

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 8, 2007, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Emalene Correll, Kansas Legislative Research Department  
Art Griggs, Revisor of Statutes Office  
Judy Holliday, Committee Assistant

Conferees appearing before the committee:

Christopher J. Tymeson, Chief Legal Counsel, Kansas Wildlife and Parks

Others attending:

See attached list.

Chairman McGinn called the Committee's attention to two bills previously heard that she wanted to address. **SB 146, Solid waste, waste tire management fund.** Chairman McGinn had a possible amendment she planned to make but will wait until a later date. She brought before the Committee the balloon Senator Taddiken had previously introduced (Attachment 1), and asked if there were any questions or changes to the bill. Senator Ostmeyer made a motion, seconded by Senator Taddiken, to pass the bill out as amended. The motion carried.

Chairman McGinn brought before the Committee **SB 15, Establishing the Kansas dam rehabilitation program to provide cost-share assistance to rehabilitate certain deficient dams.** Art Griggs, Revisor of Statutes Office, explained that the balloon to **SB 15 (Attachment 2)** contained amendments of Senators Taddiken and Francisco, but had not been adopted. Mr. Griggs explained the bill with the new language.

Senator Huelskamp had previously asked for information from the Department of Agriculture on the list of dam owners, and had planned to offer a potential amendment based on that information. Senator Taddiken made a motion to adopt the balloon to **SB 15**, seconded by Senator Bruce. The motion carried.

Chairman McGinn asked Constantine Cotsoradis to come forward to answer questions. Mr. Cotsoradis distributed information on the deficient dams to the Committee. Chairman McGinn asked the Committee to take a few minutes to review the information. Committee members discussed the list of dams and the fact that most were owned by government entities, and that the original purpose of the bill was to provide a resource for funding to dam owners without other sources to apply for dam rehabilitation.

Chairman McGinn asked Mr. Cotsoradis to identify his staff person who answered Committee questions. Mr. Cotsoradis introduced Mr. Matt Scherer, Division of Water Resources.

Chairman McGinn closed the hearing on **SB 15**.

Chairman McGinn asked Raney Gilliland, Legislative Research Department, to give a brief overview of each of the four bills to be heard.

Chairman McGinn told the Committee that the bills would be heard in the following order: **SB 188, SB 191, SB 192, and SB 189.**

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks (KDWP), testified in favor of **SB 188, Wildlife; commercialization of wildlife (Attachment 3)**. He told the Committee the history of the bill and that it essentially devalued wildlife, which is contrary to the original intent of the bill, and caused problems for wildlife law enforcement. There were questions about the portion of the bill dealing with bobcats, and Mr. Tymeson said the price of furs has increased considerably and this deals with unlawful commercialization. Because of interest, a bobcat tag has been offered to nonresident hunters, but there is a fur bearers license, and a bobcat hunting/trapping season open to resident hunters. Senator Wysong asked Mr.

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on February 8, 2007, in Room 423-S of the Capitol.

Tymeson for a definition of "unlawful commercialization." Chairman McGinn closed the hearing on **SB 188**.

Chairman McGinn opened the hearing on **SB 191, Wildlife; big game and turkey violations**.

Chris Tymeson testified in favor of **SB 191 (Attachment 4)**. Mr. Tymeson stated that because the bill had been heavily amended in a prior legislative session, the bill had a missing comma and that this error has caused some court cases to be dismissed. He also called the Committee's attention to a typographical error in his testimony, which should be 32-1032. Chairman McGinn closed the hearing on **SB 191**. Senator Ostmeier made a motion to pass SB 191 and ask that it be placed on the Consent Calendar, seconded by Senator Wysong. The motion carried.

Chairman McGinn opened the hearing on **SB 192, Hunting, big game permits**.

Chris Tymeson testified in favor of **SB 192 (Attachment 5)**. Mr. Tymeson told the Committee that last year some permits were auctioned off, raising money for conservation projects. This past year, non-resident chapters were applying for the big game permits, so the KDWP requested a modification to language in subsection A of the bill to "based or operating in Kansas." Senator Huelskamp made a motion to approve a technical amendment, seconded by Senator Francisco. The motion carried. Senator Taddiken made a motion to pass SB 192 out of Committee as amended, seconded by Senator Ostmeier. The motion carried.

Chris Tymeson testified in favor of **SB 189, Hunter education requirements (Attachment 6)**. Mr. Tymeson told the Committee that the bill seeks to amend two statutes related to hunter education. He stated that hunter education provides valuable service to the state and to hunting, both as a recruitment and retention tool and also teaching hunters to hunt safely. Changes to the education portion would include dissolving the 'crash' course and replacing it with a deferred apprentice hunting license process. An individual 16 or over could purchase an apprentice hunting license one time without first taking hunter education, and hunt supervised by an adult 21 or over. This would accommodate non-residents to allow them to hunt safely and return home to take a hunter education course for the next time they come to visit. It would also allow adult recruitment in the form of a "try it before you buy it" venture. Mr. Tymeson stated that recruitment of hunters is needed to fund agency programs.

The Department seeks to amend the current law for bowhunter education of youths. Current law allows a 12-year old without hunter education to purchase a deer permit and hunt with a firearm if supervised by an adult. However, the same 12-year old cannot purchase a deer permit and hunt with archery equipment without having first taken bowhunter education. The legislation would make bowhunter education voluntary, rather than mandatory.

Mr. Wayne Doyle, Hunter Education Coordinator, Kansas Department of Wildlife and Parks, volunteered information on handling of firearms, the "crash course" program usage, and questions on supervision.

Chairman McGinn told the Committee that the bill needs more discussion and that they would not work it at this time. The hearing on **SB 189** was closed.

Chairman McGinn called the Committee's attention to an email received from Mr. Ron Klataske, Executive Director, Audubon of Kansas (Attachment 7), in support of **SB 188, SB 189, SB 191, and SB 192**. Copies of the email were distributed to each Committee member.

Chairman McGinn called the Committee's attention to copies of the minutes of the January 25 and January 26 Committee meeting distributed to each member and asked that they look them over and contact the Committee Assistant with any changes no later than noon on Friday, February 9.

Chairman McGinn reminded the Committee of the bus trip to the landfill on February 15 at 7:30 a.m.

The meeting adjourned at 9:25 a.m.

# SENATE NATURAL RESOURCES COMMITTEE

## Guest Roster

2/8/07

(Date)

CV Gotsoradis	KDA
Chris Tymeson	KDWP
Kevin Jones	KDWP
Wayne Doyle	KDWP
Wendy Harris	KAPA
Wendy Harms	KAPA
Bill Bider	KDHE
Charles Nicolay	Ks Landfill Assn
Randy Smith	KBA
Kent Astren	KFB
Steve Swaffar	KFB
GREG FOLEY	SCC
John Donley	Ks Lusk Assn
Shirley Coleman	KDWP
Joe Fund	KWO
Matt Scherer	KDA
Leslie Kaufman	Ks Coop Council

**Please use black ink only!!**

## SENATE BILL No. 146

By Committee on Natural Resources

1-22

These balloon amendments were adopted at the February 2 meeting.

9 AN ACT relating to solid waste; concerning the waste tire management  
10 fund; amending K.S.A. 2006 Supp. 65-3424g and repealing the existing  
11 section.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 65-3424g is hereby amended to read  
15 as follows: 65-3424g. (a) There is hereby established in the state treasury  
16 the waste tire management fund.

17 (b) Money from the following sources shall be credited to the waste  
18 tire management fund:

19 (1) Revenue collected from the excise tax by K.S.A. 65-3424d and  
20 amendments thereto;

21 (2) permit application and renewal fees provided for by K.S.A. 65-  
22 3424b and amendments thereto;

23 (3) interest provided for by subsection (e);

24 (4) additional sources of funding such as reimbursements and appro-  
25 priations intended to be used for the purposes of the fund;

26 (5) any recoveries from abatement and enforcement actions provided  
27 for by K.S.A. 65-3424k and amendments thereto; and

28 (6) any other moneys provided by law.

29 (c) Moneys in the waste tire management fund shall be used only for  
30 the purpose of:

31 (1) Paying compensation and other expenses of employing personnel  
32 to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through  
33 65-3424h, and amendments thereto, but not more than \$250,000;

34 (2) action by the department to implement interim measures to min-  
35 imize nuisances or risks to public health or the environment that are or  
36 could be created by waste tire accumulations, until the responsible party  
37 can fully abate the site or until a state clean-up occurs pursuant to K.S.A.  
38 65-3424k, and amendments thereto;

39 (3) action by the department to pay for the removal and disposal or  
40 on-site stabilization of waste tires which have been illegally accumulated  
41 or illegally managed, when the responsible party is unknown or unwilling  
42 or unable to perform the necessary corrective action;

43 (4) the costs of using contractors to provide: (A) Public education

Senate Natural Resources  
February 8, 2007  
ATTACHMENT 1

Senator Taddiken

1 regarding proper management of waste tires; (B) technical training of  
2 persons on the requirements of solid waste laws and rules and regulations  
3 relating to waste tires; and (C) services described in subsection (i) of  
4 K.S.A. 65-3424k, and amendments thereto; ~~and~~

5 (5) grants to public or private entities for up to 75% of the cost to  
6 start-up or enhance projects to recycle waste tires or recover energy  
7 through waste tire combustion. ~~In the fiscal year beginning July 1, 2003,~~  
8 ~~waste tire grants may not exceed \$200,000. In subsequent fiscal years,~~  
9 ~~waste tire grants may not exceed the amount of unspent excise tax revenue~~  
10 ~~from the preceding year calculated by subtracting all program expenses~~  
11 ~~and indirect transfers for department overhead from excise tax revenue.;~~  
12 ~~and~~

13 (6) grants to local unit of government to pay up to ~~75%~~ of the costs  
14 to purchase ~~and install~~ playground cover products made from recycled  
15 Kansas waste tires.

16 (d) All grant applications received for waste tire recycling grants shall  
17 be reviewed by the solid waste grants advisory committee established  
18 pursuant to K.S.A. 65-3426, and amendments thereto. Waste tire recycling grants shall be subject to the requirements set forth in subsection (g) of K.S.A. 65-3415, and amendments thereto, related to the misuse of grant funds with the exception that any grant funds recovered by the secretary shall be deposited to the waste tire management fund. Waste tire management funds shall be used only for waste tire recycling grants. Waste tire grants shall not be awarded, nor shall waste tire funds be disbursed to a grant recipient, if the department determines that the grant applicant or recipient is operating in substantial violation of applicable environmental laws or regulations administered by the department.

28 ~~(e)~~ (e) All expenditures from the waste tire management fund shall  
29 be made in accordance with appropriations acts upon warrants of the  
30 director of accounts and reports issued pursuant to vouchers approved  
31 by the secretary.

32 ~~(e)~~ (f) On or before the 10th of each month, the director of accounts  
33 and reports shall transfer from the state general fund to the waste tire  
34 management fund interest earnings based on: (1) The average daily balance of moneys in the waste tire management fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

38 Sec. 2. K.S.A. 2006 Supp. 65-3424g is hereby repealed.  
39 Sec. 3. This act shall take effect and be in force from and after its  
40 publication in the statute book.

50%

or other tire derived

As used in this section, "tire derived products" means athletic field surfacing, playground cover, horticulture products and molded or extruded rubber products made from recycled waste tires.

1 section is eligible in accordance with the criteria established in K.S.A. 2-  
2 1919, and amendments thereto.

Session of 2007

**SENATE BILL No. 15**

By Special Committee on Agriculture and Natural Resources

1-5

9 AN ACT concerning the state conservation commission; relating to dam  
10 safety; creating the Kansas dam rehabilitation program; amending  
11 K.S.A. 2006 Supp. 2-1915 and repealing the existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 2-1915 is hereby amended to read as  
15 follows: 2-1915. (a) Appropriations may be made for grants out of funds  
16 in the treasury of this state for terraces, terrace outlets, check dams, dikes,  
17 ponds, ditches, critical area planting, grassed waterways, tailwater recov-  
18 ery irrigation systems, precision land forming, range seeding, detention  
19 and grade stabilization structures and other enduring water conservation  
20 practices installed on public lands and on privately owned lands, *dam*  
21 *rehabilitation projects* and, the control and eradication of sericea lespe-  
22 deza as provided in subsection (n) of K.S.A. 2-1908, and amendments  
23 thereto, on public lands and on privately owned lands. Except as provided  
24 by the multipurpose small lakes program act, any such grant shall not  
25 exceed 80% of the total cost of any such practice.

26 (b) A program for protection of riparian and wetland areas shall be  
27 developed by the state conservation commission and implemented by the  
28 conservation districts. The conservation districts shall prepare district pro-  
29 grams to address resource management concerns of water quality, erosion  
30 and sediment control and wildlife habitat as part of the conservation dis-  
31 trict long-range and annual work plans. Preparation and implementation  
32 of conservation district programs shall be accomplished with assistance  
33 from appropriate state and federal agencies involved in resource  
34 management.

35 (c) Subject to the provisions of K.S.A. 2-1919, and amendments  
36 thereto, any holder of a water right, as defined by subsection (g) of K.S.A.  
37 82a-701, and amendments thereto, who is willing to voluntarily return all  
38 or a part of the water right to the state shall be eligible for a grant not to  
39 exceed 80% of the total cost of the purchase price for such water right.  
40 The state conservation commission shall administer this cost-share pro-  
41 gram with funds appropriated by the legislature for such purpose. The  
42 chief engineer shall certify to the state conservation commission that any  
43 water right for which application for cost-share is received under this

z15c1

Senate Natural Resources  
February 8, 2007  
Attachment 2

Senators Toddiken, Francisco

1 section is eligible in accordance with the criteria established in K.S.A. 2-  
2 1919, and amendments thereto.

3 (d) (1) Subject to appropriation acts therefor, the state conservation  
4 commission shall develop the Kansas water quality buffer initiative for  
5 the purpose of restoring riparian areas using best management practices.  
6 The executive director of the state conservation commission shall ensure  
7 that the initiative is complementary to the federal conservation reserve  
8 program.

9 (2) There is hereby created in the state treasury the Kansas water  
10 quality buffer initiative fund. All expenditures from such fund shall be  
11 made in accordance with appropriation acts upon warrants of the director  
12 of accounts and reports issued pursuant to vouchers approved by the  
13 executive director of the state conservation commission or the executive  
14 director's designee. Money credited to the fund shall be used for the  
15 purpose of making grants to install water quality best management prac-  
16 tices pursuant to the initiative.

17 (3) The county or district appraiser shall identify and map riparian  
18 buffers consisting of at least one contiguous acre per parcel of real prop-  
19 erty located in the appraiser's county. Notwithstanding any other provi-  
20 sions of law, riparian buffers shall be valued by the county or district  
21 appraiser as tame grass land, native grass land or waste land, as appro-  
22 priate. As used in this subsection (3), "riparian buffer" means an area of  
23 stream-side vegetation that: (A) Consists of tame or native grass and may  
24 include forbs and woody plants; (B) is located along a perennial or inter-  
25 mittent stream, including the stream bank and adjoining floodplain; and  
26 (C) is a minimum of 66 feet wide and a maximum of 180 feet wide.

27 (e) The state conservation commission shall adopt rules and regula-  
28 tions to administer such grant and protection programs.

29 (f) Any district is authorized to make use of any assistance whatsoever  
30 given by the United States, or any agency thereof, or derived from any  
31 other source, for the planning and installation of such practices. The state  
32 conservation commission may enter into agreements with other state and  
33 federal agencies to implement the Kansas water quality buffer initiative.

34 (g) *Within the limits of appropriations therefor, the state conservation*  
35 *commission shall develop and administer the Kansas dam rehabilitation*  
36 *program in consultation with the chief engineer of the division of water*  
37 *resources of the Kansas department of agriculture.*

38 (h) ~~Any dam permit holder may apply for cost-share assistance to~~  
39 ~~rehabilitate or remove unsafe high and significant hazard dams or low~~  
40 ~~hazard dams that are reclassified to high or significant hazard dams re-~~  
41 ~~lated to downstream development.~~

42 (i) *The division of water resources of the Kansas department of ag-*  
43 *riculture shall assist the state conservation commission by reviewing and*

owner

for dam rehabilitation, to purchase and raze or  
relocate residential structures, or for engineering  
solutions to address

1 recommending a dam priority order for applications for participation in  
2 the program based on the following criteria:

- 3 (1) The highest severity of potential impact of dam failure;
- 4 (2) the greatest risk of failure due to the dams' deficiencies; and
- 5 (3) which deficiencies were a result of downstream development be-
- 6 yond the control of the dam owner.

owner

7 (j) Any dam ~~permit holder~~ may apply to the state conservation com-  
8 mission for cost-share assistance in the amount of 70% of the rate pre-  
9 scribed pursuant to subsection ~~(k)~~, and if engineering costs are incurred,  
10 an additional 10% of the rate prescribed ~~pursuant to subsection (k)~~.

(h)

11 ~~(k) [The cost share grant awarded pursuant to subsection (j) shall be  
12 in an amount not to exceed a rate approved by the state conservation  
13 commission for the least expensive alternative that such commission de-  
14 termines properly addresses the problem or problems identified with such  
15 dam. Dam owners shall not be required to implement such least expensive  
16 alternative]~~

If the engineered solution is to purchase and raze or relocate residential structures in the inundation area of the dam, a cost share grant may be awarded for the purchase and razing or relocating of all residential structures in the inundation area if: (1) An easement prohibiting future development for the inundation area is acquired and recorded with the register of deeds; and (2) other terms and conditions of the state conservation commission, if any, are met.

17 (l) An applicant who is not a dam permit holder shall be eligible to  
18 apply for cost-share assistance under the Kansas dam rehabilitation pro-  
19 gram subject to the following:

- 20 (1) Such applicant shall submit a rehabilitation plan to the chief en-  
21 gineer of the division of water resources of the Kansas department of  
22 agriculture in a form prescribed by such chief engineer;
- 23 (2) such rehabilitation plan shall comply with policies and procedures  
24 adopted by the chief engineer of the division of water resources of the  
25 Kansas department of agriculture; and
- 26 (3) cost-share assistance funds shall not be remitted until such appli-  
27 cant is granted a permit pursuant to K.S.A. 82a-301, and amendments  
28 thereto.

29 (m) As used in subsection (g) through (n) of this section, "dam permit  
30 holder" means any person, partnership, association, corporation, agency  
31 or political subdivision of the state government or other entity who holds  
32 a permit pursuant to K.S.A. 82a-301, and amendments thereto.

As used in this act, "dam" shall have the meaning ascribed thereto in K.S.A. 82a-301, and amendments thereto.  
(o)

33 (n) ~~The state conservation commission shall adopt rules and regula-  
34 tions to implement the Kansas dam rehabilitation ~~act~~.~~

program

35 Sec. 2. K.S.A. 2006 Supp. 2-1915 is hereby repealed.  
36 Sec. 3. This act shall take effect and be in force from and after its  
37 publication in the statute book.



# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 188 regarding Illegal Commercialization of Wildlife  
To  
The Senate Committee on Natural Resources**

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

**8 February 2007**

SB 188 seeks to amend K.S.A. 32-1005 in order to increase the restitution values for illegal commercialization of wildlife. The provisions of the bill would be effective on publication in the statute book. **The Department supports the provisions contained in SB 188 and requested introduction of the bill.**

The felony/misdemeanor threshold for certain crimes was raised at the end of the last legislative session and it included amendments to K.S.A. 32-1005. However, the wildlife values were not increased correspondingly. The law establishes monetary values for wildlife, to be used in determining whether or not illegal commercial acts were committed and whether the illegal acts constitute felony crimes. The recommendations being made by the Department are based on the most current information available through the U. S. Fish and Wildlife Service. That information, published in August 2003, provides the values placed on various species and classifications of wildlife across the nation. Not all states have established values and when necessary, values for restitution or penalties are left to the individual courts. The remaining states have established values set by law or regulation. In considering the Department's recommendations, available values were calculated to obtain a mean average of all applicable categories. Values within the information relating to Kansas were not included in the calculations. The following information lists, by group classification or individual species, the comparison of wildlife values.

## **Summary Of Average Values For Wildlife By Classification**

<b>Animal Group</b>	<b>Average Value</b>	<b>KDWP Recommendation</b>
Eagle	\$ 1,791.70	\$ 1,000.00
Deer	\$ 1,151.26	\$ 1,000.00
Antelope	\$ 1,019.15	\$ 1,000.00
Elk	\$ 2,098.28	\$ 1,500.00
Buffalo	\$ 2,435.71	\$ 1,500.00
Furbearers	\$ 95.99	\$ 25.00
Bobcat	\$ 335.75	\$ 200.00
Wild turkey	\$ 373.84	\$ 200.00
Raptors	\$ 555.13	\$ 500.00
Gen. Game & Non-game animals	\$ 154.87	\$ 50.00
Turtle	\$ 45.50	\$ 25 each or \$16/lbs processed
Frogs	\$ 20.08	\$ 4.00
Threatened & Endangered	\$ 1,358.70	\$ 500.00
Any wildlife not included above	\$ 39.42	\$ 25.00

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

*Senate Natural Resources  
February 8, 2007  
Attachment 3*

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 191 regarding Big Game and Turkey wildlife violations  
To  
The Senate Committee on Natural Resources**

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

**8 February 2007**

SB 191 seeks to amend K.S.A. 32-1031 in order to add a comma to the provisions contained in subsection (a). The provisions of the bill would be effective on publication in the Kansas Register. **The Department supports the provisions contained in SB 191 and requested introduction of the bill.**

During the 2005 Legislative Session, a bill that increased penalties for wildlife violators was passed by the Legislature. During the process, several rather lengthy and complex amendments were made to the bill on both sides and during the process, a comma was inadvertently left out. That missing comma has resulted in some cases being dismissed out in the field.

The Department requests that the amendment to the statute be made and appreciates the support of the committee in this endeavor.

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)

*Senate Natural Resources  
February 8, 2007  
Attachment 4*

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 192 regarding Commission Permits  
To  
The Senate Committee on Natural Resources**

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

**8 February 2007**

SB 192 seeks to limit applications for Commission Permits to local chapters of nonprofit organizations based or operating in the state. The provisions of the bill would be effective on publication in the statute book. **The Department supports the provisions contained in SB 192 and requested introduction of the bill.**

SB 192 would amend a statute passed two years ago with regard to Commission permits. Those permits are available to nonprofit organizations that actively promote hunting and fishing. The organization awarded the permit, after paying the highest value for the permit, then markets the permit in a way to raise funds for various cooperative projects between the organization and the department. The organization is allowed to retain fifteen percent of the funds raised and eighty-five percent of the funds raised go to the cooperative project. The first year of operation, 2006, had 59 applicant organizations for the seven permits and the auction of those permits raised \$49,000 for conservation projects. This year, there were 119 applicants for the seven permits.

Some of the applicant organizations for this year's drawing were chapters of nonprofits based outside of the state. None of those organizations were awarded a permit however. In order to clarify this situation, the Department is recommending the statute be changed to limit applicants to local chapters operating or based within the state.

Additionally, there is one error in the bill in line 16 that needs correction. The Department appreciates the opportunity to address the bill and appreciates the support of the Committee in making this modification to the statute.

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)

*Senate Natural Resources  
February 8, 2007  
Attachment 5*

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 189 regarding Hunter Education  
To  
The Senate Committee on Natural Resources**

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

**8 February 2007**

SB 189 seeks to amend two statutes related to hunter education, K.S.A. 32-920 and K.S.A. 32-921. The provisions of the bill would be effective on publication in the statute book. **The Department supports the provisions contained in SB 189 and requested introduction of the bill.**

Hunter education provides a valuable service to the state and to hunting, both in the form of a recruitment and retention tool as well as teaching hunters to hunt safely. However, some view hunter education as an impediment to recruitment and rural development. In order to counter the view that hunter education is an impediment but while still keeping hunting safe, the department has proposed various methods of delivering hunter education. One of those, the "crash" course, contained in K.S.A. 32-921 does not appear to be reaching the audience intended. As a result of that experiment, the Department would like to dissolve the "crash" course and replace the program with a deferral apprentice hunting license process. Any individual 16 and over would be allowed to purchase an apprentice hunting license one time, without first having taken hunter education, and hunt supervised by an adult 21 or over. This would accommodate those coming to Kansas by allowing them to hunt safely and then return home to take a hunter education course for the next time they come to visit. It would also allow for adult recruitment in the form of a "try it before you buy it" venture.

In addition, the Department would like to amend the current law for bowhunter education, as a matter of fairness and as well as to remove another potential barrier to recruitment of youths to hunting. Currently, a 12 year old, without hunter education, can purchase a deer permit and hunt with a firearm as long as they are supervised by an adult. However, the same 12 year old cannot purchase a deer permit and hunt with archery equipment without having first taken bowhunter education. The practical effect of the legislation would be that bowhunter education would become a voluntary course, rather than a mandatory course, and similar to other advanced courses taught by the Department like upland bird hunter education.

The Department appreciates the consideration of this proposal by the Committee and the support needed to recruit and retain new hunters.

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)

*Senate Natural Resources  
February 8, 2007  
Attachment 6*

**From:** Ron Klataske <ron\_klataske@audubonofkansas.org>  
**To:** <mcginn@senate.state.ks.us>, <judithH@senate.state.ks.us>  
**Date:** 2/8/2007 12:17 AM  
**Subject:** Senate Bills 188, 191 (Support)  
**Attachments:** Part.001

**CC:** <francisco@senate.state.ks.us>, <Lee@senate.state.ks.us>, <bruce@senate....  
Re: Senate Bills No. 188, 189, 191 and 192.  
Senate Natural Resources Committee  
February 8, 2007

Dear Senator McGinn, and other members of the Senate Natural Resources Committee:

Audubon of Kansas strongly supports both Senate Bill No. 188 and Senate Bill No. 191 which are designed to help protect diverse wildlife and big game, and counter the rampant violation of wildlife protection laws in Kansas. Passage of the bills will also protect the integrity of hunting for the many sportsmen/women who maintain a high level of ethics in the pursuit and perpetuation of the sport and contribute to conservation in many ways. Passage will also help to deter the violation of property rights resulting from poachers trespassing on private property without permission.

We are also supportive of Senate Bill No. 189 and Senate Bill No. 192.

Please make our support a part of the record. We thank you and members of the committee for considering the merits of these bills.

Unfortunately because of other obligations I cannot be in Topeka to present this statement in person at the hearing.

Ron Klataske  
Executive Director  
Audubon of Kansas  
210 Southwind Place  
Manhattan KS 66503  
785-537-4385  
Ron\_Klataske@audubonofkansas.org

*Senate Natural Resources  
February 8, 2007  
Attachment 7*