parks for the work they have done in controlling deer population.

Other questions and comments from the committee were regarding deer herds being on the move due to expanding urban areas, relating details of deer related accidents occurring in the various districts, and how would the procedure to obtain a hunting license differ from the current procedure?

**Written testimony:**

## CONTINUATION SHEET

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE at 3:30 p.m. on February 11, 2004 in Room 241-N of the Capitol.

Chairperson Hutchins called the attention of the committee to written testimony submitted by the Washington County Commissioners (Attachment 3), and the Marshall County Commissioners (Attachment 4), submitted as proponents of the bill.

Chairperson Hutchins asked for further proponents. There were none.

### **Opponents:**

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, stated that this bill is unnecessary because deer population is on a slow downward trend, mainly due to the current program of deer management (Attachment 5). It takes several years to see the results of deer management. The Department (KDWP) already has regulatory authority to set special seasons and make adjustments to current seasons as necessary to meet the demands of society. It is important to maintain the age structure of the herd as well as the trophy potential to sustain the struggling rural economy relying on hunting as alternative income. Deer vehicle accidents decreased from more than 10,000 to 9,287 statewide in 2002. Currently, less than one half of rural counties has deer population large enough to support the hunting industry. Deer hunting brings \$51 million to this state annually (based on statistics from U.S. Fish and Wildlife Service).

Dan Ward, Executive Director, Kansas Wildlife Federation agrees that deer related accidents are a big problem (Attachment 6). The problem should be addressed by professionals, such as the biologists at the Kansas Department of Wildlife and Parks (KDWP). This bill works against decision-making around the issue by putting the counties in the position of telling the Kansas Department of Wildlife and Parks how to do its job. This could conceivably add 105 more supervisors to the Kansas Department of Wildlife and Parks chain of command. Kansas Wildlife Federation believes the best deer management is to stand back and allow KDWP to do its job.

Committee questions followed.

Lloyd Fox, Biologist, Big Game Program, Kansas Department of Wildlife and Parks answered questions from the committee. Hunters alone cannot be responsible for herd reduction, largely due to limited access to private land and the fact that deer are not always located on the particular land on which the hunter has a permit to hunt. A large percentage of hunters with permits do not bag one deer. This is due to that lack of land access. Traffic speed is another large problem contributing to the accidents. For several years the speed limits were 55 mph, when the speeds were increased in 1996 or 1997, deer accidents increased, further proving some accidents are speed related.

Chairman Hutchins asks for further opponents. There were none.

Chairman Hutchins closed the hearing.

Approval of the Feb. 4, 2004 minutes was postponed until the next meeting, Feb. 16, 2004.

Chairperson Hutchins adjourned the meeting at 5:00 p.m.

HOUSE COMMITTEE ON TOURISM AND PARKS

GUEST LIST

DATE: Feb. 11, 2004

NAME	REPRESENTING
Lloyd Fox	KS Dept Wildlife + Parks
Chris Tymeson	KDWP
<i>Sharon Schwartz Rep</i>	<i>106th District</i>
<i>Hanna Ward</i>	KFB
DAN WARD	KANSAS WILDLIFE FDN
Terry Bruce	Majority Leader's Office
Koumie Leffler	DOB

CLAY AURAND  
MAJORITY LEADER

## Testimony on House Bill 2668

Madam Chairperson, committee members. I want to address you regarding a bill that is near and dear to me. I, along with Representative Schwartz, introduced House Bill 2668 to deal with the large number of deer-related automobile accidents that occur in our districts.

I currently serve four counties in north-central Kansas. These counties are rural and have a serious deer problem. Counties in my area have had deer-related accident rates exceeding 50%.

As I'm sure you understand, this problem has cost the people of my district untold thousands of dollars in automobile damages and has threatened the lives of all passengers and drivers in such accidents. Due to this, my constituents have begun to change their behavior in order to protect themselves. Several people have expressed to me that they no longer attend school activities after dark for fear of hitting a deer on the way home.

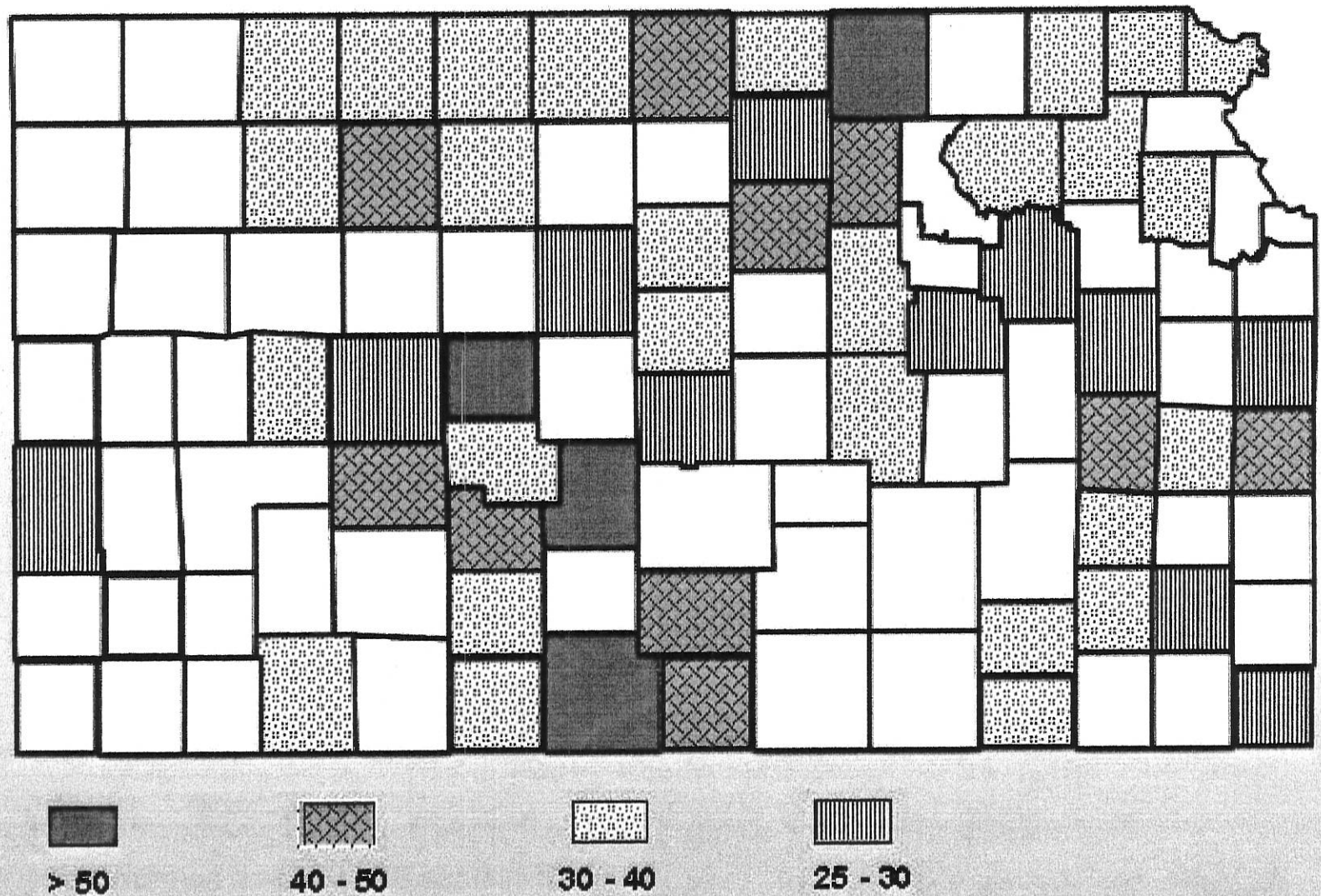
In order to deal with this threat, HB 2668 proposes to give county commissions the option of having the Secretary of Wildlife declare a hunting season on antlerless deer if 25% or more of that county's auto accidents are caused by deer. It also sends a message to the Secretary that these counties need help.

With that in mind, I understand some hunters have concerns about the legislation and I am aware KDWP has reservations as well. The most notable objection is that a new season would not help with the overpopulation problem. They believe that numerous deer are not accessible to regular hunters, because they are located on private property and access is restricted to hunters that are able to pay large fees to the land owners.

My response to this is that having a new season would not be in vain. Obviously, if deer that live on private property are the cause of the car accidents, they have to leave the protection of private land in order to cause the accidents on roadways, which makes them vulnerable to hunters. Basically, any reduction in the number of deer would help reduce the risk of accidents.

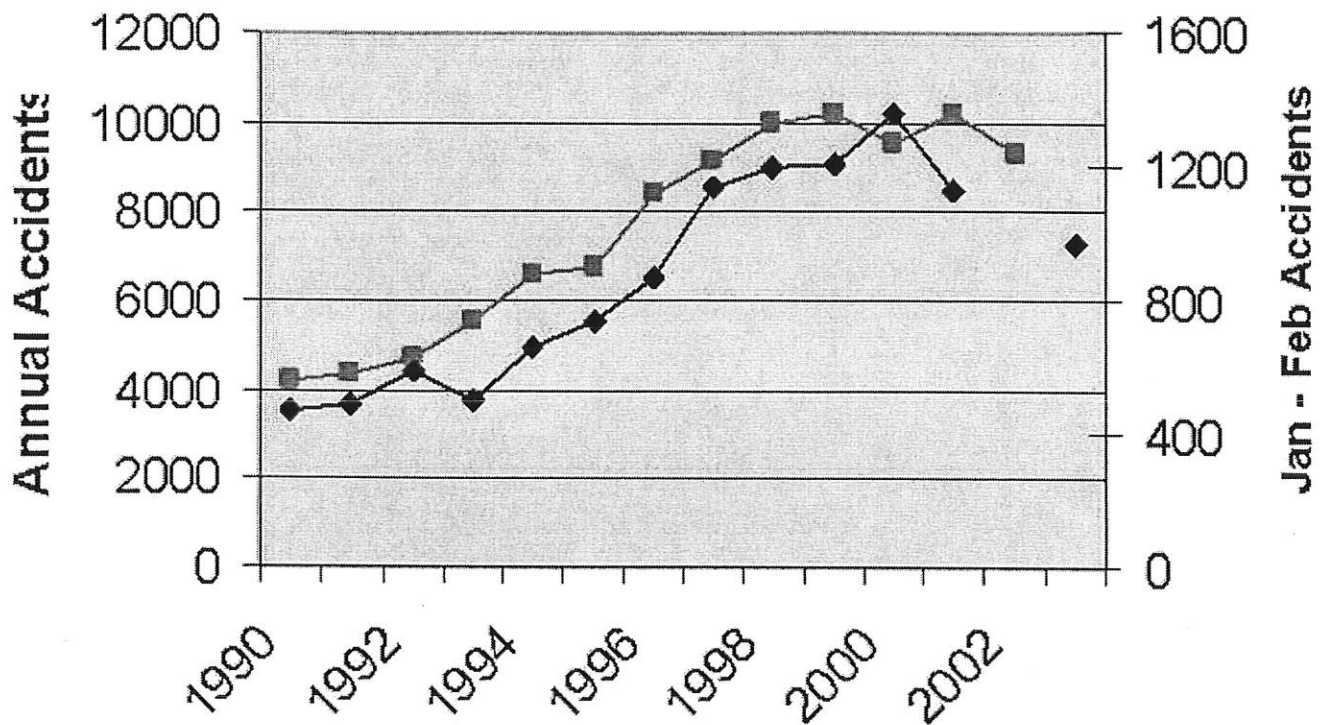
First and foremost, I feel this is an issue about safety. I would ask you to give our local officials the ability to respond to this dilemma and give the KDWP the tools to alleviate the problem that faces rural Kansas.

# Percent of vehicle accidents that involved collisions with deer in 1998.



# STWD

■ Annual    ◆ Jan - Feb



2-11-04

REP. SHARON SCHWARTZ

## Testimony Before the House Tourism and Parks Committee

Madam Chairperson, committee members. I want to thank you for allowing me the opportunity to voice my support for House Bill 2668.

I want to begin by stating that I support the testimony of Majority Leader Aurand and concur with his reasons why you should support this legislation. In addition, I want to also give you my perspective and inform you how this issue touches the people of the 106<sup>th</sup> District.

I have the pleasure of serving Washington and Marshall Counties, both of which are facing a serious problem with deer-related automobile accidents. In 2003, out of all the car accidents in Washington County, 45% of them were deer-related. To me, this figure is unacceptable.

Some may dismiss this number as perhaps a statistical anomaly or a one time occurrence in an isolated area. I assure you it is not. In fact, Marshall County is currently, and has been in the past, overburdened with a deer population that attributes to significant property damage and threatens the lives of my constituents.

In 2002, 245 automobile accidents occurred in Marshall County. Out of those, 123 (or 50.2%) were deer-related. Last year, Marshall County experienced 233 accidents. 102 of those (or 44%) were deer-related, and the remaining eight accidents were caused by other animals.

Like Majority Leader Aurand, I understand the Kansas Department of Wildlife and Parks (KDWP) resists this bill. They claim their conservation efforts allow them to estimate the populations of wildlife in a particular area and determine whether that area is over-populated. They claim my district is not threatened by over-population.

I do not agree with their estimates given the statistics I just gave you. I recognize the KDWP is responsible for conserving the entire state's wildlife, but they have a limited number of officers to perform this noble and daunting task. Obviously, these limited resources can effect the accuracy of estimating herd populations.

I do not wish to cast dispersions on the KDWP, but need I remind this committee that the KDWP has yet to confirm the existence of Mountain Lions in Kansas. This is despite the fact that all of our neighboring states have confirmed the existence of these animals which have a 100 mile territorial range, and despite the positive DNA testing of cougar droppings in Lawrence.

Again, this testimony is not intended to criticize the KDWP, it is intended to show that local officials are oftentimes in a better position to identify problems than are state agencies. This bill in fact will lend a helping hand to the KDWP's conservation efforts by allowing counties to alert the KDWP of problems within a particular area, and it also gives the KDWP the discretionary authority to combat this problem.

In closing, I want this committee to help my district. I ask you do so by supporting HB 2668.

House Committee on  
Tourism and Parks

Meeting Date 2-11-04  
Attachment 2

**WASHINGTON COUNTY  
COMMISSION**

**Alison Mueller, 1<sup>st</sup> District  
Marcia Funke, 2<sup>nd</sup> District  
Gene Helms, 3<sup>rd</sup> District**

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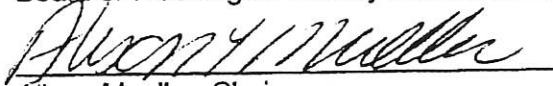
February 9, 2004

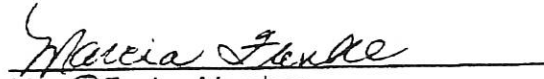
RE: House Bill 2266

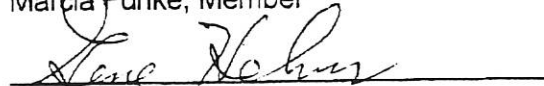
We wish to voice support for House Bill 2668, introduced by Representative Sharon Schwartz, allowing the Board of County Commissioners to establish an antlerless deer season in counties where the accident rate is 25% or more due to deer. We feel that this legislation would be beneficial to the residents of our counties to control the abundant deer population and markedly reduce accidents in Washington County.

Sincerely,

Board of Washington County Commissioners

  
Alison Mueller, Chairman

  
Marcia Funke, Member

  
Gene Helms, Member

House Committee on  
Tourism and Parks

Meeting Date 2-11-04

Attachment 3



Sharon Schwartz

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From: Marshall County Clerk [msctyck@kansas.net]  
Sent: Tuesday, February 10, 2004 8:19 AM  
To: porkchop@idir.net  
Subject: HB#2668

Sharon:

The Board of Marshall County Commissioners asked me to send an email on their behalf supporting HB # 2668. With the percentage of motor vehicle deer accidents making up between 40 and 50 percent of our reported vehicle accidents in Marshall County they feel that this bill could benefit not only the vehicle owners, but also the insurance companies. With the deer population as high as it is in our County and surrounding it has become a danger to the drivers and the farmers. Once again you have the full support of the Marshall County Commissioners on HB # 2668.

Sincerely,  
Sonya Stohs  
Marshall County Clerk and Election Official

245 auto accidents  
123 50.2% deer related

House Committee on  
Tourism and Parks

Meeting Date 2-11-04

Attachment 4

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2668 relating to Deer Management  
To  
House Committee on Tourism and Parks**

**By Christopher J. Tymeson  
Chief Legal Counsel  
Kansas Department of Wildlife and Parks**

**11 February 2004**

HB 2668 would require the Secretary to declare a season for the taking of deer in a county at the request of the county's commissioners if upon certification by the county sheriff that twenty-five percent of the accidents in a county are caused by or related to deer. The season so ordered must be at least seven days in length and not overlap any other season for taking deer. The bag limits set by the bill would be one antlerless deer per day and no deer permits or game tags would be required. The provisions of this bill would take effect July 1, 2004.

The Department opposes the passage of this bill. The North American Wildlife Management Model, which has been in place for over 100 years, relies on the expertise and management of wildlife by state wildlife biologists, managing wildlife in trust for the public. This bill effectively removes part of that wildlife management ability and goes against the very fabric of wildlife management. The Department already has regulatory authority to set special seasons and make adjustments to current seasons as necessary to meet the demands of society. Two such examples within just the last year include creating Deer Management Unit 19 and the special season in southeast Kansas in an effort to reduce deer numbers.

It is important to note that it takes several seasons of management to see the effects of the tools we implement today. In 1999 and 2000, the Legislature called upon the Department to reduce deer numbers statewide. The Department aggressively took on that task and we are now beginning to see the effect. Deer vehicle accidents went from over 10,000 to 9,287 statewide in 2002. This was done while maintaining the age structure of the herd as well as the trophy potential, both items necessary to sustain the struggling rural economy relying on hunting as alternative income.

Further, this bill is fraught with other problems. The enactment of this bill could decimate local populations and the age structure of deer given the right circumstances. The seasons for deer basically now run from September to January. This bill would require seasons outside of those already in place and the potential to take trophy bucks

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House Tourism & Parks Committee  
Meeting Date 2-11-04  
Attachment 5

while in their antlerless phase runs high. When comparing the statistics for deer vehicle accidents, approximately 50 counties could be affected, mostly in rural areas where hunters and landowners are vocal about the lack of deer compared to previous seasons.

In addition, statistical data shows that hunters are satisfied with harvesting one deer for personal use per year. This bill would not require the use of game tags or deer permits. If hunters take one deer during these special seasons prescribed by the bill, they would most likely not purchase deer permits or game tags to hunt during already established seasons. The fees from deer permits and game tags are fiscally necessary for the management and benefit of all wildlife in Kansas.

Another problem associated with the lack of tags and permits is effective law enforcement, vital to the preservation and regulated taking of game animals. There would be no way to confirm or deny the legal harvesting and transportation of deer, bypassing a system that has been in place for forty years in Kansas.

Any bill such as this one requires the partnership of all parties involved, including landowners. Leasing is an economic incentive to many landowners and in most cases, requires the protection of deer herds on their property. Landowners who have leased property will not want to reduce the economic viability of the leases, in direct contravention of this bill, thereby creating sanctuaries for deer. If hunters are not given access to these lands, the provisions contained this bill will fail miserably and only serve to place additional pressure on already accessible lands.

# KANSAS WILDLIFE FEDERATION



*The voice of outdoor Kansas*

## **Testimony Prepared for the House Tourism and Parks Committee In Opposition to HB 2668**

**February 11, 2004**

My name is Dan Ward, and I'm the Executive Director of the Kansas Wildlife Federation. KWF is a 53-year old organization dedicated to the wise use, conservation, appreciation, and the restoration of our state's wildlife and natural environment. We approach this mission primarily from the perspective of hunting and fishing, which are important traditions in Kansas. Over 500,000 hunters and anglers spend close to one billion dollars in the state each year.

I'm sure other speakers in opposition to this bill will touch on the flaws of this bill from a scientific standpoint. What I would like to bring to the table is the harm this bill does to the Kansas Department of Wildlife and Parks.

One of the principles of organizational success is to hire great people and then let them execute their jobs. While the Kansas Department of Wildlife and Parks has some great people on board, at this point in time, their biologists do not have the freedom to do the best job they can do.

Deer hunting has been saddled with numerous and conflicting initiatives that represent differing policy objectives. There have been actions that have been intended to help develop hunting as a private enterprise, to keep deer from damaging crops, to protect traffic safety, as well as to benefit the public with recreational opportunities. These objectives do not necessarily conflict, but when the results are mandated by law, instead of developed by professionals, then KDWP staff have no capacity to adapt to changing circumstances.

One concrete example of why management by mandate is ineffective can be found in the attachment to my testimony, a column by Michael Pearce, an outdoor writer from the Wichita Eagle. In summary, special season management has been tried before and has not worked, because of the lack of public access in the unit in question. It does no good to issue special seasons when hunters can't get at the herd in question.

Additionally, this bill works against good decision-making around the issue by putting the counties in the position of telling the KDWP how to do its job. This has the effect of

adding 105 more supervisors to the KDWP's chain of command. If there is a deer herd problem in the state, we need to fix this problem over the long term by using adaptive management, not try to find quick fixes that further muddle the issue and create conflicting instructions for wildlife staff. Historically, "quick fixes" are about as reliable as "get rich quick" schemes.

We believe the best thing that we in Topeka can do for deer management in the state is to take politics out of the issue, give clear instructions to the KDWP for our overall policy goals, and then stand back and let people execute their jobs. This will give the KDWP the ability to adapt to changing circumstances, and to come to you with ways you can help that are based on the daily encounters game wardens and biologists have with the on-the-ground reality.

I urge this committee to take action against this bill, to work with the KDWP to come up with crystal clear goals on the ideal deer management plan, and then let the dedicated employees do their jobs to the best of their ability.