Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on February 16, 2000 in 245-N of the Capitol.

All members were present except: Senators Huelskamp and Pugh who were excused/

Committee staff present:

Raney Gilliland, Legislative Research Department Mary Ann Torrence, Revisor of Statutes Office Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Senator Tyson, Parker, KS Wes Traul, Garnett, KS Doug Arnold, Chanute

Others attending:

See attached list.

Chairperson called attention to testimony from Charles Benjamin supporting <u>SB 562</u> (<u>Attachment 1</u>) and a fiscal note on <u>SB 562</u> that had been distributed. Also, a map of Kansas showing the location of sensitive groundwater use areas was distributed and discussed. The map is on file in Legislative Research or can be obtained from Kansas Corporation Commission.

The hearing on SB 528-Special hunt-on-your-own-land deer permits was opened.

Senator Tyson spoke in favor of the bill. He said the purpose of SB 528 was to give each owner or tenant of farm or ranch land in Kansas two special landowner hunt-on-you-own-land deer permits for each 80 acres owned or operated. These special permits would be transferable, with or without compensation to any person, including non Kansas residents. If landowners chose to participate in this program it could generate some income for them, as they are the ones who have the expense of managing and feeding the deer herd. At the same time it would reduce the deer population in the state (<u>Attachment 2</u>)

Wes Traul, Garnett, KS., supported the bill. He is a private outfitter and he thought it could be considered and economic development bill. People that hunter are already spending large dollars for this hobby and he didn't think this bill would shut anyone out. It would give landowners more control over their land and allow them to recope some of their expenses from damages caused by the deer population. He distributed a fact sheet of a hunters profile showing four catagories of hunters the information listed is: average yearly household income, % overnight hunting trips, average spending on trip, and average yearly spending on the sport (Attachment 3).

Doug Arnold, Verdigris Outfitters, Chanute, supported the bill.

Lee Salmans, Hodgeman County, KS, summarized his written testimony by saying Kansas farmers are very qualified to contribute to controlling the deer over-population and are in the best position to handle this problem so that it benefits everyone. The bill would enable the farmer to partially offset his losses, and help control the deer population while bring tourist dollars into the state (<u>Attachment 4</u>).

Dale Carter was scheduled to testify and time ran out. He presented written testimony expressing concern with present regulations. His testimony suggests some changes that would encourage and enable hunters to take more deer (Attachment 5).

The hearing on **SB 518** was continued until the next scheduled meeting which will be February 17, 2000

The meeting adjourned at 9:00 a.m.

SENATE ENERGY & NATURAL RESOURCES ENERGY & NATURALIST Please Sign in Black Ink

DATE: 2-16-2000

NAME	REPRESENTING					
Lee Salmans						
Ann Darkes	TOB					
GTEVE WILLIAMS	ICDWP					
Clint Riley	KDWP					
Mike Bean	KS. LUSTK ASSN.					
Bill Fuller	Kansas Farm Bureau					
Jay Carswell	KKB					
Bilma Ungeheuer	KEB					
Tene Tick ling	KFB					
Phil Boller	KFB					
Leslie Kaufman	KFB					

Testimony in Support of SB 562

By The Kansas Natural Resource Council And Kansas Sierra Club Submitted by Charles M. Benjamin, Ph.D., J.D. Attorney at Law 401 Boulder St. Lawrence, KS 66049

Senate Bill No. 562 amends K.S.A. 1999 Supp. 65-1,189 in such a way as to require that swine facilities of 1,000 a.u. or greater will be required, as a condition of the issuance of a permit by KDHE, to submit a facility closure plan. Existing law only requires swine facilities of 3,725 a.u. or more to submit a facility closure plan. In addition, S.B. 562 adds to existing law by requiring the owner of any swine facility of 1,000 a.u. or more to provide financial assurances to KHDE for facility closure. If the operator does not own the land, surety bonds or other financial security sufficient to insure proper closure, is required. In addition, various requirements on closure of swine waste retention lagoons or ponds, is generally lowered in S.B. 562 from 3,715 a.u. to 1,000 a.u.

We believe that such a change in law is good public policy for several reasons. First, the Kansas State University swine lagoon research indicates that the impacts of swine waste on soils varies considerably with the type of soil underlying the lagoon.

Second, KDHE generally does not have the kind of experience with swine waste retention ponds or lagoons as with human and cattle waste lagoons. It is only prudent that facilities of 1,000 a.u. (2,500 adult hogs) or more be required to submit closure plans and provide financial assurances to KDHE before being granted permits.

Third, the taxpaying public needs to be assured that they will not be asked to pay for clean-up of swine waste retention ponds or lagoons if the facility's owners are not able to properly clean such lagoons or ponds when the facility closes. Under normal circumstances, the owner of an abandoned swine waste lagoon stops paying property taxes. After due process requirements are met, the county is authorized to take over the abandoned property. If that property is contaminated, it becomes the responsibility of the county (and its taxpayers) to properly clean the site before putting the property on the auction block. It was my experience of 16 years on the Harvey County Commission, that few if any potential buyers of abandoned property wish to take on the liabilities incumbent upon purchasing contaminated property.

For the public policy reasons stated above, I urge the committee to pass this legislation with a favorable recommendation onto the full Senate.

Senate Energy & Natural Resources

Attachment:

Date: 2-16-2000

ROBERT TYSON

SENATOR, TWELFTH DISTRICT

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COUNTIES ANDERSON, BOURBON, FRANKLIN, LINN & MIAMI

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE
ENERGY AND NATURAL RESOURCES
TRANSPORTATION AND TOURISM
JOINT COMMITTEE ON PENSIONS,
INVESTMENTS & BENEFITS

KANSAS SENATE

SB 518 TESTIMONY February 16, 2000 fore the SENATE ENERGY AND NATURAL DI

before the SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Thank you for the opportunity to speak in favor of SB 518. The purpose of this bill is to give each owner or tenant of farm or ranch land in Kansas two special landowner hunt-on-ownland deer permits for each 80 acres owned or operated. The total number of permits issued is two such permits for each 80 acres. Each of these special permits shall authorize the taking of one buck and one doe and will have attached thereto game tags for each deer. These special permits shall be transferable, with or without compensation, to any person, whether or not a Kansas resident.

The Kansas deer population has become too large and the damage, to both crops and vehicles, has become too severe. We have 10,000 vehicle accidents in Kansas attributed to deer resulting in over \$30 million in damages not to mention cost of injuries to the occupants. In fact, in a tabulation of my 5 counties' statistics for 1999, 40% of the total auto accidents in my district are deer accidents. We are told that we have approximately ½ million deer in the state based on automobile accidents alone, as KDWP has no other way of estimating the actual numbers. On top of this our farmers are experiencing another \$30 million in crop damage. Something more must be done to control this oversized deer herd.

Under existing law, farmers who are experiencing difficulty with deer damage to crops may put in for depredation permits. These allow the shooting of does and allows the shooter to leave them lay. Some have shot as many as 45 deer in a few days using these permits. Most are shot at night with the use of lights when the deer don'thave a chance. No landowner or farmer who is a good steward of land and animals wants to tolerate shooting game animals using these wasteful methods. This is against their nature. This bill not only solves this problem, it will, I believe, develop the biggest

Senate Energy & Natural Resources

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tourist attraction in Kansas history. Kansas is known as one of the big three in states that have the best deer hunting potential in America, yet few can cross our borders to hunt deer. Most are turned away. These out-of-state hunters are accustomed to spending a lot of money in the state they hunt. Motels, grocery stores, sporting good stores, gas stations, locker plants and most other businesses in small town Kansas will greatly benefit. Realizing the full potential for deer hunting is good for the farmer who sells these permits to recover crop damage, and good for the community in commerce gained and good for tourism.

The other change this bill makes is on page 6 and requires that a Commercial or Provisional guide must be a resident of this state.

Let me take a moment to dispel some objections to this bill. First is the idea that this would make deer hunting a sport for the wealthy due to the farmers charging a huge fee for hunting. Not all landowners would put in for these tags. I know I will not on my ranch. I have good friends who have hunted on my ranch for many years and I will not charge them. They have earned my trust and I enjoy their company. Many would do the same, some would charge with good justification. Even though the state owns the deer, the landowner provides the habitat including bed and breakfast for the deer. He takes all the expense of managing the deer herd without recovering his costs and he is expected to endure the inconvenience and worry to have strangers hunting on his land. The Kansas hunter pays big bucks for the hunting equipment right down to his Gore-Tex hunting boots and yet expects to hunt on private land for nothing. He will still have that opportunity in many cases but presently the out-of-state hunter would gladly pay to hunt but cannot get in.

Second myth is that this bill would increase the deer herd. Not so. It is true that many bucks would be taken but so would does. I anticipate, as required in so many other good hunting states, as numbers decrease, that bucks probably would be limited to say 6 points or bigger and there would be a drawing for the proper number of doe tags to maintain the herd at the lower desired level.

The farmers and ranchers are managing and feeding the deer herd now through good habitat management. They are good stewards of the life that the Lord has put under their control even now when farm prices are so low. If we want to keep any deer in Kansas we must let the farmer participate in recovering his costs. After all, he owns the habitat and property rights. If you want to continue to irritate him with this mismanaged deer herd, who knows maybe no one will get to hunt.

SENATE BILL #518

A) Hunter Profile

Bow Deer Hunter Average Yearly Household Income % Overnight Bow Deer Hunting Trip Average Spending on Trip Avg. Yearly Spending on Equipment	\$52,700 57% \$965.00 \$444.00
Rifle Deer Hunter Average Yearly Household Income % Overnight Rifle Deer Hunting Trip Average Spending on Trip Avg. Yearly Spending on Equipment	\$69,404 67% \$1,797.00 \$1,921.00
Waterfowl Average Yearly Household Income % Overnight Waterfowl Trip Average Spending on Trip Avg. Yearly Spending on Waterfowl Hunting Upland	\$73,140 42% \$1,153.00 \$5,800.00
Average Yearly Household Income % Overnight Upland Trip Average Spending on Trip Avg. Yearly Spending on Upland Hunting	\$68,400 57% \$1,200.00 \$5,500.00

B) Review of Hunting Leases

Habitat Ownership Why People Lease Conclusion

C) Hunting Distribution

Senate Energy & Natural Resources

Attachment: # 3

Date: 2-16-2000 3-1

Testimony of Lee R Salmans before the Energy and Natural Resources Committee on February 16, 2000

Mr. Chair, Members of the Committee:

My name is Lee Salmans. I farm with my brothers, Senator Larry Salmans and Walt Salmans in Hodgeman County, Kansas. My brother, Walt, has a controlled hunting business.

Case Activity: Senate Bill 518

Special hunt-on-your-own land deer permits, transférrable to any hunter.

On our farm we raise wheat, corn, milo, cattle and "deer" After harvesting our corn and milo crops we build electric fences and turn cattle into these fields. The deer feeding on these fields tear down the electric fences almost weekly during the first two months after the fence is installed. Deer graze the crops year-round, which causes considerable damage. One Sunday morning in January we counted 28 deer on one wheat field.

My brother, Walt, who has a controlled pheasant hunting business in western Kansas receives several requests a year to hunt deer from out-of-state people. He said that he could get from \$10,000 to \$15,000 a year for hunting deer with out-of-state hunters, if this were allowed. Deer hunters will spend approximately \$500 to \$600 a day. This is around \$2 per acre. In his pheasant hunting business, 96% of the hunters are from out-of-state. He charges \$350 a day for meals, lodging, hunting, released birds and guide service with dogs. Approximately 300 hunters stay an average of 1 ½ days each. He employs several people.

In Kansas it is very difficult for a non-resident person to get a deer permit. (See attachment #1). Other States provide permits or subsidies to farmers to compensate them for damage to their property. KWP has issued deer control permits which allowed me to appoint agents to kill and process 45 antlerless deer. These deer must be taken by licensed Kansas residents. (See attachment #2).

In summary, it is estimated that there are 450,000 deer in the State of Kansas, resulting in millions of dollars worth of crop damage, 10,000 accidents, many injuries and some deaths.

It is my belief that the Kansas farmers are very qualified to contribute to controlling this deer over-population and are in the best position to handle this problem so that it benefits everyone. This bill will enable the farmer to partially offset his losses, help control the deer population, and bring tourist dollars into the State.

Senate Energy & Natural Resources

Attachment: 34

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Sunday, April 19, 1998

to control deer population

ing those two days in January."

Sexson and other KDWP planners said they hoped the January hunt would find the local whitetail populations calmed after the fall bow and gun hunts, and more concentrated and vulnerable around food sources.

Pushing for acceptance

Sexson was quick to point out that getting the KDWP commission to pass the agency's recommendation for the huge increase in permits and tags is only the first step to solving the problem of too many deer in the state.

"Once we get those additional permits and tags, we need to work at getting the cooperation of the sportsmen and the landowners," Sexson said. "We can't do any good without both of them helping. We'll need to convince hunters to get those extra tags and permits, and to fill them. Hopefully, we'll have plenty of landowners who will open their property so we can harvest as many of those deer as possible."

Non-resident permits

On a less important note, and one that will have little impact on Kansas deer hunters or Kansas deer numbers, Sexson also said the KDWP may be making some minor changes in the availability of non-resident deer permits.

"Under the current system, we can only give out non-resident permits in units that had left-over resident permits the previous year," Sexson said. "We currently have a bill going through Topeka that will do away with that left-over clause and simply let us issue up to 5 percent of a particular kind of permit in any unit."

Should the bill pass as expected, Sexson said there could be a few non-resident permits available in all of the state's 18 firearms management units. But

Deer Permits by Unit

Outlook for Local Units

The following is a quick overview of what deer hunters can experiment units within The Hutchinson News core reading area.

■ UNIT TWO – KDWP biologists are expecting an 18 percent in for 1998. Proposals call for modest increases across the board, incliner and any deer permits. Whitetail antierless-only (WAO) permits control in 1997 to 400 in 1998.

■ UNIT FOUR – A 20-percent increase is planned, with increase permits. 1997's 150 buck-only permits have been changed to 175 at 1998. WAO permits will be up from 400 to 700 this year.

■ UNIT FIVE - Hunters can expect an increase of nearly 35 per only tags have been replaced by any-deer permits, with a modest inc WAO permits are up to 700 this year, compared to just 200 in 1997

■ UNIT SIX – Total permits for 1998 will be up around 23 perdinotable increase being the addition of 500 antierless-only permits.

■ UNIT 15 – Proposals call for a modest 10-percent increase for Is An increase from 500 to 800 antierless-only permits is the only male

■ UNIT 16 – The issuance of game tags has caused KDWP of that the unit could see an increase of more than 150 percent for hunters will be glad to hear that 1997's 200 buck-only permits have to 250 any-deer tags.

■ UNIT 17 – Expect a 15-percent increase in the number of permuzzleloader tags are up to 325 from 270, and there have been 2 added for 1998.

As in other units, buck-only permits have been changed to any definition of the numbers.

Sen. David Corbin, chairman of the Senate Energy and Natural Resources Committee, told Secretary of Wildlife and Parks Steve Williams that more needs to be done to resolve the problem.

Williams estimated the state's deer population at about 450,000, an increase of about 26,000 from last year. He said part of the problem is an overly conservative allocation of hunting permits in the early 1990s.

He said the increased number of deer and a higher speed limit led to more traffic accidents. He said the number of cidents involving deer from about 4,000 in bout 10,000 in 1998.

said his agency

most conservative of sportsmen to panic.

"We understand that some people might be concerned, especially those living in areas where not everyone draws the highly desirable permits," Sexson said. "Our current proposals are for only a very few antlered whitetail permits. We have no plans for issuing firearms permits that would let a non-resident take a mule deer. Also, in several units we wouldn't even offer the 5 percent that the new law would allow us."

Sexson used huge Unit 17 as an example. Should politicians pass the requested changes, KDWP biologists are only recommending seven firearms eithersex whitetail tags and three muzzleloader permits. Unit 18 would have only four firearms either-sex permits. The proposal calls for 814 statewide non-resident archery permits, which will also

KDWP Information

Kansas De Parks official: Kansans that it comes to e deer hunting:

The KDV meeting Thu Center in Sa sons and lin from 1:30 to vene again dance will I directly to K missioners.

Those w are encoura other KDWI 5911 during Monday the cerned Kar opinion to a missioners:

John R. Will Car John Mi Adrian I Jon Pri Gordon (daytIme) Thorns TOPEKA — With statistics showing that the number of accidents caused by deer continues to rise, Sen. Jim Barone, D-Frontenac, has renewed his call for action by the Department of Wildlife and Parks to reduce the state's deer population.

"Success is measured by results and with what I've seen, the results just aren't there yet. More needs to be done to reduce the deer population," Barone said.

In 1995, there were 6,746 vehicle collisions caused by deer. In 1999, the most recent year statistics are available for, that number increased to 10,000. The previous year, five deaths and 350 injuries were attributed to vehicle accidents caused by deer.

"Since 1995, the number of vehicle accidents with deer has increased by 48 percent. That is a dramatic increase and one that is very troubling," Barone said. "These accidents are resulting in deaths and injuries, as well as higher insurance premiums for all Kansans."

The Department of Wildlife and Parks estimates the 1999 deer population in Kansas to be 450,000. This is up 26,000 from the the year before and is a 21 percent increase from the 370,000 deer in 1996.

State of Kansas

Deer Control Permit

Authorized by K.A.R. 115-16-4 See Atu MAP Zeo Al almons

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Telephone:	(316) 62			Disp	Sec 2	of c	21	ALIES 160
Permit is only valid on Legal Description of L	lands owned or leas and Where Permit Is	sed by compla Valid.	ainant.		9	22	22	480 320
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Issued By: Jany Jany District Wildlife Biolog	ist / Conservation O	fficer	_//12/2 Date	000				

KDWP have done and Excellent Tob.

his brochure outlines lethal control options landowners may use to address deer damage. Nonlethal techniques are described in a brochure produced by the Cooperative Extension Service titled. "Controlling Deer Damage." Site-specific assistance is available from any district wildlife biologist (DWB) or conservation officer (CO) from the Kansas Department of Wildlife and Parks (KDWP). Permits authorizing lethal control measures and possession c a deer carcass outside normal deer hunting seasons may be issued by any DWB or CO.

DEER MANAGEMENT GOALS

Deer are protected as a valuable public resource by state law and regulations. Provisions are authorized to allow for wise use of this resource. Deer management in Kansas is directed by long-range planning that includes input from citizens of the state as well as wildlife professionals. The goal established through this process is: "...to manage e deer population at levels consistent with existing habitat and landowner tolerance, and

to provide for recreation use." To bring in the farmer and reduce the accident rate,

LEGAL OBLIGATION

The Bill of Rights of the Kansas Constitution provides landowners with rights to protect their property. These rights may be applied to deer damaging crops. Both court decisions and Attorney General Opinions ave shown that these rights are not without limitations. The landowner must demonstrate that deer are causing substantial damage to

property. KDWP staff will consider any visible current deer damage to be substantial in this context.

Regulation K.A.R. 115-16-4 authorizes the Secretary of Wildlife and Parks to issue deer control permits. This regulation provides landowners with a legal means of controlling deer and using the meat of deer that are killed during this operation. The permits are intended to address localized problems. DWBs and COs are responsible for working with landowners in implementing the use of deer damage control permits.

OBTAINING DEER CONTROL PERMITS

- The landowner contacts the nearest KDWP office. A KDWP staff member will contact the landowner within five working days of notification of a deer damage situation.
- The damage area will be inspected by the landowner and DWB or CO.
- If control permits are needed. an application will be prepared and damage control permits will be issued quickly.
- Each deer damage control permit is written for a specific case When authorized, the permits will allow the landowner to kill a prescribed number of deer on the property

Taking antlerless deer will I emphasized during control operations.

Permits and possession tags will be assigned to the landowner and the landowner will be responsible for the control operation.

- The landowner may issue the permits, without cost, to a desig nated person(s), who may act as the control agent.
- A designated agent must be a Kansas resident and must have a Kansas hunting license, unless exempt.
 - Landowners will be required to follow prescribed procedures and to report on the results of their control efforts.
- As a condition for receiving deer damage control permits, the landowner must agree to allow firearms deer hunting on their property during that year's regular or extended firearms deer season.
- Hunter access to the landowner's property is at the landow er's discretion and by landow permission.

Dale Carter

To the Senate Energy and Resource Committee

2-16-00

The purpose of this appearance is not to express an opinion concerning the over population of deer.

The purpose is to express thoughts concerning problems with present regulations and suggest possible changes that would encourage and enable hunters to take more deer.

All opinions are based on 47 years of deer hunting experience, with about 20 years of hunting on land owned, or leased, for pasture.

1. The gun season is at the wrong time of the year. The antlerless deer move from the fence rows, weed patches and draws around the crop fields the last two weeks of November, as a result of harvest and bird hunting, to heavy cover areas for winter. They may even travel under the cover of dim light, or darkness, back to the same areas to feed.

This does not apply to all areas that deer inhabit.

Result, the deer are exposed to maybe five hunters instead of twenty.

Suggestion: A mid November gun season

This is a high activity time for deer, the days are longer and more likely to have clement weather.

The later season also creates an enforcement problem.

2. There is no right or wrong involved, but the leasing of large amounts of prime deer habitat by outfitters protects many antlerless deer from the meat hunter.

The people they bring in are trophy hunters. At \$2000 a hunt, and up, that should be expected.

A profile of deer hunters would show a small percent that are trophy hunters, who will take nothing but a large buck. The majority that have an either-sex deer permit would like to take a large buck, but after a bit of hunting will settle for small bucks or antlerless deer. Anyone with an antlerless permit is a meat hunter.

Suggestion: For each either-sex permit give a free antlerless permit and require proof of filling this permit before the hunter can receive an "any deer" permit for the following year. Require the outfitter to be responsible for the extra permit, and its filling, by hunters guided by said outfitter.

3. This brings us to the fee structure.

To an antlerless permit costing \$30.50, add \$50, or more, for processing and you have \$80.50 for 40 pounds (maybe more, but usually less) of packaged meat.

To an either-sex deer permit for \$30.50, add \$21 for two bonus antlerless permits and \$150 for processing and you have \$201.50, and perhaps 120 pounds of meat.

The hunters need lower cost antlerless permits.

Senate Energy & Natural Resources

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4. Landowners who don't allow hunting is a factor in the problem and possibly the toughest to deal with.

Suggestion: For each permit have an attached part for the hunter and landowner to sign and the landowner would receive, out of the permit cost, a small sum of money.

Kansas Dept. of Wildlife and Parks: this is not a matter of whether you can afford the cost, it was not your money to begin with.

If you have enough money to spend 2.5 million dollars on municipal parks across the state you can afford this.

5. The Kansas Dept. of Wildlife and Parks needs to get serious. They did not allow hunting on public hunting lands under their control during the January 2000 antlerless season.

Even "if" all the deer were killed on their land, there would soon be an influx of deer from surrounding areas within weeks.

Dale Carter Rural Route 4 Box 173 Fredonia, KS 66736 (316) 378-2207