

## MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 9, 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:

Mike Miller, Special Assistant to the Assistant Secretary, Kansas Department of Wildlife and Parks  
Steve Swaffar, Director of Natural Resources, Kansas Farm Bureau  
Christopher J. Tymeson, Chief Legal Counsel, Kansas Wildlife and Parks  
Doug Sebelius, Commissioner, Kansas Wildlife and Parks, Norton

## Others attending:

See attached list.

Chairman McGinn opened the hearing on **SB 266, Big game and wild turkey permits**, and asked Raney Gilliland, Legislative Research, to explain the bill. Mr. Gilliland told the Committee that the bill amends provisions of the Wildlife and Parks with regard to big game and wild turkey. Mr. Gilliland said the House Wildlife and Tourism Committee became frustrated with the complex statutes regarding wild turkey hunting and deer permits and asked the Kansas Department of Wildlife and Parks (KDWP) to put together a task force to come up with recommendations for clarification of the hunting permit process. Last year there were preliminary recommendations, and final recommendations this year. Besides stricken language, the bill authorizes general rule and regulation to KDWP to develop the permit program, both for deer and wild turkey.

Mike Miller, Special Assistant to the Assistant Secretary, Kansas Department of Wildlife and Parks, testified as a proponent of **SB 266 (Attachment 1)**. Mr. Miller chaired the task force two years ago that put together a set of recommendations and presented them last year to both houses and to the public for input. After the public meetings, the task force went back to the drawing board and attempted to incorporate some of the input from the public. He indicated that his testimony for today is the overall plan that would be implemented through the regulatory process after another round of public meetings. If the legislation is successful, then the proposals will be established through the regulatory process to allow changes as necessary for permitting and resource management. The goal of the Department is to establish a simplified permitting system, distribute permits fairly, and develop a formula to establish nonresident deer permit numbers that satisfies resident landowners and protects resident hunter opportunities.

Recommendations with regard to resident deer permits include establishing resident, statewide, whitetail either sex, any season permits; establish resident statewide archery either species, either sex permits; establish two units for use of limited either species, either sex firearms and muzzle loader permits; maintain 19 deer management units for use of whitetail antlerless only permits; eliminate whitetail antlerless only game tags and establish one type of whitetail antlerless only permit, the first one valid on public or private land statewide and up to four permits valid only in specific units and on private and designated public lands; eliminate transferable Hunt-Own-Land permits, and allow lineal family members, two generations up or down from landowner, to qualify for HOL permits regardless of residency, one per 80 acres; eliminate landowner/transferable nonresident permits and establish nonresident permit quotas based on demand, landowner tolerance and resource biology; establish "hunter designate" permit application process, setting quotas of white tail deer permits and allowing applicants to designate season/hunt type—either archery, muzzleloader, or rifle; establish a mule deer stamp, which if applied for in certain Deer Management Units will have the option of applying for a limited number of mule deer stamps that if drawn will convert their muzzleloader or archery whitetail either sex permit to an either species permit. The stamp cost is \$100.

Mr. Miller detailed the hunting seasons as follows: Open youth and persons with disabilities season on the

## CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on February 9, 2007, in Room 423-S of the Capitol.

Friday before the second to last full weekend in September, running it through Sunday. Permits would be half-price for youth. The muzzleloader and archery seasons open on the following Monday; the muzzleloader season runs through two full weekends and the archery season through December 31. A resident hunter can purchase a whitetail either sex permit and a whitetail antlerless only permit over the counter or online. With these two permits, hunting will be legal anywhere in the state on public or private land during any open season with the equipment legal for that season.

Steve Swaffar, Director of Natural Resources, Kansas Farm Bureau, testified as a proponent of **SB 266** (Attachment 2). Mr. Swaffar told the Committee that deer permitting and deer management is an annual debate. Kansas Farm Bureau members have an interest in the issue of herd control to minimize crop damages from deer. Mr. Swaffar said the current statutes are confusing and the permitting process needs simplification, and although he is in general agreement with the proposal in its current form, the Department must adhere to the principles of the proposal as it writes rules and regulations and not dramatically change the rules in the future. Mr. Swaffar testified that he believes there are uncertainties with regard to the formula used to determine the number of non-resident permits, that it is subjective and could change dramatically from year to year. Mr. Swaffar concluded his testimony by saying he hopes the proposal by the Department can address the need now and in the future of landowners to keep the deer herd in check and provide adequate permits to support hunting enterprises on agriculture-based operations.

Chairman McGinn told the Committee it would take up **SB 266** again on February 22.

Chairman McGinn opened the hearing on **SB 267, Failure to comply with a wildlife and parks citation**. Raney Gilliland, Legislative Research Department, gave an overview of **SB 267** and various provisions of the bill.

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, testified as a proponent of **SB 267** (Attachment 3). Mr. Tymeson told the Committee that **SB 267** creates a new crime of failure to comply with a Wildlife and Parks citation, making it a class C misdemeanor. The proposal is similar to current statutes for failure to comply with traffic citations. In addition to fines, court costs and other fees imposed by the court, the court can notify the Department to forfeit or suspend any license, permit, or stamp unless the violator complies with the citation or sentence of the court. Provisions would also be in place for a reinstatement fee to be paid to the court to be deposited in the state general fund. This reinstatement fee can be waived for certain actions related to military service. The Department of Wildlife and Parks believes this modification in the statute would enable the court system to better assist in wildlife law enforcement.

Mr. Douglas Sebelius, Commission, Kansas Wildlife and Parks, Norton, Kansas, testified in favor of **SB 267**. Mr. Sebelius related his frustration as a county prosecutor for many years of having out-of-state violators continually break the hunting laws and basically go free because of technicalities in the current law. Mr. Sebelius did not submit written testimony to the Committee, and Chairman McGinn asked that he forward copies within the next week to be distributed to Committee members.

The hearing was closed on **SB 267**.

Chairman McGinn reminded the Committee of the bus tour of a local landfill on Thursday, February 15, and that she would be emailed details to each Committee member.

The meeting adjourned at 9:30 a.m.

# SENATE NATURAL RESOURCES COMMITTEE

## Guest Roster

7/9/07

(Date)

<del>Mark Heim</del> - SCC	
Steve Swaffar	KS Farm Bureau
Chris Tymeson	KDWP
Lloyd Fox	KDWP
Mike Hayden	KDWP
Mike Miller	KDWP
Doug Sebelius	KDWP Commission
Gerald Lauber	KDWP Commission
Kevin Jones	KDWP
Roger Wolf	KDWP
John Sylowiski	KDWP

**Please use black ink only!!**



# KANSAS

DEPARTMENT OF WILDLIFE AND PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 266 regarding Simplification of Deer-related Statutes  
To  
The Senate Committee on Natural Resources**

**By Mike Miller  
Special Assistant to the Assistant Secretary  
Kansas Department of Wildlife and Parks**

**9 February 2007**

SB 266 would amend K.S.A. 2006 Supp. 32-937 and 32-969 and repeal the existing sections; also repeal K.S.A. 32-947, 32-965 and 32-966 and K.S.A. 2006 Supp. 32-938, 32-967 and 32-968 in order to simplify deer-related statutes and allow implementation of Deer Task Force recommendations on deer permit allocation through the regulatory process. The Department supports the provisions contained in SB 266 and requested introduction of the bill.

Last January, the Kansas Department of Wildlife and Parks Deer Task Force presented to the Kansas Legislature draft recommendations that would simplify and condense deer-related statutes. The recommendations also addressed many other deer permitting issues and could affect many different constituencies, so the Task Force requested a year to solicit input from the public before making final recommendations. After conducting surveys and public meetings throughout the past year, the 10-member Task Force has assembled a final set of recommendations that will be presented to the legislature this month.

**The overall goals of the Task Force are similar to those listed a year ago:**

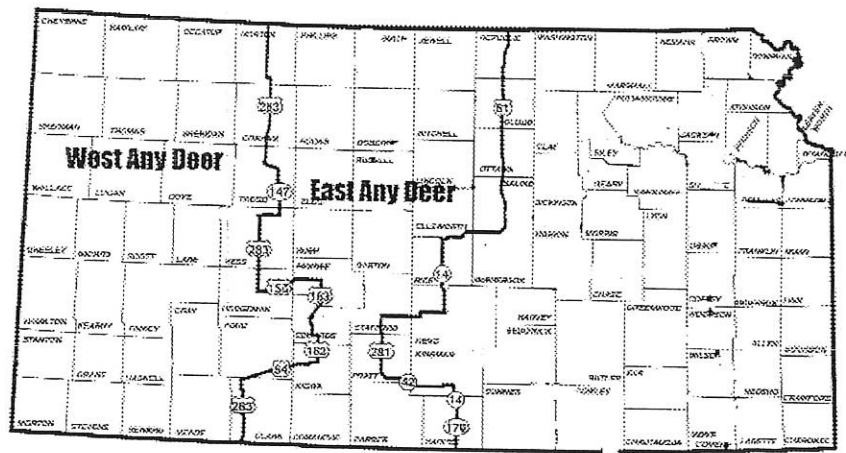
- Reduce and simplify deer-related statutes to allow changes and continuing adjustment necessary for permitting and resource management to be made through the regulatory process.
- Through regulation, establish a permitting system that distributes permits fairly while conserving the deer resource and hunting traditions.
- Simplify the permitting process while increasing and improving deer hunting opportunities for residents hunters.
- Develop a formula/model to establish nonresident deer permit numbers that satisfy desires of resident landowners and protect resident hunting opportunities.

Pratt Operations Office  
512 SE 25<sup>th</sup> Ave., Pratt, KS 67124-8174  
Phone 620-672-5911 Fax 620-672-6020 [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us)

*Senate Natural Resources  
February 9, 2007  
Attachment 1*

**Resident Deer Permit recommendations:**

- Establish resident, statewide, whitetail either sex, any season permit
- Establish resident statewide archery either species, either sex permit
- Establish two units for use of limited either species, either sex firearms and muzzleloader permits.
- Maintain 19 Deer Management Units for use of whitetail antlerless only permits



- Eliminate whitetail antlerless only game tags – instead establish one type of whitetail antlerless only permit, the first one purchased is valid on public or private land statewide. Up to four additional permits can be purchased and are valid only in specific units and on private land and designated public lands.
- Eliminate transferable Hunt-Own-Land permit – instead allow lineal family members, two generations up or down from landowner to qualify for HOL, regardless of residency – one per 80 acres.

**RESIDENT DEER OPPORTUNITIES**

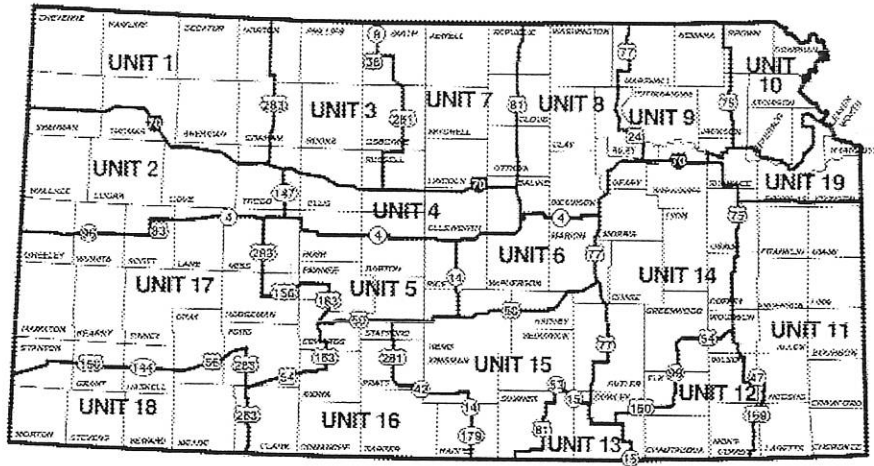
PERMIT TYPES	WHERE VALID	AVAILABLE
*Hunt-Own-Land (either species, either sex)	land owned or operated (80-acre minimum)	Over the counter/internet
Whitetail either sex, any season	statewide	Over the counter/internet
Archery either species, either sex	statewide	Over the counter/internet
Muzzleloader, either species, either sex	West Unit 1 or West Unit 2	Over the counter/internet
Firearms, either species, either sex	West Unit 1 or West Unit 2	Pratt office, limited draw
Antlerless only (any deer)	West Unit 1 or West Unit 2	Pratt office, limited draw
Whitetail antlerless only	First permit valid statewide public/private land, others, up to four, private land in designated units.	Over the counter/internet

\*Hunt-own-land permit is not transferable. A landowner and lineal relatives, two generations up or down from landowner are eligible, regardless of residence. 80 acres required for each family member permit.

Whitetail antlerless only permits are \$15. An antlered permit is required prior to purchase antlerless permits through Dec. 30. A hunter may purchase five whitetail antlerless only permits; the first one is valid statewide on public and private land; the subsequent permits are valid only in designated management units on private land and designated public areas.

## Nonresident Deer Permit recommendations:

- Eliminate the landowner/transferrable nonresident permit – establish nonresident permit quotas based on demand, landowner tolerance and resource biology. An adjustment number will be determined using seven factors: Population trends, deer-related vehicle accidents, age structure, deer damage, landowner desire for NR deer permits, general public desires, and health and habitat (professional judgment). The adjustment factor will be used to determine 2008 permit numbers based on an average of NR demand from the previous 6 years, however, we recommend not less than a 10 percent increase per DMU and not more than 50 percent increase per unit (Unit 16 is the exception).
- Maintain 19 Deer Management Units for all nonresident hunting



- Establish “Hunter Designate” permit application process – setting quotas of whitetail deer permits and allowing applicants to designate season/hunt type – either archery, muzzleloader or rifle.
- Establish a mule deer stamp. When a nonresident applies for an archery or muzzleloader whitetail either sex permit in DMU 1, 2, 3, 4, 5, 7, 16, 17, and 18, they will have an option of applying for a limited number of mule deer stamps that, if they are drawn, will convert their muzzleloader or archery whitetail either sex permit to an either species permit. Stamp cost -- \$100.

## NONRESIDENT DEER OPPORTUNITIES

PERMIT TYPES	WHERE VALID	AVAILABLE
*Hunt-Own-Land (either species, either sex)	land owned or operated (80 acre minimum)	Over the counter/internet
**Whitetail either sex, rifle	One of the 18 Deer Management Units	Pratt office, limited draw
**Whitetail either sex, muzzleloader	One of the 18 Deer Management Units	Pratt office, limited draw
**Whitetail either sex, archery	One of the 18 Deer Management Units	Pratt office, limited draw
Archery whitetail either sex (either species with stamp)	One of 9 units for either species (DMU 1, 2, 3, 4, 5, 7, 16, 17, 18)	Pratt office, limited draw
Muzzleloader whitetail either sex (either species with stamp)	One of 9 units for either species (DMU 1, 2, 3, 4, 5, 7, 16, 17, 18)	Pratt office, limited draw
Whitetail antlerless only	First permit valid statewide public/private land, others, up to four, private land in designated units.	Over the counter/internet

\*Hunt-own-land permit is not transferable.

\*\*Applicant will specify permit type on application.

Successful archery and muzzleloader permit applicants in DMUs 1, 2, 3, 4, 5, 7, 16, 17, and 18, can also apply for a limited number of mule deer “stamps” that convert their whitetail only permits to either species permits. Whitetail antlerless only permits are \$77.15. An antlered permit is required prior to purchase of antlerless permits until after Dec. 30. A hunter may purchase five whitetail antlerless only permits; the first one is valid statewide on public and private land; the subsequent permits are valid only in designated management units on private land and designated public areas.

**Seasons:**

- Open youth and persons with disabilities season on the Friday before the second to last full weekend in September, running it through Sunday. Establish half-price permits for youth.
- Open the muzzleloader and archery seasons on the following Monday. Run the muzzleloader season through two full weekends and the archery season through Dec. 31.
- Maintain season structure for all other seasons.

**Landowner/Tenant:**

- Reduce fraudulent landowner/tenant permit purchases by adding “teeth” to qualification requirement such as a statement on the permit that states “by signing this permit I state that I am legally qualified as a landowner/tenant and agree to provide necessary proof of qualification if requested.”

**Simplification:**

- A resident hunter will be able to purchase a whitetail either sex permit and a whitetail antlerless only permit over the counter or online. With those two permits, he or she will be able to hunt anywhere in the state on public or private land during any open season with the equipment legal for that season.

**Example of how nonresident permit allocation formula could work**

UNIT	2006 ALLOCATION	2008 MODEL	2008 ALLOCATION	UNIT	2006 ALLOCATION	2008 MODEL	2008 ALLOCATION
1	299	524 (+75%)	449 (+50%)	10	1174	1174 (+0%)	1291(+10%)
2	225	657 (+192%)	338 (+50%)	11	2492	2492 (+10%)	2741(+10%)
3	450	531 (18%)	531 (18%)	12	1067	1606 (50%)	1606 (50%)
4	303	303 (+0%)	333 (+10%)	13	301	446 (+48%)	446 (48%)
5	350	365 (+4%)	385 (+10%)	14	1419	1464 (+3%)	1561 (+10%)
6	463	463 (+0%)	509 (+10%)	15	1006	1134 (+13%)	1134 (13%)
7	768	867 (+13%)	867 (+13%)	16	1168	2358 (+102%)	2336 (+100%)
8	1006	1550 (+40%)	1550 (+40%)	17	365	365 (+0%)	402 (+10%)
9	837	837 (+0%)	920 (+10%)	18	217	217 (+0%)	239 (+10%)
					14,046	17,353	17,638
						(+23%)	(+25%)

Percent of deer harvested by nonresidents would go from 11 percent to 13 percent.

2008 Model numbers are figured using an adjustment factor based on an average slope number from seven factors, including deer population trend, deer/vehicle accidents, landowners’ desire for more nonresident permits, deer damage complaints, age structure in harvest, nonhunting public opinion, health habitat --professional input.

To ensure meeting demand, a minimum increase of 10 percent was added for allocation, and to prevent over- saturation in western units, a maximum increase of 50 percent (except for Unit 16) is recommended.

***Kansas Farm Bureau***  
***POLICY STATEMENT***

**Senate Natural Resources Committee**

**SB 266, an act relating to wildlife; concerning big game  
and wild turkey permits**

**February 9, 2007**

**Submitted by:**

**Steve M. Swaffar**

**Director of Natural Resources**

---

Chairperson McGinn and members of the committee, thank you for this opportunity to provide testimony today on Senate Bill 266 repealing many of the big game permitting statutes. I am Steve Swaffar, Director of Natural Resources for the Kansas Farm Bureau. KFB stands in support of SB 266.

As you are all aware, deer permitting and control of the deer population is one of the most controversial topics this committee discusses annually. The large number of interests in this debate covers a broad spectrum of opinion and social interests. Even within interests there are opposite opinions on deer management and hunting permits; agriculture happens to be one of those examples. Opinion with our membership varies from there is no such thing as a good deer to every deer has an economic value that can be used to enhance farm and ranch income.

Our membership's primary interests in this discussion are adequate deer herd management to prevent excessive crop and property damage; and adequate access to deer permits for residents and non-resident clients for those farmers and ranchers trying to generate some income from hunting enterprises. These two interests are compatible and given the right mixture of permits and control mechanisms both interests can be satisfied.

The Department, the public and the legislature has struggled to find a balance between the biologically and socially acceptable level for the deer herd and the desire for ag-based hunting enterprises to bring economic growth to the hunting industry. That struggle is really what has brought this bill before the committee today. As they exist today, the statutes and regulations for deer permitting are difficult to understand. We agree that there needs to be a



simplification of these rules so that hunters, landowners and hunt providers have certainty from year-to-year as to what the rules are and what can be expected in the future. Although the bill itself only strikes existing statutory language, the plan presented by the Department proposes to simplify the process and meet demand for permits. We are comfortable with the proposal, in its current form, can achieve those goals, but the Department must adhere to the principles of the proposal as it writes rule and regulation and not dramatically change those rules in the future.

We would point out a couple of aspects of the proposal that bring some uncertainty. First, the formula used to determine the number of non-resident permits available is based on several factors, including deer population trends, deer-vehicle accidents and deer damage estimates, but it also includes factors of professional judgment, landowner desire for non-resident permits, and general public desires, health and habitat. This last group of factors is subjective and could change dramatically from year-to-year. We hope the Department would weight each factor in the formula appropriately to account for subjectivity of some measures versus objectivity of other measures.

Secondly, the Department is requesting that rule and regulation authority be given to them to implement the program. We don't necessarily have a problem with this, but the Wildlife and Parks Commission approves all rules and regulations proposed by the Department. The Commission has the authority to change the Department's proposals. It is important that if rule and regulation is going to be used to establish this program, that the proposal remain virtually unchanged in regards to herd management and permit levels. The Commission oversight does not guarantee that the proposal would remain unchanged. We don't bring this point out to derail this process nor do we believe the Department would request the Commission change the proposal, but only to emphasize the importance of this proposal as a whole package.

In conclusion, we hope the committee understands the importance of this issue to many of our members and the need to simplify the permitting process. We also hope the proposal presented by the Department can address the needs now and in the future of landowners to keep the deer herd in check and provide adequate permits to support hunting enterprises on ag-based operations. Thank you for this opportunity to provide testimony.

# Nonresident Formula

- An adjustment number for each unit will be determined using seven factors: Population trends, deer-related vehicle accidents, age structure, deer damage, landowner desire for NR deer permits, and general public desires, health and habitat (professional judgment). The adjustment factor will be used to determine 2008 permit numbers based on an average of NR demand from the previous 6 years, however, we recommend not less than a 10 percent increase per DMU and not more than 50 percent increase per hunt (except for Unit 16).

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 267 regarding Failure to Comply  
With a Wildlife and Parks Citation  
To  
The Senate Committee on Natural Resources**

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

**9 February 2007**

SB 267 seeks to create a new crime of failure to comply with a Wildlife and Parks citation and amend K.S.A. 32-1054. The provisions of the bill would be effective on publication in the statute book. **The Department supports the provisions contained in SB 266 and requested introduction of the bill.**

SB 267 seeks to create the new crime of failure to comply with a Wildlife and Parks citation, a class C misdemeanor. This proposal is similar to statutes currently in place for failure to comply with traffic citations.

Failure to comply with a Wildlife and Parks citation would be failing to appear in any district court for a citation and failing to pay or satisfy all fines, court costs, assessments or fees imposed by the court. In addition to the penalties applicable by the crime of failure to comply, the court can notify the Department to forfeit or suspend any license, permit, stamp or other issue of the Department until or unless the violator complies with the citation or the sentence of the district court. The bill also contains provisions for a reinstatement fee to be charged when a violator who has been suspended or revoked to pay to the court and be deposited in the state general fund. The reinstatement fee can be waived for certain actions related to military service.

The Department appreciates the opportunity to address the bill and appreciates the support of the Committee in making this modification to the statute that would enable the court system to assist in providing more efficient wildlife law enforcement.