

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 20, 2007, in Room 423-S of the Capitol.

All members were present except:

Tim Huelskamp- excused

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:

Others attending:

See attached list.

Chairman McGinn called the Committee's attention to the revised agenda and that CREP had been taken off because the Committee had not met before Senator Huelskamp left town. She told the group that once the Subcommittee had met the CREP issue would be brought back to the full body for discussion probably sometime next week.

Chairman McGinn opened discussion on **SB 266, Big game and wild turkey permits**. Senator Janis Lee expressed concerns about the bill in its current form. Senator Lee proposed a Substitute for Senate Bill 266 which would reinstate the current law and which would allow Wildlife and Parks to come back next year with a more appropriate bill. Chairman McGinn gave Committee members a few minutes to look over the proposed **Substitute for SB 266 (Attachment 1)**.

Chairman McGinn told the Committee that she had received faxes from individuals in Western Kansas who voiced concerns about the bill (Attachments 2 and 3). Several Committee members questioned Christopher Tymeson of Wildlife and Parks about the Department's approach in taking into account concerns from people who attended the statewide meetings on **SB 266**. Senator Ostmeyer stated that what he was hearing from constituents made him think that this was not the way to go with this bill. Mr. Tymeson responded that the Department brought back comments from all 16 of the meetings across the state and took them into consideration when formulating the bill.

Senator Ostmeyer made a motion to accept Senator Lee's **Substitute for SB 266** as presented, seconded by Senator Taddiken. The motion carried.

Further discussion of the proposed bill continued regarding the sunset provision, the 50% figure used in the bill regarding permitting in certain regions, and the time allocated to the Department of Wildlife and Parks for submitting a bill that would be more fair.

Senator Taddiken made a motion to pass **Substitute for SB 266** out favorably, seconded by Senator Ostmeyer. The motion passed, with one dissenting vote by Senator Francisco.

There being no further business to come before the Committee, the meeting was adjourned at 9:20 a.m.



## PROPOSED Substitute for SENATE BILL NO. 266

By Committee on Natural Resources

AN ACT relating to wildlife; concerning big game; amending K.S.A. 2006 Supp. 32-937 and repealing the existing section.

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

Section 1. K.S.A. 2006 Supp. 32-937 is hereby amended to read as follows: 32-937. (a) When used in this section:

(1) "Landowner" means a resident owner of farm or ranch land of 80 acres or more located in the state of Kansas.

(2) "Tenant" means an individual who is actively engaged in the agricultural operation of 80 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities or livestock and who: (A) Has a substantial financial investment in the production of agricultural commodities or livestock on such farm or ranch land and the potential to realize substantial financial benefit from such production; or (B) is a bona fide manager having an overall responsibility to direct, supervise and conduct such agricultural operation and has the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production.

(3) "Regular season" means a statewide big game hunting season authorized annually which may include one or more seasons restricted to specific types of equipment.

(4) "Special season" means a big game hunting season in addition to a regular season authorized on an irregular basis or at different times of the year other than the regular season.

(5) "General permit" means a big game hunting permit available to Kansas residents not applying for big game permits as a landowner or tenant.

(6) "Nonresident landowner" means a nonresident of the state of Kansas who owns farm or ranch land of 80 acres or more which is located in the state of Kansas.

(7) "Nonresident permit" means a big game hunting permit available to individuals who are not Kansas residents.

(b) Except as otherwise provided by law or rules and

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Attachment 1 -  
Senator Lee*

regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid big game permit and game tags are required to take any big game in this state.

(c) The fee for big game permits and game tags shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

(d) A big game permit and game tags are valid throughout the state or such portion thereof as provided by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a big game permit and game tags are valid from the date of issuance and shall expire at the end of the season for which issued.

(f) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for each regular or special big game hunting season and for each management unit regarding big game permits and game tags. The secretary is hereby authorized to issue big game permits and game tags pertaining to the taking of big game. Separate big game permits and game tags may be issued for each species of big game. No big game permits or game tags shall be issued until the secretary has established, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, a regular or special big game hunting season.

(g) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805, and amendments thereto, landowner or tenant hunt-on-your-own-land big game permits. Such permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(h) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805 and amendments thereto, special landowner or tenant hunt-on-your-own-land deer permits.

Such special permits shall not be issued to landowners or tenants in possession of a hunt-on-your-own-land deer permit as authorized in subsection (g). The special permits shall be transferable to any immediate family member of the landowner or tenant, whether or not a Kansas resident, or the permit may be retained for use by the landowner or tenant. The special permits shall be transferable through the secretary at the request of the landowner or tenant and by paying the required fee for a general deer permit. The special permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto. For the purposes of this subsection, "member of the immediate family" means lineal or collateral ascendants or descendants, and their spouses.

(i) Fifty percent of the big game permits authorized for a regular season in any management unit shall be issued to landowners or tenants, provided that a limited number of big game permits have been authorized and landowner or tenant hunt-on-your-own-land big game permits for that unit have not been authorized. A landowner or tenant is not eligible to apply for a big game permit as a landowner or as a tenant in a management unit other than the unit or units which includes such landowner's or tenant's land. Any big game permits not issued to landowners or tenants within the time period prescribed by rule and regulation may be issued without regard to the 50% limitation.

(j) Members of the immediate family who are domiciled with a landowner or tenant may apply for a resident big game permit as a landowner or as a tenant, but the total number of landowner or tenant hunt-on-your-own-land or special hunt-on-your-own-land permits issued to a landowner or tenant and a landowner's or tenant's immediate family for each big game species shall not exceed one permit for each 80 acres owned by such landowner or operated by such tenant. The secretary may require proof of ownership or tenancy from individuals applying for a big game

permit as a landowner or as a tenant.

(k) The secretary may issue permits for deer to nonresident landowners, but any such permit shall be restricted to hunting only on lands owned by the nonresident landowner.

(1) The secretary may issue deer hunting permits to nonresidents, subject to the following limitations:

(1) The total number of nonresident deer firearm permits of each type specified by rules and regulations that may be issued for a deer season in a management unit and which may be used to take antlered deer shall for the year 2004, not be less than 7% nor more than 14%; for the year 2005, not be less than 8% nor more than 16%; for the year 2006, not be less than 9% nor more than 18%; and for any year thereafter, not be less than 10% nor more than 20%, ~~of~~ 50% increase in the total number of resident deer firearm permits of such type authorized for such season in such management unit; and

(2) the total number of nonresident deer archery permits of each type specified by rules and regulations that may be issued for a deer season in a management unit and which may be used to take antlered deer shall for the year 2004, not be less than 9.5% nor more than 19%; for the year 2005, not be less than 10.5% nor more than 21%; for the year 2006, not be less than 11.5% nor more than 23%; and for any year thereafter, not be less than 12.5% nor more than 25%, of the total number of resident deer archery permits of such type authorized for such season in such management unit.

Nonresident deer permits may be restricted to a particular deer species without regard to resident deer permit species restrictions, or lack thereof.

If an unlimited number of resident deer permits that may be used to take antlered deer is authorized for a deer season or management unit, the percentage limitations of subsections (1)(1) and (1)(2) shall be based upon the total number of resident firearm permits that may be used to take antlered deer and the total number of archery permits that may be used to take antlered

deer, respectively, issued in the management unit during the most recent preceding similar season. If in a management unit there are an unlimited number of resident permits that may be used to take only antlerless deer, the secretary, in the secretary's discretion and in accordance with rules and regulations, may authorize the issuance of an unlimited number of nonresident permits that may be used to take only antlerless deer.

(m) Any nonresident deer hunting permits authorized under subsection (l) that remain unissued due to an insufficient number of nonresident applications as of a deadline determined by the secretary, shall be made available to residents.

(n) The secretary shall issue nonresident deer permits pursuant to subsection (l) to landowners and tenants applying for such permits, except that the total number of nonresident deer permits of each type specified by rules and regulations that may be issued to landowners and tenants for a deer season in a management unit shall not exceed 50% of the total number of nonresident deer permits of such a type authorized for such season in such management unit. A nonresident deer permit obtained by a landowner or tenant shall retain the permit's nonresident and species designation, except that such permit shall only be valid within a designated county and one additional county where the qualifying landowner's or tenant's lands are located. The permit shall be transferable, with or without consideration, to any resident or nonresident through the secretary at the request of the landowner or tenant. A landowner or tenant purchasing a nonresident deer permit pursuant to this subsection shall pay the established fee for a nonresident deer permit.

The provisions of this subsection shall expire on June 30, ~~2007~~ 2009.

(o) On or before January 31, 2005:

(1) The secretary, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, shall establish not less than nine archery management units for deer.

To the extent possible, boundaries of firearm management units for deer shall be used in establishing the boundaries of such archery management units.

(2) The secretary shall submit to the house standing committee on tourism and parks and the senate standing committee on natural resources a report regarding the archery management units established pursuant to subsection (o)(1).

(p) A big game permit shall state the species, number and sex of the big game which may be killed by the permittee. The secretary may furnish an informational card with any big game permit and, at the conclusion of the open season, each permittee receiving such card shall return the card to the department, giving such information as is called for on the card.

(q) The permittee shall permanently affix the game tag to the carcass of any big game immediately after killing and thereafter, if required by rules and regulations, the permittee shall immediately take such killed game to a check station as required in the rules and regulations, where a check station tag shall be affixed to the game carcass if the kill is legal. The tags shall remain affixed until the carcass is consumed or processed for storage.

(r) The provisions of this section do not apply to big game animals sold in surplus property disposal sales of department exhibit herds or big game animals legally taken outside this state.

Sec. 2. K.S.A. 2006 Supp. 32-937 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.



February 19, 2007

Honorable Carolyn McGinn  
Natural Resources Committee Chair

The Kansas Department of Wildlife & Parks has recently presented to your Natural Resources Committee Bill #S266. As Ag operator this proposal concerns my family on two major points:

- 1.) The removal of the over site of the deer management from our Kansas legislature to the Kansas Wildlife & Parks Commission would be detrimental to Kansas landowners. As an Ag family we have been involved in interacting with KDWP for 10 years concerning deer regulations in the State of Kansas. KDWP has turned a deaf ear to the concerns of Kansas farmers and ranchers throughout this time frame. The Kansas legislature as our elected representatives have been our only relief to gain any movement from KDWP, therefore, to remove this over site from the legislature is an invitation to allow a government agency to run rough shot over the Kansas landowners.
- 2.) The removal of the Kansas landowner from the deer management process by total elimination of the Non-resident Transferable Permit eliminates the Kansas landowner the ability to grant access to their land to individuals of their choosing. When KDWP traveled the state through the summer of 2006, they had in their proposal to establish an over the counter Whitetail Either Sex, Any Season permit. This over the counter permit would be available to both residents and non-residents and serve as a safety net if a non-resident did not draw a permit. However, in their final proposal presented to the Kansas legislature the any season permit is no where to be found and no alternative was proposed. To make the proposed legislation workable to Kansas landowners, one of two things should happen. 1.) KS landowner allowed transferring our hunt-own-land permits to anyone of our choosing or 2.) Whitetail Either Sex, Any Season permit should be reinstated either as an over the counter permit or available to landowners (based on acreage) to be used as a transferable permit.

Sincerely,  
Wes & Mary Beth Traul  
Kansas Family Landowners/Ag Operators

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Attachment 2*

Letters in Opposition of Senate Bill 266  
Submitted to Keaton Kelso  
President, Kansas Outfitters Association

The Kansas Outfitters Association would like to submit this written testimony in opposition to Senate Bill 266.

The Kansas Outfitters Association has tried to work with Wildlife and Parks over that past decade on big game regulations. It has become apparent to our members and to all in the hunting industry that Wildlife and Parks is not willing to work with the hunting industry or the landowners that support the hunting industry in Kansas. We are adamantly opposed to big game regulations being taken out of the hands of our elected officials and put into "rules and regulations" administered by Wildlife and Parks.

As for the actual deer task force recommendations, the Kansas Outfitters Association supports the proposal. We feel that this proposal provides adequate opportunity for big game tags for our operations across Kansas as well as provides resident hunters tremendous advantages over the non-resident.

The only issue that we feel could be strengthened is to have the "hunt your own land" tags transferable to anyone. The current proposal specifies family members only. If landowners want to transfer their hunt your own land tags to a non-family member the tag should cost the same as the non-resident tag. If the Wildlife and Parks proposal meets demand, these tags would never be used. In the case that demand was not met, landowners would have an option.

Thank you for your time and consideration.

Keaton Kelso  
President  
Kansas Outfitters Association  
316-772-0854

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Attachment 3*