

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S of the Capitol at 3:30 p.m. on February 15, 2000.

Secretary Steve Williams, Kansas Department Wildlife and Parks, and Clint Riley, Attorney for the Department, were in attendance to answer committee questions.

Rep. Gerry Ray made a motion the bill be recommended favorable for passage as amended. Rep. Laura McClure seconded the motion. Motion carried.

The Chairperson welcomed Gina Bowman, Farmland Industries, Inc., to the committee. She introduced Dr. Gary Colliver, Director of Agronomy Services, Farmland Industries, Inc. Dr. Colliver, with the use of overhead slides, reviewed "AG21" an Environmentally Driven Process for Crop Production. In June 1997, Farmland Industries' AG21 program was given high marks by the U.S. Environmental Protection Agency (EPA) for their efforts in implementing pollution prevention measures in agricultural production. AG21 is an innovative crop production process developed by the Farmland agricultural cooperative to raise the agronomic, environmental and managerial standard for cooperatives across North America. The program is a partnership of the local cooperative, their farmer-members and Farmland which provides enhanced services, cutting-edge technology and an emphasis on environmentally sound management practices. The program's goal is to use the best crop production techniques and the latest technology to maximize crop potential in an environmentally friendly manner.

Dr. Colliver discussed how buffer strips are being promoted to improve soil and water conservation. Buffer strips are one method to aid in improving water quality and the protection of the environment. They are an area or strip of land maintained in permanent vegetation and can be implemented in many forms. Some buffer practices include one or a combination of grass waterways, windbreaks, field borders, alley cropping and filter strips. The strips may range from 20 to 80 feet in width. Buffer strips are used along streams, on field edges or within the field and are most beneficial if they are planned as part of a comprehensive conservation system. While buffer strips vary in shape and size, they all serve the same purpose. The practice helps farmers slow water runoff and strengthen infiltration in the buffer. Buffers also aid in stabilizing streams and reducing its water temperature and improve the appearance of a farm. They also reduce noise and odor. Further, they serve as a major source of food, nesting cover and shelter for many wildlife species, and help some wildlife to move safely from one habitat area to another. (See attachment 2)

The Chairperson thanked Dr. Colliver for his presentation. She opened public hearing on **HB2975**.

HB2975: An act concerning wildlife; relating to hunting on land by permission only.

The Chairperson welcomed Mark G. Uhlik, President, Kansas Outfitters Association. He appeared in support of the bill and believes the purple paint law will bring uniformity to our state's private property trespass issues. (See attachment 3)

Clint Riley, Attorney Kansas Department Wildlife and Parks, was welcomed to the committee. He appeared as a proponent to the bill. The Department believes this bill provides additional flexibility for landowners wishing to post property as "no hunting without written permission." They recognize that a great deal of public education would be required, if this bill were to pass, in order to educate the hunting public of the meaning of the purple paint marks. The Department would undertake this effort, because increased willingness of landowners to post their land would provide added efficiency in law enforcement efforts to address complaints of trespass and criminal hunting. (See attachment 4)

Lee Robbins, Yates Center, Kansas, was welcomed to the committee. He appeared in support of the bill and believes it should help landowners in controlling trespassing and also make it more obvious for the hunters. (See attachment 9) Discussion and questions followed. There were no opponents to the bill.

The Chairperson closed the hearing on **HB2975** and opened hearing on **HB2872**.

HB2872: An act concerning wildlife.

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Chairperson Freeborn welcomed Bill Fuller, Kansas Farm Bureau, to the committee. He appeared on behalf Kansas Farm Bureau, they believe all the bills under consideration today were introduced to address the unacceptable damage resulting from the state's out of control deer population. For that reason, do not strongly oppose any of the bills. However, they recognize some of the bills are more workable, can be administered more effectively and will have more impact in reducing deer damage. They believe this bill requires any person pursuing a wounded animal to make every reasonable effort to locate the landowner and seek permission to be on the land. (See attachment 8)

Lee Robbins, Yates Center, Kansas, was welcomed back to the committee and appeared in support of the bill. He believes this bill should help landowners control trespassing. (See attachment 9)

Clint Riley, Attorney, Kansas Department Wildlife and Parks, was welcomed back to the committee and appeared in a neutral position to the bill. The Department believes this bill addresses the issue of when a hunter may pursue wounded game across property lines. Although they do not oppose what they perceive as the intent of the bill, they do believe it is important to voice certain concerns about the practicality of the proposed legislation. (See attachment 5)

Rep. Richard Alldritt, was welcomed to the committee and appeared in support of the bill, which he introduced.. The reason he introduced this bill was to engage in the debate of deer management. He stated that in his area of the state the right to pursue a wounded deer is reeking havoc among landowners, particularly in Comanche county and Barber county. There is a heavy concentration of deer and trophy deer there and pressures are great. He has visited there twice with landowners and with Kevin Jones, the new law enforcement officer, and with Wildlife and Parks. Out of state hunters are a problem and time and time again hunters are caught trespassing. They are not in pursuit of a wounded deer and know they are trespassing, but the way current law is written it provides them with coverage to be on the property. He does not know what the solution is, but does sympathize with the hunter, the wounded animal and the landowners. Perhaps the bill should read "a reasonable effort," not "every reasonable effort". He believes that somewhere there has to be a balance between the hunters and the property owners. (No written testimony) Questions and discussion followed. There were no opponents to the bill.

The Chairperson closed the hearing on **HB2872**. She announced that the following hearings will be for **proponents** only and each speaker may address any or all of the bills being heard, which are related to deer issues. The bills being heard are: **HB2813; HB2816; HB2819; HB2863; HB2937; HB2974; HB2976; and HB2977.**

HB2813: An act concerning deer; relating to permits to take; providing for certain tax credits; providing for certain payments to processors of deer meat and entities operating solid waste management disposal areas.

HB2816: An act concerning big game permits; relating to deer.

HB2819: An act concerning deer; relating to the taking thereof.

HB2863: An act concerning big game; relating to deer permits.

HB2937: An act relating to big game animals; providing for reimbursement for big game damage under certain circumstances.

HB2974: An act concerning wildlife; relating to big game permits; purchase, sale and transfer thereof; report of property damage.

HB2976: An act concerning wildlife; relating to penalty for taking trophy big game.

HB2977: An act concerning wildlife; relating to big game permits.

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The Chairperson recognized Rep. Sharon Schwartz. She appeared before the committee to support measures that address several issues concerning deer and large game. The District she represents has probably some of the largest reported deer related accidents in the state. She believes **HB2819** would allow county commissioners to request a special doe season be declared to address the growing herd in areas like this. **HB2813** is another suggestion to address the doe population. The area also boasts having some of the biggest trophy deer which are very valuable commodity needing to be preserved for those who legally hunt. **HB2976** increased the fine from \$250 to \$5000 for those caught poaching trophy deer. Most landowners welcome hunters and allow hunting with written permission. Today all parcels of ground need to be posted with signs indicating HUNTING WITH WRITTEN PERMISSION ONLY. **HB2975** would give landowners the option of simply identifying such parcels with a purple paint mark painted on posts every 100 feet apart. Today landowners may drive over 100 miles round trip to purchase the hunt on your own land permits. **HB2974** would require permits to be made available over the Internet. **HB2937** would provide a means for property owners to be reimbursed for damage caused by big game. She supports ways to preserve the valuable asset of Kansas wildlife while providing opportunities for the sport of hunting. However, she believes we need to find ways to bring the deer population back into balance with the environment they are living in today, production agriculture and busy highways! (See attachment 6) Included is a Deer Permit Summary Provided by Wildlife and Parks; a letter from Sheriff Bill Overbeck, Washington, Kansas; and a Kansas Deer Accidents Record for 1980 through 1998.

Chairperson Freeborn welcomed Rep. Kathe Lloyd to the committee. She addressed the committee in support of **HB2813** and **HB2937**. She stated that the one across the board complaint she receives in her district is that there are "too many deer." Property damage is on the rise and vehicle accidents increase every year because of deer. Kansas Department Wildlife and Parks have stated that the main problem is too many doe. **HB2813** suggests creating a three year period of time in which the hunter is required to shoot two doe before obtaining a buck permit. Built into the bill is a tax credit for the cost of processing if the meat is donated to a non-profit group. In regards to **HB2937**, Rep. Sharon Schwartz is the author and she is in support of as well as a co-sponsor. (See attachment 7)

The Chairperson welcomed Bill Fuller, Kansas Farm Bureau, back to the committee. On behalf of Farm Bureau based upon member adopted policy they strongly support the following bills. **HB2937** established the big game damage reimbursement fund to pay claims that exceed \$500 with a limit to any claimant of \$10,000 in any one year. Requires Kansas Department Wildlife and Parks to annually report all big game damage believed to have occurred in Kansas. They ask for an amendment that would establish a toll-free telephone number to assist in gathering this data and allow landowners to report damage. **HB2863** authorizes a person at the time of purchasing a hunting license to purchase for a \$2 fee a permit to take an antlerless deer. **HB2813** requires the harvest of two antlerless deer before the taking of an antlered deer. Also, requires the reporting of property damage that is related to deer overpopulation. Again, this would be another appropriate place to request the establishment of a toll-free telephone number for reporting damage. (See attachment 8)

Chairperson Freeborn welcomed Lee Robbins, Yates Center, Kansas, back to the committee. He appeared in support of several of the bills. He believes **HB2816** will help solve a few problems, reimbursement to landowners will help, it will help some hunters gain access to land to hunt and it will make the hunter responsible for where the deer is shot. He supports **HB2819** but is not sure what the percentage should be because of human population density. He is in support of **HB2863** because it will probably help control the deer population. He supports **HB2973** and believes Kansas Department of Wildlife and Parks should be liable to some point for damages. He believes **HB2974** is fair to the landowners and at least is a start in giving them some benefits, **HB2977** should include firearms and **HB2976** will help prevent the killing of trophy and antlered game while controlling the non-antlered population. (See attachment 9)

The Chairperson welcomed Rep. Gene O'Brien. He addressed the committee in support of two bills which he introduced. **HB2863** would allow anyone purchasing a hunting license to also purchase an over the counter deer stamp ("deer permit" would have to be changed to "deer stamp"). This would be an antlerless only deer stamp. He believes this would bring more people into the hunting of deer and would be a way of getting them interested in deer hunting. He believes this would help to control the antlerless deer population. **HB2816** was written after antelope laws in western states. When you shoot an antelope on a farmers property you detach part of the permit and give

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it to the farmer and he reimburses it to the state for a fee, usually \$10. He feels this would allow more hunting on private property and allow the farmers to be reimbursed for some of their expense of raising the deer. (No written testimony)

Chairperson Freeborn recognized Rep. Clay Aurand. He addressed the committee, in support of **HB2819**, which he co-sponsored. He believes there is a lot of anger in some parts of the state concerning deer population. There are more and more deer/vehicle accidents in his area and he doesn't know how to get the point across. He has taken a different approach by drafting this bill, which says there will be an outcome in each county and if that outcome is not met then there is going to be something done. He used a 25% figure of accidents for an outcome. If this figure is too low then it can be raised. The bill says if this goal is met in a county, the board of county commissioners may request the Secretary of Wildlife and Parks to declare a season for taking antlerless deer within the county. He believes this will only affect a few counties. (No written testimony)

Jim Beason, BeasonFarm, Elk City, Kansas, was welcomed to the committee. He appeared in support of **HB2937** and believes the problem is way too many deer. The only solution is to harvest the deer, in the mean time, this bill is good, because it compensates farmers and ranchers for their losses now. It recognizes the fact that the deer population is out of control, that the deer really are causing a significant amount of financial loss to farmers and ranchers in the state. It is the farmer and rancher's income that suffers for the recreational pleasure of those who benefit from the large herd. He believes this bill will communicate clearly to Kansas Department of Wildlife and Parks and people of the State of Kansas how incredible the losses are in a way that cannot be ignored. (See attachment 10)

Mike Beam, Kansas Livestock Association, was welcomed to the committee and appeared in support of three bills. He believes **HB2937** is a good starting point and a plan KLA would like the legislature to consider. Producers would have to experience at least \$500 in damages before they are eligible. **HB2974**, in a limited manner, allows the market place to pay landowners/tenants for transferring their "special hunt-on-your-own-land" deer hunting permits. **HB2977** is another approach to enhance economic activity in rural communities and provide more opportunities for farmers and ranchers to market fee or lease hunting of deer. KLA supports the concepts proposed by these bills and urges the committee to pass legislation addressing these needs. (See attachment 11)

Ron Montegue, Washington, Kansas, was welcomed to the committee. He appeared in support of **HB2976**. He believes this legislation puts some teeth into the anti-poaching effort and that the trophy deer are a very valuable asset in Kansas. The only change he suggests would be to lower the inside spread to 16" from the 18". (See attachment 12)

Shawn Harding, Kansas Bowhunters Association, was welcomed to the committee and appeared in support of **HB2976**. As an active Pro Hunting organization, the KBA has always pushed for stiffer penalties and fines for the poaching of our states big game, antlered or antlerless. This is evident by their continual donations to the Kansas Department of Wildlife and Parks's programs targeting the apprehension and prosecution of these offenders. (See attachment 13)

The Chairperson welcomed Clint Riley, Attorney, Kansas Department of Wildlife and Parks, back to the committee. He appeared in support of **HB2976** and believes this bill creates a separate, mandatory fine for persons poaching trophy big game animals in Kansas. As such, it is intended to create an added deterrent, and help prevent criminal hunting and trespass in pursuit of these animals. The Department supports the bill. (See attachment 14) Questions and discussion followed.

Chairperson Freeborn closed the hearings on **HB2813; HB2816; HB2819; HB2863; HB2937; HB2974; HB2976; and HB2977**. She announced that on Tuesday, February 22, hearings will be held on the same bills for **opponents** only and possible action on bills previously heard. On Thursday, February 17, hearings will be held on three bills. She thanked all the conferees and guests for their participation and attention.

The meeting adjourned at 6:00 p.m. The next meeting is scheduled for Thursday, February 17, 2000

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