

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE

The meeting was called to order by Chairperson Becky Hutchins at 3:30 p.m. on March 22, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Broderick Henderson- excused
Representative Clark Shultz- excused
Representative Todd Novascone- excused

Committee staff present:

Hank Avila, Legislative Research Department
Russell Mills, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Lura Attig, Committee Secretary

Conferees appearing before the committee:

None

Others attending:

See Attached List.

Chairperson Hutchins brought the Committee's attention to the March 10 and March 15 minutes that would be reviewed at the end of the meeting.

Committee deliberation: **SB 364** - Issuance of commissioner permits to be awarded certain organizations; providing for reissuance of permits to certain military personnel; wild turkey not big game.

Rep. Schwab made a motion to amend **SB 364** to add the language from **HB 2668** - Special deer season in county where 25% of traffic accidents are deer related, which is the bill the Committee passed on special hunting districts as it relates to the subcommittee report before turnaround. Rep. Merrick seconded the motion. A vote was taken and the motion carried.

Rep. Hayzlett proposed an amendment to **SB 364**. Rep. Merrick seconded the motion. Nonresident archery allocation shall be determined by a percentage of the total number of rifle hunters and any deer numbers. Nonresident allocation shall be split equally between all eighteen management units. The nonresident transferable nonresident archery tags shall be valid for the management units.

Committee questions followed.

Rep. Ruff asked KDWP's opinion of the amendment. Mr. Tymeson reviewed the proposed amendment. He pointed out a few issues; the nonresident bowhunting permits allocated to units but not residents, present a legal problem. It is not defensible legally to represent the agency and say that we are going to allocate nonresident permits but not resident permits. If you split the bowhunting permits equally among the units, it may not reflect our current system on rifle permits. The nonresident rifle permits are reflective of the resident rifle permits. If we have a higher percentage of resident hunters in one unit, the nonresident hunter permits would be higher in that unit.

Rep. Thull made a motion to amend **SB364**, seconded by Rep. Ruff. Chairperson Hutchins asked Chris Tymeson to review the balloon and explain the difference between it and Rep. Hayzlett's amendment.

Committee questions followed.

Chairperson Hutchins asked Chris Tymeson if the balloon has the same stipulations as Rep. Hayzlett's except it also has the unit designation portion? Mr. Tymeson replied that archery permits would be based on the total percentages of resident firearm and deer permits, the archery unit shall be the same as the firearm management unit which is a restriction solely on nonresident permits, and that nonresident archery tags would be allocated equally to all management units which would not be reflective of participation rates.

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Rep. Ruff asked Chris Tymeson why is the percentage of resident participation so important? Mr. Tymeson replied the Department bases their numbers on firearms. For archery they have statewide permits. Rifle hunting has unit specific permits.

Rep. Hayzlett moves to withdraw his amendment, seconded by Rep. Merrick.

Rep. Thull asked Mr. Tymeson if he could tell us what adjustments are needed to make the amendment stand up to the legal issue of resident versus nonresident?

Keaton Kelso, Kansas Outfitters Association answered Rep. Thull: The biggest problem is the nonresident transferable tags, the nonresident draw for this year 2004, about 40 to 50 percent were not procured, are all going to one area of the state, the Southwest. Many people in other parts of the state will get very few archery tags because of a preference point system that was implemented in 2003. Preference point means that if someone didn't get a draw, they got a preference point, meaning that they would have preference in this years draw to get a tag. There is a huge group in the Southwest corner of the state that is dumping tons of applications into KDWP which gives the majority of tags to that area, pulling them from the Northeast and all across the state. Perhaps we should give everyone an equal share of the tags. The language about "archery management units shall be the same as firearm management units" should probably read "nonresident and resident archery management units should be the same as firearm management units." That would take care of the legal issue by giving equal treatment to residents and nonresidents. That is how we treat firearm individuals, why do we treat archery people different? If you are a person hunting with a gun in the state of Kansas, you are a second-hand citizen compared to an archery hunter under this system. You are restricted to your unit while archery hunters get free reign of the state. That is not a fair and equal way of doing this.

Governor Mike Hayden, Secretary, Kansas Department of Wildlife and Parks spoke. We have been living under one system for 40 years. There should be public hearings, notice, and the opportunity to comment in writing or in person before the committee. The amendment as drawn, would place the Department in serious legal jeopardy which we could not defend in court. You cannot discriminate between resident and nonresident archery hunters. There are a few savvy business operators in Southwest Kansas that have cornered the market on permits for this year. That will last only one year because those who don't get drawn get preference points. Those who don't get drawn this year are going to be a step ahead next year. Over a series of years, the market will stabilize itself. This bill cannot be in place for the 2004 hunting seasons.

Rep. Merrick, takes issue with one person managing the Southwest area. He is a smart businessman who got people to send in all those applications. So, he ends up with the permits and sells them. The people who helped him get a little money, he makes a lot of money and he is controlling the Southwest Kansas permits. With our current system, that man can control every permit in Kansas, he will be in charge. Our proposal will solve this.

Governor Hayden, those issues should be debated before the Wildlife and Parks Commission.

Chairperson Hutchins asked Gov. Hayden to clarify that he didn't say that there should not be changes and that nothing in this bill can help KDWP with the 2004 season but between now and the 2005 season she urged the Department to figure out a more equitable plan.

Governor Hayden recommended the Committee send a letter listing their concerns to the Chairman of the Wildlife and Parks Commission, asking the Commission to address the issues and hold public hearings on them. The Commission would then make recommendations to the Committee.

Rep. Hayzlett renewed his motion to amend **SB 364**, and it was seconded by Rep. Schwab. Motion carried.

Rep. Schwab made a motion that **SB 364** be passed favorable as amended, Rep. Merrick seconded. The bill was moved favorably out of committee.

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Chairperson Hutchins brought the Committee's attention to written testimony from Shawn Harding, Kansas Bowhunters Association which was submitted after the hearing on **SB 364** (Attachment 1).

The minutes of March 10 and March 15 were adopted.

The meeting adjourned at 4:40 p.m.