

Approved February 17, 1988
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:09 a.m./~~p.m.~~ on February 10, 1988 in room 423-S of the Capitol.

All members were present except: Senator Kerr (excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Sam Brownback, State Board of Agriculture
Bob Henderson, Extension Wildlife, KSU
Irlene Huntington, farmer, Eureka, Kansas
Harold Mertz, farmer/rancher, Manhattan
Mike Beam, Kansas Livestock Association
Wilbur Leonard, Committee of Farm Organizations
Howard Tice, Kansas Association of Wheat Growers

Senator Allen called the committee to order and attention to SB 529; then he called on the following to testify.

Sam Brownback gave information (attachment 1) and invited the committee to attend on March 1 a program concerning "Agriculture and Our Environment and Rural Water Quality Protection". Mr. Brownback gave copies of his testimony (attachment 2) for SB 529 and then encouraged the committee to request passage of SB 529.

In answer to a committee question, Mr. Brownback said some insurance companies would increase significantly liability premiums for farmers who would collect a fee from hunters who would lease their land for hunting; some insurance companies stated they would include coverage with a rider.

Bob Henderson reported that he had worked in wildlife management for thirty-six years. Mr. Henderson stated that for several years ranchers have been questioning and showing interest in plans to lease for money their lands to hunters. Since 97 percent of Kansas land is privately owned this is a plan for landowners to earn some extra money. Mr. Henderson reported seven states are interested in leased hunting of land by landowners. Additional hunting possibilities with additional hunting would help control numbers of animals that are becoming over-populated.

Irlene Huntington gave copies of her testimony to the committee (attachment 3) and spoke in favor of leased hunting for a fee.

In answer to committee questions Mrs. Huntington answered that hunters who pay a fee are more careful of a farmers property than hunters who do not pay. Mrs. Huntington stated they had insurance coverage through their insurance company but that if liability insurance became too expensive they would not be able to continue leasing their land for hunting. Mrs. Huntington stated their land was all fenced and they used maps to show hunters where to hunt using the fences as guidelines.

Harold Mertz gave the committee copies of his testimony (attachment 4) and spoke in favor of leasing farm land for hunting for a fee.

Mike Beam supplied copies of his testimony (attachment 5) and requested favorable consideration of SB 529 by the committee.

Wilbur Leonard furnished copies of his testimony (attachment 6) and requested favorable consideration of SB 529 by the committee.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:09 a.m./~~p.m.~~ on February 10, 1988

Mr. Brownback, in answer to a committee question, stated the Insurance Commissioner's Office had not been visited with in regard to SB 529.

The Chairman declared the hearing closed for SB 529 and called for committee action on SB 449. The Chairman called on Howard Tice to present amendments for SB 449.

Mr. Tice gave copies of suggested amendments for SB 449 (attachment 7) to the committee. Mr. Tice explained the amendments add the words "research and" before "market development agencies" in the bill. Mr. Tice explained that Senator Gannon had suggested adding the word "grain" in the title before the word "market" and that he had no objection.

Senator Gannon made a motion the committee accept the amendments for SB 529 with the insertion of the word "grain" before "research" in lines 61 through 104. Senator Warren seconded the motion. Motion carried.

Senator Norvell made a motion the words "or shall be" be deleted in the amendment after line 107 of the bill. Senator Gannon seconded the motion. Motion carried.

Senator Norvell made a motion that the word "grain" be added before the work "market" in line 20 and before the words "research, and "market" in the last line of the amendment listed after line 107. Senator Karr seconded the motion. Motion carried.

Senator Karr made a motion the committee recommend SB 529 favorable for passage as amended. Senator Montgomery seconded the motion. Motion carried.

The Chairman called for action on SB 529.

Senator Gordon made a motion the committee recommend SB 529 favorable for passage and that it be placed on the Consent Calendar. Senator Montgomery seconded the motion. Motion carried.

Senator Allen adjourned the committee at 11:00 a.m.

Agriculture and Our Environment

Rural Water Quality Protection

March 1, 1988
Historical Society Auditorium
Topeka, Kansas

- (10) 8:30 Welcome - Governor M. Hayden (Alt. Lois Schlickau)
- (15) 8:40 Perspective on Agriculture and Water Quality Protection - Sec. Sam Brownback, Kansas State Board of Agriculture
- (15) 8:55 Introduction to the Hydrologic Cycle - Terry Deen, U.S. Environmental Protection Agency, Region VII
- (20) 9:10 Sources of Contamination: An overview - Sec. Stanley Grant, Kansas Department of Health & Environment

Water Contamination Studies : Current Status

- (20) 9:30 Farmstead Well Survey - Jim Steichen, Kansas State University, Dept. of Agricultural Engineering
- (10) 9:50 Chemigation Well Survey - Alex Hawkins, Kansas State Board of Agriculture, Plant Health Division
- (15) 10:10 Surface Water Studies - Joe Arruda, Kansas Department of Health & Environment
- (15) 10:15 BREAK!

Reducing Water Contamination in Agriculture:

Operational Alternatives

- (20) 10:30 The Nebraska Program - Dave Jenson, Nebraska Dept. of Agriculture
- (20) 10:50 The Iowa program - Rick Kelley, Iowa Dept. of Natural Resources
- (20) 11:10 Localized Groundwater Management programs - Wayne Bossert, District #5, Colby
- (20) 11:30 Conservation programs - Jim Steigler, OSU Extension Service
- (60) 11:50 LUNCH (on your own)
- (25) 1:00 Sustainable/Low Input Agriculture - Michael Duffy, ISU Extension Service
- (25) 1:25 Biotechnology and Future Ag Chemicals - David Crossen, Monsanto

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- (15) 1:50 Educational Activities - Don Pretzer, Ass. Director,
Extension Agriculture & Natural Resources, KSU
Extension Service
- (15) 2:05 Research Activities - Kurt Feltner, Director, KSU
Experiment Station
- (15) 2:20 BREAK!

2:35 The Role of Government : Panel

1. State Regulatory Agencies - Joe Harkins, Kansas
Water Office
2. Federal EPA - Tim Amsden (Reg. 7 Groundwater Protection
Office)
3. Kansas Farm Bureau - Bill Fuller
4. Kansas Fertilizer & Chemical Assn./Kansas Grain &
Feed Dealers Assn. - Chris Wilson
5. Kansas Natural Resources Council - Ron Hendricks

Questions for panel from the audience

Proposed Initial Question for Panel:

In order to remediate and prevent rural water contamination
in Kansas, ----

1. What are your ideas or feelings about incentives, either
developing new ones or using those that currently exist?
2. How should incentives, voluntary programs, and regulatory
programs be coordinated?
3. How should the necessary communication and information
transfer be accomplished?

Sam Brownback, Secretary of Agriculture
Testimony before the Senate Agricultural Committee
Regarding SB 529
February 10, 1988

Thank you ladies and gentlemen for allowing me to testify in behalf of Senate Bill 529.

Last year the Kansas State Board of Agriculture selected a commission to identify and respond to the issues facing Kansas agriculture and rural communities. One of the problems recognized by the Commission was the need for agricultural diversification. The Commission suggested that farmers and ranchers could diversify and supplement their incomes by selling hunting, fishing, and /or recreational use access rights to the property.

Sales of recreational access rights is particularly attractive to landowners participating in the Conservation Reserve Program (CRP). As of September 1987, approximately two million acres were enrolled in CRP. The sale of recreational access rights may provide an additional one, three or even more dollars per acre to the landowner. Such sales of recreational access rights would also have the benefit of giving landowners an incentive to open their private lands for public access. Approximately 97% of Kansas lands are privately owned. The financial incentive offered by fee access recreation could make more private lands available for public access.

Farmers and ranchers are often hesitant to participate in this type of activity because of fears of lawsuits by persons who may be injured while on the property. The recreational use statute, K.S.A. 58-3201 et seq. provides that landowners or possessors of land who do not charge a fee to persons coming onto the land for recreational purposes, owes no duty of care to the entrant except to refrain from willfully or wantonly injuring the person.

However, under the current law, if a landowner charges a fee for the access

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right, he does not have the protection of the recreational use statute. Under existing law, if a fee is charged, the landowner has the duty to inspect, warn and protect the entrant from known dangers. If the landowner breaches this duty, he may be held liable for any injury to persons or property. The law places an impossible task on farmers and ranchers owning hundreds or thousands of acres and who wish to charge a fee for recreational use of their property.

It has been suggested that landowners could purchase insurance coverage to protect themselves from liability if they participate in charging a fee for access rights. This would make farm insurance coverage higher, thus reducing the actual dollars to the landowner. In some instances, coverage costs may exceed the financial benefits sought.

Senate Bill 529 would decrease the duty of care owed by landowners or possessors of land who charge a fee for access rights to their property. This would assist landowners in participating in a supplemental income source. The Kansas State Board of Agriculture urges your support of Senate Bill 529.

Irlene Huntington
Route 3 Box 74
Eureka, Kansas 67045

Clinton and Irlene Huntington operate a ranch of approximately 18,000 acres in Greenwood County. Three thousand one hundred thirty-five acres are owned and the remainder is rented land.

All of the area leased for hunting is located southwest of Eureka.

Summary of Hunting and Fishing Leases

| | | |
|-------|-------------------|------------------------------------|
| 1987- | \$1,000.00 | 2960 acres for quail hunting |
| | 350.00 | 828 acres for quail hunting |
| | 150.00 | 2 persons deer hunting |
| | .00 | 4 local friends who trade services |
| | <u>\$1,500.00</u> | |

1985 - In addition to the above leases, 200 acres of creek area was leased to two families for year-around fishing, camping, and hunting of any species for which they held Kansas licenses. The fee was \$600.00.

A single pond was leased for the summer for \$200.00.

1988 - March 22 and 23 land is being made available to the Kansas Chapter of the German Shorthaired Pointer Club of America, Inc. for a field trial

October 24 through November 6 the National Championships of the German Shorthaired Pointer Club of America will be held on the Huntington Ranch. In addition to the lease fee paid to Huntingtons, this event will have considerable economic impact on the local community as approximately 125 to 150 people, 150 dogs, and 80 to 100 horses are expected for this event. In addition to motel, restaurant, and gasoline services, they will use catering services for banquets, feed and tack stores and veterinarian services.

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Harold Mertz

Route 3, Box 260

Manhattan, KS 66502

Ph. 913-456-9605

My name is Harold Mertz. Two of my sons and I farm 9 miles east of Manhattan, along the south side of the Kansas River.

We have leased pastures and cropland, some of which has access to the river. In our area there are quail, prairie chickens, deer and ducks and geese (near the river.)

We have made an effort to increase our wildlife management and protection of wildlife habitat. We've done this by leaving strips of weeds and grasses to seed along border areas of land in crops. Also, short strips of growing crops have been left in the fields.

I would like to point out that I am not a hunter nor are any of my four sons. Because we were not hunters, we had not been aware of the need for habitat. I attended some meetings on wildlife management and was made aware of practices that would increase the wildlife population on our farm.

We had been operating under the theory our farm liability insurance covered leased hunting. If we have to purchase additional liability insurance, it will probably cause us to no longer allow people to hunt on our property. I doubt very much if the money we are paid for hunting would justify additional insurance fees.

You may be interested in knowing some of our leases are for retired couples who are given additional recreational privileges such as fishing and hiking.

Our farm is our business and our only source of income. We have mortgage payments and taxes due each year. We look upon leasing our land as another source of revenue to meet our obligations.

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

February 10, 1988

TO: Senate Agriculture Committee
Senator Jim Allen, Chairman

FROM: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

RE: Senate Bill 529

The Kansas Livestock Association supports SB 529. This bill addresses the liability concern of most farmers and ranchers who lease their land or charge a fee for hunting and fishing rights on their property. Many of our members have considered a lease or fee hunting program to supplement their farm/ranch income. Quite often, they are discouraged by legal council and/or their insurance carrier. Hopefully, this legislation will address this concern.

Please realize that this bill does not eliminate all of the liability for a landowner who lets sportsmen hunt or fish on his land. Lines 45 to 48 still state that "nothing in this act limits in any way any liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity."

Quite often, farm groups, government agencies, and legislators try to develop programs that can enhance profitability for Kansas agriculture producers. For this reason, there has been much interest in lease or fee hunting and fishing. We believe this bill will remove a significant impediment for this opportunity and help many farmers and ranchers who pursue this business endeavor. I hope the committee will look favorably at SB 529 and recommend its passage. Thank you.

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Committee of . . .

Kansas Farm Organizations

Wilbur G. Leonard
Legislative Agent
109 West 9th Street
Suite 304
Topeka, Kansas 66612
(913) 234-9016

TESTIMONY IN SUPPORT OF SENATE BILL NO. 529

BEFORE THE SENATE COMMITTEE ON AGRICULTURE

February 10, 1988

Mr. Chairman and Members of the Committee:

I am Wilbur Leonard, appearing for the Committee of Kansas Farm Organizations. We appreciate this opportunity to express the views of our members concerning Senate Bill No. 529. Our interest in this measure and my remarks will be directed primarily toward the hunting and fishing issues.

This bill would permit a landowner who has fish or game on his property to permit legally licensed hunters or fishermen to enter his premises to hunt or to fish and to charge such persons for that privilege without imposing upon such owner any greater duty of care than that owed to persons to whom no charge is made. For the landowner it is a means whereby he can receive some reimbursement for the expenses incurred in raising and feeding game birds and animals, constructing and maintaining ponds and fences and repairing damage caused by big game animals.

To the sportsman it affords the opportunity to acquire access to good game and fishing areas, at all times knowing who is sharing those areas with him. I'm a firm believer that there will always be a significant segment of responsible hunters who will gladly pay landowners for a place to hunt, secure in the knowledge of who is shooting on the other side of the hill. Those people do not expect the owner to use more than prudent care in insuring their safety and well being.

Why do we need legislation to accomplish this? The present law places a greater duty of care on the farmer and rancher who accepts

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remuneration for the use of his property for hunting or fishing than it does on that same owner who admits those same hunters or fishermen to his property without charge. Landowners have been told by insurance representatives that under the present law their insurance rates will be increased dramatically if they make any charge for this privilege.

To accommodate big game hunters on a farm or ranch requires considerable effort and a certain degree of management on the part of the occupant. For example, you'll move your stock out of the area most likely hunted. If you're going to have hunters with high-powered rifles on your property you want to know who they are and how many are hunting at any one time. You should be able to realize some compensation for your efforts.

For hunters, this could result in opening up good hunting areas not otherwise made available. The deer management program cannot succeed without cooperation by the landowners, the hunters and the regulatory authority. This would serve as a practical tool for all three.

Thank you for your consideration.

- Wilbur Leonard

SENATE BILL No. 449

By Special Committee on Agriculture and Livestock

Re Proposal No. 4

12-16

0018 AN ACT concerning the Kansas wheat commission and grains
0019 commodity commissions; relating to the 20% credit to the
0020 state general fund; concerning market development agencies;
0021 amending K.S.A. 1987 Supp. 75-3170a and repealing the ex-
0022 isting section.

0023 *Be it enacted by the Legislature of the State of Kansas:*

0024 Section 1. K.S.A. 1987 Supp. 75-3170a is hereby amended to
0025 read as follows: 75-3170a. (a) The 20% credit to the state general
0026 fund required by K.S.A. 1-204, 2-2609, 2-3008, 9-1703, 16-609,
0027 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701,
0028 20-1a02, 20-1a03, 34-102b, 44-324, 44-926, 47-820, 49-420, 55-
0029 131, 55-155, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718,
0030 65-1817a, 65-2011, 65-2418, 65-2855, 65-2911, 65-4610, 66-1,155,
0031 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704,
0032 74-2902a, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308
0033 and 75-1509 and K.S.A. ~~1986~~ 1987 Supp. 65-5413 and 65-5513
0034 and ~~acts amendatory of any of the foregoing including amend-~~
0035 ~~ments by other sections of this act~~ amendments thereto is to
0036 reimburse the state general fund for accounting, auditing, budg-
0037 eting, legal, payroll, personnel and purchasing services, and any
0038 and all other state governmental services, which are performed
0039 on behalf of the state agency involved by other state agencies
0040 which receive appropriations from the state general fund to
0041 provide such services.

0042 (b) Nothing in this act or in the sections amended by this act
0043 or referred to in subsection (a) ~~of this section~~, shall be deemed to
0044 authorize remittances to be made less frequently than is autho-
0045 rized under K.S.A. 75-4215 and amendments thereto.

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Let's
copy

0046 (c) Notwithstanding any provision of any section referred to
 0047 in or amended by this act or referred to in subsection (a) of this
 0048 section, whenever in any fiscal year such 20% credit to the state
 0049 general fund in relation to any particular fee fund is \$200,000, in
 0050 that fiscal year the 20% credit no longer shall apply to moneys
 0051 received from sources applicable to such fee fund and for the
 0052 remainder of such year the full 100% so received shall be
 0053 credited to such fee fund, except as otherwise provided in
 0054 subsection (d) of this section.

0055 (d) Notwithstanding any provision of K.S.A. 2-2609 and 2-
 0056 3008 and amendments thereto or any provision of any section
 0057 referred to in subsection (a) of this section, the 20% credit to the
 0058 state general fund no longer shall apply to moneys received from
 0059 sources applicable to the ~~Kansas wheat commission fund, the~~
 0060 ~~Kansas corn commission fund, the Kansas grain sorghum com-~~
 0061 ~~mission fund and the Kansas soybean commission fund~~ market
 0062 development agencies funds, as specified for each such fund by
 0063 this subsection, and for the remainder of a fiscal year the full
 0064 100% of the moneys so received shall be credited to the appro-
 0065 priate fund of such funds, whenever in any fiscal year:

research and

0066 (1) With respect to the Kansas wheat commission fund, such
 0067 20% credit to the state general fund in relation to such fund in
 0068 that fiscal year is equal to that portion of ~~\$200,000~~ \$100,000 that
 0069 bears the same proportion to ~~\$200,000~~ \$100,000 as the amount
 0070 credited to the Kansas wheat commission fund during the pre-
 0071 ceding fiscal year bears to the total of the amounts credited to the
 0072 Kansas wheat commission fund, the Kansas corn commission
 0073 fund, the Kansas grain sorghum commission fund and the Kansas
 0074 soybean commission fund during the preceding fiscal year;

0075 (2) with respect to the Kansas corn commission fund, such
 0076 20% credit to the state general fund in relation to such fund in
 0077 that fiscal year is equal to that portion of ~~\$200,000~~ \$100,000 that
 0078 bears the same proportion to ~~\$200,000~~ \$100,000 as the amount
 0079 credited to the Kansas corn commission fund during the preced-
 0080 ing fiscal year bears to the total of the amounts credited to the
 0081 Kansas wheat commission fund, the Kansas corn commission
 0082 fund, the Kansas grain sorghum commission fund and the Kansas

0083 soybean commission fund during the preceding year;
 0084 (3) with respect to the Kansas grain sorghum commission
 0085 fund, such 20% credit to the state general fund in relation to such
 0086 fund in that fiscal year is equal to that portion of ~~\$200,000~~
 0087 ~~\$100,000~~ that bears the same proportion to ~~\$200,000~~ \$100,000 as
 0088 the amount credited to the Kansas grain sorghum commission
 0089 fund during the preceding fiscal year bears to the total of the
 0090 amounts credited to the Kansas wheat commission fund, the
 0091 Kansas corn commission fund, the Kansas grain sorghum com-
 0092 mission fund and the Kansas soybean commission fund during
 0093 the preceding fiscal year; and
 0094 (4) with respect to the Kansas soybean commission fund,
 0095 such 20% credit to the state general fund in relation to such fund
 0096 in that fiscal year is equal to that portion of ~~\$200,000~~ \$100,000
 0097 that bears the same proportion to ~~\$200,000~~ \$100,000 as the
 0098 amount credited to the Kansas soybean commission fund during
 0099 the preceding fiscal year bears to the total of the amounts
 0100 credited to the Kansas wheat commission fund, the Kansas corn
 0101 commission fund, the Kansas grain sorghum commission fund
 0102 and the Kansas soybean commission fund during the preceding
 0103 fiscal year.

0104 (e) As used in this section, "market development agencies"
 0105 mean the Kansas wheat commission, the Kansas corn commis-
 0106 sion, the Kansas grain sorghum commission and the Kansas
 0107 soybean commission.

0108 Sec. 2. K.S.A. 1987 Supp. 75-3170a is hereby repealed.
 0109 Sec. 3. This act shall take effect and be in force from and
 0110 after its publication in the statute book.

"research and

Such agencies shall have been or shall be created to fund appropriate research projects and to "conduct campaigns of development, education and publicity" and "to find new markets or maintain existing markets for commodities and products made from those commodities," among their other duties. Such research and market development agencies shall be funded by an assessment collected from the grower at the time of sale of such commodity by the first purchaser. The assessment shall be sent to the proper research and market development agency.