

Approved: 2-17-93
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on February 10, 1993 in Room 423-S of the Capitol.

All members were present :

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Don Hayward, Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

SB-20 - big game permits

The chairperson opened the floor for discussion of **SB-20**, concerning big game permits.

A member questioned the department concerning the Colorado law regarding nonresident landowners and permits for deer hunters. It was noted that in Kansas a nonresident may get a permit to hunt their own property. The member stated that in Colorado nonresident landowners were not allowed to hunt their own land due to former overhunting. Nonresident hunters are allowed to hunt federal land.

A member questioned when Kansas starts their deer hunting season compared to other states. The department noted the Kansas archery season opens October 1, similar to other midwest states. The firearms season in surrounding states opens in late November. The Kansas season opens near the first of December. Kansas does not allow hunting during the rutting season due to the excessive vulnerability of the deer. The hunting success rate increases during that period. Higher hunter success translates into fewer permits issued. Kansas has a 60 percent success rate even though the season falls later than other states. It was further noted that one of the reasons Kansas has such an excellent deer herd is because they are protected until later in the season. The department noted another reason was because they had the flexibility, using various types of permits, to better manage the deer population.

Reference was made to the Farm Bureau testimony concerning property damage from the deer and wanted more deer harvested. Further comment noted there were constituents who felt the state should pay for damage done to property since the deer cannot be shot but can damage the person's car. The department noted it has tried to reduce the population in areas where crop damage and damage to vehicles was most prevalent. Payment for damages from deer would translate into taxes being paid out and could run into large amounts of money.

The chairperson called attention to Attachment 1 on public meetings held by the Department of Wildlife & Parks as requested by the committee. Further discussion on public meetings determined some were also held in 1989 and 1990. Mention was made that some people were concerned with not being able to hunt in other states. The department stated that it felt the change in attitude over the years concerning nonresident permits was due to the fact that they would be offered only in areas where there were excess permits.

There was some discussion about putting nonresident permit requirements into the statutes with the department stating this would make it difficult to attract nonresident deer hunters since the number of available permits isn't known until late in the year and plans needed to be made at an earlier date. The suggestion was made to base the number of available permits on the number of excess permits from the previous year. The department stated it should be based on units where year after year there were available permits that were not used.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 423-S Statehouse, at 8:00 a.m. on February 10, 1993.

Senator Tillotson made a motion to amend SB-20 on page 3, after line 28, by inserting the following: "Notwithstanding the foregoing provisions of this subsection, no nonresident permits shall be issued for a deer season in a management unit unless all resident permits applied for in such unit have been issued." Senator Emert seconded the motion.

Senator Lee made a substitute motion that nonresident hunting of deer (bow hunting, muzzle loader or rifle) be allowed only in those units where there have been unclaimed rifle antlered deer permits for two consecutive seasons. Senator Martin seconded the motion.

The observation was made that to control the deer population some does must be taken although even locals want antlered deer.

Support for Senator Lee's amendment was voiced noting it allowed permits on a fair percentage basis.

Continued discussion covered retaliatory legislation, the need to protect Kansas people's ability to hunt antlered deer and allowing the department enough flexibility to continue to manage the excellent deer herds in Kansas. The department noted that hunting is the most effective means of controlling the deer population and land owners are encouraged to allow some limited hunting, particularly of doe on their land and adjoining property.

A member queried the department as to their intent concerning leftover permits. The reply was there were two classes of nonresident permits, antlered deer and any deer. Further discussion followed with the department noting the nonresident permits were to be issued from 0 to 5 percent over and above resident permits. The question was asked as to the effect of this in a long term situation. The reply was that in the long term it will mean less buck in that area or you are going to have to cut back on the buck permits in that area.

The substitute motion failed.

Senator Emert made a substitute motion to add at the end of line 18 and line 22, page 3, "and shall be issued only in management units where unused permits existed in the previous year." Senator Vancrum seconded the motion.

Discussion noted that if the state was to benefit from nonresident hunting to control the deer population it should be done in the management units where there have been unused permits.

The comment was made that under Senator Emert's amendment, in unit 11 where there were no permits left over after the first drawing for "any deer" you wouldn't issue any nonresident "any deer" permits. The department noted that was their intent. Senator Martin noted that "Antlers only" would be the only permits issued in that unit. In discussing unit 12 and unit 13 Senator Martin noted the department would issue 5 percent (department corrected him saying "up to") of the total number of firearm permits available.

Senator Walker noted he read the bill as 5 percent of total permits, it could be more than 5 percent in any one region like unit 10 but it couldn't be more than 5 percent of the total.

It was suggested that they could enumerate in unit 6, 10, 12 and 13 and that would be all there would be in nonresident permits in the amendment, based on the previous year. It was noted you wouldn't want it in the statute but that was the way we wanted it to be. Senator Lee requested this be shown in the minutes for future reference.

An additional concern was expressed that in those management units you could only issue permits for those categories where you actually had unused permits.

The only permits issued next year in unit 11 would be "anterless permits only" because that is the only category which had unused permits. The department noted they would look at the record and if there were no permits left over this information would be used to determine nonresident permits.

Later on you said that in unit 11 if you had permits left over in any category then you could spread them out, that gave you permission to reallocate them anywhere you want, even in areas where there were no permits left. You are saying now that it would be only in that category of "anterless only".

The department noted that their discussion with the public and each other indicated nonresident permits would be based past history of leftover permits in each category in each unit.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 423-S Statehouse, at 8:00 a.m. on February 10, 1993.

Senator Martin suggested that the department come back and explain on paper what their intentions were so members could see it thus possibly saving a fight on the floor.

The motion carried.

The discussion will continue on Friday, February 12, 1993.

The meeting adjourned at 9 a.m.

The next meeting is scheduled for February 11, 1993.

GUEST LIST

SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

DATE February 10, 1993(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Ted ENSLEY

KDWP

Darrell Monteir

KDWP

Stan Hays

The Wichita Eagle

Michael Jones

Outdoor Life magazine

Keith Sexson

KDWP

Joe Kramer

KDWP

Ron Smith

Ks. Bowhunters Association

Robert Little

Pratt Airport Authority

Suzette Siemens

PRAD Chamber of Commerce

Jack Galle

" " " "

Wanen & Paege Family

Morrill Ks-66515

Jim Ludwig

WESTERN RESOURCES

STATE OF KANSAS



Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

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Theodore D. Ensley
Secretary

February 9, 1993

Senator Don Sallee, Chairman
Senate Energy and Natural Resources Committee
Room 128-S
State Capitol
Topeka, Kansas 66612

Dear Chairman Sallee:

Please find the attached deer informational meeting summary on non-resident deer hunting as requested by Senator Martin. The individual summaries are based on comments received at the meetings. These results may not reflect changes in attitudes towards non-resident deer hunting based on information presented by staff at the meetings.

Every effort was made to notify local news media about the information meetings to encourage attendance. Publicity for the meetings varied as did the number of people present. In some cases, weather was a negative factor. The issue continues to generate correspondence to the agency. Of letters received in this office, about half have been in favor of limited non-resident deer hunting.

I hope this information is helpful to the committee in considering Senate Bill 20. Please contact me if any additional information is required.

Sincerely,

Theodore D. Ensley, Secretary
Kansas Wildlife and Parks

Senate Energy & Natural Resources
February 10, 1993
Attachment 1

Summary of Deer Information Meetings

Hays - November 23, Ft. Hays Experiment Station

20 people in attendance

Summary

- . Concerned there would be fewer permits for residents
- . Too much land will be leased by non-residents and guides will lease large tracts of land
- . If Department needs money they will allot more and more permits to non-residents
- . Want to put it off
- . Don't seem to trust the Department

Garden City - November 23

10 non-agency people in attendance (bad weather and poor newspaper coverage)

Summary

- . Audience was generally supportive; definitely do not want permits issued for Units 17 and 18 while general resident applications are being rejected.
- . Concerned if program is financially successful Department would increase number of permits.
- . Three of ten in attendance against non-residents hunting.
- . Concerned prime areas would be leased.
- . Statewide guide association will lobby for non-resident hunting
- . Publicity not adequate although good efforts made by employees

Great Bend - November 23 canceled, due to weather
rescheduled November 30

No general public showed.

Lawrence - November 24

19 non-agency people attended

Summary

- . 75% were against but no strong opposition
- . Most people came to meeting for information
- . Some landowners spoke in favor
- . Leasing by non-residents not an issue
- . Audience split on thoughts about license price
- . Had excellent news coverage in Lawrence area

Hutchinson - November 30

20 non-agency people attended

Summary

- . Two landowners from Butler County attended, spoke in favor of, read written statement--audience applauded
- . Unit 6, present quota is too high, too many deer being shot
- . Group felt proposed fee too high

Wichita - December 1

25 non-agency people attended

Summary

- . Meeting was fairly positive
- . One individual very concerned about non-residents leasing up the land and/or guides doing so - would squeeze out residents
- . Individual representing Sumner County landowners would not oppose if fee is at least \$200, suggested illegal take of deer be a felony and depredating deer be donated to needy
- . Other ideas - non-residents only be allowed 1%, non-residents allowed antlerless only, 5% too high, keep permit high
- . Many were concerned about lease hunting, non-residents would lease land and drive prices up or make land non-accessible to residents

Manhattan - December 1

60 non-agency people attended

Summary

- . Only 4 of the 60 people in attendance opposed non-resident hunting
- . Several were concerned about non-residents leasing land and residents not having a place to hunt
- . 50% felt \$200 too high, 50% felt it was too low
- . The meeting was a long one with a good information exchange

Chanute - December 1

84 non-agency people attended

Summary

- . The majority of people were against non-resident hunting
- . Leasing and residents not getting permits were the main concerns
- . Although there were landowners in attendance not one comment was made about too many deer

- . Comments indicate that deer numbers are down dramatically in Unit 12 and noticeable in Unit 11
- . It was evident that those in attendance were unwilling to share deer hunting opportunities.

Garnett - December 2

48 non-agency people attended

Summary

- . The same summary applies to Garnett as reported from Chanute listed directly above

Salina - December 9

50 non-agency people attended

Summary

- . Most just wanted information
- . Most opposed, however with information did not strongly oppose
- . 35-40% were in favor of change
- . Overall good meeting

Dodge City - December 7 (program presented on non-resident deer hunting, not a scheduled deer meeting)

5 non-agency people (American Business Club meeting)

Summary

- . Three women and two men attended - men left meeting without asking any questions, don't know if there were hunters.
- . The women asked a few questions about deer hunting and hunting in general, probably weren't hunters but thought non-resident hunting would be good for economy.

Minneola - February 3 (program presented)

16 non-agency people (Lions Club)

Summary

- . Only 3 of 16 were actual deer hunters
- . Several were landowners, most were positive about presence of deer around the area.
- . One praised Department for deer management, hunting season and healthy deer herd.
- . One agreed with non-resident hunting if didn't compete with residents - keep at 5% or less, others agreed
- . Would rather KDWP make non-resident decision than a court or judge
- . Questioned if proposed fee was competitive with surrounding states
- . Did not want non-residents to have more than one permit

Kansas City - December 17

57 non-agency people in attendance

Summary

- . 70% were opposed to 30% in favor
- . Concern was expressed particularly by archery hunters on impact to minimal area was available to urban hunters
- . Concerned about increased leasing
- . 3 Missouri landowners commented that although they did not hunt in Kansas, they should have the opportunity. Would close their land if non-residents excluded
- . Openly indicated these were Kansas deer for Kansans

Proposed Amendment to SB 20

On page 3, after line 28, by inserting the following:
"Notwithstanding the foregoing provisions of this subsection, no nonresident permits shall be issued for a deer season in a management unit unless all resident permits applied for in such unit have been issued."