

MINUTES OF THE HOUSE COMMITTEE ON TOURISM AND PARKS.

The meeting was called to order by Chairperson Becky Hutchins at 3:40 p.m. on February 17, 2003 in Room 243-N of the Capitol.

All members were present.

Committee staff present: Mary Torrence, Revisor of Statutes' Office
Hank Avila, Legislative Research Department
Russell Mills, Legislative Research Department
Sarah Samuelson, Committee Secretary

Conferees appearing before the committee:

proponents: Chad Luce, Department of Wildlife and Parks (Attachment 1)
Will Carpenter, Commissioner, Department of Wildlife and Parks (Att 2)
Governor Mike Hayden, Secretary, Department of Wildlife and Parks (Att 3-4)
Steve Swaffar, Kansas Farm Bureau (Att 5)
Dan Rudman, private citizen (Att 6)
Mark Lohrding, private citizen (Att 7)
Mike Beam, Kansas Livestock Association (Att 8)
Ron Klataske, private citizen

written testimony: Shawn Harding, Kansas Bowhunters Association (Att 9)
Larry Konrade, Tamarack Outfitters (Att 10)
David Clawson, private citizen (Att 11)
Kent Jarnagin, private citizen (Att 12)

opponents: Bob Thomas, private citizen (Att 13)
Keaton Kelso, outfitter (Att 14)
Spencer Tomb, Kansas Wildlife Federation (Att 15)

Others attending: see attached list

HB 2078 - Deer hunting permits and commercialization of wildlife

Proponents:

Chad Luce, representing the Department of Wildlife and Parks, addressed the committee as a proponent of the bill (Attachment 1). He explained to the committee the strategies the KDWP has taken to control the deer herd; these include increasing the availability of permits; extending the season into January; increasing the amount of private land available for public hunting; issuing deer control permits to farmers experiencing crop damage; and instituting a referral system whereby landowners can request a list of hunters who can help them control the deer on their land.

Will Carpenter, a commissioner of the Department of Wildlife and Parks, addressed the committee as a proponent of the bill (Attachment 2). He described the final report of the Deer Management Working Group as a set of compromises. The current system of transferrable nonresident deer permits is a bad idea, because many of the permits are not used on the land owned by the person who obtains the permit.

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The landowner requesting the permit is profiting without providing any benefit (such as the use of his land for hunting). The current bill would balance things out, so that those providing the land and receiving crop damage would be the ones benefitting from the sale of permits.

Governor Mike Hayden, Secretary of the Department of Wildlife and Parks, addressed the committee as a proponent of the bill ([Attachment 3](#)). He said the reason for this bill is that the current law, passed in 2000, will expire in 2004. He explained what the bill does: it gradually increases the number of nonresident permits offered by the Department; it restricts the validity of transferrable nonresident permits to the lands controlled by the applicant for such permits; it raises the statutory caps on the price of deer game tags and on nonresident application fees; and it increases the value of deer taken for commercial purposes, to assist in law enforcement operations. He provided a copy of the final report of the Kansas Deer Management Work Group ([Attachment 4](#)), which he assembled from a variety of organizations and whose compromises produced this bill.

Steve Swaffar, representing the Kansas Farm Bureau, addressed the committee as a proponent of the bill ([Attachment 5](#)). He said that deer constitute both a nuisance to farmers in the form of crop damage, and also an opportunity to farmers in the form of sales of transferrable hunting permits. He stated that the KFB supports the increase of non-resident permits proposed in the bill, since it would allow farmers and ranchers to obtain and sell more of these permits; this would greatly benefit the currently-poor agriculture economy. He asked the committee to expand the area of use of a transferrable permit to a larger subunit within the existing deer management units, so that the farmers could derive greater benefit from the sale of these permits.

Dan Rudman, a private citizen, addressed the committee as a proponent of the bill ([Attachment 6](#)). He agrees with the bill's provision restricting transferrable tags to the land controlled by the applicant, but he would prefer that transferrable tags be abolished altogether; there are much better ways to help farmers, and wildlife management should be left to the wildlife managers. Also, privatization of natural resources causes conflict for the management of resources, restricts hunting access to the rich, and decreases the quality of life for the majority of Kansas residents involved.

Mark Lohrding, a private citizen, addressed the committee as a proponent of the bill ([Attachment 7](#)). He compared the deer harvest season to the wheat harvest season of earlier years, in terms of increased economic activity in rural areas; he opined that the future of the rural Kansas economy lies more in tourism and hunting than in agriculture. He agreed with the bill's provision restricting transferrable tags to the land controlled by the applicant. He suggested that "Hunt-Own-Land" permits could be made transferrable, with an increased fee of \$205.50, to allow landowners to sell more hunts and also to provide more revenue to the state. He suggested that individual landowners could submit individual deer management plans, which, upon approval of the Department of Wildlife and Parks, would guarantee them a certain number of transferrable permits. He also suggested that the number of acres under an applicant's control could be used as a factor to weight the permit lottery, so that the owner of 5000 acres would have a better chance of drawing a permit than the owner of 80 acres.

Mike Beam, representing the Kansas Livestock Association, addressed the committee as a proponent of the bill ([Attachment 8](#)). He supports the bill's increases in transferrable permits, because for Kansas

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landowners to fully profit from these permits, a greater number of permits needs to be available to insure that landowners who apply for permits can get them.

Ron Klataske, a private citizen, addressed the committee as a proponent of the bill. (He will provide written testimony to the committee at a later time.) He said that the value of wildlife killed illegally should be increased, in order to discourage poaching by giving prosecutors more leverage. \$200 or \$400 is not a sufficient deterrent for killing a deer whose antlers are worth several thousand dollars on e-Bay; antlered deer values should perhaps be based on the point system of buck deer. Also, Mr. Klataske opposes the phrase "for big-game purposes" on lines 34 and 41 of page 4 of the bill; he believes that those who lease land for hunting should not have the same rights as farmers and ranchers, who operate land for agricultural purposes. There is no need for middlemen; rather, those who provide the habitat for the deer should reap the benefits directly.

Questions for proponents:

Representative Schwab asked how many permits are sold. Chad Luce replied that the number is approximately 7300 for non-residents, and about 3600 of these are distributed through Kansas landowners. Representative Schwab asked if this includes outfitters. Governor Hayden replied that it does, that the outfitters work with the landowners, and the landowners request the permits, then sell them to the outfitters, who often put together a consortium of landowners whose combined land is then available to clients of the outfitters.

Representative Kauffman asked why the number of resident hunters is declining. Governor Hayden replied that it was probably not because of these current policies, but because the permits are now available to all residents, they aren't as desirable as when they were scarce. Also, the percentage of people interested in hunting continues to decline. (This is not true of fishermen.) This is a societal trend; people in our current culture and generation don't have the connection to the land that Kansans once did. The KDWP is trying to address this problem with programs like Pass It On, to interest younger people in hunting and wildlife issues.

Representative Kauffman asked whether this bill would restrict hunting access to the very rich; Governor Hayden replied that it would not, because there are still one million acres of free hunting open to the public (of which maps will be supplied to the committee), and attempts are being made to increase this public access; however, access for everyone is something that should certainly be protected.

Representative Osborne asked whether the KDWP is monitoring the deer population by region, because the population is not evenly spread over the state. Governor Hayden replied that several indices are being maintained by region from year to year, such as deer-related auto accidents and number of deer taken. This allows the KDWP to keep track of how the population is doing. Also, since each person can take only one antlered deer but several antlerless deer, this acts as an equalizer of population.

Representative Osborne requested comment from the Department of Wildlife and Parks on Mr. Lohrding's statement that he would rather pay extra money for a "Hunt-Own-Land" permit, if he then would be allowed to transfer that permit. Governor Hayden replied that this would be inadvisable in that if landowner permits were not limited by the waning desire of landowners to hunt on their own land, there

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would be far too many of permits sold, and a rush for land by people wishing to profit from the permits. This would diminish the control of the KDWP over who gets the permits. Sales of "Hunt-Own-Land" permits are declining because of the unit-wide permits now available to all Kansans.

Representative Osborne suggested raising the minimum land-ownership requirement from 80 acres to, perhaps, 200 or 400 acres. Governor Hayden replied that the Deer Management Work Group considered such an action, but decided that this would constitute a changing of the rules, unfair to those who had already purchased 80 acres with the hope of hunting there.

Representative Hutchins asked about the bill's minimum requirements for nonresident license sales; if requests for those licenses are not up to the minimum, what happens to the excess licenses available? Governor Hayden responded that the minimum requirement is merely a requirement for the Department to offer such a percentage, and make those licenses available; if there are extras, they simply are not sold. However, this scenario is unlikely in the foreseeable future, since, at present, demand so greatly exceeds supply. Last year, the KDWP returned about \$2 million in application fees to those who requested, but did not draw, nonresident permits.

Opponents:

Bob Thomas, a private citizen, addressed the committee as an opponent of the bill ([Attachment 13](#)). He said that he is not opposed to nonresident permits, but he is concerned that with the raised percentages offered to nonresidents, these nonresidents will take only the antlered deer and not help with controlling the deer population, leaving the less desirable animals to Kansans. It will make it much more difficult for residents to find land to hunt on.

Keaton Kelso, a private citizen, addressed the committee as an opponent of the bill ([Attachment 14](#)). He said that he was glad to address the Tourism Committee because outfitting is a tourist business that brings many people and many more dollars into the Kansas economy. He opposed making the transferrable permits landowner-specific because this would make small farmers' permits non-marketable. The unit-specific system now in place is much better because it gives these small farmers' permits more value. Mr. Kelso estimated that, with the 227 guides in the state of Kansas, each with a generously-estimated average of 10,000 acres of land leased, this adds up to total outfitter access to 4.3% of the land area of Kansas, leaving 95% available for non-outfitter hunting.

Spencer Tomb, representing the Kansas Wildlife Federation, addressed the committee as an opponent of the bill ([Attachment 15](#)). Attached to his written testimony is a resolution from the Kansas Wildlife Federation in support of sound deer management in Kansas. He said one attraction to live in Kansas is the hunting available; this bill, by expanding the definition of "control" to include those who lease the land for big-game hunting, would diminish the quality of life by making it necessary for residents to hunt on leased land. Wildlife should belong to all Kansans, and should not be sold to the highest bidder.

Questions for opponents:

Representative Long asked whether, as an outfitter, he receives exclusive hunting rights by leasing a particular portion of land. Mr. Kelso replied that he does, but usually these rights are for specific game such as whitetail deer.

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Representative Long asked whether he notifies the landowners when he has contracted with hunters. Mr. Kelso replied that he does inform the landowners of which days the hunters will be on their property.

Representative Merrick asked about the figure Mr. Kelso mentioned, that only 4.3% of the land in Kansas is controlled by the 227 licensed outfitters, whether this figure includes the large sports clubs in Kansas City. Mr. Kelso responded that the figure was an estimate, which does not include any national or out-of-state companies, but only Kansas-based outfitters.

Written testimony:

Chairperson Hutchins called the attention of the committee to the written testimony of Shawn Harding, representing the Kansas Bowhunters Association (Attachment 9), Larry Konrade of Tamarack Outfitters (Attachment 10), David Clawson, private citizen (Attachment 11), and Kent Jarnagin, private citizen (Attachment 12).

Chairperson Hutchins closed the hearing on HB 2078.

Chairperson Hutchins appointed a subcommittee to examine this bill, consisting of Representatives Ray Merrick (chairperson), Gary Hayzlett, and Tom Thull. The subcommittee will consider HB 2078 and report to the full committee on February 24 with their recommendations.

Chairperson Hutchins called the attention of the committee to materials distributed, relating to the February 12 meeting. Michael Pickering of the Travel Industry Association of Kansas supplied a comparative chart showing the 1999-2000 advertising budget of each state (Attachment 16). Staff member Hank Avila supplied two National Conference of State Legislatures Legisbriefs showing information on other states' handling of tourism funding and of cultural tourism (Attachment 17).

Chairperson Hutchins reminded the committee of the plan this Wednesday to tour the Czars exhibit. The committee will meet to carpool on the first floor south entrance of the Capitol at 3:00 p.m.

The minutes from Feb 12 were distributed and approved without amendment.

Chairperson Hutchins adjourned the meeting at 5:20 p.m.

The committee will tour the Czars exhibit on February 19. The next regular meeting is scheduled for February 24, 2003.