

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Robert Tyson at 8:37 a.m. on January 29, 2004 in Room 423-S of the Capitol.

Members present:

Senator Christine Downey
Senator David Corbin
Senator Dwayne Umbarger
Senator Janis Lee
Senator Mark Taddiken
Senator Phil Journey
Senator Robert Tyson
Senator Tim Huelskamp

Committee staff present:

Raney Gilliland, Legislative Research Department
Lisa Montgomery, Office of Revisor of Statutes
Linda Bradley, Committee Secretary

Conferees appearing before the committee:

Chris Tymeson, Legal Counsel, Kansas Department of Wildlife and Parks
Spencer Tomb, Past President of the Kansas Wildlife Federation

Others attending:

See Attached List.

The meeting was called to order by Chairman Robert Tyson.

Review of Minutes

Chairman Tyson asked for the minutes of January 22 and January 24 be approved.

Senator Corbin made a motion to approved the minutes and Senator Downey seconded the motion. The motioned carried.

Minutes from January 22 and 24 were reviewed and approved.

Hearing on Senate Bill 363
SB 363 is concerning hunting.

The first proponent to appear before the Committee was Christopher J. Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, who stated **SB 363** would authorize the Department to conduct shortened education courses for nonresidents that would only be valid through January 31 of the calendar year following the taking of the course and in addition, removes restrictions on youths pertaining to hunter education requirements. (Attachment 1)

Chairman Tyson asked if there were any questions. Senators Huelskamp, Tyson, Lee and Taddiken asked various questions regarding hunting cards, being over the age of 18 to be responsible hunting and adults being with youths when hunting and courses on-line to test on control shooting areas.

The second proponent, Whitney Damron, Kansas Sport Hunting Association presented written testimony. (Attachment 2)

Hearing on Senate Bill 364
SB 364 is concerning wildlife; authorizing issuance of certain permits; providing for reassurance of certain permits to certain military personnel; relating to wild turkeys.

The first proponent to appear before the Committee was Christopher J. Tymeson, Chief Legal Counsel,

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:30 a.m. on January 29, 2004 in Room 423-S of the Capitol.

Kansas Department of Wildlife and Parks, who stated **SB 364** would authorize the issuance of Wildlife and Parks Commissioner permits, 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 all other provisions would become effective upon publication in the Kansas Register. (Attachment 3)

Chairman Tyson asked if there were any questions. Senators Lee, Huelskamp, Taddiken and Downey ask questions concerning turkeys being regulated the same as pheasants, transferrable permits and the season of the year to hunt turkeys.

The second proponent, Whitney Damron, Kansas Sport Hunting Association presented written testimony. (See Attachment 2, Page 2) of his testimony presented above at **SB 363**.

The third proponent, Tony DeRossett, Kansas State Director for Farmers and Hunters Feeding the Hungry presented written testimony. (Attachment 4)

The first neutral conferee to appear before the Committee was Spencer Tomb, Past President of the Kansas Wildlife Federation, who stated we support the concept of this bill and hope that it can be modified and passed. The bill creates a "Commissioner's Permit that can be used for fund raising by the conservation organizations that are of a like mind with the Kansas Department of Wildlife and Parks. It also removes the wild turkey from the list of big game species. (Attachment 5)

The Chairman thanked the conferees for their presentations.

Adjournment

The meeting adjourned at 9:28 a.m.

The next scheduled meeting will be Friday, January 30, 2004.

SENATE NATURAL RESOURCES COMMITTEE

GUEST LIST

DATE: 1-29-04

NAME	REPRESENTING
Chris Tymeson	KDWP
LeAnn Schmitt	KDWP
Spencer <u>Toub</u>	Kansas Wildlife Federation
Eun <u>Lard</u>	Sen Adkins
Dale <u>Lambley</u>	KDA
Steve <u>Swaffar</u>	KFB
Kennie <u>Loffler</u>	DOB
Whitney <u>Damron</u>	KS Sport Hunting Assn.
Robin <u>Jennison</u>	KS Sport Hunting Assn
Vanessa <u>Meyer</u>	Sierra Club

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 363 Relating to Hunter Education
To
The Senate Committee on Natural Resources**

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

January 29, 2004

Senate Bill 363 would authorize the Department to conduct shortened hunter education courses for nonresidents that would only be valid through January 31 of the calendar year following the taking of the course and in addition, removes restrictions on youths pertaining to hunter education requirements.

Nearly all states have mandatory hunter education requirements in place to hunt in their respective states. However, at times this poses a problem with nonresident hunters entering Kansas to hunt due to different statutory implementation dates for mandatory hunter education in the other states. The Department is seeking to lessen the burden of hunter education requirements for those nonresidents while at the same time, maintaining the integrity of the program in Kansas. Kansas, as is the trend in all other states, is experiencing fewer and fewer accidents when compared to times before the hunter education program began.

Conceptually, these shortened nonresident courses would involve an Internet based segment as well as a hands-on portion conducted here in Kansas. The courses would be strategically located around the state and timed to coincide with the opening of major seasons such as pheasant and deer. Attendees to the courses would pay a fee for the privilege of the special courses to offset costs and the certificate of completion would only be valid through January 31 of the calendar year following issuance. The shortened courses would thereby allow nonresidents who are hunting in Kansas to hunt the current season and make provisions to take a hunter education course in their home state prior to returning to Kansas in subsequent years.

In addition, the Department is seeking to remove minimum age restrictions on hunting in Kansas as well as increase participation and recruitment of youths into hunting. The bill would not require youths under the age of 12 to have completed hunter education, but would require them to hunt with a licensed adult over the age of 18. In addition, the bill would set a minimum age for attending a hunter education class at 11, a

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Attachment 1

time when many feel youths are both physiologically and psychologically ready to handle hunter education on their own.

Today's society is filled with many competing interests, among those football, soccer, volleyball, video games and the list goes on. It is felt that by allowing youths to participate prior to having to make a decision to invest 14-16 hours in a hunter education course, more youths will be introduced to hunting and become lifelong enthusiasts. And as a side note, by requiring youths under 12 to hunt with a licensed adult, it is hoped that more adult sometime hunters would be encouraged to return to the lifelong pursuit of wild game and time afield with those youths interested in learning.

WHITNEY B. DAMRON, P.A.
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TESTIMONY

TO: The Honorable Robert Tyson, Chairman
And Members Of The
Senate Committee On Natural Resources

FROM: Whitney Damron
Robin Jennison

On Behalf Of The
Kansas Sport Hunting Association

RE: SB 363 - Hunter Safety Requirements for Nonresidents;
Hunting by Persons Under 12 Years of Age

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.

DATE: January 29, 2004

Chairman Tyson and Members of the Senate Committee on Natural Resources:

On behalf of the Kansas Sport Hunting Association, comprised of over 230 controlled shooting area owners (C.S.A.'s), game bird breeders, hunting guides and other individuals involved in the sport hunting industry in Kansas, we would like to offer our support to both SB 363 and SB 364.

SB 363 would provide for a reasonable minimum age standard for taking a hunter education course in Kansas (12 years), but at the same time protect the current ability of those less than 12 years of age to hunt with an adult (18 years or older).

In addition, the bill allows the Secretary of Wildlife & Parks to prescribe an alternative course of instruction for hunter safety for those who come to Kansas from other jurisdictions. The Kansas Sport Hunting Association has long supported responsible legislation that would foster hunting opportunities in our state, including modified hunter safety programs that insure public safety, but at the same time reflect that those who travel to our state generally are unable to complete a qualified hunter safety course and experience hunting during the same time period.

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SB 363 & SB 364
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SB 364 would create a process for allowing the KDW&P Commission to issue certain permits to organizations that promote wildlife conservation and hunting and fishing heritage.

The bill would also allow for special considerations by KDW&P to military personnel in instances where their service to our country conflicts with their ability to utilize a special hunting permit.

Finally, the bill reclassifies "wild turkeys" as non-big game. We believe this is an appropriate change in current law.

On behalf of the Kansas Sport Hunting Association, we wish to express our appreciation to the Kansas Department of Wildlife and Parks for proposing this legislation and ask for your favorable consideration.

Either Robin Jennison or I would be pleased to respond to your questions either in Committee or outside the Committee deliberations.

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 364 Relating to Wildlife Permits
To
The Senate Committee on Natural Resources**

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

January 29, 2004

Senate Bill 364 would authorize the issuance of Wildlife and Parks Commissioner permits, 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 all other provisions would become effective upon publication in the Kansas Register.

Wildlife management has many partners whose mission is to support the various wildlife management agencies around the United States. As such, many states, primarily in the west, have attempted to assist these organizations by authorizing commissioner's permits to partially fund these partners. SB 364 would authorize such a permit system in Kansas for nonprofit conservation organizations that promote hunting and fishing. The system is designed for 7 permits annually to be awarded with a maximum of 1 antelope, 1 elk, and the balance or, in the alternative, the entire quota for deer.

The second portion of the 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.

Finally, the third major portion of the 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.

*Senate Natural Resources Committee
Date: 1-29-04*

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Attachment 3

To whom it may concern,

My name is Tony DeRossett. I am the State Director for Kansas Farmers and Hunters Feeding the Hungry (KSFHFH). Our program is quite simple. We use hunter-harvested venison to supply critical meat to food pantries and food kitchen across Kansas. We are a young program having begun in the summer of 2001. Yet, in that short time we have fed over 165,000 hungry Kansas'. In 2001 we fed 36,000. In 2002 that number jumped to 85,000. Then in 2003 we were forced to restrict the deer donated to us because of funding shortages and fed only 45,000. KSFHFH pays for the processing of the donated deer through monetary donations and fund raising events. If a member of the commission is allowed to donate a special hunt permit for one of these events, I am told that it could raise thousands of dollars to help feed hungry Kansas'. That is why I am in Support of Senate Bill 364; potentially it could be a HUGE tool to help raise funds for programs like ours.

Sincerely,
Tony DeRossett
State Director KSFHFH
(913) 485-9622
tonyderossett@comcast.net

Senate Natural Resources Committee
Date: 1-29-04

Attachment 4

January 29, 2004

Testimony in Support of Senate Bill 364

By

Spencer Tomb

Past President and Current Member of the
KWF Issues and Actions Committee

The Kansas Wildlife Federation is a broad based conservation education organization dedicated to the sustainable use and conservation of natural resources. We consist of 11 affiliate clubs and individual members with a total membership of about 2,600. We are the Kansas affiliate of the National Wildlife Federation which has 8,000 members in Kansas.

We appreciate the opportunity to comment on this bill. We support the concept of this bill and hope that it can be modified and passed. The bill creates a "Commissioner's Permit that can be used for fund raising by the conservation organizations that are of a like mind with the Kansas Department of Wildlife and Parks. It also removes the wild turkey from the list of big game species.

Our principal concern about the bill is that the most desirable permits could go to the same organization year after year or even go to an organization that is a local entity with little impact or activity in resource conservation or protecting the hunting heritage in Kansas. We think that the two most desirable permits (Elk and Pronghorn Antelope) should be available only one time in four or five years to an organization or one of its chapters. There is a need to put language into the bill that will assure that these permits are spread broadly and only go to groups that are actively partnering with the Department. These permits should go only to groups that have been active for a minimum of five years.

The wild turkey has spread across Kansas and increased its population to numbers that are beyond the dreams of the agency biologists. The wild turkey was considered a big game animal in order to limit the taking of turkeys when there were few turkeys and a limited number of permits. For many Kansans, the wild turkey is the ultimate game bird and it is hunted like it is a big game animal. There is serious concern that this removal of the turkey from the list of big game species is a prelude to reductions of protection and management of the species. The ramifications of this change should be discussed openly and actively with wild turkey hunters and conservation groups before the change is made in the Kansas Legislature. We ask that the portions of the bill removing the wild turkey from the big game species be struck from SB 364 until the Department has discussed this change and the needs for it.

The Kansas Wildlife Federation thanks you for giving us the chance to share our views.

N.B. The Kansas Wildlife Federation has reopened an office in Topeka and hired Dan Ward as its Executive Director. This testimony should have been on our new stationery, but it was not yet available. The contact information for KWF and Mr. Ward is given below.

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Attachment 5