

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 February 10, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Johnson - Excused  
Representative Light - Excused  
Representative Palmer - 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 Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks

Others attending:

See attached list.

Chairman Powell opened the meeting with the hearing on **HB 2611** - Disabled hunters' helpers may be within one mile of hunter.

**Hearing on HB 2611:**

**OPPONENT:**

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, testified in opposition of **HB 2611** (Attachment 1), stating the bill seeks to amend a statute related to disability assistance permits and disabled hunters. Mr. Tymeson further commented that the main point of opposition to the bill is related to enforcement and the bill, in essence, would allow an unlicensed hunter in the field. If the issue is just merely to take game on behalf of another, then any person with the proper permits and licenses can take game and donate it to another person already. The purpose of this disability assistance permit is to allow the disabled person to participate in the process, while still taking game home.

After questions were asked by members of the Committee, the hearing was closed on **HB 2611**.

Chairman Powell continued the meeting with action on bills previously heard.

**Action on HB 2566** - Food and drug inspection duties under the department of agriculture.

Raney Gilliland, Kansas Legislative Research Department, gave an explanation of **HB 2566**, commenting that the bill transfers authority from the Secretary of the Department of Health and Environment to the Secretary of Agriculture and in essence, it is a statutory cleanup bill.

Representative Fund made a motion to move the bill out favorably. Representative Hayzlett seconded the motion. The motion carried.

Representative Svaty will carry the bill. Representative Fund will prepare the bill brief.

**Action on HB 2606** - Tuttle Creek Dam river pond area, entrance to remain open.

Raney Gilliland, Kansas Legislative Research Department, gave an explanation of **HB 2606**, stating the bill concerns gate entrance to Tuttle Creek State Park river pond area, specifically addressing the issue of the west entrance.

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on February 10, 2010, in Room 783 of the Docking State Office Building.

Committee members did not come to an agreement to move the bill out favorably.

**Action on HB 2458** - Requiring archery permit holders to take a doe before a buck.

A balloon amendment dated February 8, 2010, was distributed on **HB 2458** (Attachment 2). Daniel Yoza, Office of the Revisor of Statutes, explained the changes outlined in the balloon, commenting the reference made to the current statute 32-932 concerning disabled hunters was unnecessary to amend and struck those references. The original language of requiring archery permit holders to take a doe before a buck has been stricken and replaced with reference to the crossbow deer season running concurrently and throughout the archery deer season.

Representative Wetta made a motion to adopt the balloon amendment. Representative Hineman seconded the motion. By majority vote of the Committee members the balloon amendment was not adopted. The bill was not moved out favorably.

The next meeting is scheduled for February 11, 2010.

The meeting was adjourned at 4:27 p.m.





DEPARTMENT OF WILDLIFE AND PARKS

Mark Parkinson, Governor  
J. Michael Hayden, Secretary

www.kdwp.state.ks.us

**Testimony on HB 2611 regarding Disabled Hunters  
To  
The House Committee on Agriculture and Natural Resources**

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

**February 10, 2010**

HB 2611 seeks to amend a statute related to disability assistance permits and disabled hunters. The provisions of the bill would be effective on publication in the statute book. **The Department opposes the provisions contained in the bill.**

K.S.A. 32-933 allows any person having a permanent physical or visual disability that cannot safely hunt to apply for a disability assistance permit. The permit allows the disabled individual to designate someone to take wildlife on behalf of the disabled individual, provided the disabled person purchases the appropriate permits, accompanies the hunter to the field and is close proximity to the hunter.

The main point of opposition to the bill is related to enforcement. Hunting and fishing are partly regulated by the issuance of licenses and permits and the establishment of bag and possession limits. The bill, in essence, would allow an unlicensed hunter in the field. If the issue is just merely to take game on behalf of another, then any person with the proper permits and licenses can take game and donate it to another person already. The purpose of the disability assistance permit is to allow the disabled person to participate in the process, while still taking home game. This bill would essentially take the disabled individual out of the process.

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

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Ag & Natural Resources Committee  
Date 2-24-10  
Attachment 1

# HOUSE BILL No. 2458

By Committee on Agriculture and Natural Resources

1-14

9 AN ACT concerning hunting; relating to deer hunting permits; amending  
10 K.S.A. 2009 Supp. 32-932 and 32-937 and repealing the existing  
11 sections.

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

13 Section 1. K.S.A. 2009 Supp. 32-932 is hereby amended to read as  
14 follows: 32-932. (a) (1) Any person having a permanent disability to the  
15 extent that such person cannot physically use a conventional long bow or  
16 compound bow, as certified by a person licensed to practice the healing  
17 arts in any state, shall be authorized to hunt and take deer, antelope, elk  
18 or wild turkey with a crossbow.

19  
20 ~~(2) Such person holding a crossbow permit shall be subject to the~~  
21 ~~limitations of K.S.A. 32-937, and amendments thereto.~~

22 (b) The secretary of wildlife and parks shall adopt, in accordance with  
23 K.S.A. 32-805, and amendments thereto, rules and regulations requiring  
24 permits to hunt deer, antelope, elk or wild turkey pursuant to subsection  
25 (a) and providing for the approval of applicants for such permits and the  
26 issuance thereof. In addition, the secretary may adopt rules and regula-  
27 tions limiting the times and areas for hunting and taking deer, antelope,  
28 elk and wild turkey and limiting the number of deer, antelope, elk and  
29 wild turkey which may be taken pursuant to subsection (a).

30 (c) Falsely obtaining or using a permit authorized by this section is a  
31 class C misdemeanor.

32 Sec. 2. K.S.A. 2009 Supp. 32-937 is hereby amended to read as fol-  
33 lows: 32-937. (a) When used in this section:

34 (1) "Landowner" means a resident owner of farm or ranch land of  
35 80 acres or more located in the state of Kansas.

36 (2) "Tenant" means an individual who is actively engaged in the ag-  
37 ricultural operation of 80 acres or more of Kansas farm or ranch land for  
38 the purpose of producing agricultural commodities or livestock and who:

39 (A) Has a substantial financial investment in the production of agricultural  
40 commodities or livestock on such farm or ranch land and the potential to  
41 realize substantial financial benefit from such production; or (B) is a bona  
42 fide manager having an overall responsibility to direct, supervise and con-  
43 duct such agricultural operation and has the potential to realize substan-

Proposed balloon amendments  
prepared for the House Agriculture and  
Natural Resources Committee

Daniel Yoza, Assistant Revisor  
February 8, 2010

Ag & Natural Resources Committee  
Date 2-24-10  
Attachment 2

1 tial benefit from such production in the form of salary, shares of such  
2 production or some other economic incentive based upon such produc-  
3 tion. Evidence of tenancy, if requested, shall be provided to the depart-  
4 ment and may include, but is not limited to, natural resource conservation  
5 services records, farm service agency records, or written agricultural con-  
6 tract or lease documentation.

7 (3) "Regular season" means a statewide big game hunting season au-  
8 thorized annually which may include one or more seasons restricted to  
9 specific types of equipment.

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

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

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

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

21 (b) Except as otherwise provided by law or rules and regulations of  
22 the secretary and in addition to any other license, permit or stamp re-  
23 quired by law or rules and regulations of the secretary, valid big game  
24 permits are required to take any big game in this state.

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

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

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

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

42 (g) The secretary may authorize, by rule and regulation adopted in  
43 accordance with K.S.A. 32-805, and amendments thereto, regular land-

owner or tenant hunt-on-your-own-land big game permits. Members of the landowner's or tenant's immediate family who are domiciled with the landowner or tenant may apply for resident big game permits as landowners or tenants, but the total number of landowner or tenant regular hunt-on-your-own-land permits issued to a landowner or tenant and a landowner's or tenant's immediate family members for each big game species shall not exceed one permit for each 80 acres owned by such landowner or operated by such tenant. Evidence of ownership or tenancy, if requested, shall be provided to the department. 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) Special hunt-on-your-own-land deer permits may be issued to a landowner's or tenant's siblings and lineal ascendants or descendants, and their spouses, whether or not a Kansas resident, by paying the required fee for a general deer permit. The total number of regular and special hunt-on-your-own-land deer permits issued to a landowner's or tenant's siblings and lineal ascendants or descendants, and their spouses, shall not exceed one deer permit for each 80 acres owned by such landowner or operated by such tenant. Evidence of ownership or tenancy, and sibling or lineal ascending or descending relations, if requested, shall be provided to the department.

(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) The secretary may issue, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, resident deer hunting permits available on a limited basis and valid for a designated species and sex in designated units, and antlerless-only deer permits in designated units as necessary for management purposes, and, any of the following options:

(1) Either sex white-tailed deer permits valid statewide during any season with the equipment legal for that season;

(2) ~~(A) either species, either sex archery permits valid statewide; or (B) a holder of a resident either species, either sex archery permit shall first take a doe before taking a buck;~~

1 (3) either species, either sex muzzle loader permits valid in designated units; or

2 (4) either species, either sex firearm permits valid in designated units.

3 (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.

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

5 (1) The total number of nonresident deer permits that may be issued for a deer season in a management unit and which may be used to take antlered deer shall be established with the goal of meeting demand for those permits, using a formula developed by the department that will consider adjustment factors, including deer population trends, deer-related vehicle accidents, age structure in the harvest, deer damage, landowner desire for nonresident deer permits, general public desires and health of habitat. The 2008 permit numbers shall be based on the adjustment factors and an average of nonresident demand for permits in each management unit from the previous six years, establishing at least a 10% increase but not more than 50% increase in permit numbers in each management unit, except in unit 16, where permit numbers shall not increase more than 100%. In subsequent years, the formula shall be used to determine permit allocations based on demand and the adjustment factors.

6 (2) Nonresident deer permits may be restricted to a particular deer species.

7 (3) Nonresident deer permits shall be restricted to two adjacent deer management units.

8 (4) Nonresident deer hunters shall select one season at the time of application.

9 (5) ~~(A)~~ For an additional fee, nonresident deer hunters applying for a whitetail either sex archery or muzzle loader permit in a designated mule deer unit may also apply for one of the limited number of mule deer stamps. If they are successful in both drawings, they would be issued a permit that will allow them to take either a whitetail deer or a mule deer in that unit; ~~or (B) a holder of a nonresident whitetail either sex archery permit shall first take a doe before taking a buck.~~

10 (m) 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 require any big game permittee to provide survey information at the conclusion of the open season.

11 (n) The permittee shall permanently affix the carcass tag to the carcass of any big game animal immediately after killing and thereafter take such killed game to a check station as may be required in the rules and



regulations, where a check station tag shall be affixed to the big game carcass if the kill is legal. The tags shall remain affixed to the carcass until the carcass is processed for storage or consumption. The permittee shall retain the carcass tag until the carcass is consumed, given to another or otherwise disposed of.

(o) 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. 3. K.S.A. 2009 Supp. ~~32-932~~ and ~~32-937~~ are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

(p) Notwithstanding any other provision to the contrary, the secretary shall make available the same number of crossbow deer permits as archery deer permits for crossbow deer season. Crossbow deer season shall run concurrently and throughout archery deer season. Crossbow deer permits issued during archery deer season shall be issued without regard to the hunter's disability status.

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