

Approved: 1-27-99
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:10 a.m. on January 26, 1999 in Room 254-E of the Capitol.

All members were present except: Senator Vratil who was excused.

Committee staff present:

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

Conferees appearing before the committee:

Mike Beam, Kansas Livestock Association
Bill Fuller, Kansas Farm Bureau
Clint Riley, Wildlife and Parks
Steve Kearny, Kansas Drycleaners Environmental Committee
Lee Eisenhower, Propane Marketers Assn. of Kansas

Others attending:

See attached list.

A motion was made by Senator Tyson, and seconded by Senator Biggs to approved the minutes of January 20 and 21st. The motion carried.

Chairperson Corbin opened the hearing on **SB 70**- big game permits for nonresident tenants. He called on Mike Beam. A fiscal note was distributed.

Mike Beam, Kansas Livestock Association, sponsor of the bill, said the bill simply amends the definition of "tenant" to assure any qualified person, regardless of their address, is able to obtain a big game(deer) "hunt-on-your-own-land" permit. The proposed change in the law is found in line 17 of page one, and strikes the reference to resident as a qualification for being a tenant (Attachment). Mr. Beam responded to questions.

Bill Fuller, Kansas Farm Bureau, encouraged the committee to approve **SB 70**. They believe there was never any intent to treat landowners different than tenants when issuing deer permits. The key to eligibility has been the requirement that the individuals own land in Kansas and are actively engaged in agricultural production (Attachment2).

Clint Riley, Wildlife and Parks, said the department really did not have a stand on the bill but they would not oppose it, and it could almost be considered a cleanup bill. The department did not anticipate that amending the definition of "tenant" would affect a great number of people, because the overwhelming majority of individuals who would qualify as tenants are likely to be Kansas residents (Attachment 3). Mr. Riley responded to a question regarding how this would relate to members of a family trust who were nonresidents of the state.

Chairperson Corbin requested that Wildlife and Parks provide the committee members with a flow chart showing the fee structure for permits.

Chairperson Corbin closed the hearing on **SB 70**. He announced the bill would be discussed at a later date.

Steve Kearney requested a bill to amend the current Dry Cleaners Environmental Release Act (Attachment 4). Senator Biggs moved to have the bill introduced, and the motion was seconded by Senator Morris. The motion carried.

Mr. Kearney also asked that a bill be introduced to provide for a propane check-off fund that would allow

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 8:00 a.m. on January 26, 1999.

the industry to provide for itself (no tax dollars or state or federal subsidies) the funds that would enable improvements in their industry (Attachment 5).

Lee Eisenhauer and Steve Kearney responded to questions . Ms. Eisenhauer told the committee the ½ cent would be paid by suppliers to distributors and would be used for consumer education purposes. Senator Morris moved to introduce the bill, and the motion was seconded by Senator Goodwin. The motion carried.

The meeting adjourned at 8:30 a.m.

The next meeting will be held on January 27, 1999.



Since 1894

To: Senate Energy and Natural Resources Committee
Senator David Corbin, Chairman

From: Mike Beam, Executive Secretary, Cow-Calf/Stocker Executive Secretary

Subj: Senate Bill 70

Date: January 26, 1999

I first want to thank this committee for introducing SB 70. You may remember this bill was introduced at our request two weeks ago. I also would like to publicly thank the Kansas Department of Wildlife and Parks staff for their cooperation in suggesting these changes to the deer hunting statutes to address a concern we identified last summer.

This bill does not address the deer population issue this committee reviewed last week. Senate Bill 70 simply amends the definition of "tenant" to assure any qualified person, regardless of their address, is able to obtain a big game (deer) "hunt-on-your-own-land" (HOYOL) permit. The only change in the law proposed by this legislation is found in line 17 of page one. Please note the bill strikes the reference to resident as a qualification for being a tenant.

The definition of tenant is rather restrictive and is clearly aimed at limiting HOYOL permits to landowners or tenants who have a direct financial participation in a farm or ranch that exceeds 80 acres. We are not proposing to loosen this requirement. We believe it is inappropriate, however, to prohibit nonresidents from obtaining HOYOL permits if they meet all other requirements in the tenant definition found in lines 17-27 on page 1 of the bill.

Let me give the committee a specific example of a person who will benefit from the passage of SB 70. A family trust is the lawful owner of a ranch in south central Kansas. Several family members are stockholders of a corporation that is heir to this trust. The ranch has been owned by this family for 50 years. One of the family members lives in Oklahoma but is an active participant in the management of this ranch. He travels to the ranch weekly and is involved in business planning and decisions on a daily basis. Today, because he resides in Oklahoma, he is unable to obtain a HOYOL permit to hunt deer on a Kansas ranch that is owned by him and his family. SB 70 would correct this situation.

I doubt if this change would cause a significant increase in the number of HOYOL permit requests. This amendment to the law appears necessary to allow everyone with a financial interest in a Kansas farm or ranch to enjoy hunting deer on their own operation.

Thank you for considering this legislation. I will attempt to respond to any questions or comments.

Senate Energy & Natural Resources

Attachment: /



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

RE: SB 70 – Authorizing big game permits for nonresident tenants.

**January 26, 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 testify in support of SB 70. I am Bill Fuller and serve as Associate Director of the Public Affairs Division at Kansas Farm Bureau.

A number of years ago, Kansas Farm Bureau, along with other agricultural and landowner interests, was invited to work with the Kansas Department of Wildlife and Parks to develop acceptable language concerning landowner permits. The cooperative effort was successful. A number of safeguards were included in the legislation to limit landowner permits to individuals actually engaged in production agriculture:

- ◆ *Landowner/tenants must be actively engaged in producing agricultural commodities or livestock;*
- ◆ *A minimum operation of 80 acres of Kansas farm or ranch land; and,*
- ◆ *Permits are limited to only the unit or units where the landowner's land or the land tenants operates is located.*

Senate Energy & Natural Resources

Attachment: 2

Date: 1-26-99 2-1

A number of issues concerning deer were debated at the 80th Annual Meeting of Kansas Farm Bureau on November 20-22, 1998. The 435 Voting Delegates representing all 105 county Farm Bureaus adopted a resolution relating to landowner/tenant deer permits. Some provisions of the policy include:

- ◆ *Each farmer, whether landowner or tenant, who requests a big game permit on his own land or land on which he is a tenant or operator should be guaranteed a permit at no cost.*
- ◆ *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.*

We point out that KFB policy, for the first time this year, refers to big game permits. While the focus is still on the growing Kansas deer herd, some of our farm and ranch members are reporting significant crop damage from turkey. We encourage the agency and the legislature to take measures to assist landowners in the areas where problems are occurring today in order to avoid wide-range property damage in the future.

SB 70 deletes the residency requirement for the "tenant" when issuing deer permits. KFB policy uses a number of terms interchangeably: farmer, landowner, owner, tenant and operator. Rather than the specific term that is used, we suggest that keys to eligibility have been the requirements that the individuals own land in Kansas and are actively engaged in agricultural production. We do not believe there has ever been any intention to treat landowners different than tenants when issuing deer permits.

We encourage the Senate Committee on Energy and Natural Resources approve SB 70 and advance the proposal to the full Senate. We suggest the bill will not result in the issuance of a large number of additional permits. Rather, we believe SB 70 provides equity between landowners and tenants. When issuing deer permits, we should not overlook the fact that farmers and ranchers provide the habitat, supply the feed and assume the financial burden from wildlife damage.

Thank you! We will respond to any questions you may have.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

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**TESTIMONY
SENATE BILL NO. 70**

**Provided to
Senate Committee on Energy and Natural Resources**

Under current law, the definition of "tenant" as it applies to big game permits is restricted to Kansas residents. Senate Bill No. 70 would eliminate this restriction, so that nonresidents who otherwise meet the listed criteria may be included in the definition.

To qualify as a tenant under this definition, in summary, an individual must be actively engaged in the agricultural operation of at least 80 acres of farm or ranch land, and must either have a substantial financial investment in the production on that land, or serve as the bona fide manager of that land. By qualifying as a tenant under this definition, an individual becomes eligible for a landowner/tenant hunt-on-your-own-land permit. In other words, this definition allows an individual who has responsibilities similar to that of a landowner, but who is not listed as the actual landowner on the deed or title to the land, to receive the same benefits as a landowner regarding big game permits.

Currently, nonresident landowners may qualify for a nonresident landowner hunt-on-your-own-land permit. However, a nonresident who is not listed as the legal owner of the land, but who would otherwise qualify as a "tenant," would not qualify for a hunt-on-your-own-land permit under either definition, according to the current law.

As a practical matter, the department does not anticipate that amending the definition of tenant would affect a great number of people, because the overwhelming majority of individuals who would qualify as tenants are likely to be Kansas residents. Nonetheless, if an individual does have primary responsibility for the agricultural operations on land in Kansas, and would otherwise meet the definition of tenant under current law, the department would agree that it is appropriate for that person to be eligible to receive a landowner/tenant permit regardless of the person's actual residency status. The department believes the amendment proposed in SB 70 is the most simple and direct means of accomplishing the required change.

Senate Energy & Natural Resources

Attachment: 3

Date: 1-26-99

Kearney Law Office

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Topeka, KS 66601-2428

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Memo

To: Chairman Corbin and members of the Senate Energy and Natural Resources Committee
From: Steve Kearney
CC: Drycleaners Environmental Advisory Committee
Date: 01/25/99
Re: Bill request to amend the current Drycleaners Environmental Release Act

Following meetings over the interim with KDHE staff responsible for administering the Drycleaners Environmental Response Act several needed to changes to the Act were identified. On behalf of the Drycleaners Environmental Advisory Committee, I am requesting introduction of a bill to amend the current Drycleaners Environmental Release Act, in a manner consistent with discussions with KDHE in the following manner:

1. Move the collection and reporting of the solvent fee to the distributor level from the purchaser.
2. Raise the cap on cleanup of individual sites from the current \$2.0 million dollars to \$5.0 million.
3. Raise the ceiling for the fund from \$4.0 million to \$6.0 million.
4. Enact additional funding of a minimum of \$2.0 million dollars annually. Funding is suggested from transfer of state sales tax on drycleaning to the Environmental Release Fund. KDHE suggests that a minimum of \$3.0 million dollars is needed to bring the fund to appropriate levels. Current funding generates approximately \$1.1 million dollars per year.
5. Apply the Kansas Administrative Procedures Act to the Drycleaners Environmental Release Act.

Q. Why does Kansas need a Propane Check-off?

A. TO ENHANCE SAFETY!

1. **By enabling increased education for propane consumers and the general public through safety informational materials.** Many propane marketers try to do this on their own, at great expense. Funds from a check-off will enable uniform education throughout the state, now unaffordable to most.
2. **By enabling the offering of rebates to customers for replacement of their old, possibly unsafe regulators.** Although there is no law requiring replacement of regulators, manufacturers have begun recommending replacement after fifteen years of use. Many customers will not allow replacement due to the cost, thus creating some unsafe conditions. We all know nothing works forever!
3. **By enabling increased education for propane marketers and employees, and others who work with propane appliances, installations, etc.** For example: the Propane Marketers Association of Kansas provides marketers/employees the nationally recognized Certified Employee Training Program (CETP) at considerable cost to marketers. Funds from a check-off will enable that training to be enlarged upon, plus additional training, by cutting those marketers' costs; and also enable offering training for plumbers, etc. who work with/on propane installations and appliances.
4. **By increasing the public's knowledge of propane through statewide promotions.**
5. **By providing funds for research and development of safer, more efficient consumer products.**

Q. What exactly is a check-off program?

- A. A check-off program is designed for an industry to provide for itself (*no tax dollars or state or federal subsidies*) the funds to enable improvements in its specific industry. In our case, of course, that product is propane. There are more than 150 different check-off programs at federal and state levels. Most of those were formed specifically to increase sales of that industry's products. The primary purpose of the propane check-off is to increase safety through education and promotion.

Q. How will it work?

- A. A Kansas Propane Education and Research Council (KanPERC) will be established through legislation - the Kansas Propane Education and Research Act - to manage the program. Nine council members will be appointed by the Governor - 4 retail marketers; 2 wholesalers, resellers, suppliers or importers; 2 manufacturers or distributors of propane gas equipment or transporters or propane; and 1 public member. Any wholesaler, reseller, supplier or importer who sells propane to a retail marketer in Kansas will submit to the PERCouncil monthly the amount of one-half cent per each gallon sold.

Q. Do any other states currently have propane check-offs?

- A. Yes, a number of states have begun their programs within the past few years, including our neighboring states. Missouri and Oklahoma have had successful programs for several years; Nebraska and Oklahoma each passed legislation this year and are launching their programs.

Senate Energy & Natural Resources

Attachment: 5

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