

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 15, 2000 in Room 423-S of the Capitol.

All members were present except: Rep. Dennis McKinney - excused
Rep. Melvin Minor - excused

Committee staff present: Raney Gilliland, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Dr. Gary Colliver, Director of Agronomy Services, Farmland Industries Inc, P.O. Box 7305, Kansas City, MO 64116-0005
Mark Uhlik, President, KS Outfitters Association, 1548 17th Road, Washington, KS 66968
Clint Riley, Attorney, KS Department Wildlife & Parks, 900 SW Jackson, Ste 502, Topeka, KS 66612-1220
Representative Sharon Schwartz, District 106
Representative Kathe Lloyd, District 64
Bill R. Fuller, Associate Director, Public Policy Division, KS Farm Bureau, 2627 KFB Plaza, Manhattan, KS 66505
Lee Robbins, 1181 Hwy 54, Yates Center, KS 66783
Jim Beason, Beason Farm, 1667 Road 28, Elk City, KS 67344
Mike Beam, Executive Secretary, Cow-Calf/Stocker Division, KS Livestock Association, 6031 SW 37th Street, Ron Montegue, RR 2, Washington, KS 66968
Shawn W. Harding, KS Bowhunters Association, 2237 SE Shawnee Drive, Tecumseh, KS 66542
Representative Gene O'Brien, District 7
Representative Richard Alldritt, District 105
Representative Clay Aurand, District 109

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She opened public hearing on **HB2727**.

HB2727: An act concerning big game.

Rep. Sharon Schwartz made a motion the bill be recommended favorable for passage. Rep. Becky Hutchins seconded the motion. Motion carried.

The Chairperson opened **HB2103** for discussion and possible action. She announced that this was a carry over bill. A public hearing was held in this committee in February 1999.

HB2103: An act concerning certificates of completion of hunter education.

The Chairperson recognized Rep. Gerry Ray. She distributed and explained a proposed amendment to the bill. (See attachment 1)

Rep. Gerry Ray made a motion the balloon to the bill be adopted. Rep. Becky Hutchins seconded the motion. Motion carried.

Secretary Steve Williams, Kansas Department Wildlife and Parks, and Clint Riley, Attorney for the

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Department, were in attendance to answer committee questions.

Rep. Gerry Ray made a motion the bill be recommended favorable for passage as amended. Rep. Laura McClure seconded the motion. Motion carried.

The Chairperson welcomed Gina Bowman, Farmland Industries, Inc., to the committee. She introduced Dr. Gary Colliver, Director of Agronomy Services, Farmland Industries, Inc. Dr. Colliver, with the use of overhead slides, reviewed "AG21" an Environmentally Driven Process for Crop Production. In June 1997, Farmland Industries' AG21 program was given high marks by the U.S. Environmental Protection Agency (EPA) for their efforts in implementing pollution prevention measures in agricultural production. AG21 is an innovative crop production process developed by the Farmland agricultural cooperative to raise the agronomic, environmental and managerial standard for cooperatives across North America. The program is a partnership of the local cooperative, their farmer-members and Farmland which provides enhanced services, cutting-edge technology and an emphasis on environmentally sound management practices. The program's goal is to use the best crop production techniques and the latest technology to maximize crop potential in an environmentally friendly manner.

Dr. Colliver discussed how buffer strips are being promoted to improve soil and water conservation. Buffer strips are one method to aid in improving water quality and the protection of the environment. They are an area or strip of land maintained in permanent vegetation and can be implemented in many forms. Some buffer practices include one or a combination of grass waterways, windbreaks, field borders, alley cropping and filter strips. The strips may range from 20 to 80 feet in width. Buffer strips are used along streams, on field edges or within the field and are most beneficial if they are planned as part of a comprehensive conservation system. While buffer strips vary in shape and size, they all serve the same purpose. The practice helps farmers slow water runoff and strengthen infiltration in the buffer. Buffers also aid in stabilizing streams and reducing its water temperature and improve the appearance of a farm. They also reduce noise and odor. Further, they serve as a major source of food, nesting cover and shelter for many wildlife species, and help some wildlife to move safely from one habitat area to another. (See attachment 2)

The Chairperson thanked Dr. Colliver for his presentation. She opened public hearing on **HB2975**.

HB2975: An act concerning wildlife; relating to hunting on land by permission only.

The Chairperson welcomed Mark G. Uhlik, President, Kansas Outfitters Association. He appeared in support of the bill and believes the purple paint law will bring uniformity to our state's private property trespass issues. (See attachment 3)

Clint Riley, Attorney Kansas Department Wildlife and Parks, was welcomed to the committee. He appeared as a proponent to the bill. The Department believes this bill provides additional flexibility for landowners wishing to post property as "no hunting without written permission." They recognize that a great deal of public education would be required, if this bill were to pass, in order to educate the hunting public of the meaning of the purple paint marks. The Department would undertake this effort, because increased willingness of landowners to post their land would provide added efficiency in law enforcement efforts to address complaints of trespass and criminal hunting. (See attachment 4)

Lee Robbins, Yates Center, Kansas, was welcomed to the committee. He appeared in support of the bill and believes it should help landowners in controlling trespassing and also make it more obvious for the hunters. (See attachment 9) Discussion and questions followed. There were no opponents to the bill.

The Chairperson closed the hearing on **HB2975** and opened hearing on **HB2872**.

HB2872: An act concerning wildlife.

Chairperson Freeborn welcomed Bill Fuller, Kansas Farm Bureau, to the committee. He appeared on behalf Kansas Farm Bureau, they believe all the bills under consideration today were introduced to address the

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unacceptable damage resulting from the state's out of control deer population. For that reason, do not strongly oppose any of the bills. However, they recognize some of the bills are more workable, can be administered more effectively and will have more impact in reducing deer damage. They believe this bill requires any person pursuing a wounded animal to make every reasonable effort to locate the landowner and seek permission to be on the land. (See attachment 8)

Lee Robbins, Yates Center, Kansas, was welcomed back to the committee and appeared in support of the bill. He believes this bill should help landowners control trespassing. (See attachment 9)

Clint Riley, Attorney, Kansas Department Wildlife and Parks, was welcomed back to the committee and appeared in a neutral position to the bill. The Department believes this bill addresses the issue of when a hunter may pursue wounded game across property lines. Although they do not oppose what they perceive as the intent of the bill, they do believe it is important to voice certain concerns about the practicality of the proposed legislation. (See attachment 5)

Rep. Richard Alldritt, was welcomed to the committee and appeared in support of the bill, which he introduced. The reason he introduced this bill was to engage in the debate of deer management. He stated that in his area of the state the right to pursue a wounded deer is reeking havoc among landowners, particularly in Comanche county and Barber county. There is a heavy concentration of deer and trophy deer there and pressures are great. He has visited there twice with landowners and with Kevin Jones, the new law enforcement officer, and with Wildlife and Parks. Out of state hunters are a problem and time and time again hunters are caught trespassing. They are not in pursuit of a wounded deer and know they are trespassing, but the way current law is written it provides them with coverage to be on the property. He does not know what the solution is, but does sympathize with the hunter, the wounded animal and the landowners. Perhaps the bill should read "a reasonable effort," not "every reasonable effort". He believes that somewhere there has to be a balance between the hunters and the property owners. (No written testimony) Questions and discussion followed. There were no opponents to the bill.

The Chairperson closed the hearing on **HB2872**. She announced that the following hearings will be for **proponents** only and each speaker may address any or all of the bills being heard, which are related to deer issues. The bills being heard are: **HB2813; HB2816; HB2819; HB2863; HB2937; HB2974; HB2976; and HB2977.**

HB2813: An act concerning deer; relating to permits to take; providing for certain tax credits; providing for certain payments to processors of deer meat and entities operating solid waste management disposal areas.

HB2816: An act concerning big game permits; relating to deer.

HB2819: An act concerning deer; relating to the taking thereof.

HB2863: An act concerning big game; relating to deer permits.

HB2937: An act relating to big game animals; providing for reimbursement for big game damage under certain circumstances.

HB2974: An act concerning wildlife; relating to big game permits; purchase, sale and transfer thereof; report of property damage.

HB2976: An act concerning wildlife; relating to penalty for taking trophy big game.

HB2977: An act concerning wildlife; relating to big game permits.

The Chairperson recognized Rep. Sharon Schwartz. She appeared before the committee to support measures that address several issues concerning deer and large game. The District she represents has probably some

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of the largest reported deer related accidents in the state. She believes **HB2819** would allow county commissioners to request a special doe season be declared to address the growing herd in areas like this. **HB2813** is another suggestion to address the doe population. The area also boasts having some of the biggest trophy deer which are very valuable commodity needing to be preserved for those who legally hunt. **HB2976** increased the fine from \$250 to \$5000 for those caught poaching trophy deer. Most landowners welcome hunters and allow hunting with written permission. Today all parcels of ground need to be posted with signs indicating HUNTING WITH WRITTEN PERMISSION ONLY. **HB2975** would give landowners the option of simply identifying such parcels with a purple paint mark painted on posts every 100 feet apart. Today landowners may drive over 100 miles round trip to purchase the hunt on your own land permits. **HB2974** would require permits to be made available over the Internet. **HB2937** would provide a means for property owners to be reimbursed for damage caused by big game. She supports ways to preserve the valuable asset of Kansas wildlife while providing opportunities for the sport of hunting. However, she believes we need to find ways to bring the deer population back into balance with the environment they are living in today, production agriculture and busy highways! (See attachment 6) Included is a Deer Permit Summary Provided by Wildlife and Parks; a letter from Sheriff Bill Overbeck, Washington, Kansas; and a Kansas Deer Accidents Record for 1980 through 1998.

Chairperson Freeborn welcomed Rep. Kathe Lloyd to the committee. She addressed the committee in support of **HB2813** and **HB2937**. She stated that the one across the board complaint she receives in her district is that there are "too many deer." Property damage is on the rise and vehicle accidents increase every year because of deer. Kansas Department Wildlife and Parks have stated that the main problem is too many doe. **HB2813** suggests creating a three year period of time in which the hunter is required to shoot two doe before obtaining a buck permit. Built into the bill is a tax credit for the cost of processing if the meat is donated to a non-profit group. In regards to **HB2937**, Rep. Sharon Schwartz is the author and she is in support of as well as a co-sponsor. (See attachment 7)

The Chairperson welcomed Bill Fuller, Kansas Farm Bureau, back to the committee. On behalf of Farm Bureau based upon member adopted policy they strongly support the following bills. **HB2937** established the big game damage reimbursement fund to pay claims that exceed \$500 with a limit to any claimant of \$10,000 in any one year. Requires Kansas Department Wildlife and Parks to annually report all big game damage believed to have occurred in Kansas. They ask for an amendment that would establish a toll-free telephone number to assist in gathering this data and allow landowners to report damage. **HB2863** authorizes a person at the time of purchasing a hunting license to purchase for a \$2 fee a permit to take an antlerless deer. **HB2813** requires the harvest of two antlerless deer before the taking of an antlered deer. Also, requires the reporting of property damage that is related to deer overpopulation. Again, this would be another appropriate place to request the establishment of a toll-free telephone number for reporting damage. (See attachment 8)

Chairperson Freeborn welcomed Lee Robbins, Yates Center, Kansas, back to the committee. He appeared in support of several of the bills. He believes **HB2816** will help solve a few problems, reimbursement to landowners will help, it will help some hunters gain access to land to hunt and it will make the hunter responsible for where the deer is shot. He supports **HB2819** but is not sure what the percentage should be because of human population density. He is in support of **HB2863** because it will probably help control the deer population. He supports **HB2973** and believes Kansas Department of Wildlife and Parks should be liable to some point for damages. He believes **HB2974** is fair to the landowners and at least is a start in giving them some benefits, **HB2977** should include firearms and **HB2976** will help prevent the killing of trophy and antlered game while controlling the non-antlered population. (See attachment 9)

The Chairperson welcomed Rep. Gene O'Brien. He addressed the committee in support of two bills which he introduced. **HB2863** would allow anyone purchasing a hunting license to also purchase an over the counter deer stamp ("deer permit" would have to be changed to "deer stamp"). This would be an antlerless only deer stamp. He believes this would bring more people into the hunting of deer and would be a way of getting them interested in deer hunting. He believes this would help to control the antlerless deer population. **HB2816** was written after antelope laws in western states. When you shoot an antelope on a farmers property you detach part of the permit and give it to the farmer and he reimburses it to the state for a fee, usually \$10. He feels this would allow more hunting on private property and allow the farmers to be reimbursed for some of their

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expense of raising the deer. (No written testimony)

Chairperson Freeborn recognized Rep. Clay Aurand. He addressed the committee, in support of **HB2819**, which he co-sponsored. He believes there is a lot of anger in some parts of the state concerning deer population. There are more and more deer/vehicle accidents in his area and he doesn't know how to get the point across. He has taken a different approach by drafting this bill, which says there will be an outcome in each county and if that outcome is not met then there is going to be something done. He used a 25% figure of accidents for an outcome. If this figure is too low then it can be raised. The bill says if this goal is met in a county, the board of county commissioners may request the Secretary of Wildlife and Parks to declare a season for taking antlerless deer within the county. He believes this will only affect a few counties. (No written testimony)

Jim Beason, Beason Farm, Elk City, Kansas, was welcomed to the committee. He appeared in support of **HB2937** and believes the problem is way too many deer. The only solution is to harvest the deer, in the mean time, this bill is good, because it compensates farmers and ranchers for their losses now. It recognizes the fact that the deer population is out of control, that the deer really are causing a significant amount of financial loss to farmers and ranchers in the state. It is the farmer and rancher's income that suffers for the recreational pleasure of those who benefit from the large herd. He believes this bill will communicate clearly to Kansas Department of Wildlife and Parks and people of the State of Kansas how incredible the losses are in a way that cannot be ignored. (See attachment 10)

Mike Beam, Kansas Livestock Association, was welcomed to the committee and appeared in support of three bills. He believes **HB2937** is a good starting point and a plan KLA would like the legislature to consider. Producers would have to experience at least \$500 in damages before they are eligible. **HB2974**, in a limited manner, allows the market place to pay landowners/tenants for transferring their "special hunt-on-your-own-land" deer hunting permits. **HB2977** is another approach to enhance economic activity in rural communities and provide more opportunities for farmers and ranchers to market fee or lease hunting of deer. KLA supports the concepts proposed by these bills and urges the committee to pass legislation addressing these needs. (See attachment 11)

Ron Montegue, Washington, Kansas, was welcomed to the committee. He appeared in support of **HB2976**. He believes this legislation puts some teeth into the anti-poaching effort and that the trophy deer are a very valuable asset in Kansas. The only change he suggests would be to lower the inside spread to 16" from the 18". (See attachment 12)

Shawn Harding, Kansas Bowhunters Association, was welcomed to the committee and appeared in support of **HB2976**. As an active Pro Hunting organization, the KBA has always pushed for stiffer penalties and fines for the poaching of our states big game, antlered or antlerless. This is evident by their continual donations to the Kansas Department of Wildlife and Parks's programs targeting the apprehension and prosecution of these offenders. (See attachment 13)

The Chairperson welcomed Clint Riley, Attorney, Kansas Department of Wildlife and Parks, back to the committee. He appeared in support of **HB2976** and believes this bill creates a separate, mandatory fine for persons poaching trophy big game animals in Kansas. As such, it is intended to create an added deterrent, and help prevent criminal hunting and trespass in pursuit of these animals. The Department supports the bill. (See attachment 14) Questions and discussion followed.

Chairperson Freeborn closed the hearings on **HB2813; HB2816; HB2819; HB2863; HB2937; HB2974; HB2976; and HB2977**. She announced that on Tuesday, February 22, hearings will be held on the same bills for **opponents** only and possible action on bills previously heard. On Thursday, February 17, hearings will be held on three bills. She thanked all the conferees and guests for their participation and attention.

The meeting adjourned at 6:00 p.m. The next meeting is scheduled for Thursday, February 17, 2000

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: February 15, 2000

NAME	REPRESENTING
Delia Waller	Leadership of Barber Co.
Jody Winchell	" "
PAUL COX	" "
PAOLA BANCHERO	FARMLAND INDUSTRIES INC.
Gary Colliver	FarmLand Industries
Gina Bowman-Morrill	FARMLAND
Brenda Myers	Leadership Barber Cty.
Diane Gieswein	Leadership Barber County
Bill Fuller	Kansas Farm Bureau
Gary W. Shroy	Parsons KS
Ray Gene Obster	Parsons KS
Lee Robbins	Tates Center, Ks. & Outfitter ^{Landowner}
By Muntz	self
Pauline Doty	Ks Outfitters
John Doty	Ks. Outfitters
Mark Uhlir	Ks Outfitters
Bill Brady	KS GOV'T Consulting
Ann Dukes	DOB
Proa L. Brumby	

Jim Heibold

SELF

HOUSE BILL No. 2103

By Committee on Environment

1-25

House Environment
2-15-00
Attachment 1

9 AN ACT concerning certificates of completion of hunter education;
10 amending K.S.A. 32-920 and repealing the existing section.
11

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

13 Section 1. K.S.A. 32-920 is hereby amended to read as follows: 32-
14 920. No person born on or after July 1, 1957, shall hunt in this state on
15 land other than such person's own land unless the person has been issued
16 a certificate of completion of an approved hunter education course. If
17 such person is required by law to obtain a hunting license, the person
18 shall exhibit proof of completion of such course to the person issuing the
19 license at the time of purchasing the license. ~~If such person is not required~~
20 ~~by law to obtain a hunting license or is less than 27 years of age, the~~
21 ~~person~~ ~~Any person required to have completed an approved hunter ed-~~
22 ~~ucation course~~ shall be in possession of the person's certificate of com-
23 pletion of such course while hunting. A person may purchase for another
24 person, under rules and regulations adopted by the secretary in accord-
25 ance with K.S.A. 32-805 and amendments thereto, a lifetime hunting or
26 combination hunting and fishing license without the license recipient's
27 first having been issued a certificate of completion of an approved hunter
28 education course.

attest to or

If such person is not required by law to obtain a hunting license or is less than 27 years of age, the person

29 Sec. 2. K.S.A. 32-920 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book

Kansas register



Farmland Industries, Inc.
Post Office Box 7305
Kansas City, Missouri 64116-0005
Telephone: 816 459-6000
Facsimile: 816 459-6979

For more information, contact:
Sherlyn Manson, 816/459-6896

Farmland Industries Recognized with EPA Award
Farmland's AG•21 program receives high marks for pollution prevention

KANSAS CITY, Mo. (June 3, 1997) — Farmland Industries' AG•21 program was given high marks today by the U.S. Environmental Protection Agency (EPA) for their efforts in implementing pollution prevention measures in agricultural production. H. D. "Harry" Cleberg, Farmland president and CEO, accepted the award on behalf of the AG•21 program during the Midwest Pollution Prevention Conference held here this week.

"This award recognizes the respect that Farmland, the local cooperatives who are participating in the program and their farmer-owners have for the environment. AG•21 is about implementing sound practices that are good for the environment, the community, families and for agriculture's future," Cleberg said.

According to Jim Callier, EPA spokesperson for the award program, there were several aspects of Farmland's application that made the AG•21 program stand out.

"Farmland's AG•21 process incorporates the pollution prevention philosophy with the value of regulatory compliance. This process educates a large audience, from the local co-ops and their staff to individual farmers, implementing practices and transferring knowledge and technology which will ultimately protect water, land and the air," Callier said.

An interdepartmental committee within EPA evaluated nearly 30 applications within its four-state Region 7 area for their use of innovative approaches, techniques and use of technology in meeting pollution prevention goals. EPA's Region 7, headquartered in Kansas City, includes Iowa, Kansas, Missouri and Nebraska.

-more-

*House Environment
2-15-00
Attachment 2.*

Add One/Award

“We have a pollution prevention hierarchy — reduce, recycle, reuse. The AG•21 program starts at the top — reducing the source of possible pollution before it enters the environment. It is an example of an organization of people taking steps to be proactive by reducing the source, rather than trying to figure out how to reuse or recycle materials that we don’t need anymore,” Callier added.

AG•21 is an innovative crop production process developed by the Farmland agricultural cooperative to raise the agronomic, environmental and managerial standard for cooperatives across North America. The program is a partnership of the local cooperative, their farmer-members and Farmland which provides enhanced services, cutting-edge technology and an emphasis on environmentally sound management practices. The program’s goal is to use the best crop production techniques and the latest technology to maximize crop potential in an environmentally friendly manner.

Farmland Industries was one of eight award winners and the only agribusiness firm to receive the award this year.

Farmland Industries, Inc., Kansas City, Mo., is the largest farmer-owned cooperative in North America and one of the top 200 Fortune 500-listed companies. In 1996, company sales of \$9.8 billion encompassed all 50 states and 74 countries, including \$3.2 billion in meat products and \$3.5 billion in grain. Farmland is **Proud to be farmer-owned.**[®], and is focused on meeting the needs of its half-million farmer-owners in the U.S., Canada and Mexico. The business interests of these owners result in a highly diversified company whose major business lines include crop production products, livestock feeds, petroleum, grain processing and marketing, and the processing and marketing of pork and beef products.

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AG•21 Key Points

- **AG•21 is a partnership process between Farmland, local cooperatives, and the agricultural producers who own them. The operational philosophy is one of “doing everything right”.**
- **AG•21 is a process of continually improving profitable crop production activities at the cooperative and on the farm, while protecting environmental quality.**
- **AG•21 provides Best Management Practices including an integrated crop management program that includes electronic record-keeping of farm field data.**
- **AG•21 certified dealers (cooperatives) have undergone extensive and on-going training to meet high standards in agronomics, environmental safety, and human resources/marketing.**
- **AG•21 is truly a model process for production agriculture and environmental compliance as we begin the 21st century.**
- **AG•21 served as a prototype for the Source Water Protection Provision in the 1996 Safe Drinking Water Act and for the 1996 FAIR Act’s (farm bill) Environmental Quality Incentive Program (EQIP). It is a model voluntary, incentive-based partnership approach to addressing non-point source pollution (agricultural run-off).**
- **AG•21 won the 1997 Pollution Prevention Award from EPA for region 7. It was the only agriculture entry so honored.**

Ag industry promoting buffer strips to improve soil and water conservation

by Gina Bowman-Morrill

Protecting the environment is the focus of a new, national, industry-wide buffer strip initiative, formed to make a historic contribution to the health of farms, rural communities, waterways and the people who rely on them for their livelihoods. Today, as buffer strips become a critical factor in preserving the environment, companies like Farmland Industries, Inc., headquartered in Kansas City, Mo., are raising awareness of the importance of buffer strips. The farmer-owned cooperative is part of a national initiative to protect the environment by implementing buffer strips. Farmland's participation in the initiative is through the National Conservation Buffer Council (NCBC), a private-sector organization dedicated to promoting agricultural conservation practices.

Farmland and six other agricultural companies were charter members and have formed a working partnership with the USDA-NRCS. These seven members will contribute over \$1 million over a three-year period to the initiative. The Council, which was established in the spring of 1997, encourages farmers and ranchers to establish conservation buffer strips of grass and other vegetation to reduce rainfall runoff and soil erosion in support of the technical and financial assistance to farmers available through government programs.

The initiative has a goal of achieving two million miles of buffer strips across America by 2002. Gary Colliver, director of Farmland Agronomy Services and a buffer initiative committee member, believes the initiative is essential to helping agriculture be proactive in protecting our natural resources.

"We have a responsibility to help our farmer-owners in their thinking and understanding to move toward their intention to prevent water pollution and to protect the environment," Colliver said.

Buffer strips work

At this time, as agricultural practices and procedures change, protecting the land and water is an increasing concern of many people. Buffer strips are one method to aid in improving water quality and the protection of the environment. Buffer strips, an area or strip of land maintained in



permanent vegetation can be implemented in many forms. Some buffer practices include one or a combination of grass waterways, windbreaks, field borders, alley cropping and filter strips. The strips may range from 20 to 80 feet in width.

Buffer strips are used along streams, on field edges or within the field and are most beneficial if they are planned as part of a comprehensive conservation system. While buffer strips vary in shape and size, they all serve the same purpose. The practice helps farmers slow water runoff and strengthen infiltration in the buffer. Buffers also aid in stabilizing streams and reducing its water temperature and improve the appearance of a farm. They also reduce noise

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Ag industry promoting buffer strips to improve soil and water conservation

(continued from page 20)

and odor. Further, they serve as a major source of food, nesting cover and shelter for many wildlife species, and help some wildlife to move safely from one habitat area to another.

The positive impacts of buffer strips on water quality already are showing. According to an American Academy of Science study, when buffer strips are used in collaboration with cropland management practices, such as conservation tillage, pollutant loading in streams can be reduced by as much as 70 percent.

CRP driving the buffer initiative

The driving force behind the initiative is the Conservation Reserve Program. The CRP program pays landowners rental payments each year for taking their land out of production and planting it to grasses or trees. The land is entered into 10 to 15 year programs and farmers receive annual rental rates based on average cash rental rates for comparable land, with a bonus payment of up to 20 percent on several of the practices. With the continuous sign-up of CRP, farmers can implement certain conservation practices such as buffer strips on their cropland under the CRP guidelines, as long as the local NRCS agents determine the buffer strips are eligible and suitable for CRP enrollment. For some farmers, who have

existing CRP land, the buffer description under the program qualifies filter strips and riparian buffers along streams and around lakes and wetland, grass waterways and contour grass strips.

Besides federal funding provided by the CRP program, many states are adopting laws which enhance the buffer strip initiative. This past session, Kansas, Nebraska and Oklahoma passed incentives for agricultural producers to implement buffer strips. Illinois was one of the first to implement such assistance on the state level. According to Colliver, the buffer strip initiative is just the beginning of many future endeavors to preserve the environment.

AG•21: an model for precision farming

For years, Farmland has promoted a precision farming management program called AG•21. The program — an innovative crop production process — was developed in 1992 by selected producers, local cooperatives and Farmland to raise the agronomic, environmental and managerial standards for cooperatives across the continent. Today, the AG•21 program is a partnering process between Farmland, local cooperatives and crop producers. It is designed to help producers improve the environment by putting highly sophisticated technology to work on everything from fertilizer applications to pest

management.

According to Colliver, the AG•21 program identifies and promotes strategies that optimize crop production and economic returns, while pursuing ways to protect and enhance the environment and human health. To become a certified AG•21 dealer, each cooperative and its employees must complete extensive training to meet federal, state and local environmental standards, which usually takes two years. A series of audits are conducted to examine the agronomic practices, environmental safety and marketing/human resources efforts of the cooperative. AG•21 cooperatives also help their customers develop personalized Integrated Crop Management programs.

The program was awarded the United States Environmental Protection Agency's Region 7 1997 Pollution Prevention Award and has served as a prototype for the Source Water Protection Provision in the 1996 Safe Drinking Water Act and for the 1996 farm bill Environmental Quality Incentive Program. It is a model voluntary, incentive-based partnership approach to addressing non-point source pollution.

(Gina Bowman-Morrill is an analyst for Farmland Industries, Inc., the largest farmer-owned cooperative in North America. For more information, visit the Farmland Web site at www.farmland.com)

Kansas Outfitters Association

Mark G. Uhlik, President
1548 17th Rd.
Washington, Ks. 66968

(785) 325-2747

Hello my name is Mark Uhlik; I'm president of the Kansas Outfitters Association

The Outfitters Association was formed in 1995 by a group of like-minded individuals who wanted to protect and enhance hunting opportunities in Kansas.

The bills we're discussing today HB 2974 through 2977 we believe will offer a higher level of protection, and enhance hunting opportunities in Kansas.

Kansas has a reputation as a trophy deer state. At this time there are hundreds of thousands of dollars being spent in the state by non-residents to hunt deer. At a time when the rural economies are tight, deer numbers are at an all time high and the public is demanding a tool to reduce deer/vehicle accidents these bills couldn't come at a better time.

The purple law (HB 2975) will bring uniformity to our states private property trespass issues.

Trophy fines (HB 2976) will tell the world Kansas has big deer and we know the value of this commodity.

Over the counter archery tags for non-residents (HB2977) will aid the outdoorsman in obtaining a deer tag and allow the Wildlife and parks to distribute more deer tags.

Transferable Hunt On Your Own Land tags ((HB 2974) will bring continuity to the outfitting industry. We no longer will be guessing or hoping to get some hunters to draw a tag, now we can bank on it. This bill will also enable rural landowners to increase their income by transferring these tags to responsible individuals, while reducing the overall deer herd. Further if a landowner is receiving some sort of compensation from deer, they will not be as likely to present the state a bill for crop damage.

In closing I would like to reiterate the Outfitters position on these bills. YES we are in favor of the passage of these bills.

Thank you for taking the time to listen to me today.

Mark G. Uhlik, President of the Kansas Outfitters association.

*House Environment
2-15-00
Attachment 3*



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
785/296-2281 FAX 785/296-6953



HOUSE BILL NO. 2975

**Testimony Provided to
House Committee on Environment
February 15, 2000**

House Bill No. 2975 provides additional flexibility for landowners wishing to post property as "no hunting without written permission." The Department of Wildlife and Parks supports the bill.

Under current law, a person may post land as "hunting by written permission only," and thereby raise the normal standard for trespassing to require that a person have written permission, rather than verbal permission, before hunting. The department supports posting in this manner, because a law enforcement officer can more immediately determine whether a trespass is occurring without needing to identify and locate the property's landowner.

House Bill No. 2975 would allow a landowner to post land by placing identifying purple paint marks on trees and posts surrounding the area, rather than posting actual signs. The bill defines the marks such that they would be clearly visible. With this legislation, therefore, landowners would be able to post their land at a much reduced cost.

The department recognizes that a great deal of public education would be required, if this bill were to pass, in order to educate the hunting public of the meaning of the purple paint marks. However, the department would undertake this effort, because increased willingness of landowners to post their land would provide added efficiency in law enforcement efforts to address complaints of trespass and criminal hunting.

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2-15-00
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STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
785/296-2281 FAX 785/296-6953



HOUSE BILL NO. 2872

**Testimony Provided to
House Committee on Environment
February 15, 2000**

House Bill No. 2872 addresses the issue of when a hunter may pursue wounded game across property lines. Although the Department of Wildlife and Parks does not oppose what we perceive as the intent of the bill, we believe it is important to voice certain concerns about the practicality of the proposed legislation.

Under current law, a person may post land as "hunting by written permission only," and thereby raise the normal standard for trespassing to require that a person have written permission, rather than verbal permission, before hunting. The department supports posting in this manner, because a law enforcement officer can more immediately determine whether a trespass is occurring without needing to identify and locate the property's landowner.

The current law provides an exemption, however, for licensed hunters following or pursuing a wounded animal. This exemption does not protect a hunter who remains on posted land after being instructed to leave, regardless of whether the hunter may be pursuing wounded game.

House Bill No. 2872 would require the hunter to "make every reasonable effort" to locate the landowner and seek permission before pursuing wounded game onto posted property. The department understands that one goal of this legislation would be to prevent an unlawful hunter who is caught trespassing from avoiding prosecution by claiming to be tracking wounded game. The bill may also deter a hunter from shooting at game near a property line, for fear that it may cross the boundary before falling.

The department also, however, is concerned that the legislation would be difficult to enforce, cause confusion among hunters, and create unfortunate waste of wildlife. In some hunters' minds, reasonable effort to request permission from a landowner before pursuing a wounded pheasant may be different than a reasonable effort if tracking a wounded big game

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animal. This may be especially true if a wounded bird flies across a property line, and the hunter is unsure who owns that property or where they live. Law enforcement officers would have difficulty determining when it would appropriate to cite a hunter for failing to exert reasonable effort.

Perhaps most important, a similar exemption for person pursuing a wounded animal exists in the statute that normally governs and defines the crime of hunting while trespassing (K.S.A. 21-3728). Refusing to leave posted land, under that current language of this bill, is technically a violation of that statute. However, that statute would not include the added provision requiring that a person locate and request permission from the landowner. Consequently, it would be uncertain which statute would govern.

For these reasons, the department recommends that the Committee look closely and consider the implications of this bill before recommending it for passage. However, the department would not oppose House Bill No. 2872, if the Committee is confident that the bill would clearly express the intent of the legislature.

W:\WPDOCS\LEGISLAT\00BILLS\HB2872TE.WPD

SHARON SCHWARTZ
 REPRESENTATIVE, 106TH DISTRICT
 GEARY, MARSHALL, REPUBLIC,
 RILEY, AND WASHINGTON COUNTIES
 2051 20TH ROAD
 WASHINGTON, KANSAS 66968
 (785) 325-2568



TOPEKA

HOUSE OF
 REPRESENTATIVES

STATE CAPITOL
 ROOM 110-S
 TOPEKA, KANSAS 66612-1504
 (785) 296-7632
 1-800-432-3924

COMMITTEE ASSIGNMENTS
 VICE-CHAIR: HOUSE AGRICULTURE
 MEMBER: HOUSE APPROPRIATIONS
 HOUSE AGRICULTURE &
 NATURAL RESOURCES BUDGET
 HOUSE ENVIRONMENT

February 15, 2000

Madam Chairman and Committee Members

I am appearing before you to support measures that address several issues concerning deer and large game. The District I represent has probably some of the largest reported deer related accidents in the state. In fact, out of the 446 reported accidents for 1999 in Washington County, 211 were caused by deer. In Republic County, the sheriffs office reported 85 out of 212 accidents handled by the office were deer related. These numbers do not take into account the accidents investigated by the Highway Patrol. These departments indicate that many are not reported. Combined these numbers represent close to 50% of the reported accidents to be caused by deer. HB 2819 would allow county commissioners to request a special doe season be declared to address the growing herd in areas like this. HB 2813 is another suggestion to address the doe population.

The area also boasts having some of biggest trophy deer which are a very valuable commodity needing to be preserved for those who legally hunt. HB 2976 increases the fine from \$250 to \$5000 for those caught poaching trophy deer. This probably will not stop all poaching as the antlers are valuable, but hopefully would make poachers think twice before pulling the trigger.

Most landowners welcome hunters and allow hunting with written permission. Today all parcels of ground need to be posted with signs indicating HUNTING WITH WRITTEN PERMISSION ONLY. HB 2975 would give landowners the option of simply identifying such parcels with a purple paint mark painted on posts every 100 ft apart.

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Today landowners may drive over 100 miles round trip to purchase the hunt on your own land permits. HB 2974 would require permits to be made available over the Internet. In addition, this bill would also provide a means for landowners who feed the deer 365 days of the year to transfer to any person for a free or at a price they determined. The bill also requests WL&P to establish a 800 number. This would be customer friendly

HB 2937 would provide a means for property owners to be reimbursed for damage caused by big game. In some reported cases, deer as well as turkeys have caused major damage to crops. While the damage may seem minimal to those not involved in production agriculture it can mean the difference of profit or loss in some instances. Fields planted to wheat last fall in areas with large turkey flocks were destroyed not just once but twice. In addition deer graze on soybean fields and corn fields causing major losses that can never recouped by the farmer. Wildlife and Parks has reported that 507,112 deer permits were sold in last four years. This has provided for increased revenue of around \$3.7 million since 1996. This combined revenue could provide for reimbursement to property owners who substantiate loses by large game. This would provide a means to compensate those property owners with damages over \$500.

I support ways to preserve the valuable asset of Kansas Wildlife while providing opportunities for the sport of hunting. However, we need to find ways to bring the deer population back into balance with the environment they are living in today; production agriculture and busy highways!

Deer Permit Summary Provided by Wildlife and Parks

	1996 Permits	1996 Value	1997 Permits	1997 Value	1998 Permits	1998 Value	1999 Permits	1999 Value	2000 Permits	2000 Value
Fire Arms	75,171	\$1,817,056.00	86,020	\$2,137,005.00	112,245	\$2,513,168.00	145,980			
Archery	21,919	\$676,120.00	22,261	\$704,116.00	21,516	\$753,958.00	22,000			
Total	97,090	\$2,493,176.00	108,281	\$2,841,121.00	133,761	\$3,267,126.00	167,980	<i>\$3,714,000</i>	<i>170,000</i>	<i>\$3,739,000</i>
 Change			11,191	\$347,945.00	25,480	\$426,005.00	34,219.00	\$446,874.00	2,020.00	\$25,000.00
			10.34%	12.25%	19.05%	13.04%	20.37%	12.03%	1.19%	0.67%
 Total Change 1996-98	36671	\$773,950.00								
Total Estimated Change 1996-2000	72910	\$1,245,824								

***Italicized numbers are estimates based on passed trends in the number of permits issued and the value of those permits.*

Farm Bureau Deer Vehicle Accidents

	# Accidents	Value of Claims
1999	1918	\$3,799,000
1998	1846	\$3,497,000
1997	1688	\$3,050,000
1996	1666	\$2,700,000

Vehicle Accidents in 106th District

	1999 Deer Accidents	Total Accidents
Washington County	211	446
Republic County	85	212

These numbers only reflect those accidents handled by the respective sheriffs' departments. Accidents responded to by the Highway Patrol are not included.

Washington County Sheriff's Office
301 B Street
Washington, Kansas 66968
Phone- 785-325-2293 Fax-785-325-2924

02112000

Dear Sharon,

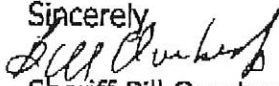
Thank you asking for my input on this problem. I'm sorry I am unable to be away to come and speak to you personally. I applaud your efforts to do something about this escalating problem.

We do have a serious problem with the excess amount of deer in our county. The yearly statistics do not completely reflect the whole picture. For statically purposes, we do not classify a two-vehicle accident caused by one person attempting to miss a deer, as a deer accident. Another reason is that most people in this area know that if they only carry liability insurance, which I would assume to be quite a few, either do not report the accident or have no need for a report. The other departments in our state also do accident reports for us involving deer, example someone is enroute to Topeka passing though our county hits a deer and continues on. They will report it to Topeka Police Department or Shawnee County Sheriff's Office who will in turn do a courtesy report for us, again this isn't added to the statistics.

Usually the only people that report the accidents are those who need them for insurance purposes, those injured, those who have caused property damage trying to avoid the deer, or their vehicle is disabled.

When the deer are running (weather changes, mating and hunting seasons), we stay extremely busy working deer wrecks.

If there is anything further I can help you on please let me know.

Sincerely

Sheriff Bill Overbeck

KANSAS DEER ACCIDENTS: 1980-1998

YEAR	ACCIDENTS	FATAL	INJURY	P.D.O.	KILLED	INJURED
1980	1395	0	58	1337	0	66
1981	1757	0	58	1699	0	69
1982	1963	0	59	1904	0	71
1983	2375	0	85	2290	0	112
1984	2949	0	90	2859	0	110
1985	2675	0	114	2561	0	129
1986	3173	1	116	3056	1	142
1987	3601	0	107	3494	0	135
1988	3910	1	132	3777	1	153
1989	4020	0	149	3871	0	166
1990	4209	0	132	4077	0	161
1991	4366	1	137	4229	1	168
1992	4739	1	130	4608	1	158
1993	5582	0	145	5438	0	171
1994	6571	1	188	6384	1	222
1995	6746	2	203	6542	2	239
1996	8415	2	281	8133	5	339
1997	9116	5	279	8832	5	350
1998	9992	1	366	9625	1	439

BARS- Basic Accident Records System

KARS- Kansas Accident Records System

NOTE: Deer accident data previously released for the years 1990-1996 originating from the BAR file did not report accidents where the month and day of the accident were null.

6-5

KATHE LLOYD
 417 NORTHRIDGE COURT
 CLAY CENTER, KANSAS 67432
 (785) 632-5989
 FAX 785-632-5989
 Email: lloydsk@kansas.net



TOPEKA
 HOUSE OF
 REPRESENTATIVES

REPRESENTATIVE, SIXTY-FOURTH DISTRICT
 CLAY, DICKINSON, GEARY,
 RILEY COUNTIES
 STATE CAPITOL
 ROOM 182-W
 TOPEKA 66614-1504
 (785) 296-7637
 COMMITTEE
 EDUCATION
 JUDICIARY
 EDUCATION AND LEGISLATIVE BUDGET

Thank you Madame Chairman for allowing me to appear before your Committee today. My name appears on two of the bills you are hearing in regards to the Kansas deer population. Those are HB2813 and HB2937.

The one across the board complaint I receive in my district is that there are "too many deer". Property damage is on the rise and vehicle accidents increase every year because of deer. Kansas Wildlife & Parks have stated that the main problem is too many doe. HB 2813 suggests creating a 3 year period of time in which the hunter is required to shoot two doe before obtaining a buck permit. Built into the bill is a tax credit for the cost of processing if the meat is donated to a non-profit group. The hunter would receive a certificate from the processor for each doe which the hunter would turn in to be able to receive their buck permit. If the hunter chooses not to have the meat processed they can take the carcasses to the local or regional landfill where the animals could be cremated. The landfill would have the authority to give certificates to hunters. For each certificate issued the landfill owner and meat processors would be reimbursed \$5.00 out of the fees collected by wildlife and parks.

At the end of three years Wildlife and Parks along with Kansas Insurance Department will review statistics to see if the population has diminished. Those agencies will then report to the House Environment Committee and the Senate Committee on Energy and Natural Resources.

Unless this act is extended by the legislature at the end of those three years, deer hunting

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regulations will return to what they are at the present time.

In regards to HB2937 I stand in support. Representative Schwartz is the author and I am one of the co-sponsors. Hopefully she will be able to answer all of your questions.



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON ENVIRONMENT

RE: A variety of House Bills aimed at reducing vehicle and property damage by controlling the state's deer population.

**February 15, 2000
Topeka, Kansas**

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

Chairperson Freeborn and members of the House Committee on Environment, my name is Bill Fuller. I serve as the Associate Director of the Public Policy Division for the Kansas Farm Bureau.

We thank you for scheduling hearings today on 12 bills concerning hunting with the majority focusing on proposals to get the size of the state's deer herd under control.

Kansas Farm Bureau appreciates the cooperation and actions the Kansas Legislature and the Kansas Department of Wildlife and Parks have taken in recent years aimed at increasing the harvest of deer in an effort to reduce property damage. A few examples include:

- Increasing the number of permits
- Establishing a new antlerless season
- Issuing depredation permits
- Organizing a hunter referral program for landowners
- Expanding the eligibility for landowners/tenant hunt-on-your-own-land permits
- Increasing the opportunity for non-resident hunting

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Even with the implementation of all these measures, the problem seems to be getting worse. Deer damage is increasing. Vehicle collisions are increasing. Crop damage is increasing. All this is causing the public to demand more action.

While the State of Kansas does not officially collect data on deer damage, there is a very good indicator for the scope of damage resulting from collisions between deer and vehicles. During 1999, Farm Bureau Mutual Insurance Company alone paid 1,918 losses in the amount of \$3,799,740. Assuming this one company has 10 percent of the state's vehicles insured, the statewide vehicle damage would appear to be near \$38 million annually. These payments do not include any associated medical payments or any vehicle damage that is smaller than the deductible threshold of the insurance policy.

The amount of crop damage is more difficult to determine. We estimate the costs to farmers and ranchers resulting from losses to crops and feed may range from \$20 to \$25 million each year. A Farm Bureau member in southeast Kansas, after 10 years of excessive losses, filed a claim against the state last fall documenting a \$25,000 loss to his soybean crop this past year. Even though the Claims Against the State Committee expressed concern and support for paying the claim, they voted 4-5 to deny the claim and avoid setting a precedent for paying wildlife damage claims.

The issue of excessive deer damage is the hot topic that makes many Farm Bureau meetings last late into the night. The list of recommendations outlined in member-adopted policy grows each year. A review of key Farm Bureau policy is a good indicator of the bills we can support:

- ***Until the crop and vehicle damage caused by big game is significantly reduced, we strongly support expanding the hunting seasons, increasing the number of big game hunting permits, aggressively promoting the landowner hunting referral program, and exploring the development of a system to compensate landowners experiencing significant crop damage.***
- ***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.***

- ***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.***

Based upon member- adopted policy, Farm Bureau strongly supports the following bills:

- **HB 2937** establishes the big game damage reimbursement fund to pay claims that exceed \$500 with a limit to any claimant of \$10,000 in any one year. Requires KDWP to annually report all big game damage believed to have occurred in Kansas. We ask for an amendment that would establish a toll-free telephone number to assist in gathering this data and allow landowners to report damage.
- **HB 2863** authorizes a person at the time of purchasing a hunting license to purchase for a \$2 fee a permit to take an antlerless deer.
- **HB 2813** requires the harvest of two antlerless deer before the taking of an antlered deer. Also, requires the reporting of property damage that is related to deer overpopulation. Again, this would be another appropriate place to request the establishment of a toll-free telephone number for reporting damage.
- **HB 28⁷²47** requires any person pursuing a wounded animal to make every reasonable effort to locate the landowner and seek permission to be on the land.

All the bills under consideration today were introduced to address the unacceptable damage resulting from the state's out of control deer population. For that reason, we do not strongly oppose any of the bills. However, we recognize some of the bills are more workable, can be administered more effectively and will have more impact in reducing deer damage. Therefore, we encourage the committee to consider all reasonable proposals and advance a comprehensive plan to the full House.

Thank you!

Lee Robbins

1181 Hwy 54

Yates Center KS 66783

Home Phone (316) 625-3628

Cellular Phone (316)496-6695

Dear House of Representatives,

I am an agriculture producer in Woodson County and operate around 2000 acres. I am supplementing my income in the hunting business along with many other Kansan's. The potential for all of us is much larger if the Kansas Department of Wildlife and Parks would treat landowners fairly. This should be changed. The Kansas Department of Wildlife and Parks should not be allowed to sell hunting permits to hunt on private land without allowing hunters to share in the control and benefits from these hunters. I would propose to help control the doe population by opening a 2-week antlerless firearm only season in October. It would entice out more hunters and be more effective than a late season hunt. Therefore the bow season would have to be closed during this season.

Sincerely,



Lee Robbins

Land Owner/Hunting Resort Owner

Enclosures (2)

ah

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2-15-00
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HB 2813- I do not support because it is too big of a requirement for a trophy hunter. Tax credit is a good idea. Cost to process a deer is around \$70.00.

HB 2819- I support it and think it will help a few problems.

- 2816
- A: Reimbursement to landowners will help.
 - B: It will help some hunters gain access to land to hunt on.
 - C: It will make the hunter responsible for where the deer is shot.

HB 2819- I support this idea but I am not sure what the percentage should be because of human population density.

HB 2863- I support because it will probably help control the deer population.

HB 2873- I do not support. I think it would be dangerous and not very effective because deer usually have a bigger home range than 500 feet.

HB 2973- I support. People definitely have the chance of some damages and Kansas Department of Wildlife and Parks should be liable to some point.

HB 2974- I support. It is fair to the landowners and at least it is a start in giving them some benefits.

HB 2977- I support. It should also include firearms.

HB 2976-I support. It definitely needs to be passed.

1. It will help prevent the killing of trophy and antlered game while controlling the non-antlered population.
2. Trophy game is a very valuable resource and should be protected.
3. It should help landowners in controlling trespassing.

HB 2872- I support. It should help landowners control trespassing.

HB 2975- I support. It should help landowners in controlling trespassing and also make it more obvious for the hunters.

It is commendable that this committee is the one to recognize and act upon the problem. Thank you for seeking a solution. As you know, the problem is way too many deer. The only solution is to harvest the deer-----in the mean time, House Bill 2937 is good, because it compensates farmers and ranchers for their losses NOW. It recognizes the fact that the deer population is out of control-----that the deer really are causing a significant amount of financial loss to farmers and ranchers in the state. It is the farmer and rancher's income that suffers for the recreational pleasure of those who benefit from the large herd. Stop and think about it. Who feeds all these deer. On whose land do they live and eat. Is it the homeowner in Wichita who works at Boeing? NO. Is it the housewife in Topeka? NO. Is it the hardware store owner in Abilene? NO!! This giant silent tax, imposed on us by the Kansas Department of Wildlife and Parks, has been paid by the farmers and ranchers for years during a time when the ag community has been financially struggling. My brother and I have lost thousands of dollars because of the overpopulation of deer (see Estimate of Loss--information presented in our claim against the state which failed in a very close 5 to 6 vote). This level of loss was completely avoidable had KDWP acted responsibly. They did not. Wildlife and Parks has "cultivated" the herd into its present size. All the while the herd size was growing, they were offering a season that was too little too late to deal with the growing problems and the growing herd. All of Sec. Williams laundry list of solutions sure don't look very successful when placed up against the bar graph (see bar graph labeled KS DEER ACCIDENTS) of traffic accidents which in 1998 were over 7 times greater than they were in 1980-----and traffic accidents are one of KDWP's best measures of herd size.

HB 2937 will communicate clearly to KDWP and the people of the state of Kansas how incredible the losses are in a way that cannot be ignored.

We have been told by KDWP, we're here for you. We're working on the solution. You just work with us and play by the rules and we'll get things fixed, but it's going to take some time. They told us this ELEVEN YEARS AGO when then Sec. Bob Meinen came to our farm. Wildlife and Parks is never, never, on their own, going to willingly lower the deer population to a level that we won't still have significant crop losses. And even if they did, they would never keep it there unless there is a monetary incentive. This bill will impose on them a financial penalty that can be used as a measure of their success or failure and it will compensate producers whose property has been wrongfully destroyed.

Our prediction is this. If a financial penalty is not place upon Wildlife and Parks, they will respond to the current heavy legislative pressure by temporarily attempting to lower the herd size. If they succeed at this, without \$\$\$\$\$ incentives to keep it there, they will willingly respond to the complaints of those people who benefit from the large herd but do not feed them. They will then allow the herd to expand. This is our prediction, because this is exactly what happened in 1993 in a Wildlife and Parks commission meeting when they abolished the Unit 12 January season in response to complaints that they were "killing too many deer" (see bar graphs labeled CQ COUNTY DEER ACCIDENTS and TOTAL DEER PERMITS ISSUED in unit 12) We pleaded with them to continue

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reducing the herd and they backed off anyway. The population exploded in my area. We were right. They were wrong. And it will explode again unless this bill or one like it (SB 597) makes it into law. Thank you again for your careful consideration of this serious problem.

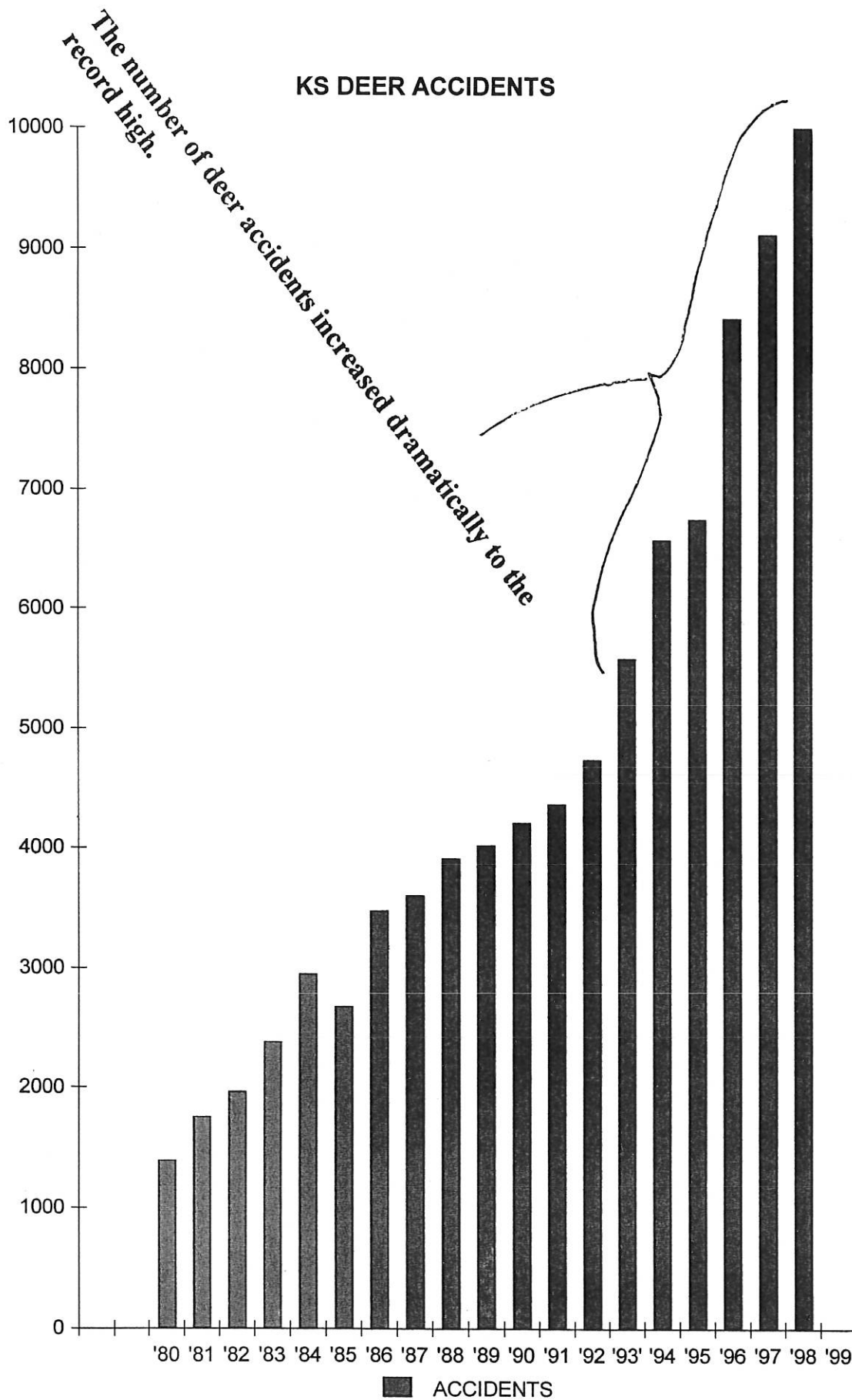
Beason Farm
Herb and Jim Beason
1667 Road 28
Elk City, KS 67344
(316) 627-2466

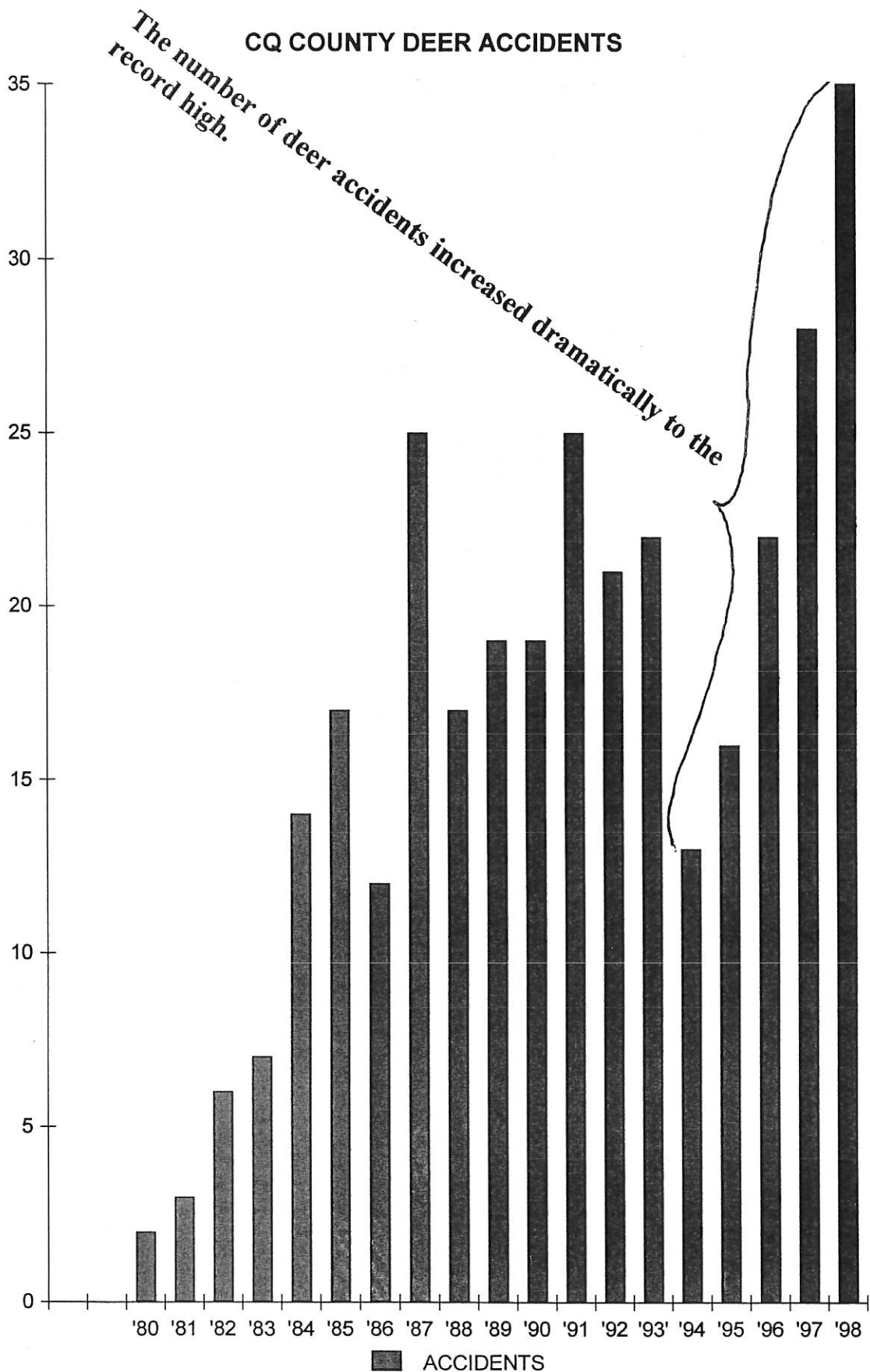
Suggestion: Have crop adjusters assess damage, not KDWP and not farmers.
Question: If the money is short, what then?

10-3

UPDATED ESTIMATE OF LOSS FROM DEER--BEASON FARM--1999

ACRES	LOCATION	1990-1998 AVERAGE YIELD	1999 ESTIMATED YIELD W/O DEER DAMAGE	1999 ACTUAL YIELD	SHARE	TOTAL FARM \$\$ LOSS @ \$5.25/ BU.	JIM'S/HERB'S \$\$ LOSS @ \$5.25/BU.
67	S. Place	20.1	9	0.9	100%	\$2,850	\$2,850
55	N. Place		15	1.3	100%	\$3,937	\$3,937
145	N. Place	30.2	15	10.5	100%	\$3,417	\$3,417
30	Foster	25.6	15	1.8	66.70%	\$2,079	\$1,387
42	Lane	16.5	13	7.1	100%	\$1,291	\$1,291
52	Harmon	24.2	15	6.5	66.70%	\$2,310	\$1,540
92	Ferrell	26	17	13.1	100%	\$1,883	\$1,883
38	Home	15	12	4.2	66.70%	\$1,556	\$1,037
100	Storrs	30.6	15	10	66.70%	\$2,625	\$1,750
57	Carter	31.2	22.5	21.7	66.70%	\$239	\$160
145	M. Place	22.4	11	10.4	100%	\$456	\$456
25	Walker	32.4		13.4	66.70%		
49	Jones	22.2	20	18.4	66.70%	\$412	\$274
253	Clinton	28.2		13.3	66.70%		
64	Papa	30.8	15	14	66.70%	\$336	\$224
86	New Place		15	13.1	100%	\$858	\$858
130	Stephens		15	13.7	100%	\$887	\$887
1430	Totals					\$25,136	\$21,951



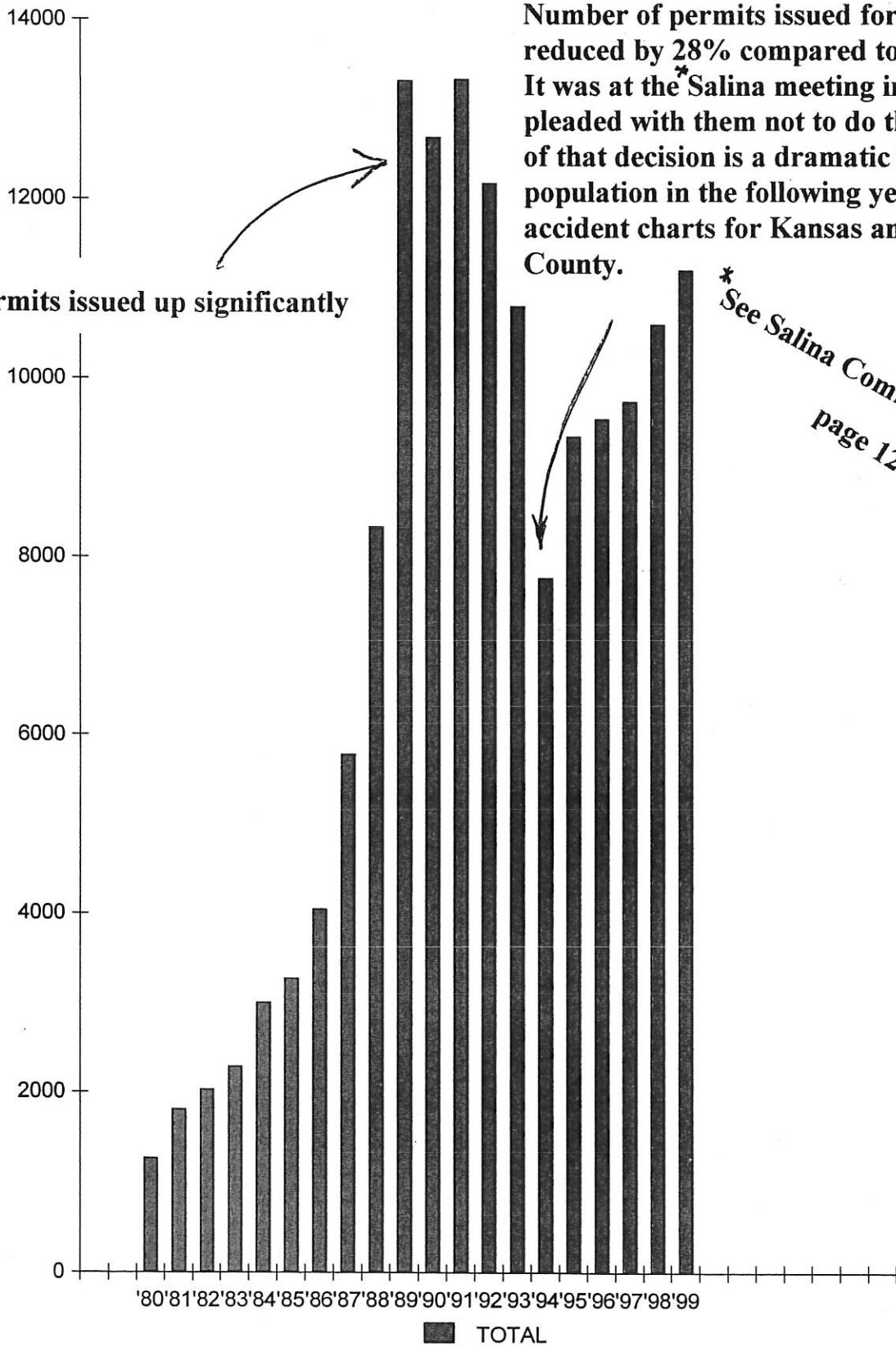


The decision to reduce the Total Deer Permits Issued for 1994 was made at the KDWP Commission Meeting in Salina in April of 1993. The results of that decision are evident from the Chautauqua County Deer Accident Chart.

TOTAL DEER PERMITS ISSUED

Number of permits issued for 1994 was reduced by 28% compared to previous year. It was at the ^{*}Salina meeting in 1993 that we pleaded with them not to do that. The result of that decision is a dramatic increase in deer population in the following years --see deer accident charts for Kansas and Chautauqua County.

Number of permits issued up significantly



** See Salina Commission Minutes
page 12*



Since 1894

To: House Environment Committee
Representative Joann Freeborn, Chairperson

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

Subj: HB 2937 - Reimbursement by state for damages caused by big game
HB 2974 - Purchase, sale, and transfer of HOYOL hunting permits
HB 2977 - Sale of nonresident archery deer permits

Date: February 15, 2000

The Kansas Livestock Association (KLA) has interest in all of the bills scheduled for a hearing this afternoon. Our Board of Directors meets tomorrow and may take a position on several of the bills pending before this committee. I'll focus our comments this afternoon, however, on three bills which address two specific issues identified by our members in recent years.

House Bill 2937:

We support a state program to financially compensate farmers and ranchers who experience significant crop damage from deer. HB 2937 is a good starting point and a plan we would like this legislature to consider. Producers would have to experience at least \$500 in damages before they are eligible. This bill states the money for a reimbursement program would be created by appropriating \$10 for each deer permit issued by KDWP in excess of 80,000 per year. We don't claim this funding mechanism is perfect. KLA only encourages this committee, and the 2000 Legislature, to consider various funding mechanisms for a new crop damage reimbursement program.

House Bill 2974:

KLA has historically supported legislation that enhances landowners/tenants ability to gain financially from wildlife resources on their farms and ranches. HB 2974, in a limited manner, allows the market place to pay landowners/tenants for transferring their "special hunt-on-your-own-land" deer hunting permits. This is one small way to compensate producers for providing wildlife habitat and create new economic activity in rural areas of Kansas.

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2-15-00
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House Bill 2977:

This legislation is another approach to enhance economic activity in rural communities and provide more opportunities for farmers and ranchers to market fee or lease hunting of deer. Several KLA members are attempting to supplement their agricultural income by guiding deer hunts or leasing trespassing rights on their farm and ranch land. I often hear our statutes limiting nonresident hunters are the roadblocks keeping this rural industry from growing. Outfitters often tell me there is a strong market for archery deer hunting in Kansas. HB 2977 repeals the limit of nonresident archery permits that KDWP may issue.

KLA supports the concepts proposed by these bills and urges the committee to pass legislation addressing these needs. Thank you!

HB 2976

I am appearing here today in support of HB2976. I am Ron Montegue from Washington, Kansas. I make my living from farming and live to hunt.

This legislation puts some teeth into the anti-poaching effort. The trophy deer are a very valuable asset in Kansas. In fact, we are the envy form hunters of every state for our trophy white tail deer. It is important that we maintain the management and discourage people from shooting. Increasing the fine should help and get their attention.

I have had personal experiences of people shooting deer out of season. Majority of the time they are shooting trophy deer. In fact this year I was less than 100 yards form a buck that was shot as I was coming out of the woods from my deer stand during bow season. Beside the fact that the deer was shot out of season, having a buck shot from a pickup on the road sure got my attention. The pick-up drove off when the driver saw me and left the buck to rot.

The only change I would suggest would be to lower the inside spread to 16" from the 18". I have hunted for over 25 years, and harvested several trophy deer mounted. It really bothers me to find the valuable trophy deer shot, heads cut off, and the carcass left to rot.

I would be glad to answer any questions.

*House Environment
2-15-00
Attachment 12*



**To: House Committee on Agriculture – Representative Freeborn
Chair**

RE: House Bill No. 2976

The **Kansas Bowhunters Association (KBA)** is endorsing the passage of House Bill 2976.

As an active Pro Hunting organization, the KBA has always pushed for stiffer penalties and fines for the poaching of our state big game, antlered or antlerless. This is evident by our continual donations to the Kansas Department of Wildlife and Parks's programs targeting the apprehension and prosecution of these offenders.

It is the opinion of the KBA that the continual push to legislate game law and turn our big game into commerce has opened avenues for some disreputable individuals to illegally harvest animals. This can be done easily by:

1. Utilizing transferred HOYOL permits on land other than the landowners.
2. Hunting with unit tags outside of the units boundaries.
3. Disregarding the sex and species on the tag in their possession.
4. Hunting without a Big Game tag.
5. Hunting trophy animals in antlerless seasons.

The uncontrolled selling and transferring of tags will only lead to more unscrupulous behavior. We ask that you pass HB2976 and put some teeth in our game laws.

Respectfully Submitted,

Shawn W. Harding

Kansas Bowhunters Association, Legislative Chairman

*House Environment
2-15-00
Attachment 13*



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
785/296-2281 FAX 785/296-6953



HOUSE BILL NO. 2976

**Testimony Provided to
House Committee on Environment
February 15, 2000**

House Bill No. 2976 creates a separate, mandatory fine for persons poaching trophy big game animals in Kansas. As such, it is intended to create an added deterrent, and to help prevent criminal hunting and trespass in pursuit of these animals. The Department of Wildlife and Parks supports the bill.

Illegally taking a big game animal is currently punishable by a fine of \$250 to \$1000, as well as imprisonment for up to six months. House Bill No. 2976 would create a separate fine of \$5,000 for persons unlawfully and intentionally taking a trophy big game animal. These animals are defined in the bill as:

- Whitetail deer with an inside antler spread measurement of at least 18 inches;
- Mule deer with an inside antler spread measurement of at least 22 inches;
- Elk with at least six points on one antler; and
- Antelope with at least one horn greater than 14 inches.

Trespass and illegal hunting in Kansas most commonly occurs because an individual is pursuing a trophy animal. The department believes big game animals with these measurements would truly constitute "trophy animals," and therefore represent the type of animals that sometimes lead to illegal actions by unethical hunters. By establishing an additional penalty for the illegal taking of trophy animals, the department would hope this bill would deter and prevent some of the illegal hunting that victimizes landowners and the natural resources. In addition, it may help ensure that lawful and ethical hunters have a fair opportunity to see and harvest a Kansas trophy.

In much of Kansas, courts convicting individuals of big game violations seldom impose the fines and penalties available under current law. However, House Bill No. 2976 would help emphasize that illegally taking a trophy animal is considered a serious crime. The department would hope that this legislation would lead to decreased instances of poaching and other accompanying illegalities.

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*House Environment
2-15-00
Attachment 14*