

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE

The meeting was called to order by Chairperson Becky Hutchins at 3:30 p.m. on March 17, 2004 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Legislative Research Department  
Mary Torrence, Office of Revisor of Statutes  
Lura Attig, Committee Secretary

Conferees appearing before the committee:

Chris Tymeson, Kansas Wildlife and Parks  
Mike Beam, Kansas Livestock Association

Others attending:

See Attached List.

Hearing on **SB 364** - Issuance of commissioner permits to be awarded certain organizations; providing for reissuance of permits to certain military personnel; wild turkey not big game.

**Proponents:**

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, spoke as a proponent of **SB 364**. This bill would allow deployed military personnel to reclaim their limited draw permit when returning from duty. It would also remove wild turkeys from big game status (Attachment 1).

Committee questions followed.

Chairperson Hutchins asked Mr. Tymeson what is the effect of removing wild turkeys as big game and he replied that it is a regulatory change to place turkeys into their own class, thus avoiding the confusion caused by having them in the big game class.

Mike Beam, Senior Vice President, Kansas Livestock Association, spoke as a proponent suggesting an amendment to **SB 364** which included implementing a pilot program not to exceed five project locations for the landowner deer management program (Attachment 2).

Committee questions followed.

Chairperson Hutchins asked Mr. Tymeson if KDWP had reviewed the proposed amendment and he said it is the exact language the Department had submitted to the Revisor's office.

Rep. Osborne asked Mike beam what is the intent of the amendment and he said to give KDWP the authority to conduct a pilot program to manage deer herds.

Rep. Merrick asked what are we trying to determine with this pilot project? Mr. Beam replied to approximate the herd size to allow landowners to have a feel of how many hunters they can allow and how many permits will be needed. The concept is that if you have fee hunting on your farm or ranch you are at the mercy of the permit system draw.

Rep. Ruff asked would the amendment compromise the Department's current deer management plan and Chris Tymeson said the Department does not believe it would.

Rep. Merrick said his concern is that there are too many proposals and all parties should come up with one comprehensive plan to eliminate confusion and to facilitate passage of the bill. Chris Tymeson replied that deer management in Kansas is a complicated process.

Chairperson Hutchins asked Mr. Beam if this proposal is currently included in a Senate bill and if so, is

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the Senate having a hearing? Mr. Beam said yes.

**Opponents:** None

**Written:**

Proponents, if not amended:

Larry Konrade, Tamarack Outfitters, Ashland, KS ([Attachment 3](#))

Kent Jarnagin, Cimarron River Guided Hunts, Protection, KS ([Attachment 4](#))

Greg Hill, Caldwell, KS ([Attachment 5](#))

Roger Giles, Giles Ranch, Clark County, KS ([Attachment 6](#))

Chairperson Hutchins closed the hearing on **SB 364**.

**Hearing on 334 - limiting liability of persons involved in agritourism**

Rep. Schwab moved that we pass SB 334 favorable for passage, seconded by Rep. Novascone.

Rep. Hayzlett made a substitute motion to amend the bill, seconded by Rep. Novascone. Adds technical changes, the word "wanton," and registration by agritourism operators with the Department of Commerce. Commerce would promote operators and activities, etc.

Rep. O'Malley asked staff, regarding "wanton," please define and staff replied, wanton means reckless. Rep. O'Malley then asked, is this an additional term? Derenda Mitchell, Attorney, Kansas Livestock Association, said it is the KLA's understanding that the Governor had requested the term "wanton."

Rep. Flaharty said the words are different but the meaning is basically the same.

Rep. Long, asked if an agritourism operator doesn't register with the Department of Commerce are they still protected under the bill and staff replied, yes they are protected.

Rep. O'Malley asked if the Governor has accepted this amendment? Matt Jordan, Department of Commerce replied that the Governor has reviewed and liked the amendment, but would like even additional amendments.

Rep. Schwab asked Mr. Jordan if the Governor would veto the bill if we don't amend? Mr. Jordan said the Governor would need to see the completed bill before making a decision.

Rep. Merrick, last year's agritourism bill was vetoed, and it is now very late in the session. Why the try to make all these changes now instead of earlier? Mr. Jordan replied that he couldn't answer for the Governor.

Rep. Beggs asked Mr. Jordan if he was going to furnish the changes the Governor had suggested. Mr. Jordan said that he could.

Rep. O'Malley asked how much will the tax credit cost Kansans? Staff had no answer. Rep. O'Malley also had concerns about the Tourism Committee handing out tax credits.

Rep. Flaharty replied to Rep. O'Malley regarding tax credits. It would not be from current tax income but future income that would come in from new agritourism business and there is a sunset on the tax credit.

A vote was taken on the motion to adopt Rep. Hayzlett's balloon, the motion carried.

Rep. Thull moved to amend SB 334 and Rep. Flaharty seconded. This bill provides immunity to the agritourism operator for the dangers that are inherent because of livestock but not for acts beyond the dangers of livestock.

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Rep Schwab thinks the bill has been diluted enough.

Rep. Flaharty said since we have no immunity on the books currently for the agritourism business. This will encourage new agritourism business and make it easier to get insurance.

**Rep. Novascone made a substitute motion to pass SB 334 as amended, favorably, seconded by Rep. Schwab. Motion passed.**

Announcements by Chairperson Hutchins: We will be working **SB 364** on Monday, the 22<sup>nd</sup>.

Adjourned at 4:20 p.m.

HOUSE COMMITTEE ON TOURISM AND PARKS

GUEST LIST

DATE: March 17, 2004

NAME	REPRESENTING
SHAWN W. HARDING	KANSAS BOWHUNTER ASSOC
Nimberly Smith	citizen
Elizabeth Smith	citizen
Randy Smith	Kansas Bowhunter Assoc
Stephen W. Candell	Ks. Ins. Dept.
Dick Cook	KS Ins. Dept.
Dick Carter	Travel Industry Assoc of KS
Chris Tymon	KDWP
Mike Hayden	KDWP
LeAnn Schmitt	KDWP
Mike Beam	KS LUSTK. ASSN.
Todd Lewis	Citizen
Steve Swatter	KFB
Lloyd Fox	KDWP
Kennie Leffler	Budget
Alisa Vinzant	KS Dept. of Commerce
Mary White	KTLA
Deonda Mitchell	KLA

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 364 Relating to Wildlife Permits  
To  
House Committee on Tourism and Parks**

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

**March 17, 2004**

Senate Bill 364, as amended, would allow for the re-issuance of limited draw big game permits to military personnel forced to forfeit permits in time of armed conflict or war and remove wild turkeys from the big game designation. The provisions related to wild turkeys would not take effect until January 1, 2005 and the other provisions would become effective upon publication in the Kansas Register.

The first portion of the amended bill recognizes military personnel serving in Kansas and the sacrifices those persons make in protecting our great nation. Kansas has a unique system of over the counter big game permits as well as limited draw big game permits. Those limited draw big game permits are highly desirable and sometimes attained only after many unsuccessful attempts in the system. Under current law, military personnel deployed on short notice would have to forfeit their limited draw permit, which they may have waited years to get. In a small token of appreciation for their service, the department seeks retroactive authorization to re-issue to successful applicants those limited draw permits the military personnel were forced to forego.

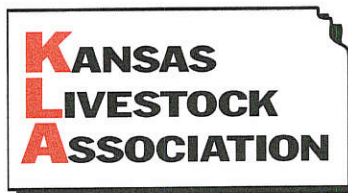
The second major portion of the amended bill would remove wild turkeys from big game status. Wild turkeys have been classified as big game since the beginning of their recovery in Kansas. That system, while it has worked well, has some faults. It creates confusion amongst constituents in regard to regulations. The department is proposing to remove wild turkeys from the big game designation and create new regulations solely pertaining to wild turkeys.

Office of the Secretary

1020 S Kansas Ave., Ste. 200, Topeka, KS 66612-1327

Phone 785-296-2281 Fax 785-296-6953 [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us)

House Tourism & Parks Committee  
Meeting Date 3-17-04  
Attachment 1



*Since 1894*

## TESTIMONY

To: House Tourism and Parks Committee  
Representative Becky Hutchins, Chairperson

From: Mike Beam, Sr. Vice President

Date: March 17, 2004

Subject: **Senate Bill No. 364** - (Proposed amendment for pilot "landowner-deer-management program" projects.)

Mr. Chairman and committee members, I am Mike Beam and I work for the Kansas Livestock Association. We have no specific comments relating to SB 364, but I'd like this committee to consider an amendment regarding the Kansas Department of Wildlife and Parks (KDWP) authority to conduct five pilot "landowner-deer-management" projects in 2005.

Last session, you approved a provision in HB 2087 that directed KDWP to develop a report containing recommendations for the establishment of a program that could provide transferable deer hunting permits to eligible landowners who implement a deer management program on their property. As the agency studied this issue, they determined it would be best to move forward with a limited number of pilot projects. Furthermore, it is the agency's opinion specific legislative authorization is needed to implement a pilot program.

Attached is a draft amendment granting KDWP this authority. This language was prepared by the department and will be available in a recently introduced Senate bill. We'd like this committee, however, to consider adopting this provision because of the limited days left in the 2004 session.

Deer management has always been a natural resource and environmental issue. In recent years, however, it has become an economic opportunity for farmers and ranchers as well as a rural tourism and economic development activity for rural communities.

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Attachment 2

Several of our members are attempting to supplement their agricultural income by guiding deer hunts or leasing trespassing rights on their farm and ranch land. This income opportunity can provide a second income that may allow a family member to work on the ranch in lieu of seeking employment away from home. It is almost impossible, however, to market this service because there is no certainty a potential client can draw a hunting permit.

The concept of the landowner-deer-management program is to allow a landowner/rancher to work with KDWP biologists in determining a plan for sustaining a quality deer herd on their property in exchange for receiving an appropriate number of transferable permits. Many details need to be considered, which is why we hope the 2004 Legislature will adopt this amendment and get started with the pilot projects in 2005.

Thanks for considering our suggestion. I'd be willing to respond to any questions or comments.

**Proposed amendment to KSA 32-968, regarding KDWP authorization for “landowner-deer-management” pilot projects.**

**32-968. Landowner deer management program; report.** (a) 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 tourism and parks committee on or before January 15, 2004.

*(b) The department is hereby authorized to implement a pilot program not to exceed five project locations for the landowner deer management program. Landowners who participate in the landowner deer management program shall not be eligible to apply for and receive nonresident deer permits pursuant to K.S.A. 2003 Supp. 32-937 (o), and amendments thereto. Deer permits authorized for the program shall be restricted to the property described in the individual plan and the number of permits shall be established in an agreement with the landowner and the Department using criteria developed by the Department. Permits issued through the landowner deer management program shall not be part of the nonresident deer permit allocation allowed under K.S.A. 2003 Supp. 32-937 (m). The secretary shall adopt, in accordance with 32-805, and amendments thereto, rules and regulations providing for the implementation and evaluation of the pilot program and issuance of permits within the landowner deer management program. The provisions of this subsection shall expire January 1, 2008.*

3/17/04

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Meeting Date 3-17-04  
Attachment 2-3



The Honorable Representative Becky Hutchins and House Tourism Committee Members:

This letter is to give my support to Senate Bill 364. However, it has been brought to my attention that an amendment to this bill may be submitted at the House Tourism Hearing that would cause archery permits, both nonresident and resident, to be distributed on a unit basis, similar to firearms permits. This change would make it very difficult for landowners and outfitters in western Kansas to obtain archery tags because we have very few firearms tags available.

This letter is also to convey my opposition to any such amendment that would further restrict the number of non-resident deer permits in western Kansas. If this proposed amendment would pass, it will put many landowners and outfitters in western Kansas out of business. These are the same outfitters and landowners who have structured their non-resident hunting towards archery hunting because of the lack of firearms tags. Under the proposed amendment, around 8% of all non-resident archery tags would go to western Kansas management Units 1,2,3,4,5,16,17, and 18, leaving the remaining 92% to be allocated to the eastern Kansas management Units.

The supporters of this proposed amendment are fearful that under current law, a big majority of landowners in the western part of Kansas, who have preference points, will use those preference points and draw the majority of the non-resident landowner archery permits. Although I can't argue with the fact that many western Kansas landowners do have preference points, I can argue that under the current law, I do not believe that they will all be applying for archery tags. My theory is based on the fact that under current law, the landowner tags applied for and drawn by landowners, can only be used in the county the landowner either owns or leases land, with the addition of one other county. With this in mind, why would any landowner, or outfitter soliciting landowners to apply, apply for more archery tags than they need since they are basically restricted to county use? In addition, most western Kansas landowners who have preference points built up, are interested only in the over priced western Kansas firearms tags and wouldn't waist their preference points on an archery tag that may be worthless.

In conclusion, I would like to thank you for your time and consideration to this matter. In my opinion I think we need to leave the archery tags alone and either let the preference point system take care of itself, or better yet, go back to the state-wide archery permit system so ALL Kansas Landowners and Kansas Outfitters have the same chance to take advantage of a resource that generates out-of-state revenues that are very badly needed in our rural Kansas communities.

Sincerely,

Larry Konrade  
Tamarack Outfitters  
Po Box 192  
Ashland, KS 67831  
(620)635-2299 day  
(620)635-2360 night

March 16, 2004

Dear Chairperson Hutchins,

This letter comes in support of Senate Bill Number 364. I would like my letter to be presented as written testimony when your House Tourism and Parks Committee hears Senate Bill # 364.

It has been brought to my attention that there could be an amendment offered to this bill, which has absolutely nothing to do with the topic addressed in the pending legislation. It is my understanding, this bill will be amended to include wording to try and tie transferable non-resident archery permits to the number of firearms tags issued in each management unit.

I am a landowner and rancher in Comanche County, Kansas. In the last several years, I've changed my operation to include a guiding and outfitting business. It has been difficult, and sometimes frustrating, to run such a business with the constantly changing legislation on deer hunting. We have booked our hunts for the upcoming fall on the understanding of current law, passed last session. The deer license application period begins on May 1, which is not far away. This makes running any kind of business very difficult at best, with the laws and rules changing constantly and without notice, and at a whim. It is sad to think the management of our wildlife can be manipulated in such a way as to amend a bill, in this manner.

My small business generates in excess of \$100,000.00 of gross income, per year. I am aware of other related businesses in this area, which do the same. With the economic problems in rural communities this is becoming very important to our local economies. If Senate Bill 364 is amended in such a way as to tie transferable archery deer tag numbers to firearms tags it will literally put my small business, OUT OF BUSINESS. I urge the committee to make an amendment such as this; stand on its own, so proper process can take place.

Thank You,  
Sincerely,  
Kent Jarnagin  
Rural Route 1, Box 99  
Protection, KS 67127  
620/622-4667

**Date:** 3/16/04 10:55PM  
**Subject:** senate bill 364

To Becky Huchins. My name is Greg Hill of Caldwell, Ks. I am sending this to you in regards to Senate Bill 364. I am in support of this bill as written but I understand that an ammendment sponsered by the Kansas Outfitters Association will be added to it. This ammendment has nothing at all to do with the bill as written and I oppose it emphatically. This ammendment is intended to restrict the availability of Transferable Landowner Archery Tags. As it is written, the ammendment would tie the number of archery tags available to the number of rifle tags for any given management unit. I have an outfitting business that I started 6 yrs. ago to help suppliment my farming job. As you well know the farm and ranch economy has seen better days and we are looking to help our situation through guiding hunters. Not only do we help our situation but the money our hunters spend while here helps to benifit the local economy as well. I have several thousand dollars invested in leased land, equipment, lodging, vehicles, etc. If this bill passes with this ammendment it will put myself and many others out of business. I have many hunters who have booked for next year and if we are unable to get the tags for them we will be in big trouble. Every year we have to wait till the last minute to see what regulations you legislators are changing. When this happens every year it makes it very difficult to plan for the next season. Some where this all has to stop, there has to be some consistancy to the rules and regulations. I know you would have a hard time running your business if you had your rules changed ever year as we have. Please take a long hard look at this ammendment before you vote. Remember, this ammendment is to benifit the few who support it, it will not benifit the state as a whole or the people who are trying to make a difference in there small communities. Please vote NO to this ammendment. PS. Please make copies for all committee members and present this as a WRITTEN TESTIMONY to your hearing. Thank you very much for your time in regards to this matter. Sincerely, Greg Hill

House Tourism & Parks Committee  
Meeting Date 3-17-04  
Attachment 5

March 16, 2004

To: House Parks & Tourism Committee:  
From: Roger Giles, Giles Ranch  
Re: Senate Bill 364

I operate a cattle ranch in Clark County, Kansas and in recent years we have added recreational hunting as another source of revenue. With the suffering rural economy and multi year drought, fee hunting has brought economic growth when badly needed. It has not only helped farmers and ranchers but local business as well.

I am in favor of Senate Bill 364 with out amendments. It has been brought to my attention there will be an amendment proposed to limit archery permits to a county by county basis. I am opposed to this. Further limiting already hard to obtain permits would be detrimental to my lease hunting program, as well as those of my neighbors. Limiting permits to a county basis reduces my ability to procure the number of permits needed to make hunting on my ranch feasible to an out of state hunter. Anything that reduces my ability to procure tags reduces the value of my hunting lease. This has already been done with the rifle permits.

I would be glad to further discuss this topic at your convenience. I can be reached at 620-826-3683 or [gilesranch@swko.net](mailto:gilesranch@swko.net).