Approved _	February	16,	1988	
	Date			

MINUTES OF THE HOUSE	COMMITTEE ONENERGY_AND_NATURAL_RESOURCES					
The meeting was called to order by	Representative Dennis Spaniol	at				
	- Chairperson					

All members were present except:

Representative Rosenau (excused) Representative Sifers (excused)

Committee staff present:

Raney Gilliland, Legislative Research Laura Howard, Legislative Research Theresa Kiernan, Revisor of Statutes' Office Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Tom Sloan, Administrative Assistant to Senator Talkington Raymond E. Walton, Owner, Flint Oak Ranch, Fall River, Kansas Robert L. Meinen, Secretary, Department of Wildlife and Parks Mr. Jerry Hazlett, Kansas Wildlife Federation Bill McAdoo, Sportsman, Topeka, Kansas Dave Griffin, Sportsman, Topeka, Kansas Mr. Lonnie Bean, Wabaunsee County, Kansas Representative Ivan Sand, Riley, Kansas Representative Marvin Smith, Topeka, Kansas Mr. Ken Rogg, Osborne County, Kansas Mr. Ken Rogg, Topeka, Kansas

The meeting was called to order by Chairman Spaniol.

Senate Bill 475--Deer hunting on licensed game bird controlled shooting areas.

Tom Sloan, Administrative Assistant to Senator Talkington, introduced Mr. Ray Walton, owner of Flint Oak Ranch, Fall River, Kansas. Mr. Walton testified in favor of Senate Bill 475. He displayed a map showing the 2,000 acres in the Flint Hills which he had developed as a private game preserave. Mr. Walton noted that the food crops which had been planted to attract the game bird population had also attracted deer and the deer had mutilitated the food plots. It was his belief that there were more deer in this area than in any other area in Kansas. (Attachment 1) Considerable committee questions and discussion followed.

Robert Meinen, Secretary, Department of Wildlife and Parks, supported Senate Bill 475. He saw this bill as a management tool only. He felt that it was workable, leaving the discretion of establishing rules and regulations for the administration of it in the control of the Wildlife and Parks Commission. He felt that in the case of a management problem such as was experienced by Mr. Walton, a biologist could be sent in to determine how many animals should be removed from that area, issue the permits to have those animals removed and have possession of them taken. This would take care of a specific problem where only a limited number of people are involved. The fees would be strictly under the control of the agency. (Attachment 2)

Jerry Hazlett represented the Kansas Wildlife Federation with testimony in opposition to <u>Senate Bill 475</u>. Mr. Hazlett noted that he would oppose <u>Senate Bill 475</u>, <u>House Bill 2729</u>, <u>House Bill 2216</u> and any other deer legislation that may be introduced. It was his desire to see an overall plan developed by the Department of Wildlife and Parks, rather than piecemeal legislation. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, room 526-S, Statehouse, at 3:30 ***/p.m. on February 8 , 1988.

Mr. Bill McAdoo, a sportsman from Topeka, testified in opposition to Senate Bill 475. It was his contention that the private shooting areas could accomplish their control by encouraging their hunters to apply for firearm permits and utilize those permits on the property. If they are unwilling to do so, they should not expect preferential treatment.

Mr. Dave Griffin, a sportsman from Topeka, also opposed <u>Senate Bill 475</u>. He felt that the bill would discriminate against the average hunter and landowner in Kansas. The only fair solution he could see would be for the controlled areas to bolster their membership.

Mr. Lonnie Bean, a landowner in Wabaunsee County, spoke in opposition to Senate Bill 475. He was concerned that if additional permits are given to the controlled hunting areas, fewer permits would be available for other hunters. He said that no available permits were unused this year in his unit, number 14. Mr. Bean noted that the law was changed last year so landowners may obtain a license to hunt on their own land.

House Bill 2729--Authorizes wildlife and parks to issue non-resident deer hunting permits.

Staff reviewed the bill, noting that there were both non-resident and non-resident landowner big game hunting permits. It also reduces the maximum fee from \$400 to \$300. In addition, the bill permits non-resident deer hunting permits when the resident and non-resident landowner permits do not reach the quota in a deer management area.

Secretary Meinen, representing Wildlife and Parks, testified neither in support of nor in opposition to $\underline{\text{House Bill 2729}}$. He recommended two amendments to the bill. ($\underline{\text{Attachment 4}}$)

Representative Ivan Sand of Riley, speaking in favor of <u>House Bill 2729</u>, noted that his only concern was the overpopulation of deer. He stated that 74 deer had been reported killed on highways in Riley County in 1987. It has been reported that only about one-half of the deer killed on highways are reported. Representative Sand also noted that there had been substantial costs for repair of automobiles involved in deer accidents.

Chairman Spaniol called attention of the committee to written testimony from John Blythe, Assistant Director of Public Affairs for Farm Bureau Mutual Insurance Company, Inc. This testimony indicates animal collision losses for the years 1985-1988. (Attachment 5)

Representative Marvin Smith of Topeka, stated that he was not actually an opponent of House Bill 2729, but that he had a real concern relative to reducing the deer population. He felt that the first priority should allow landowners and tenants to hunt deer. The second priority should go to Kansas sportsmen, and outside licenses should not be issued until Kansas citizens have been given increased opportunity to reduce the deer herd. He called attention to an article from the Shawnee County Farm Bureau News. (Attachment 6) Representative Smith objected to the method of issuing deer permits to landowners under current law.

Mr. Ken Rogg, a landowner and director of a family farm corporation in Osborne County, told the committee that there are both mule deer and white tail deer in his area. He proposed that there have been some problems with trespassing and more hunters in the field are not needed. He felt that out-of-state cars in the area could cause a lot of land to be posted. He suggested that where there are extra permits, the successful hunters be allowed to obtain a second license.

CONTINUATION SHEET

MINUTES OF THE _	HOUSE	_ COMMITTEE ON	I <u>ENERGY</u>	AND	NATURAL	RESOURCES	
							,
room <u>526-</u> SStateho	ouse, at3:	:30 xxx/p.m. on _	Februa	<u>rv 8</u>			19.88

Mr. Bill McAdoo of Topeka testified in opposition to <u>House Bill 2729</u>. He felt that the professional staff of the Wildlife and Parks Department should be allowed time to weigh the input at the public meetings before making this type of decision. He agreed with Representative Smith that Kansans should be taken care of before non-residents are allowed to obtain permits.

Mr. Mike Rogg of Topeka opposed <u>House Bill 2729</u>, noting that game management is a tool which needs to be used effectively. He proposed offering a special muzzle-loading permit as opposed to offering permits to non-residents. He was concerned that non-residents would not have passed the Kansas Hunters' Safety Program.

Mr. Lonnie Bean, a landowner in Wabaunsee County, suggested giving archery and rifle permits to one Kansas hunter as opposed to offering non-resident permits.

The Chairman announced that on Tuesday, February 9, the staff briefing on groundwater protection from non-point sources of contamination would continue as scheduled until 4:30 p.m., when they would be discontinued until Wednesday, February 10. At 4:30 p.m., the committee would begin discussion and final action on Senate Bill 475 and House Bill 2729. He said that House Bill 2729 would be the vehicle for deer legislation and any suggestions of committee members would be considered as amendments to that bill. He said that an amendment would be drafted authorizing the second deer permit, any combination of archery and firearms for a Kansas resident. An amendment would be drafted raising the out-of-state permit fee to \$400. An amendment would be drafted which would direct the Wildlife and Parks Department to issue a deer permit to any landowner who is unsuccessful in obtaining a regular season permit to hunt only on their own property. Representative Sutter commented that he would like to eliminate the non-resident permits.

Final action on House Bill 2036--Purchase of water rights on cost-sharing basis. Staff gave a brief review of the bill which authorizes the purchase of water rights on a cost-share basis between the local conservation districts, subject to matching appropriations through the Conservation Commission. Chairman Spaniol stated that he had a fiscal note on this bill which could be a significant amount if the state should try to buy some water rights in the future. It is impossible to project what the future impact might be. It was noted that if a specific project should be proposed, it would have to be voted on by the Appropriations Committee. Following staff's explanation of a minor change in language, Representative Shore, seconded by Representative Acheson, moved to pass House Bill 2036 favorably. The motion carried.

Final action on <u>House Bill 2629--Forty-eight hour waterfowl hunting</u> permits. Representative Patrick made a motion to report the bill favorably. Representative Lacey seconded and the motion passed.

Final action on House Bill 2628--Establishing the Kansas Department of Wildlife and Parks private gifts and donations fund. Staff noted that amendments had been made to delete the word "private" on lines 60, 63 and 66. Representative Freeman, seconded by Representative Guldner, moved to report House Bill 2628 favorably. The motion passed.

There were no objections to the minutes of January 19 and 20 and they were approved. The minutes of January 28 were distributed.

CONTINUATION SHEET

MINUTES OF THE	HOUSE	COMMITTEE ON	V <u>ENERGY</u>	AND	NATURAL	RESOURCES	,
room <u>526-S</u> , Statehouse	e, at <u>3:3</u>	<u>0</u> & x x x / p.m. on _	Februa	ry 8			

Copies of the Kansas Corporation Commission's report for fiscal year 1987 relative to public utilities or common carriers were distributed to the committee. Written copies of testimony given by Keith Sexson of Wildlife and Parks at the January 28 meeting were also distributed.

The meeting was adjourned at 5:10 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on February 9, 1988 at 3:30~p.m. in Room 526-S.

Date: Feb. 8, 1988

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

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GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	. ADDRESS .	PHONE .
John Strickler	Tournos is Oldico	Topeka	2584
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Bev Bradley	KS asse of Counties	Jopeka	233-227
Kon Smith	KS. Bowhowsers ASSN.	Topela.	266-846
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TO: The House Committee on Energy and Natural Resources

The average Kansas citizen rarely sees a deer. When they do they are delighted to get a glimpse of such a graceful wild creature. So I recognize that Kansans who are "city folk" are not concerned with the increase in the deer population in our state. But, to the citizens in rural eastern Kansas, deer overpopulation has become a serious problem; and probably nowhere is it a greater dilemma than in the vicinity of Flint Oak Ranch where we have spent the past eight years cultivating a natural wildlife habitat to attract and sustain game birds.

From 1978 until the middle of 1982 we developed 2,800 acres in the Flint Hills into a wildlife refuge for birds, not allowing any hunting. We built watering pools, thinned dense stands of trees, and returned most of the land to natural grasses and weeds. Since opening the preserve, annually we plant 600 to 800 acres of food crops (maize, sorghum, etc.) and leave them unharvested to attract and hold our game bird population. Naturally, the deer love everything we have done, and each winter they thrive by mutilating our food plots! Kansas deer biologist, Keith Sexson, said, "You probably have more deer per acre

than any place in the state!"

As early as 1979 we began working closely with the Kansas Fish & Game Department through our local game protector. Over the years many people in the Department (including the Chief Big Game biologist) have assisted us in an effort to solve the problems created by our ever-increasing deer population. From our standpoint we have appreciated and applied the Department's help and suggestions. Since hunting at Flint Oak is limited to Members and their guests, each year we have strongly encouraged our Kansas Members to apply for deer licenses and take deer from Flint Oak. In fact, everyone involved has done all that can be done within existing Kansas laws, yet the deer increase annually and their depradation of our plantings causes severe hardship and death to many of our game birds each winter. Our neighbors, too, are beginning to consider Flint Oak "an attractive nuisance" for sustaining a habitat that contributes to this unnatural increase in the local deer.

The bill that is before you would give the Wildlife and Parks Department authority to set guidelines which would help bring the deer population back under control in our area. As you know, deer have virtually no natural enemies in Kansas. Food supply and hunting are the only means of controlling their numbers. Private preserves that develop a natural wildlife habitat create an environment that causes an imbalance in nature unless effective controls exist. Like us, they look to and want guidelines from the Wildlife and Parks Department to maintain this balance. But under present Kansas laws it is impossible to take sufficient deer to restore a normal balance in our deer population (as is evident by the fact that they keep increasing). Due to the extent of the problem, it is our hope that you will pass this bill and work with the Wildlife Department to get some temporary regulations in place which will allow us to take action to reduce our deer population in the fall of 1988.

The passing of this bill would create a win-win situation for everyone. It would give the Wildlife and Parks Department the legal means to take action which will contribute positively to the state's overall wildlife management program. I cannot speak for other preserves, but Flint Oak has a broad-based appeal and attracts visitors from all over the world - even royalty. By controlling the deer population and eliminating their annual devastation to our food plots we will make bird hunting at our preserve even more outstanding in the winter months. This will result in more out-of-state visitors spending dollars in Kansas each winter, creating favorable "word of mouth" about Kansas which will further enhance our state's public image. Finally, even our local deer herd will benefit by maintaining the herd at a size where all animals can remain full-bodied and healthy rather than suffer the inevitable result of increasing overpopulation.

Pespectfully submitted by Raymond E. Walton, owner FLINT OAK RANCH Elk County R.R. 1 Fall River, KS (316) 658-4401

S.B. 475

TESTIMONY PROVIDED TO: SENATE ENERGY AND NATURAL RESOURCES COMMITTEE - January 21, 1988

PRESENTED BY: KANSAS DEPARTMENT OF WILDLIFE AND PARKS

S.B. 475 would authorize the Department to develop rules and regulations concerning the issuance of special permits for the hunting of deer on Controlled Shooting Areas. The special permits would be issued to the licensee. The special permits are intended to address the problem of inadequate harvest during the regular season on private membership Controlled Shooting Areas.

Although there are approximately 45 Controlled Shooting Areas in the state, problems of inadequate deer harvest opportunity occurs on private membership areas which are limited to only member-guest hunting. We are aware of about 10 private membership operations, and they can experience occasional problems. It would be our intent to issue a prescribed number of special permits to the licensee to obtain a proper deer harvest.

The majority of Controlled Shooting Areas are fee operations and are therefore available to any sportsman wishing to use those areas. An adequate deer harvest can be obtained during the regular deer seasons and special permits should not be necessary.

KANSAS WILDLIFE FEDERATION PO Box 5715 Topeka, Ks. 66605 (913) 266-6185

Testimony SB475

House Committee on Energy & Natural Resources February 8, 1988

The Kansas Wildlife Federation is a not-for-profit wildlife and natural resource conservation and education organization. Our 8000 Kansas members and the 10,000 Kansas membership of our national affiliate organization, the National Wildlife Federation, are dedicated to the proper use and management of our vital soil, water, air and biological resources.

KWF, like you, recognizes the problems associated with our expanding deer herd. As has been experienced in many other states, it is not uncommon for these problems to become political issues within state legislatures, especially when the state management agency has been reluctant to act.

KWF's concern is that there is no clear, well defined and objective deer management program to guide the legislative process. Without an objective plan, piece-meal legislation is introduced, some good and some bad, and is only judged upon an individual's own perspective.

Because of this, KWF is not only opposed to SB475, but to HB2729, HB2216 and any other separate deer legislation that may be introduced.

We are asking this Committee to not pass any of the deer management legislation. However, we are not asking this Committee to ignore the deer issue. Instead, KWF urges you to provide the guidance, direction and time necessary for the Kansas Department of Wildlife and Parks to develop, with your assistance and that of the public, an objective Kansas deer management program. With your help, this can be a program that includes what is best for the deer users, landowners, the deer resource and the economy of the state.

H.B. 2729

TESTIMONY PROVIDED TO HOUSE COMMITTEE ON FEBRUARY 8, 1988

PROVIDED BY: KANSAS DEPARTMENT OF WILDLIFE AND PARKS

RECOMMENDED AMENDMENTS TO H.B. 2729
SUBMITTED BY: Robert L. Meinen, Secretary
Ks. Dept. of Wildlife & Parks

Mr. Chairman and Member of the Committee:

My testimony today is neither to support or oppose House Bill 2729 but rather to offer amendments to the bill. I choose not to take a position on the bill because our agency is starting this week to have a series of public meetings on the deer management issue. I would like an opportunity to hear the public input and have a chance to have input from the Commission.

My recommended amendments would make the bill operationally better and more accurate in view of existing laws. The amendments would be:

- 1) In lines 0023, 0078, 0083, 0145, 0163, 0170, 0184, 0214, it should be reworded to recognize the Commissions authority to adopt rules and regulations rather than the Secretary.
- 2) In line 0081 the upper limit should remain at \$400.



Farm Bureau Mutual Insurance Company, Inc. KFB Insurance Company, Inc.

2321 Anderson Avenue, Manhattan, Kansas 66502 / (913) 537-2261

MEMORANDUM

TO:

John Blythe

Assistant Director of Public Affairs

FROM:

Gary Henton C.P.C.U., Claims Manager

DATE:

February 2, 1988

SUBJ:

Animal Collision Losses

Dear John:

I am enclosing two reports, which indicate the number of losses and the amounts paid that we had on Mutual Auto for animal collision losses. The one indicates the number of losses that occurred over \$250.00. The other is the total number of losses and the amount paid. The reason for the over \$250.00 report would be that this would eliminate most of the windshield claims and grill claims that arise from a bird striking the vehicle. We feel that probably 85% to 90% of the claims over \$250.00 would be vehicles striking deer. You can see that the numbers greatly increase from the year 1985 to 1986 and 1987. Also, you can see that we pay out over a million dollars in a year for these types of claims in 1986 and 1987.

I also spoke with Mr. Doebele concerning any underwriting changes on policies due to animal collision losses. Mr. Doebele indicated that there really is no underwriting changes or premium increases, due to the fact that an insured may have collided with an animal or deer. The only problem may occur if there are other losses and the total account's loss experience is poor. Then, of course, the total account would reflect the number of animal collision losses. John, I hope this information is what you desired. If not, please do not hesitate to give me a call.

Sincerely,

Gary Henton, C.P.C.U.

Claims Manager

GH: kw

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MARVIN E. SMITH
REPRESENTATIVE, FIFTIETH DISTRICT
SHAWNEE AND JACKSON COUNTIES
123 N.E. 82ND STREET
TOPEKA, KANSAS 66617-2209



COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
TAXATION
TRANSPORTATION

TOPEKA

HOUSE OF REPRESENTATIVES

House Energy & Natural Resources Committee RE: House Bill 2729 February 8, 1988

Mr. Chairman and Members of Committee:

One of my main concerns is reducing the deer population, especially here in eastern Kansas and the 50th District.

As pointed out in testimony last week on House
Bill 2216, that would provide free licenses for landowners and tenants. The deer population is costing
farmers and ranchers enormous losses in crops, equipment
and safety.

Since the hearing last week the Shawnee County
Farm Bureau News had an article about farmer-hunter
relations.

Surely landowners and tenants should be able to hunt deer as the first priority. Second priority should go to Kansas sportsmen and outside licenses should not be issued until Kansas has given the Kansas citizens the increased opportunity to reduce the deer herd.

Beautiful aeer pain in pocketbook

y MICHAEL BATES

VICHITA (AP) — Growing herds of Kansas deer might be a eathtaking sight to wildlife lovers, it farmers and ranchers say they e becoming a pain in the pocketook.

Public hearings on the problem of possible solutions were scheded for Feb. 8-11 in Hays, Lawnce, Dodge City and Chanute.

Kansas Wildlife and Parks Deirtment game managers wanted to eep the deer population boom from ecoming a political issue. During ecent years, they have increased to number of deer-hunting permits fore than threefold and issued anerless-only permits in an attempt cull reproducing females.

Nonetheless, with pressure from indowners, two pieces of legislation re pending. One would allow landwiners to receive free deer hunting ermits. They now pay \$15.50, half is general rate. The second bill ould open Kansas deer seasons to ut-of-state hunters.

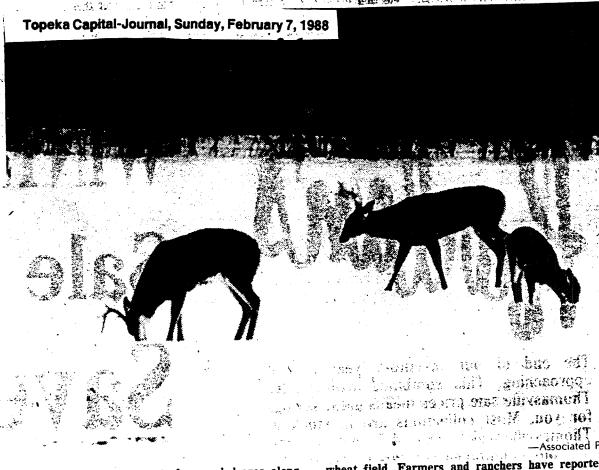
The wildlife department opposes he free permit bill. A spokesman aid it would result in an estimated nnual revenue loss of \$400,000. The epartment has not adopted a stance n the second bill.

The Kansas Wildlife Federation nd the Kansas Bowhunters Association oppose both measures. But the lansas Farm Bureau, the Kansas ivestock Association and the Kanas Association of Wheat Growers Il support the bills.

Recently, one farmer said he lost 2 acres of soybeans to feeding deer. nother reported a dozen large ound bales of hay destroyed. In another case, a commercial orchard vas decimated.

Dennis McKinney, who farms orthwest of Coldwater in south cenral Kansas, likes to watch the does and fawns on his land. But last sumner he lost four hours of wheat harest time and had to shell out \$150 or repairs when some deer antiers an through a combine tire.

Dean Gregg has been allowing unters on his ranch near Wilmore he past two seasons, but he has een disappointed with their success ate.



A group of deer came out of a wooded area along the Arkansas River in Sumner County to graze in a wheat field. Farmers and ranchers have reported increased damage from a swelling deer population.

"There're not many hunters who really want the meat. They pass up a lot of shots looking for a trophy," Gregg said.

His biggest complaint is the fourfoot square areas of wheat that deer mash to the ground when they bed down in fields in the late spring and early summer. Such wheat is Teft unharvestable.

One recent morning, Gregg counted 38 whitetails in a herd in one field.

Keith Sexson, Emporia, Wildlife and Parks deer project manager, said unfortunately for farmers, nearly everything grown as an agricultural crop in Kansas is suitable food for deer. And it's nearly impossible to run the animals off.

"You can scare them off and move them off one area, but they just go to another area of the field. That's why we urge people to open their land to hunters," he said.

In 1965, when the state had its first deer hunting season, the population was estimated at 15,000. Sexson refused to guess at the number in

"You can scare them off and move them off one area, but they just go to another area of the field."

Keith Sexson deer project manager

the state today. Others outside his agency put the number between 250,000 and 300,000.

One index indicating the size of the population increase is the number of road kills, Sexson said. In 1965, 100 deer for each billion miles traveled were killed in reported accidents. By 1986, the last year for

which statistics are available, t number had risen to 518 for ea billion miles.

Sexson said the 3,800 report deer kills in 1986 probably repressightly more than half of the deactually killed in accidents with hicles.

Missouri, by comparison, report 8,000 road kills in 1986. Pennsylvinia had 30,000. Both states have sificantly larger deer population than Kansas.

A special January season was a ded this year for two deer management areas where populations we especially high. Wildlife and Parissued hundreds of additional prints in the Chautauqua Hills unwhich includes parts of Chautauqui Montgomery, Elk, Wilson, Greewood and Woodson counties, and is second unit that includes parts Reno, Harvey, Rice and McPhers counties.

Shawnee County Farm Bureau News

and his land. The crops and livestopy the farmers' investments are his land. The crops and livestopy the the farmers' investments are properly and fences are highly and the source of his living: It would you feel if you were included to the tune of about \$25,000 van equipped with thousand of dollars worth of shotguns, clothing and dogs and displayed an attitute that it was their God-given right and dogs and of the was all right make your home theirs. What if the same farmer said it was all right hunt the south 80, but lated is covered they had hunted the hor quarter also. Meanwhile, one of the dogs ran some of the cattle through fence. A couple of bottles we shattered on a field road. The votted a pasture and 10 gallons expensive herbicide leaked out whone of them shot into a shed where was stored. Farmers property is ruppermost in the minds of too man hunters these days. It is little wond that farmers and fishing on the property. First and foremost hunter should remember to respect farmers

February, 1988