

MINUTES OF THE House COMMITTEE ON Agriculture and Livestock

The meeting was called to order by ~~the Chairman, Bill Fuller~~ at
Chairperson

9:00 a.m.~~xxx~~ on February 27, 1984 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Kathleen Moss, Committee Secretary

Conferees appearing before the committee:

Kent Jackson, Fish and Game Commission
Rep. Rex Crowell
Harland Priddle, Board of Agriculture
Mary Harper

The meeting was called to order by the Chairman, who announced that the committee was behind schedule in taking action on bills previously heard, and should be prepared to meet during the noon hour or after the House adjournment on March 2nd.

The Chairman informed the committee that hearing was to be held on HB 3071, concerning issuance of permits to eradicate prairie dogs. Rep. Moomaw appeared to explain the bill which he had previously requested the committee to introduce. He distributed copies of his formal statement (See Attachment 1.) He stated that there had been consideration to handle the matter by rules and regulations, but that they preferred the bill. He explained that prairie dogs cause holes that are dangerous to people and animals; that they eat large quantities of grass and move into plowed fields; and that prairie dog towns become rattle snake havens.

Kent Jackson, Fish and Game Commission, testified that the Commission does not have authority to use poison grain but can use asphyxiating gases. He noted that there is statutory authority for townships to control prairie dogs. Permits can be issued upon application and recommendation from Kansas State University. There is no charge for permits. Such permits are issued only to landowners and tenants. A copy of the rules was distributed and is shown as Attachment 2. Mr. Jackson offered a proposed amendment, eliminating words beginning on Line 59. (See Attachment 3.)

Attention was directed to HB 2950. Rep. Rex Crowell, sponsor of the bill, appeared to explain the provisions. He stated that the proposal provides for a "shelter belt" of plantings to reduce soil erosion. He said that it is a basic approach to the problems in Western Kansas where water is becoming scarce. Since it takes considerable time to grow a shelter belt, it is his hope to start a program before there is a crisis. He suggested an incentive program in the form of a tax rebate. There was also discussion about a possible cost-share program.

Harland Priddle, Board of Agriculture, testified that he felt such a program should be channeled through the Conservation Commission because shelter belts require care. He expressed the view that a tax incentive might be the proper approach.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Agriculture and Livestock,
room 423-S, Statehouse, at 9:00 a.m.~~p.m.~~ on February 27, 1984

Mary Harper, American Agriculture Movement, told the committee that she favors a tax incentive plan for creation and maintenance of shelter belts.

The Chairman called for discussion on HB 2839, relating to excavation and mining. Rep. Campbell distributed a proposed amendment on Page 1, Line 19. (See Attachment 4.) It was moved by Rep. Campbell and seconded by Rep. Eckert that the amendment be adopted.

There was discussion concerning the possibility of amending the bill to provide for county option, and further discussion about the penalty section. There was sentiment for setting a civil penalty in addition to actual damages. Rep. Solbach offered a substitute motion to provide for a civil penalty of \$1,000 to go to the aggrieved landowner, in excess of actual damages. The substitute motion was seconded by Rep. Johnson, and upon vote, carried.

It was moved by Rep. Campbell and seconded by Rep. Buehler that the previous proposed amendment be adopted. (See Attachment 4.) During discussion, it was pointed out that the attorney for the Kansas Corporation Commission is satisfied with the amendments, and that they will not conflict with the mined-land laws. Upon vote, the motion carried. It was then moved by Rep. Buehler and seconded by Rep. Roenbaugh that HB 2839, as amended, be recommended favorably. Motion carried.

The meeting was adjourned at 9:56 A.M. The next meeting will be Tuesday, February 28, 1984, at 9:00 A.M. in Room 423-S.

Attachment No. 1

STATE OF KANSAS

MAX MOOMAW
REPRESENTATIVE, 117TH DISTRICT
HODGEMAN, LANE AND
PARTS OF FINNEY AND
NESS COUNTIES
R R 2, BOX 45
DIGHTON, KANSAS 67839



COMMITTEE ASSIGNMENTS
MEMBER EDUCATION
ELECTIONS

TOPEKA

HOUSE OF
REPRESENTATIVES

Mr. Chairman and Members of the Committee:

House Bill 3071 deals with the length of time for which a permit may be issued to eradicate prairie dogs. Under current law a 120-day permit may be issued to tenants or land owners for this purpose. In areas of large prairie dog infestation, it requires many repeat treatments to eliminate a town. The township trustees in Lane County here asked that the permit to a tenant or land owner be extended from 120 days to 365 days to enable them to better control this problem. They could then hire an approved specialist (or do it themselves, if qualified) to continue the eradication program over a longer period of time.

Atch. 1

FURBEARERS

—open seasons and seasons: The open seasons for trapping, hunting or killing animals in

opossum and weasel—January 31, both dates in-

red or spotted skunk—January 1 to December 31 inclusive; hunting, trapping, killing—January 1 to February 28,

red fox or gray fox—January 31, both dates in-

or their raw pelts required may be possessed, muskrat, opossum, until June 1 next following being taken; raccoon, skunk (civet cat), red or gray fox—at any time. (Authorized by K.S.A. 1967 Supp. 32-215, 1966; amended

by state. The purpose of this act is to consider the damage caused by the taking of beavers, and the director is authorized to take such action as may be necessary to protect the beaver as the commissioner of the protection. (Authorized by K.S.A. 1964; effective Jan 1,

by and implemented by 1983.)

skunk; open season. The open season for trapping, hunting, taking, trapping or killing of striped skunks is from January 1 to December 31 (authorized by K.S.A. 1979 32-215; effective May

season restrictions.

(1) "Running" means the pursuing or chasing of furbearers with hounds, but not taking or killing the furbearers.

(2) "Dryland set" means any trapping device which is placed or set on land or is not in contact with water.

(3) "Water set" means any trapping device which is placed or set in and remains in contact with flowing or impounded water.

(b) The use of any body gripping trap (conibear type) with a jawspread greater than eight (8) inches shall be used in a water set, any other type set is prohibited.

(c) The dates of possession of fur-bearing animals shall be as follows:

(1) Raw pelts of furbearers shall be possessed no more than thirty (30) days following the closing of the season in which that species of furbearer could legally be taken or one (1) day prior to the running season in which that species of furbearer could legally be ran, whichever is less.

(2) Live furbearers legally taken during the trapping or hunting season shall be possessed only through the last day of the season in which taken.

(3) Unskinned carcasses of furbearers shall be possessed no more than forty-eight (48) hours following the closing of the season in which that species of furbearer could legally be taken.

(d) It shall be illegal to sell pelts of bobcats taken in Kansas to any resident or non-resident fur dealer, or to ship from the state for the purpose of selling, unless such pelt shall have affixed an export tag provided by the Kansas fish and game commission. To obtain a bobcat pelt export tag, the individual shall present the pelt and carcass to a state game protector, or other commission personnel at district, regional and head-quarter's offices of the fish and game commission. An export tag shall be affixed to the bobcat pelt when the carcass is surrendered to designated commission personnel. No pelts shall be tagged by commission personnel unless both the pelt and carcass are presented. No export tags shall be provided directly to fur dealers for such tagging purposes.

(e) It shall be illegal for any individual to have in their possession any firearm or other weapon while pursuing or chasing furbearers with hounds during the running season. (Authorized by K.S.A. 1980 Supp.

32-158, 32-164, 32-215, effective May 1, 1981.

23-6-7. Cyanide gas or other poisonous gas, gun, bomb, other device; use in wildlife control. Subject to federal and state laws, and rules and regulations, cyanide gas or other poisonous gas guns or devices may be used in duly authorized wildlife control programs subject to the limitations and restrictions that follow:

(a) A permit for use of cyanide gas or other poisonous gas guns or devices shall be secured from the director, fish and game commission, Pratt, Kansas 67124. A permit shall be issued by the director only upon the recommendation of Kansas state university extension wildlife damage control specialists or the state zoologist.

(b) The application for permit shall be made on forms provided by the commission and shall include a legal description of the property on which the cyanide gas or other poisonous gas guns or devices will be operated.

(c) Permits shall be limited to landowners and legal tenants of land and shall be applicable and valid only on land legally owned or leased.

(d) Permit duration shall not exceed the period recommended by the Kansas state university extension wildlife damage control specialists or the state zoologist. The permit duration shall not exceed 120 days.

(e) Warning signs indicating use of cyanide gas or other poisonous gas guns or devices shall be conspicuously placed at all property access points and corners. One elevated warning sign shall be placed within six feet of any cyanide gas or other poisonous gas gun or device. Signs shall only be posted while the cyanide gas or other poisonous gas guns or devices are in use. Signs used shall be approved by both the director, fish and game commission, and the Kansas state university wildlife damage control specialists.

(f) All persons issued permits shall maintain records of use of cyanide gas or other poisonous gas guns or devices on forms provided by the commission. The records shall be submitted to the director, fish and game commission, within 30 days of permit expiration.

(g) Cyanide gas devices and all necessary

materials, supplies, and equipment (including signs) shall be available only through the Kansas state university wildlife damage control specialists on a demonstration or loan basis.

(h) All use of cyanide gas or other poisonous gas guns or devices shall be in conformity with conditions specified on the permit.

(i) The director shall have the right to refuse to issue a permit for use of cyanide gas or other poisonous gas guns or devices when the director has determined there is: a lack of justification or information; incorrect information; prior history of permit abuse by the applicant or lack of cooperation; or potential danger to the public, natural resources, or environment. (Authorized by and implementing K.S.A. 32-158, 74-3302; effective May 1, 1983.)

Article 7.—FUR DEALERS

23-7-1. License; fee, application. No person shall buy, trade, or deal in pelts, furs or fur-bearing animals, alive or dead, within the state of Kansas, unless first licensed thereto as hereinafter provided. A resident of the state of Kansas shall pay an annual license fee of fifty dollars (\$50), and a non-resident of Kansas shall pay an annual license fee of fifty dollars (\$50). The license may be obtained from the forestry, fish and game department at Pratt, Kansas, after making proper application and paying the fee. The applicant shall give his name, description, address, and location of place of business, when applying for a fur dealer's license. (Authorized by K.S.A. 32-163, 32-164; effective Jan. 1, 1966; amended May 1, 1978.)

23-7-2. Licensee; authority. The Kansas fur dealer's license is a permit and license for the licensee of a valid and existing license to buy, sell, trade, or deal in pelts, furs, or fur-bearing animals, alive or dead, at the location or place of business specified and described in said licensee's application and license; and said license is also a permit and license for the licensee of a valid and existing license to buy, sell, trade, or deal in pelts, furs, or fur-bearing animals, with any other duly licensed fur dealer at the place of business specified and described in such other fur dealer's license.

And further, it is hereby declared to be

prohibited and unlawful for any person to buy, trade, or deal in pelts, furs, or fur-bearing animals, alive or dead, in the state of Kansas except as hereinbefore provided. (Authorized by K.S.A. 32-163, K.S.A. 1965 Supp. 32-164; effective Jan. 1, 1966.)

23-7-3. Fur dealer record. Each person buying, trading or dealing in pelts, furs or fur-bearing animals, alive or dead, shall keep a complete record, setting out accurately and in a legible manner, the information asked for in each of the fur dealer's record books: (a) The name of the person (fur dealer) and address, giving the city, county and street address.

(b) The number of such person's fur dealer's license.

(c) The date each piece of fur or pelt is purchased or acquired.

(d) The name and address of each person from whom each fur or pelt is purchased or acquired from said person.

(e) The state trapping license number of each person from whom the fur dealer purchased or acquired a fur or pelt.

(f) Date of sales, dealer's license number, number of fur dealer sold to, address, and the number and kind of furs, or pelts sold or traded.

(g) Inventory sheet stating the number and kind of furs, or pelts on hand when issued the current fur dealer's license.

A separate record shall be kept by the fur dealer for each fur dealer's license which he holds. Each record shall contain the required information relative to the business and dealings transacted under each license, and shall consist of: (1) dealer purchases from resident trappers,

(2) dealer purchases from nonresident trappers,

(3) dealer purchases from fur dealers, and

(4) dealer sales to fur dealers.

The record shall be kept up to date and all fur purchases entered daily. All fur record books and furs in possession shall be subject to, and open for inspection by all state game protectors on demand. The fur dealer's complete record shall be forwarded to the fish and game commission at Pratt, Kansas, on or before the 1st of July of each year. Failure or refusal to return all fur dealer's record books shall result in the non-renewal of a fur dealer's license for the following year.

It shall be unlawful to purchase fur from a person who does not have a valid trapping license.

The director shall have the privilege to refuse to issue a fur dealer's license when the applicant is not cooperative in providing the information required by the manager of the fur resource. (Authorized by K.S.A. 1978 Supp. 32-163, 1966; amended Jan. 1, 1978; amended May 1, 1983.)

23-7-4. Possession. Fur dealers shall not possess furs, legally acquired, for an indefinite period of time. (Authorized by K.S.A. 1967 Supp. 32-163, 1966; amended Jan. 1, 1966; amended May 1, 1983.)

23-7-5. Purchase. It shall be illegal for any person to purchase or acquire furs, or pelts, unless they are tagged, either with a state export tag or with a tag provided by the wildlife department. (Authorized by K.S.A. E-79-19, E-80-11, Aug. 8, 1980.)

Article 8.—

Revisor's Note:

This article was formerly Article 8 of the Recreational and Game Commission Act.

23-8-1. Commission. All regulations, rules, and orders of the commission shall apply to all game sanctuaries, state parks, and forest areas and life areas. (Authorized by K.S.A. 32-224; amended May 1, 1982.)

23-8-2. Certain life areas. (a) Prohibited from discharging firearms in certain wildlife areas is hereby declared to be

(1) For hunting areas designated as hunting areas.

(2) During and after the hunting season.

(3) During and after the hunting season.

Attachment No. 3

0046 forcing smoke or any asphyxiating or deadly gas or liquid into the
0047 holes, dens, runways or houses of any wildlife, or shall kill or
0048 attempt to kill such animals with poison. No person shall set or
0049 use at any time any cyanide gas gun, bomb or other similar
0050 device, using cyanide gas or other poisonous gas as the lethal
0051 agent, for the purpose of killing such wild life at any time except
0052 in accordance with rules and regulations adopted by the Kansas
0053 fish and game commission, and after securing a written permit
0054 issued and signed by the director of the commission, and either
0055 the extension specialist in predator control at Kansas state uni-
0056 versity or the state biologist, stating the time and place when and
0057 where such device may be used. No such permit shall be issued,
0058 in any case, until the specialist in predator control shall recom-
0059 mend the use of any such device. *Permits issued* ~~[to county weed~~
0060 ~~supervisors, employed under the provisions of K.S.A. 2-1316 and~~
0061 ~~amendments thereto.]~~ *for the purpose of eradication of prairie*
0062 *dogs shall be valid for one year from the date of issue, except*
0063 *that the permits shall be issued only after compliance with other*
0064 *provisions of this section and in accordance with other applica-*
0065 *ble rules and regulations promulgated by the Kansas fish and*
0066 *game commission. Except as provided in K.S.A. 32-158a and*
0067 *amendments thereto, it shall not be unlawful to chase, trap or*
0068 *take coyotes (when licensed pursuant to K.S.A. 32-104 and*
0069 *amendments thereto), moles or gophers at any time. The provi-*
0070 *sions of this act shall not prevent owners or legal occupants of*
0071 *land from killing any animals found in or near buildings on their*
0072 *premises, or when destroying property or prevent the owners or*
0073 *legal occupants from cutting down trees. Any person having the*
0074 *proper state license or exempt by law from having such license,*
0075 *may legally take, during legal open seasons, fur-bearing animals*
0076 *within the state of Kansas by steel traps, dogs or guns, and by any*
0077 *other method which the commission may by rule and regulation*
0078 *establish as legal. Traps may be used to take wild animals and*
0079 *fur-bearing animals only during such legal open trapping sea-*
0080 *sons as established by the commission. All trapping devices,*
0081 *except those used for live trapping of rabbits and hares but*
0082 *including those used for the trapping of coyotes, must be tagged*

Atch. 3

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Agriculture and Livestock

Recommends that House Bill No. 2839

"AN ACT concerning certain excavations of land; placing certain restrictions on depth of excavation; providing penalties for violations."

Be amended:

On page 1, in line 19, preceding "Land" by inserting "From and after the effective date of this act,"; in line 21, preceding "mining" by inserting "limestone"; in line 24, after the period, by inserting "The requirement for maintenance of unexcavated land along a property line shall not be required if adjoining lands upon both sides of such property line are being excavated for such purpose.";

And the bill be passed as amended.

Chairperson