

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:11 a.m. on January 21, 1999 in Room 254-E of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Linda J. De Coursey, Director of Government Affairs
Bill R. Fuller, Associate Director, Public Affairs Division, Kansas Farm Bureau
Bob Stites, Assistant Director, Farm Bureau Mutual Insurance Company, Inc.
Steve Williams, Secretary, Wildlife and Parks

Others attending:

See attached list.

Chairperson Corbin called attention to the minutes of January 14, 1999. A motion was made by Senator Vratil to adopt the minutes. Seconded by Senator Biggs. The motion carried

Chairperson Corbin said he had asked the conferees to brief members on the dollar damages that are caused by the deer population in Kansas. Senator Corbin said most of the information and statistics would relate to damages cause by automobile accidents involving deer. He called on Ms. De Coursey from the Kansas Insurance Department.

Ms. De Coursey said the Kansas Insurance Department had requested the top automobile writers in Kansas to provide their most recent accident data involving deer. She said the information they received from the Department of Transportation reported an increase in over 3,500 automobile accidents involving deer in the last couple of years, and insurance companies are reporting an increase of over \$2 million in claims paid out involving deer accidents (Attachment 1). Ms. DeCoursey responded to questions.

Senator Huelskamp requested Kansas Department of Transportation be contacted and asked to supplies the last ten years of deer accident data, and that it be distributed at the next committee meeting. Chairperson Corbin instructed staff to do so.

Bill Fuller said the deer overpopulation and the resulting damage to crops and vehicles is a very emotional issue for their members. They appreciate the fact that in the pass several years legislation as been passed to broadened the number of hunt-on-your-own-land permits; nonresident deer hunting has been expanded; authorized deer hunting permits has been increased; and the deer hunting season has been lengthened. Attached to his testimony is a copy of their Kansas Farm Bureau Resolutions for 1999. It is their belief if a number of those recommendations where to be implemented it would reduce wildlife damage. Mr. Fuller said they had invited a representative of Farm Bureau Mutual Insurance Company to address the committee and to provide statistics concerning the number of claims and the dollar amount of damage caused by deer to vehicles during the past five years in Kansas (Attachment 2). He introduced Bob Stites to provide that information.

Bob Stites said they were pleased to have the opportunity to discussed this issue with the committee. In 1998 auto physical damage losses caused by deer amounted to approximately \$3.5 million dollars. Their

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 8:00 a.m. on January 21, 1999.

claim counts rose 9.4% while damages rose 14.6%. Attached to his testimony is a graph representing the auto physical damage (in millions of dollars) paid by the Farm Bureau Mutual and KFB Insurance Companies in deer claims in the past five years (Attachment 3). Mr. Stites responded to questions.

Steve William, Secretary, Wildlife and Parks, gave a briefing on their deer management program. He said the department has a very aggressive deer population control program in place and that deer hunters are the key to that control. The department is committed to reducing deer numbers, and the deer management would be best left to their department staff to control (Attachment 4). Responding to a question, he said, it is up to the legislature to keep their feet to the fire and make them responsive. He said the estimated deer population in Kansas is 3500 now. Responding to a question, he explained how they arrive at the estimated deer population.

The meeting adjourned at 9:02 a.m.

The next meeting will be held on January 26, 1999.



Kathleen Sebelius
Commissioner of Insurance
Kansas Insurance Department

January 21, 1999

TO: Senate Committee on Energy & Natural Resources

FROM: Linda J. De Coursey, Director of Government Affairs

RE: Automobile Accidents involving Deer

Mr. Chairman and members of the Committee:

The Kansas Insurance Department was requested to provide your committee information regarding automobile accidents involving deer. In researching the information for the year 1997 (1998 is unavailable at this time), the Kansas Department of Transportation, Bureau of Transportation Planning, reported there were 9,116 automobile accidents involving deer. According to the Department of Transportation, their figure for 1995 was 6,737 automobile accidents involving deer.

When an insured reports a claim involving a deer, that claim is paid from the comprehensive coverage. Comprehensive coverage (sometimes known as "other than collision" insurance) pays for repairs if your vehicle hits or is hit by a deer. We requested the top automobile writers in Kansas to provide their 1996 and 1997 accidents involving deer.

| <i>NAME OF COMPANY</i> | <i>% OF MARKET SHARE</i> | <i>YEARS</i> | <i>ACCIDENTS INVOLVING DEER</i> | <i>COMPREHENSIVE CLAIMS AMOUNT PAID FOR DEER ACCIDENTS</i> |
|--------------------------------|--------------------------|--------------|---------------------------------|--|
| State Farm Insurance | 23% | | * | |
| Farmers Insurance | 10.7% | | * | |
| Farm Bureau Mutual Insurance | 8.5% | 1996 1997 | 1,666 1,688 | \$2,700,300 \$3,050,439 |
| American Family Mutual Ins. | 8.9% | 1996 1997 | 338 438 | \$1,360,164 \$1,117,930 |
| Shelter Mutual Insurance | 2.1% | 1996 1997 | 335 392 | \$ 502,518 \$ 654,938 |
| Allied Mutual Insurance | 2.1% | 1996 1997 | 640 689 | \$1,060,432 \$1,204,270 |
| Totals for companies reporting | 24% | 1996 1997 | 2,979 3,207 | \$5,623,414 \$6,027,577 |

*Do not capture loss statistics for accidents involving deer.

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Senate Energy & Natural Resources

Attachment: /

Date: 1-21-99

State Farm Mutual Insurance Company writes 23% of the automobile insurance in Kansas. Farmers Insurance Company writes 10.7% of the automobile insurance in Kansas. These two insurance companies do not capture loss statistics specifically for accidents involving deer.

Farm Bureau Mutual Insurance Company writes 8.5% of the automobile insurance in Kansas. In 1996, they reported 1,666 claims with \$2,700,300 amount paid in claims. In 1997, they reported 1,688 claims with \$3,050,439 amount paid in claims.

American Family Mutual Insurance Company writes 8.9% of the automobile insurance in Kansas. In 1996, they reported 338 claims with \$1,360,164 amount paid in claims. In 1997, they reported 438 claims with \$1,117,930 amount paid in claims.

Shelter Mutual Insurance Company writes 2.1% of the automobile insurance in Kansas. In 1996, they reported 335 claims with \$502,518 amount paid in claims. In 1997, they reported 392 claims with \$654,938 amount paid in claims.

Allied Mutual Insurance Company writes 2.1% of the automobile insurance in Kansas. In 1996, they reported 660 claims with \$1,060,432 amount paid in claims. In 1997, they reported 689 claims with \$1,204,270 amount paid in claims.

These four automobile insurance companies write approximately 24% of the automobile insurance in Kansas and has paid a reportedly \$6,027,577 in claims involving deer. If 25% equals approximately \$6.1 million paid out in claims, then with 100% of the automobile insurance companies, we would extrapolate that \$24,110,308 would be paid in claims involving deer. That figure is purely assumptive.

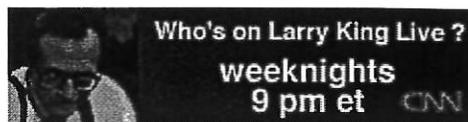
In 1995, insurance companies writing 33% of the automobile insurance in Kansas reported a total of \$4,094,809 paid out in claims. The Department of Transportation reported an increase in over 3,500 automobile accidents involving deer in the last couple of years, and insurance companies reporting an increase of over \$2 million in claims paid out involving deer accidents.

If we can be of further service to you in providing information, please contact us.



Dec. 23, 1997 >> 5:14 pm GMT

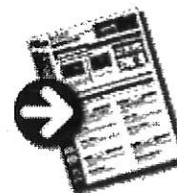
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Why didn't the Deer Cross the Road?

alt



Science World
23-DEC-97
By Laura Allen

Just like chickens, deer cross roads to get to the other side. But the cost is deer life. At night speeding cars hit and kill the animals. Now foresters are using natural animal instincts to prevent dangerous crossings.

In England, the British Forestry Commission has installed thousands of glowing red "wolf eyes" along woodland roads. The eyes are actually reflectors, plastic bars like the red reflectors on your bike. The 10 cm-long bars are fixed on top of posts, only these signs are angled toward the woods rather than the road.

When cars speed by, light rays from car headlights reflect (bounce) off the reflectors' shiny surface and flash into the woods. Deer are instantly spooked by the "wolf eyes"--even though wolves haven't hunted deer in Britain or even lived there for 300 years!

Scientists think the glowing light mimics the "eye shine" of nightly predators. (You've probably seen eye shine on cats. Mirror-like cells in their eyes reflect some light that hits them.)

The deer must not have "forgotten" that wolves can sprint up to 72 km per hour (45 mph) in hot pursuit, or can sniff deer out from 2.4 km (1.5 mi) away. In some areas where "wolf eyes" keep watch, 90 percent fewer deer have been killed at night.

FAST FACT

A wolf's sense of smell is 100 times more sensitive than a human's.

FAST FACT

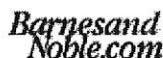
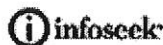
A wolf's hearing is so sensitive it can hear a stopwatch ticking from 30 feet away.



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1-3

TheStar.**FYI****SPORTS****BUSINESS****FYI****LOCAL****SHOWTIME****What other states have done***The Associated Press*

Date: 06/30/97 18:59

BACK TO...**FYI**

The Kansas Department of Wildlife and Parks has not found an effective way to keep deer off roads. The state uses deer-crossing signs and public awareness programs to reduce collision rates.

Fences might be the best way to control the deer, but officials say that solution is too expensive.

Here are examples of what other states have done:

--Wildlife Warning Reflectors: Reflectors were placed along roads in Colorado, Wyoming, Utah and California, but studies showed the devices were ineffective in reducing accidents.

--Intercept Feeding: Providing food sources away from roads helped steer deer away from traffic in Utah but only in places with large deer populations and during certain periods of the year.

--Big Game Fences: Reduced collision rates in Pennsylvania and Minnesota.

--Deer Mannequins: Mannequins were placed along roads in Colorado to alert motorists, but they created traffic hazards when motorists slowed to look at the objects.

--Warning Whistles: Mounted on vehicles, whistles have been used to scare deer off roads in Michigan. There is little evidence that this works.

Source: Wildlife Society Bulletin 1996, volume 24, issue 2.

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PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

RE: Damages caused by the Kansas deer population.

**January 21, 1999
Topeka, Kansas**

**Prepared by:
Bill R. Fuller, Associate Director
Public Affairs Division
Kansas Farm Bureau**

Chairman Corbin and members of the Senate Committee on Energy and Natural Resources, we appreciate this opportunity to participate in this important briefing. We are here to report that the damage caused by the State's exploding deer population is unacceptable! Vehicle damage is believed to exceed \$35 million and crop losses may be near \$25 million annually in Kansas.

My name is Bill Fuller and I serve as the Associate Director of the Public Affairs Division at Kansas Farm Bureau. Deer overpopulation and the resulting damage to crops and vehicles is a hot button issue for the farmers and ranchers who are members of 105 county Farm Bureaus in Kansas.

The issue has become emotional and often sends Farm Bureau meetings and conferences into overtime. Citizens are now demanding the Kansas Legislature and the Kansas Department of Wildlife and Parks solve this problem. Fortunately, a number of bills have been approved by the legislature and several initiatives have been implemented by the agency in recent years:

- ◆ The eligibility of those entitled to use hunt-on-your-own-land permits has been broadened;

Senate Energy & Natural Resources

Attachment: 2

Date: 1-21-99 2-1

- ◆ The opportunity for nonresident deer hunting has been expanded;
- ◆ The number of authorized deer hunting permits has been increased; and,
- ◆ The length of the deer hunting season has been extended.

Unfortunately, the damage continues and emotions build. More must be done to bring the damage under control!

In a wildlife damage survey conducted a few years ago by Kansas Farm Bureau, 94 percent of the farmers and ranchers reported damage to their crops, feed supplies, farm machinery and vehicles. While 11 percent estimated annual damages less than \$100, 55 percent said their losses were between \$100 and \$1000 and 27 percent pegged damages on their farm at more than \$1000 per year. Deer were identified more than 2 to 1 over all other animals as causing the damage.

Farmers and ranchers responded to Kansas Farm Bureau's 1998 Policy Development Questionnaire distributed last fall to the more than 44,000 voting members. In the section dealing with "Wildlife", 86 percent said they support extending the deer-hunting season. Most suggested extending the season from 7 to 10 days.

We commend KWP's Secretary Steve Williams for authorizing a record 113,275 deer permits for Kansas residents in 1998, a 71.4 percent increase since 1995. However, 82 percent of our members said they want the number of deer hunting permits to be increased even more in 1999.

Landowners listed the wildlife species that are causing the most property damage to their farming operations:

- ◆ Deer 46%
- ◆ Turkey 12%
- ◆ Coyote 10%
- ◆ Blackbirds 10%
- ◆ Prairie Dogs 6%
- ◆ Geese 5%
- ◆ Antelope 2%

The 435 Voting Delegates representing all 105 county Farm Bureaus at the 80th Annual Meeting of Kansas Farm Bureau adopted a number of policy positions on deer and wildlife(see attachment). One significant change broadened the concern about

crop and vehicle damage to all big game, rather than a focus on only deer. The second largest wildlife damage concern expressed to us is the damage from the increasing population of wild turkey.

What more can be done? We pledge our continued cooperation for further legislative and agency initiatives. We believe a number of recommendations outlined in member-adopted KFB Policy, if implemented, would be helpful in reducing wildlife damage.

My remarks represent the association and are presented on behalf of the farm and ranch members. Farm Bureau members have the opportunity to purchase a number of insurance products. Therefore, I asked a representative of Farm Bureau Mutual Insurance Company to provide you some statistics concerning the number of claims and the dollar amount of damage caused by deer to vehicles during the past 5 years in Kansas. This will give a feel for the scope of this statewide problem we face today.

Thank you for this opportunity to share information and express our concern for the unacceptable wildlife damage that is occurring in Kansas. We look forward to responding to any questions you may have.

Kansas Farm Bureau Resolutions 1999

Hunting and Fishing Regulations

CNR-5

We believe those who hunt and fish should possess written permission, signed by the landowner or operator, stating the days hunting or fishing is permitted and giving a description and the location of land on which permission is granted.

We believe each farmer, whether landowner or tenant, who requests a big game permit for hunting on his own land or land on which he is tenant or operator, should be guaranteed the permit at no cost. We support the transfer of landowner permits to family members without the imposition of a transfer fee. Owners of Kansas land who live in another state should be able to receive a permit to hunt all big game on their Kansas land.

Until the crop and vehicle damage caused by big game is significantly reduced, we strongly support extending the hunting seasons and increasing the number of big game hunting permits.

Any person receiving a deer permit in Kansas should be allowed and encouraged to harvest an additional antlerless deer in management districts identified by the Secretary of the Kansas Department of Wildlife and Parks as areas where excessive deer damage occurs. In management districts where permits are available and not requested by Kansas residents, those permits should be made available to non-residents.

Wildlife and Parks Department

CNR-22

Legislation should be enacted to provide for right-of-first-refusal for the immediate prior landowner when government-owned land is to be leased for farming. Should the original landowner not desire to lease the government-owned property, a uniform procedure should prevail for bidding on the land available for lease.

We encourage the Wildlife and Parks Department to fully explore the option of leasing land rather than purchasing any land.

We oppose the use of tax and fee revenues for the acquisition of any private land. An economic impact study, a public hearing within the county where acquisition is proposed, and approval by the Kansas Legislature should be required before the Wildlife and Parks Department is allowed to assume ownership of any land. Any acquired property should remain on the property tax rolls. We are opposed to the Wildlife and Parks Department having the authority to use the power of eminent domain.

The Wildlife and Parks Department should pay property taxes, or make an in-lieu-of tax payment, at rates comparable to neighboring properties, to the county and school districts in which Wildlife and Parks property is located.

Legislation should be enacted that would require the Wildlife and Parks Department to significantly reduce deer population and conduct more effective big game population control measures.

We urge the Wildlife and Parks Department to establish a toll-free telephone number to be used by citizens to report wildlife damage to crops and other property.



To: Senate Energy & Natural Resources Committee
Subject: Deer Damage in Kansas
Date: January 21, 1999

Farm Bureau Mutual Insurance Company, Inc. is pleased to have the opportunity to discuss damages caused by the deer population in Kansas. As the largest Kansas Domestic Property and Casualty Insurance Company, we are very concerned with the steady increase in the number of deer claims and the associated claim costs.

The increased costs associated with these losses do directly relate to higher insurance costs for our Kansas Farm Bureau Members. A graph representing the Auto Physical Damage (in millions of dollars) paid by the Farm Bureau Mutual and KFB Insurance Companies in deer claims in the past 5 years is attached for your review. These payments do not include any associated medical payments that may have occurred at the time of loss.

Our 1998 auto physical damage losses caused by deer amounted to approximately \$3.5 million dollars. Based on our 1997 market share for private passenger auto in Kansas of 9.25%, we estimate the statewide auto physical damage losses at \$37.8 million dollars. As you can see from the graphs provided, both claims damages and number of losses are up significantly in 1998. Claim counts rose 9.4% while damages rose 14.6%. For 1998, this amounted to approximately five deer losses per day on average.

Again, we appreciate the opportunity to present our views on this growing problem and welcome any input you may have with regard to this issue. The actual number of losses and amount paid for the last five years is provided in the attached bargraphs.

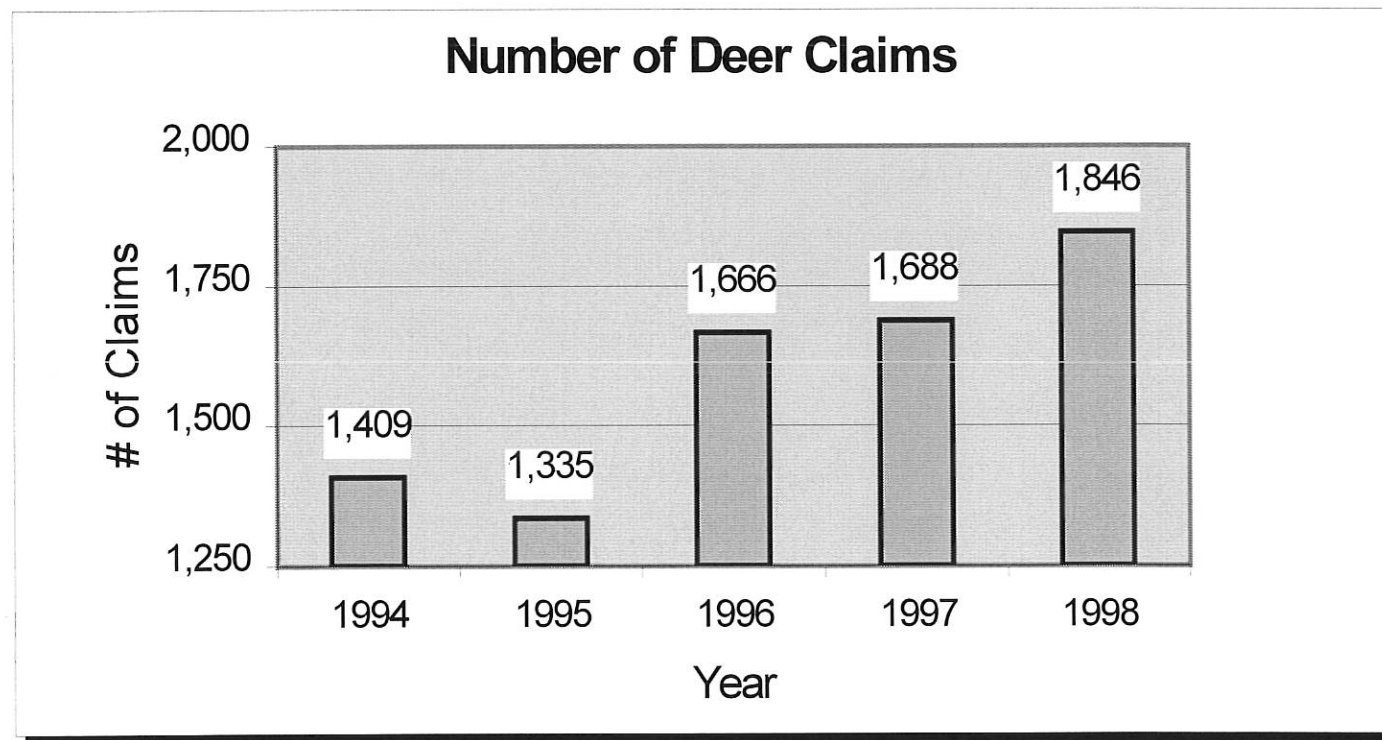
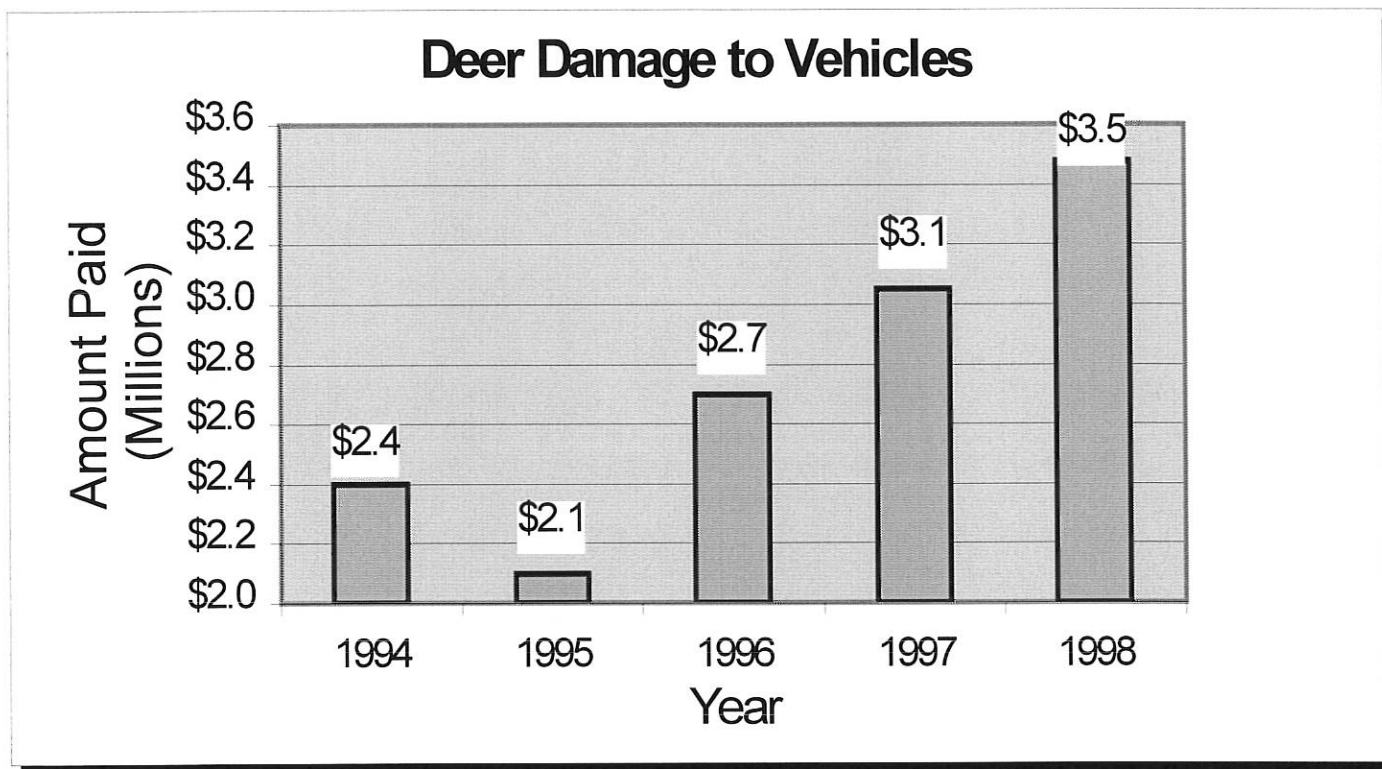
Respectfully Submitted,

Bob Stites
Assistant Director of Claims

Senate Energy & Natural Resources

Attachment: 3

Date: 1-21-99 3-1





Deer entry—

Susan Leedy (in window) stands somewhat in shock after the surprise 'break-in' from a doe that made her way to downtown Yates Center at approximately 8:20 a.m. on Thursday, April 23. The deer dove through the plate glass window of the Farm Bureau Insurance office on the west

side of the square, occupied by just Leedy, who was working at the computer at the time. The deer then made a hasty exit out the front door in a civilized way before becoming 'at large' once again, and never to be seen again.

(Photo by Gloria Hubbard)

Shattering display window—

Deer bounds into Farm Bureau office

By Gloria Hubbard

From the wooded areas down South Kalida Street to the town square in Yates Center, one lone doe went to the Farm Bureau office and entered the hard way—through the plate glass window—and didn't stop long enough to ask about collision insurance—before letting herself out the front door, as quickly as she 'burst' in.

Helen Farmer, who lives on South Kalida, said she was getting ready to go to town sometime shortly after 8 a.m. when she saw a deer cross the road near her house. Little did she

know of the deer's intent to see the city lights and action on Thursday, April 23.

The doe, crossing who knows how many yards, streets and then U.S. Highway 54, made it to Butler Street and headed east toward the square. From there, the rest is history.

Several eye witnesses reported much the same scene, mixed with disbelief, as it was, well, a rare occurrence. A local townsman, Jeff Pierpoint, remembered there being a similar incident in the 1960s.

EYEWITNESS REPORTS

Kim Buchanan of Yates Center, a

member of the staff of the Yates Center NEWS, was taking care of some business at the Woodson County Courthouse at approximately 8:20 a.m. when she said she heard a funny sound.

Buchanan turned around to see the source of the clicking sound, little doe hooves on cobblestones, tearing down the street 90 miles to nothing, she reported. "The doe was sliding around on the bricks pretty bad," said Buchanan.

"It just jumped through the window," said Buchanan, "and I saw her make a quick circle inside the office, banged into the door two or three times before it got it open, headed south, bounced off the window of the Flint Hills Air Force Tumbling building to Rutledge Street and went west from there."

Susan Leedy, secretary at the insurance office, said, "I thought the window was coming to get me."

Leedy, with quick wits, dove behind the front counter at the sound of the crash, looking up only when things got quiet. She was unhurt during the incident.

When Elaine Morris and Bill Steiner, both of Yates Center and nearby to witness the incident, checked on Leedy, she asked them,

"What was it?"

"She never knew (at the time)," said Morris. "First I saw it jump through the window, and the next minute it came out the door."

Steiner, who has a barber shop just a few doors from Farm Bureau, said in utter amazement, "It just dove through the window."

A score of courthouse employees, townspeople and merchants looked upon the scene in awe.

Craig Reed of Yates Center, agent for the local Farm Bureau, arrived on the scene after all the excitement was over.

A gaping, jagged hole in the tinted window was the end result, as well as a broken computer monitor, torn upholstery, and a more stark reminder of the doe's short visit—a splattering of blood on the north wall.

Reed reported that the window was already broken, and glass was on order to be installed. It was also noted that the office had been recently remodeled, just last March.

The window was replaced the same day, reported Leedy. Later in the day, a large banner was hung in the new window, saying, "Beware, Deer Crossing." End of story? The deer got away. Without buying an insurance policy.

Kansas Department of Wildlife and Parks

Deer Management Program Briefing

January 21, 1999

Senate Energy & Natural Resources

Attachment: 4

Date: 1-21-99

4-1

Senate Energy & Natural Resources

A-4

KDWP Mission

- Conserve and enhance our natural heritage
- Provide opportunities for public use
- Inform the public about our natural resources
- Stewards of public outdoor resources
- Quality of life

Programs

- Fisheries - research and management
- Wildlife - research and management
- State Parks - recreation opportunities
- Boating - recreation opportunities
- Law Enforcement - public safety and resource protection
- Administration - support and coordination

Focus

- meet diverse public demands for recreation
- increase upland game populations - habitat

• manage deer populations at levels compatible with habitat and public

- improve fish populations - habitat/stocking
- improve T&E populations through recovery plans - wildlife & private lands

Focus

- increase participation in recreation
- increase constituent cooperation and support
- secure adequate funding
- protect and conserve resources and enhance public safety

Positive Aspects

- quality of life for many Kansans
- economic benefits - lodging, food, equipment, venison, recreation
- national reputation for trophy deer herd
- approximately 100,000 deer hunters
 - 18,000 Hunt Your Own Land
 - 17,000 Landowner Tenant
 - 65,000 General Resident

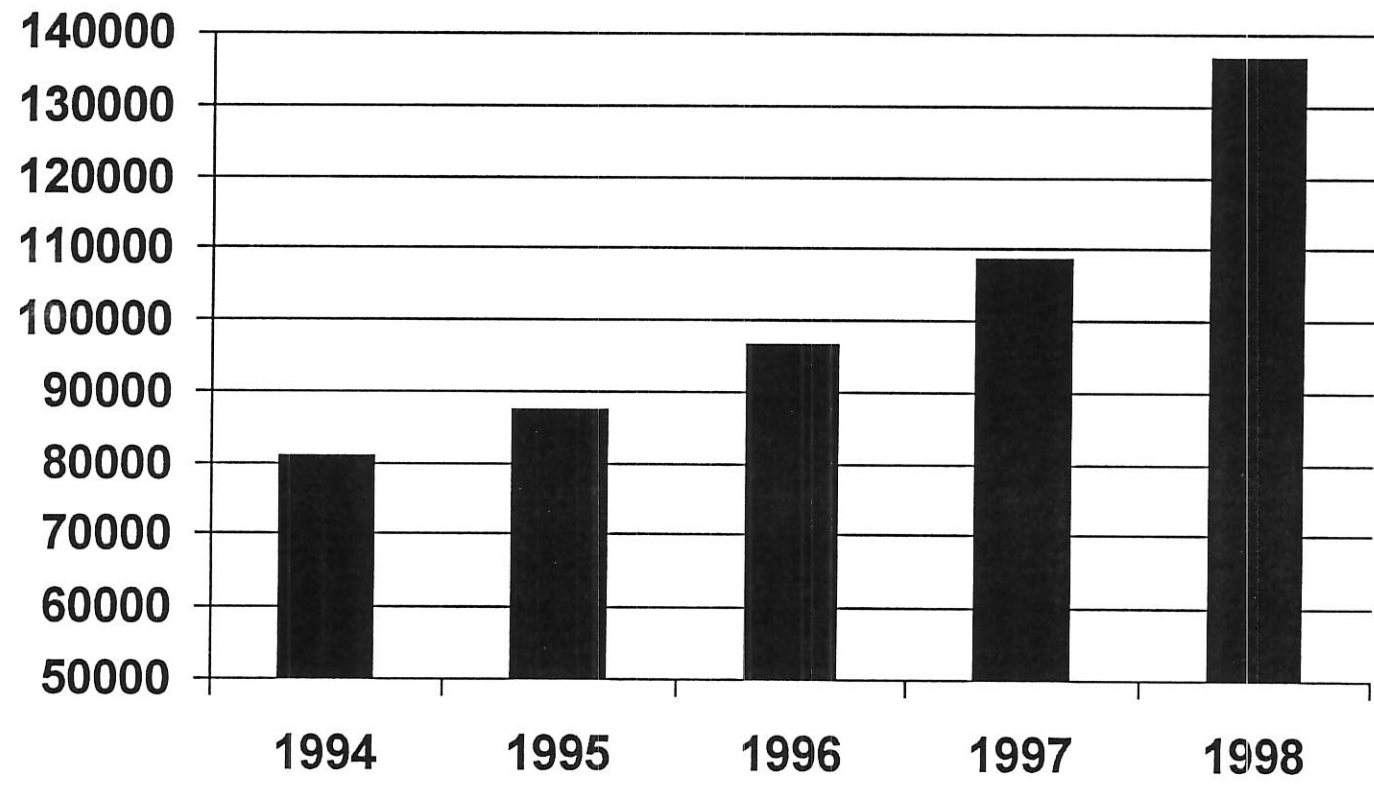
Negative Aspects

- economic loss due to crop damage
- deer-vehicle accidents (esp. Nov.-Dec.)
 - economic loss
 - public safety concerns

Management Actions

- increased permits
- better deer surveys and reporting
- landowner and hunter surveys
- depredation permits
- extended season (does only)
- game tags (does only)
- WIHA program
- nonresident hunting
- cooperative relationships w/ KLA and KFB
- urban deer management plan

Deer Permit Allocations



Why does it take so long?

- potential for exponential growth
- excellent habitat (food and cover)
- high fertility rates
- few predators
- limited public access creates refuges
- deer harvest result takes 2-3 years to observe

Conclusions

- aggressive deer population control program is in place
- deer hunters are key to control
- deer management best left to department staff
- KDWP committed to reducing deer numbers