

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 Friday before the second to last full weekend in September, running it through Sunday. Permits would be

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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.