

Approved 3-25-86
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at
Chairperson

8:00 ~~xx~~ p.m. on March 18, 1986 in room 123-S of the Capitol.

All members were present except:
Senator Gordon - Excused

Committee staff present:
Ramon Powers - Research
Don Hayward - Revisor
Nancy Jones - Secretary

Conferees appearing before the committee:
Representative Eugene Shore
Representative Clint Atcheson
Nile Fowler, President, Kansas Wild Turkey Federation
Paul Fleener, Kansas Farm Bureau
Darrell Montei, Fish & Game Commission
Mike Beam, Kansas Livestock Association

HCR 5042 - Memorializing Congress regarding water depletion.

Representative Shore testifying as a sponsor of this resolution expressed a deep concern regarding the water situation in western Kansas. Representative Shore proposed expansion of the conservation reserve to include underground water and a program enacted which would allow an irrigated farm to become dryland for a period of time, then return to irrigated farmland. Positive points would be water conservation, keeping people in place and employed, and these people using the services provided. Production in bushels grown and thus eligible for program benefits would be drastically reduced with dryland farming and this would result in cost reduction to the government. Also a reduction in surplus crops would result. Long term reduction of water usage would be seen with such a program, as well as a possible transition to permanent dryland farming by some. The intent is to use approximately half the amount being paid by government for irrigated land loans to pay farmers converting to dryland farming as an incentive. (Attachment A).

HB 2782 - Concerning Parks & Recreation

Representative Atcheson stated the bill was requested by the Shawnee County Park Department to amend an existing statute to give the Department discretionary authority to post rules and regulations at strategic locations rather than at remote low volume usage entrances. The Department feels this would be more effective for users as well as cost effective with an estimated saving of \$2,000 per year.

HB - 2865 - Relating to hunting

Nile Fowler, testifying as an opponent, stated the Federation feels non-resident hunting of wild turkeys is a misjustice to the Kansas sportsman. Entities from out of state can lease the best acres for hunting and deprive residents of hunting these areas. Secondly, the Federation feels the minimum age should remain at 14 years of age. These people can be in the field adding to the number of permits sold and increase the bird harvest. This in turn would lower crop depredation. Other suggestions offered by Mr. Fowler are a longer spring turkey season, a multiple bird tag, and a change of price for permits in the problem areas. (Attachment B).

Darrell Montei stated this bill is similiar to SB 497 previously passed by the committee. However, the Commission recommends lowering the minimum age to 14 for all big game permits, and to authorize non-resident landowners to apply and receive permits along with resident landowners. The Commission

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 123-S, Statehouse, at 8:00 a.m./~~XX~~ on March 18, 1986

also recommends establishment of an elk hunting permit fee with a fee structure of \$50.00 minimum for landowners and \$75.00 maximum, for the general resident. (Attachment C).

Paul Fleener testified there is strong concern among farmers and ranchers regarding damage done by big game due to the increasing number within the state. The Bureau feels revision in regulations needs to be made by the Fish & Game in specific areas: an increase in the number of big game permits granted each year, "special permits" be issued at no cost to landowners, Fish & Game be required to conduct deer population control measures or pay for damages upon petition by landowners, and lastly the Fish & Game establish a toll free number for the reporting of wildlife damage to crops. Amendments to the bill were proposed. Mr. Fleener discussed in detail the problems of crop damage and the need for special permits. The fiscal impact of proposed changes would be \$440,000 to the Fish & Game Commission. (Attachment D).

Mike Beam stated the Livestock Association supports this bill as it addresses a major concern of an increased population of wildlife which adversely affects the farmers and ranchers. The KLA strongly favors the issuance of big game permits during a "special season". Mr. Beam further stated KLA supports the amendment exempting landowners from purchasing licenses before obtaining a big game permit. Greater cooperation between the Fish & Game Commission and the landowners will be provided with this bill. In answer to a question from the committee, Mr. Beam said the Association has not taken a position on wild turkey permits for landowners. (Attachment E).

Discussion and action was taken by the Committee on HCR 5042 and HB 2782.

A motion was made by Senator Martin to recommend favorably HCR 5042, seconded by Senator Hayden. Motion carried.

A motion was made by Senator Thiessen to recommend favorably HB 2782, seconded by Senator Vidricksen. Motion carried.

Discussion on HB 2865 was held by the committee. A motion was made by Senator Kerr to amend the bill by striking lines 145, 147, 148 and 149, seconded by Senator Vidricksen. Motion carried.

A motion was made by Senator Martin to strike the non-resident permit language from the bill and insert the language of SB 497 that allows all Kansas residents to obtain permits before non-residents are granted permits. Seconded by Senator Feleciano.

The motion to amend was withdrawn by Senator Martin at the request of Chairman Werts as it was time for the meeting to adjourn. Further discussion on HB 2865 will be held at a subsequent committee meeting.

Meeting adjourned. The next meeting will be March 19, 1986.

Quest List
3-18-86

Bill Hanzlick	PRATT	Ks Fish. & Game
Nile Fowler	Topeka	Ks. Wild Turkey Fed.
DARRELL MONTEI	PRATT	Ks. F. & G. Comm.
Paul E. Fleener	Manhattan	Kansas Farm Bureau
MIKE BEAM	TOPEKA	Ks LUSTK Assn
Blair Bellam	Topeka	Paper Dist 52
Eugene Stone	-	
Rich McKee	Topeka	Ks LUSTK Assn.

EUGENE L. SHORE
 REPRESENTATIVE, 124TH DISTRICT
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 STANTON AND STEVENS COUNTIES
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TOPEKA

COMMITTEE ASSIGNMENTS
 MEMBER ENERGY AND NATURAL RESOURCES
 PENSIONS, INVESTMENTS AND
 BENEFITS
 TRANSPORTATION

HOUSE OF
 REPRESENTATIVES

TESTIMONY HCR 5042
 MARCH 18, 1986
 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

I am very concerned about the water situation in Western Kansas and surrounding states overlaying the Ogallala. After looking at the new farm bill I feel we should have been more involved in the planning stages of this bill.

We are seeing decreases in the water table again this past year and quite frankly unless we come up with something innovative and soon, we are depleting our water, growing surplus crops and breaking even at best while doing it.

I have an idea or two I would like to present and get input from others as to concept and practicality.

Why not expand the conservation reserve to recognize underground water which is in danger of being depleted in addition to soil which is fragile and subject to erosion?

If a program could be enacted which would allow an irrigated farm to become a dryland farm for a period of time, rather than taken completely out of production it would save the water until it was needed, yet keep the Population in the local area rather than planting the land to grass and moving to town as happened with the soil bank and could happen with the conservation reserve. The important points would be water conservation, keeping people in place, employed, using and paying for available services (schools, merchants, etc.). This program possibly could be more cost effective than it appears on the surface. The profits from irrigated farming today are very low due to energy prices, commodity prices and other changing circumstances, so incentives to convert to dryland would be more attractive than in prior years. The reduction in bushels grown and thus eligible for program benefits would be drastically reduced

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resulting in equal cost reductions to the government, example (milo irrigated = 100 Bu/A, Milo, dryland summerfallow = 30 Bu/A - 15 Bu/A annually), to be eligible for price support, deficiency payments, loan and diversion payments. Yields would have to be based on county averages to be effective. Acres irrigated and to what crop can be easily checked by using ASC certified acres planted in prior years.

If some of these costs to the government could be transferred as incentives to the farmer to convert irrigated land to dry land instead of price supports for excess production, we have the potential to reduce production, keep people employed, maintain income, and conserve water as a bonus. In some instances a 5 or 10 year program of this kind may serve as a transition to permanent dryland, resulting in long term reduction in water use.

I can think of nothing more tragic than depleting our water, using our natural gas for energy to produce a crop which is surplus and losing money while doing it. Yet our western Kansas economy is built around irrigated agriculture and we are doing just that.

With the budget exposure of the 1986 farm bill there is an opportunity to reduce federal expenditures, keep farmers farming, reduce surpluses, and conserve our water. Our underground water has to be as good as money in the bank if saved until it is needed, but once used is gone forever.

FEDERAL BUDGET EXPOSURE
 1985 Farm Program HCR 5042
 160 Acre irrigated Farm

	<u>BASE</u>	<u>PLANTED</u>	<u>YIELD</u>	<u>DIVERSION</u>	<u>DEFICIENCY</u>	<u>LOAN</u>		
Wheat	80A	60A	50	\$110	\$5940	\$7,200	=	\$13,250
Corn	80A	64A	125	117	8880	\$15,360	=	24,357
Fallow	0A	36A						
					TOTAL BUDGET			\$37,607
					\$235.04 per A			

160 Acre Dry and Farm

	<u>BASE</u>	<u>PLANTED</u>	<u>YIELD</u>	<u>DIVERSION</u>	<u>DEFICIENCY</u>	<u>LOAN</u>		
Wheat	30	53	25	\$43	\$2617	\$3807	=	\$6,472
Milo	30	53	25	22	1410	2905	=	4,337
Fallow	0	53						
					TOTAL BUDGET			\$10,309
					\$67.56 per A			

Difference in budget exposure on the same farm as a dry land farm converted from an irrigated farm is \$26,793.

Of the many people I have conferred with it seems a payment of \$75 per acre or \$12,000 would allow most farms to convert to dryland - a net savings of \$14,798 to the Federal Government.

Savings in water can be just as dramatic. The savings from 64 acres of corn would be 128 acre feet and 60 acres of wheat would be 60 acre feet or a total of 188 acre feet (60 million gallons per year).

KANSAS WILD TURKEY FEDERATION
P.O. Box 4734
Topeka, KS. 66604
March 18, 1986



Public Statement

We as an organization would like to be on record in opposition to House Bill #2865. This is a very well written bill and we appreciate the work done to complete it. There are two parts in this bill we are in disagreement with however.

First, we feel that non-resident hunting, even in the units in which the number of resident permits is unlimited, is a mis-justice to the Kansas Sportsman. Allowing non-residents into the state will put further pressure on the landowner to give up hunting rights to his land. This would also allow big money from surrounding states to lease the best turkey hunting areas and thus push the Kansas Sportsman out of the opportunity to hunt these sites.

Second, we feel that the minumum age for hunting the wild turkey should remain at 14 years old. This is a critical time period to our youth concerning hunting. It is at this time that other interests can and do develop. If we lose them to other activities it will be hard to regain them. We as an organization have generated money to help the Kansas Fish and Game in their quest to trap and transplant the wild turkey statewide in order to be able to pass this great bird down to our youth. If these young people are not able to participate in the joy of hunting, even after they are required to complete and pass a successful hunter safety program, we are doing them and future generations a disservice.

We feel that the money generated by the selling of non-resident tags will not outweigh the difficult situations and problems it would cause. If the reason for non-resident hunting is because of crop depredation, let us offer some alternatives. A longer spring turkey season allowing for more birds to be harvested by hunters, a multiple bird tag and changing the price structure for permits in problem areas are feasible. We feel that more hunters and money could be generated with these suggestions.

We feel that not allowing 14 and 15 year old hunters is not only poor judgement, but is also self-defeating if lack of bird harvest is evident. These are people that could be in the field, thus adding to the number of permits sold and needed also to obtain federal wildlife aid.

House Bill 2865

Testimony Provided to Senate E&NR Committee on March 18, 1986
By Kansas Fish and Game Commission

H.B. 2865 is similar to Commission supported legislation introduced by this Committee and numbered as S.B. 497. S.B. 497 passed the Senate with amendments.

H.B. 2865 and S.B. 497 differ in the following aspects:

- a) Minimum age for big game hunting -
Under current law, youngsters 14 and over may receive big game archery permits and firearms turkey permits. The minimum age for deer, antelope and elk firearms permits is currently 16. The Commission supports lowering the minimum age to 14 for all big game permits and S.B. 497 authorizes lowering the age to 14 for all big game permits.

H.B. 2865 would require a minimum age of 14 for big game archery permits and 16 for big game firearms permits. This is more restrictive than current law in that 14 year olds could no longer receive firearms turkey permits. It is recommended that the following amendments to H.B. 2865 be considered:

Line 0145 - Strike the word "archery".

Line 0147 - Strike the sentence starting with "The Commission shall not issue....". Lines 0148 and 0149 would be struck entirely.

The above amendments will result in identical language between H.B. 2865 and S.B. 497.

- b) Issuance of nonresident permits -
H.B. 2865 authorizes issuance of big game permits to only residents except that turkey hunting permits may be issued to nonresidents in management units where permits are available on an unlimited basis. S.B. 497 authorizes issuance of big game permits to nonresident landowners of Kansas land provided that all Kansas resident landowners applying for permits for that season in a management unit are first satisfied.

The Commission supports authorizing nonresident landowners of land in Kansas to apply for big game permits and be considered along with resident landowners in obtaining permits. As such, the Commission cannot support the nonresident turkey hunting provision of H.B. 2865.

- c) Establishment of elk hunting permit, fee structure and fee for 1986 and 1987.

The Commission proposes that language be added to H.B. 2865 to establish an elk hunting permit and further, the fee structure be set with a minimum of \$50.00 and maximum of \$100.00. Proposed language would be -- "Elk hunting permit - not less than \$50 nor more than\$100."

It is also recommended that the following provision be amended into H.B. 2865 -- "For the calendar years 1986 and 1987, the fee for an elk hunting permit issued to a landowner-tenant shall be \$50 and the fee for a general resident elk hunting permit shall be \$75".

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PUBLIC POLICY STATEMENT

Statement To:

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

RE: Big Game Hunting in Kansas - H.B. 2865
Topeka, Kansas
March 18, 1986

Presented by:
Paul E. Fleener, Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is Paul Fleener. I am the Director of Public Affairs for Kansas Farm Bureau. We are here today in SUPPORT OF H.B. 2865, and to suggest what we consider to be appropriate amendments to this legislation. You will recall we testified in support of S.B. 497, a similar bill already acted on by this Committee and the full Senate.

At the business session of the November, 1985, Annual Meeting of Kansas Farm Bureau farmers and ranchers who were delegates from the 105 counties of Kansas reworked our hunting and fishing regulations resolution. Much discussion and thought was given to the topic of hunting and fishing in Kansas. There was considerable discussion ... one could even call it an outcry ... concerning the rapidly multiplying numbers of deer and antelope in Kansas, and, the many instances, of damage done by deer, antelope and other wildlife. The following language is a portion of our resolution. The first paragraph addresses the topic of the legislation before

you today. Two additional paragraphs we share with you and ask your consideration of the items contained in them either as amendments to H.B. 2865, or for inclusion in other appropriate legislation. The three paragraphs we want to share with you today are as follows:

Hunting and Fishing Regulations

We urge the Fish and Game Commission to increase the number of deer and antelope firearms and bow and arrow permits granted each year. We believe each farmer, whether landowner or tenant, who requests a deer or antelope permit should receive one for hunting on his own land or that on which he is tenant or operator, and such special "landowner" permit should be issued at no cost to the farmer in all 105 counties.

We ask that legislation be enacted that would require the Fish and Game Commission to conduct deer population control measures or pay for damages upon petition from landowner and/or operators.

We urge the Kansas Fish and Game Commission to establish a toll-free telephone number to be used by farmers and other citizens to report wildlife damage to crops and other property.

Mr. Chairman and Members of the Committee we request your consideration of amendments to H.B. 2865 which would accommodate the language in the first paragraph of our resolution which asks for a special "landowner" permit. Our policy position, of course, addressed deer and antelope. Since the bill, however, is lumping those animals in with elk and wild turkey, and calling all of them big game, we have phrased our proposed amendments for you in this way:

Proposed amendments to H.B. 2865.

Following line 88 ... add a new definition to the section by

inserting the following: (6) **"special permit" means a big game hunting permit available to Kansas residents applying for a big game permit as a landowner or tenant.**

In line 111 following the word "issued" by adding: **at no cost as special permits.**

In line 159, by striking "a lesser amount" and inserting in lieu thereof **"no fee"**.

In line 160, before the word "permits" by adding **"special,"** by putting a period after "tenants" and by striking all before the period in line 162.

Mr. Chairman we thank you for the opportunity to express these views and advance these proposed amendments for H.B. 2865. I would be happy to respond to any questions.



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

TESTIMONY ON BEHALF
OF THE
KANSAS LIVESTOCK ASSOCIATION
TO THE
SENATE ENERGY AND NATURAL RESOURCE COMMITTEE
IN SUPPORT OF HB 2865
SUBMITTED BY
MIKE BEAM
EXECUTIVE SECRETARY COW/CALF STOCKER DIVISION

MARCH 18, 1986

Mr. Chairman and members of the committee I'm Mike Beam and I'm representing the 9,000 members of the Kansas Livestock Association. We support HB 2865 because we feel it will help address a major concern which our members have expressed on numerous occasions. That concern is the increased population of deer and other wildlife which adversely impacts the state's farmers and ranchers. On several occasions I've heard from our members that the deer population has become so large that they are having noticable damage down to fences, crops and winter feed supplies.

The main provision of HB 2865 which we support is giving the Fish and Game the authority to issue big game permits during a "special season".

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In many cases deer problems occur after deer hunting season and during the winter months. Under current law a farmer may shoot a deer which is causing damages but must leave it lay and is not able to process the deer for food purposes. We feel this bill will help provide greater cooperation between Fish and Game enforcement officials and land owners. If a farmer or ranchers and his neighbors are having a problem they can call upon the Fish and Game Commission who can issue a determined number of permits to a farmer and their neighbors to help address the problem.

KLA also believes the amended language on lines 51-53 of page 2 are needed so that it is clear that land owners, who are exempt from purchasing hunting licenses, would not need a hunting license before obtaining a big game permit. It is our understanding that this provision has not been enforced in the past and we feel this amendment is a positive provision of HB 2865.

In closing Mr. Chairman, we feel that HB 2865 is a positive approach to allow the Kansas Fish and Game Commission more flexibility in addressing wildlife problems which may occur to this state's farmers and ranchers. We urge your support. Thank you.