

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on January 27, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Kerschen - Excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes

Daniel Yoza, Office of the Revisor of Statutes

Corey Carnahan, Kansas Legislative Research Department

Raney Gilliland, Kansas Legislative Research Department

Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

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

Others attending:

See attached list.

Chairman Powell opened the meeting with introduction of Daniel Yoza, Office of the Revisor of Statutes, to give a bill briefing on **HB 2457**.

Mr. Yoza explained the purpose of **HB 2457** is to permit nonresident youth hunters to hunt without a license just as resident youth hunters are permitted to, and to permit hunting of coyotes without a license.

Hearing on HB 2457:

OPPONENT:

At the conclusion of the bill description, Chairman Powell introduced Christopher J. Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks (Department), who spoke as an opponent on **HB 2457** (Attachment 1). Mr. Tymeson explained that the bill proposes to add to the list of exemptions for needing a hunting license, stating the Department is a fee funded agency and depends on license and permit sales to maintain the recreation and wildlife management programs it administers. The proposed exemption would result in a loss of \$94,000 in license sales revenue as well as approximately \$27,000 in federal aid.

Additionally, Mr. Tymeson stated the second major issue with the bill concerns law enforcement. The bill adds nonresidents to the list of persons who don't need a hunting license for prairie dogs, gophers and moles and goes significantly further to include coyotes for both residents and nonresidents. This could provide a convenient excuse to be in the field with a high-power rifle during the deer season without a license or permit.

The hearing was closed on **HB 2457**.

Chairman Powell opened the hearing on **HB 2459**.

OPPONENT:

Christopher J. Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, spoke as an opponent on **HB 2459** (Attachment 2), stating the bill also proposes to add to the list of exemptions for needing a hunting license, and the Department is a fee-funded agency, depending on license and permit fees to maintain the recreation and wildlife management programs it administers. Mr. Tymeson further stated there is also the issue of misidentification of rattlesnakes in Kansas with unregulated harvest. Lastly, Mr. Tymeson contends nothing currently precludes individuals from protecting themselves or their property from a rattlesnake.

The hearing was closed on **HB 2459**.

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on January 27, 2010, in Room 783 of the Docking State Office Building.

Chairman Powell stated that since these bills were non-controversial, he appointed a subcommittee with Representative Schroeder as Chairman, along with Representatives Svaty and Prescott to review **HB 2457**, **HB 2458** and **HB 2459**.

Bill introductions:

Representative Mitch Holmes introduced a conceptual bill concerning mountain lions. By general consensus of the Committee, the bill was introduced.

Chairman Powell introduced a bill concerning water rights relating to the abandonment and termination; creating a water conservation exemption. By general consensus of the Committee, the bill was introduced.

The next meeting is scheduled for February 1, 2010.

The meeting was adjourned at 4:00 p.m.

AG. & NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: 1-27-10

NAME	REPRESENTING
Ledi Kaufman	173 Coop Council
Kelli Kirkwood	KLA
Greg Graff	
Chris Tymeson	KPWP



DEPARTMENT OF WILDLIFE AND PARKS

Mark Parkinson, Governor
J. Michael Hayden, Secretary

www.kdwp.state.ks.us

**Testimony on HB 2457 regarding Nonresident Licensing
To
The House Committee on Agriculture and Natural Resources**

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

January 27, 2010

HB 2457 seeks to amend three statutes related to nonresident hunting licenses. The provisions of the bill would be effective on publication in the statute book. **The Department opposes the provisions contained in the bill.**

A basic tenant of the conservation model of North America is that the sale of licenses for both hunting and fishing pay the way for conservation of all species of wildlife. The bill proposes to add to the list of exemptions for needing a hunting license. The Department is a fee funded agency and depends on license and permit sales to maintain the recreation and wildlife management programs it administers. One only need look to the current list of exemptions for sales tax to see a glimpse of the future if we continue down this road. The first proposed exemption is related to nonresident youth hunting licenses. Currently, nonresidents under the age of 16 can obtain a nonresident youth hunting license at the cost of \$35.00. The proposed exemption would result in a loss of \$94,000 in license sales revenue as well as a approximately \$27,000 in federal aid.

The second major issue with the bill concerns law enforcement. The bill adds nonresidents to the list of persons who don't need a hunting license for prairie dogs, gophers and moles and goes significantly further to include coyotes for both residents and nonresidents. This provides would be violators a convenient excuse to be the field with a high-power rifle during the deer season without a license or permit.

There are also some very significant drafting issues with the bill that should be corrected if the bill sees further action.

The Department appreciates the opportunity to address the bill and the support of the Committee in opposing the bill.



DEPARTMENT OF WILDLIFE AND PARKS

Mark Parkinson, Governor
J. Michael Hayden, Secretary

www.kdwp.state.ks.us

**Testimony on HB 2459 regarding Prairie Rattlesnakes
To
The House Committee on Agriculture and Natural Resources**

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

January 27, 2010

HB 2459 seeks to amend two statutes related to the taking of prairie rattlesnakes. The provisions of the bill would be effective on publication in the statute book. **The Department opposes the provisions contained in the bill.**

A basic tenant of the conservation model of North America is that the sale of licenses for both hunting and fishing pay the way for conservation of all species of wildlife. The bill proposes to add to the list of exemptions for needing a hunting license. The Department is a fee-funded agency, depending on license and permit fees to maintain the recreation and wildlife management programs it administers. One only need look to the current list of exemptions for sales tax to see a glimpse of the future if we continue down this road.

There is also the issue of misidentification of rattlesnakes in Kansas with unregulated harvest. Kansas has three species of rattlesnakes; the prairie rattlesnake, the timber rattlesnake and the massasauga rattlesnake. The timber rattlesnake is a listed SINC species, which is a species in need of conservation in Kansas, and the potential for unregulated harvest of the SINC species could occur. Designation as a SINC species provides emphasis and protection designed to prevent a species from being added to the Threatened and Endangered Species List. Unregulated harvest as a result of this legislation could jeopardize these efforts.

And finally, nothing currently precludes individuals from protecting themselves or their property from a rattlesnake. The individual possession limit for a person with a hunting license is 5 snakes and individuals who want to commercially harvest prairie rattlesnakes in conjunction with a Department approved event (such as a Rattlesnake Round-up) can apply to the Department under current regulations. However, no commercial harvest prairie rattlesnake applications have been received since 2007.

There are also some significant drafting issues with the bill that should be corrected if the bill sees further action.

The Department appreciates the opportunity to address the bill and the support of the Committee in opposing the bill.