

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Robert Tyson at 8:07 a.m. on March 19, 2004 in Room 423-S of the Capitol.

Members present:

Senator Christine Downey- excused  
Senator Derek Schmidt- excused  
Senator Dwayne Umbarger- excused  
Senator Janis Lee- excused  
Senator Mark Taddiken- excused  
Senator Phil Journey- excused  
Senator Robert Tyson- excused  
Senator Tim Huelskamp- excused

Committee staff present:

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

Conferees appearing before the committee:

Others attending:

See Attached List.  
Christopher J. Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks  
Steve Swaffar, Director of Natural Resources, Kansas Farm Bureau

Chairman Tyson called the meeting to order.

**Hearing on House Bill 2653**

**HB 2653 is concerning wildlife and parks; relating to commercialization of wildlife.**

Christopher J. Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, a proponent, stated **HB 2653** as amended would update the fish and mussel valuation process for illegally commercialized wildlife. The provisions for this bill would take effect July 1, 2004. (Attachment 1)

Chairman Tyson asked if the Committee had any questions. Senator Lee asked who's amendment was this, who's buffalo herd and how old are the buffalo?

Senator Downey made a motion to amend and remove new Section 2 from the bill and Senator Taddiken seconded the motion.

Chairman Tyson asked if there were any discussion and there was none. Chairman Tyson asked for a voice vote, all Senators voted yes, but Senator Lee voted no, and wanted it so recorded.

Back on the bill and Chairman Tyson discussed the developer's partnership with local entity and supplying buffalo to local entity. Land managers take care of the buffalo herd. Senator Umbarger stated a buffalo herd was for the public to see and enjoy and to accommodate Representative Grant and Senator Barone.

Senator Umbarger made a motion to pass **HB 2653** as amended and Senator Downey seconded the motion and the bill past favorably out of Committee.

**Hearing on Senate Bill 561**

**SB 561 is concerning deer; relating to a landowner deer management program.**

Christopher J. Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, a proponent, stated **SB 561** would allow the Department to conduct beginning in 2005 a pilot landowner deer

## CONTINUATION SHEET

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management program. Earlier this session, the Department provided this Committee with a report regarding such a program and as a result is seeking legislation to conduct a pilot program to determine its feasibility in Kansas. The provisions of this bill would be effective on July 1, 2004. (Attachment 2)

The Chairman asked the Committee if there were questions. Senators Lee and Huelskamp asked a range of questions such as amount of acreage we're looking at and has it been discussed with landowners regarding property?

Steve M. Swaffar, Director Natural Resources, Kansas Farm Bureau, a proponent, stated deer management, deer hunting and the economic benefits derived from the industry have been an often-debated topic in this committee and the full legislature. Clearly the Kansas deer hunting industry has matured as an economic opportunity for landowners and a trophy opportunity for hunters. **SB 561** gives this committee the chance to improve the economics for landowners and the chance for hunters to harvest trophy deer in Kansas. (Attachment 3)

Senator Huelskamp made the motion to pass the bill out favorably. Senator Umbarger seconded the motion and the motion passed.

Chairman Tyson asked for a short discussion regarding Bow Hunting. Secretary Hayden stated an interim committee was to vent the pros and cons and then go with a policy. The Secretary stated the Kansas Bow Association is organized very well and there are no bow hunters on the Commission. Those serving on the Commission are Doug Sebelius of Atchison, Sherry Wilson of Kansas, Kelly Johns of Wichita and Laurie Hall of Salina.

### **Action on Senate Bill 2583**

#### **SB 2583 is concerning certain recreational trails.**

Chairman Tyson showed some slides of pictures he took on an hour long drive along the Herington-Oklahoma trail. The pictures showed right-of-way pasture overgrown with weeds, piled up rock, intersection ties sticking-up and seven barrels rusting out. The Herington-Oklahoma trail goes on in that condition for 150 miles along the right-of-way.

There was discussion on **SB 2583**.

Proponents and opponents like this bill, the original bill, stated Chairman Tyson and should be amended back like it was.

Senator Journey explained quit claim for the Committee. Senator Lee asked that Page 7, Line 5 be explained. Senator Journey stated that this leaves the district court with discretion. The Judges can do what they like. The rails and trails groups have the duty to be good neighbors and to keep the trails clean and well cared for. Senator Lee stated having a time table set by the courts to clean up rails and trails. Chairman Tyson said the requirement is two years per county to complete clean up of obnoxious weeds, down fences and maintenance. These are good laws but some will not comply.

Mr. Tymeson stated to strike all of Page 5 and 6 and top of Page 7, Line 1. (Attachment 4)

Chairman Tyson suggested removing Section C from Page 7. Senator Journey made a motion to amend the bill by removing Section C from Page 7. Senator Taddiken seconded the motion and the motion passed. Senator Huelskamp made a motion to adopt balloon with the changes. Senator Journey seconded the motion and the motion passed.

Senator Umbarger suggested having an on going debate on the bill and work on bringing parties together to get along. He stated to take it to an interim committee. Chairman Tyson said there is hard feelings and it is continuous. The two sides have a hard time coming together. Senator Journey said someone needs to be put in as an arbitrator. Senator Huelskamp stated this is the first time adjacent landowners have an opportunity to move forward.

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Senator Huelskamp made a motion to pass out **HB 2583** with the changes. Senator Journey seconded the motion and the motion passed out of Committee.

Chairman Tyson thanked all members of the Committee and Staff for their hard work this year.

**Adjournment**

The meeting adjourned at 9:01 p.m.

No further meetings for the 2004 Session.



# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2653 relating to Fish and Mussel Valuation  
To  
Senate Committee on Natural Resources**

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

**19 March 2004**

HB 2653 as amended would update the fish and mussel valuation process for illegally commercialized wildlife. The provisions of this bill would take effect July 1, 2003.

The amended bill deals with updating the valuation process for illegally commercialized wildlife. The American Fisheries Society publishes guidelines for determining monetary values for fish and mussels that are illegally taken. This is applicable in Kansas for cases involving illegal commercialization. The current guideline in statute uses special publication number 24 and the Department is requesting to change to special publication number 30.

In addition, an amendment was added on the House floor that would require the Department to eliminate the bison herd by attrition on display near the city of Frontenac, re-seed the area to native grasses and reintroduce the bison herd after five years. The Department would request the amendment to the bill be removed before passage. The Department feels the best option for the management of this herd would be to obtain partnership with an entity of local government to manage the herd and the Department would be willing to supply replacement bison as needed rather than further depleting Department resources.

Office of the Secretary

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*Senate Natural Resources Committee Attachment 1*  
*Date: 3-19-04*

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 561 Relating to Landowner Deer Management Program  
To  
The Senate Committee on Natural Resources**

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

**March 19, 2004**

SB 561 would allow the Department to conduct beginning in 2005 a pilot landowner deer management program. Earlier this session, the Department provided this Committee with a report regarding such a program and as a result is seeking legislation to conduct a pilot program to determine its feasibility in Kansas. The provisions of this bill would be effective on July 1, 2004.

The bill specifically authorizes up to five pilot projects throughout the state. Landowners who would be accepted into the program would not be eligible to apply for and receive nonresident transferable deer permits. Instead, the landowners would be eligible to receive transferable deer permits that would be authorized for their property enrolled in the program and the number of permits would be determined and established in an agreement with the landowner and the Department using criteria developed by the Department. Any permits issued would not be part of the nonresident allocation provided for under K.S.A. 32-937. Further, the bill would require the Department to establish regulations that provide for the implementation and evaluation of the pilot program. The provisions of the legislation would expire on January 1, 2008.

The Department supports the legislation and would respectfully request favorable passage of the bill. Programs such as this have been successfully used on other states and may be an additional avenue of partnership with landowners for the benefit of wildlife.

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*Senate Natural Resources Committee*  
*Date: 3-19-04* *Attachment 2*



## **Kansas Farm Bureau**

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### **PUBLIC POLICY STATEMENT**

#### **Senate Natural Resources Committee**

#### **RE: SB 561 An act concerning landowner deer management program**

**March 19, 2004  
Topeka, Kansas**

**Submitted by:  
Steve M. Swaffar, Director  
Natural Resources**

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Chairman Tyson and members of the committee, thank you for this opportunity to provide testimony on SB 561 enabling the creation of a landowner deer management program.

Deer management, deer hunting and the economic benefits derived from the industry have been an often-debated topic in this committee and the full legislature. Clearly the Kansas deer hunting industry has matured as an economic opportunity for landowners and a trophy opportunity for hunters. SB 561 gives this committee the chance to improve the economics for landowners and the chance for hunters to harvest trophy deer in Kansas.

The proposed pilot project under SB 561 allows KDWP to explore the possibility of enhancing the trophy deer herd in Kansas through partnerships with private landowners. Should this pilot project prove successful, a full-blown program could provide greater access for deer hunters to private land, increase economic benefits for participating landowners and rural communities, enhance biological information for KDWP and elevate the status of the Kansas deer hunting industry to the best in the nation.

Through HB 2087, passed by the 2003 legislature, the Department was authorized to undertake a study and prepare a report concerning the feasibility of this type of program. That report was submitted to this committee at the beginning of this year's legislative session. It is the Department's belief that SB 561 enables them to pursue the recommendations found in that report.

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KFB has urged KDWP to move forward with the project and determine its potential success in the near future. Many of our members are anxious to see such a program and are eager to participate. In fact, our members adopted specific policy during our 2002 annual meeting endorsing this type of program.

***“We support a voluntary program allowing individual landowners to create a deer herd management plan, in conjunction with a wildlife biologist, allowing landowners to be issued transferable deer tags for a given hunting season. The plan should set harvest levels so the herd is sustained, yet still yields several trophy deer annually.”***

There are still a number of possibilities and details to consider with this type of program. Therefore we urge you to pass SB 561 and allow the process to begin as soon as possible. Thank you.

*Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.*



1 with development, maintenance or use of the trail; or  
 2 (5) an order requiring any party to the action to pay reasonable at-  
 3 torney fees and costs of the aggrieved party.  
 4 Sec. 4. K.S.A. 2003 Supp. 58-3212, 58-3213 and 58-3215 are hereby  
 5 repealed.  
 6 Sec. 5. This act shall take effect and be in force from and after its  
 7 publication in the statute book.

If the responsible party fails to comply with the provisions of this act, any adjacent property owner, city or county aggrieved by the noncompliance may bring an action in the district court to enforce the provisions of this act. Upon a finding that the responsible party has failed to comply with the provisions of this act, the court may enter any one or more of the following orders:

- (a) An order requiring the responsible party to comply with the provisions of this act;
- (b) an order requiring the responsible party to pay a civil penalty to the aggrieved party in an amount not exceeding \$100 for each day of noncompliance; or
- (c) an order requiring the responsible party to pay reasonable attorney fees and costs of the aggrieved party.

If the time has expired for an action required by this act to be performed, the party required to perform such action shall have 90 days after this act takes effect to ~~apply.~~ *comply.*

Renumber sections accordingly

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