

## MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on February 17, 2000 in 245-N of the Capitol.

All members were present except:

## Committee staff present:

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

## Conferees appearing before the committee:

Lee Robbins, Yates Center, KS  
Steve Williams, Secretary, Wildlife and Parks  
Shawn Harding, Kansas Bowhunters Assn.  
Jim Beason, Chautauqua County, KS  
Edwin Bowman, Sedan, KS  
Mike Beam, Kansas Livestock Association  
Bill Fuller, Kansas Farm Bureau

## Others attending:

See attached list.

Written testimony from Chris Wilson, Executive Director, Kansas Agriculture Aviation Assn. and Director of Member Services of Kansas Seed Industry Association submitted written testimony supporting **SB 501** which would create an environmental remediation fund (Attachment 1). The bill was heard in committee on February 8 and 9.

Kendall Cline, Atwood, KS, Rawlins County, submitted written testimony supporting legislation to control the deer population and **SB 597** which allows for payment of deer damage claims. In his testimony he suggested ideas that he believed would be helpful in solving the problem (Attachment 2).

Bruce Miller, Garnett, KS, submitted written testimony supporting **SB 518** (Attachment 3).

Chairperson Corbin opened the continued hearings on **SB 518—special hunt-on-you-own-land deer permits transferable to any hunter**. Lee Robbins was called on as a proponent.

Lee Robbins, Yates Center, KS, supported the bill. He said it is his belief that to be successful in controlling the deer population landowners will need to be included in the process to find solutions. He suggested some major changes that need to be made (Attachment 4).

Steve Williams, Secretary, Wildlife and Parks, opposed **SB 518**. He thought the bill clearly establishes an incentive for private individuals to allow the deer population to grow due to the potential to make money. The objective of the department is to reduce the population. It raises the expense for resident deer hunters and restricts their ability to hunt deer. Finally, they believe that prohibiting nonresident guides is unconstitutional and would not withstand a legal challenge (Attachment 5). He briefly commented on some of the other conferees testimony.

Shawn Harding, Kansas Bowhunters Assn., opposed the legislation as he thought it was too broad in its solutions and could harm our state resources in regional areas that do not have as many deer (Attachment 6).

The hearing on **SB 518** was closed. The hearing on **SB 597—Payment of deer damage claims; increase in number of nonresident deer permits authorized**.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

Jim Beason, Chautauqua County, presented written testimony supporting the bill. He and his brother Herb operate Beason Farms they have suffered a significant amount of financial loss on their land from deer. Kansas Department of Wildlife and Parks solutions do not seem to be working. Attached to his testimony is some graphs and charts estimating the losses they have incurred on their farm (Attachment 7). Mr. Beason had asked to show a video of deer damages they had suffered on their property, however time to show it was not available.

Edwin Bowman, Sedan, supported the bill. He said he had damage on his property from deer and more permits and financial compensation would help property owners. Responding to a questions would he be in favor of allowing the taking of bucks during the rut? He gave a reluctant yes.

Steve Williams, Secretary, Wildlife and Parks, opposed the bill. He said the department sympathizes with those experiencing crop damage, but he did not think this bill was sound public policy. The proposed program it seeks to establish does not solve crop damage, it only provides an incentive to individuals to ignore the real solution which is allowing hunters access to kill deer (Attachment 8).

Bill Fuller, Kansas Farm Bureau, testified based upon member-adopted policy, Farm Bureau strongly supported the bill. He suggested the bill be amended to establish a toll-free telephone number to be used by citizens to report wildlife damage on crops and other property (Attachment 9).

Mike Beam, Kansas Livestock Association, supported the legislation. As it would create a deer damage reimbursement fund. It also would increase the number of nonresident deer hunting permits that KDWP could issue. He suggested the committee may want to restrict the nonresident fee increase to antlered deer only (Attachment 10).

The hearing on SB 597 was closed.

Chairperson Corbin announced the substitute bill for SB 469 would be reviewed and possible action considered at the next scheduled meeting, which will be February 18, 2000.

The committee adjourned at 9:00 a.m.

SENATE ENERGY & NATURAL RESOURCES  
 COMMITTEE GUEST LIST

Please Sign in  
 Black Ink

DATE: 2/17/00

NAME	REPRESENTING
STEVE WILLIAMS	KDWP
Herb Beason	Beason Farm
Jim Beason	Beason Farm
Edwin Bowman	Self
Rice Fuller	<del>Self</del> Kansas Farm Bureau
Lee Robbins	Landowners, Guides ect.
Vivian Olsen	Ag Resources & Comm.
Dag Wareham	Ks. Grain & Feed Assn / Ks. Fert & Chem Assn.
Chad Luce	KDWP
Jeff Bottenberg	KPOA / KSA
SHAWN W. HARDING	KANSAS BOWHUNTERS ASSOC.
Clint Riley	KDWP
Ann Dukes	DOB
DICK CARTER JR.	TIAC
Charles Shyann	KNRC / Sierra Club

**STATEMENT OF THE  
KANSAS SEED INDUSTRY ASSOCIATION  
AND KANSAS AGRICULTURAL AVIATION ASSOCIATION  
BEFORE THE SENATE ENERGY COMMITTEE  
SENATOR DAVID CORBIN, CHAIR  
REGARDING SENATE BILL 501  
FEBRUARY 8, 2000**

Mr.Chairman and Members of the Committee, I am Chris Wilson Executive Director of the Kansas Agriculture Aviation Association (KAAA), and Director of Member Services of Kansas Seed Industry Association (KSIA). Both are statewide professional trade associations. We are here today to lend support to Senate Bill 501, which would create an environmental remediation fund.

Neither KSIA nor KAAA members have sites which are being remediated at this time as a result of seed or ag aviation operations. To my knowledge there are no active aerial sites with which KDHE has been working, but there are a couple of abandoned sites at which aerial operations were conducted in previous years and for which there is no longer a potentially responsible party. However, we feel that such a remediation fund would be a good program to have in place for sites which are presently required to do clean up activities, and those which may face the task in the future. We don't know what chemicals we may be required to remediate, or whether they'll be another carbon tet in the future that is persistent and which becomes necessary to clean up. Although we feel that it is unlikely there will be another chemical such as this, because of the newer technologies, We believe it is wise to have protections in place should that happen.

Also, we don't know whether the little leaks and drips happen over time will eventually lead to soils that need to be remediated. We feel that this too is less likely to

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happen in the future as fertilizer and pesticides containment systems become the standard in the industry, but may be needed for sites used prior to containment.

A key reason for KAAA to support this legislation that in the past couple of years, airport authorities have become increasingly concerned about various chemical operations on the airport. Some have requested environmental contamination insurance from our aerial operators. About half of all ag aviation facilities in the state are located on municipal airports at this time. While our operators are able to obtain insurance for catastrophic losses of chemicals, there is no opportunity for them to secure insurance for normal day-to-day operations, and the leaks and drips that occur over time. This environmental remediation fund, which would be created by Senate Bill 501, would, we believe provide some reassurance to airport authorities that should remediation be necessary there would be some source of funding available to assist with that effort.

Thank you for this opportunity to support Senate Bill 501. We respectfully request that you recommend it favorably for passage. If there are any questions I would be happy to try to respond.

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Feb. 16, 1999

Dear. Senator David Corbin &  
Energy & Natural Resource Committee members,

We are writing to you today with our concerns of the rising deer population in Rawlins County. The deer numbers have gotten out of hand. The Game Commissioners wants more deer and more deer. We can not keep on feeding all of them and taking the damage to our property. Our families have had three cars damaged by deer in the last two years. Now we have been told we could face some large liability claims if we let people hunt and someone gets hurt. The following are a few ideas that we feel would help the problems.

1. Take the appointments of the Game commission out of the political picture and away from the Governor. Find the very best people in the state to serve on this commission with farmer representation.
2. 50 % of the hunting license fees and 50% of the game department fines should be placed in a fund controlled by the legislature not the game commission. This fund would be used to pay damages claimed by farmers.
3. Have a doe season that runs twelve months out of the year. Reduce the fee to \$15.00 and have it for mule or white tail. We are seeing a large increase in the mule deer population. The Game Commission is only concerned with white tail in our area.
4. It is known that we have problem in our area. "Damage control permits" should be issued for this whole area. I have requested these permits from the Colby office and I have been denied. They know the problem we have had in our area as I have informed Dick Kelley and Leonard Hopper. The game commission only want more deer and expect the farmer to pay the cost and not get the return. The deer population has to be cut by 50% in the next two years in our area. A minimum of 10 damage control permits per farmer should be issued.
5. It is not good business to just shoot the deer and leave them lay after all the expense the farmer have put in them. I believe the Game commission calls this "dropping the deer" I do not think those people realize that if the farmer did not furnish the feed these people would not have a job.
6. Rework the spread of "Doe Season" that was from 31<sup>st</sup> of Dec. through Jan 9. This season was only a "money scam" put into force for hunters to buy a 2000-hunting license. On our place heavily hunted only one hunter showed and did not get a doe. This season was a bust.
7. The liability of allowing hunters onto ones property should be born by the Game Commission. As they say, the deer belong to them.
8. Steve Williams does not have a clue about who lets people hunt and not hunt. We allow

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7. The liability of allowing hunters onto ones property should be born by the Game Commission. As they say, the deer belong to them.
8. Steve Williams does not have a clue about who lets people hunt and not hunt. We allow hunters to hunt on our property. About 90% of the hunters are looking for a bigger set of antlers than the ones they have on their wall at home. Yes, Mr. Willams they do steal things. We had a cast iron pump by an old house a couple of miles up in the pasture. They come

prepared to find one to take home with them. They pulled the pump and pipe, took the pump and left the pipe lay on the ground.

9. My wife's yard and garden are eaten every year. Her rose bushes are only about one foot from the front door and never get much more than a bud on them at a time as the deer eat them off. They destroy watermelons, corn and many flowers.
10. We are now in the wintertime having about 300 to 400 turkeys on our place as one flock. Many mornings we have to chase them from our silage pile. The turkeys cause contamination of the feed with their manure when they are on the silage.

In closing, we have a wild life paradise that has worn its welcome out. If you call, the Colby office you get an answering machine, which is used as a calling screen. When you call back long distance and get to talk to Leonard Hopper he tells you "I don't want to hear about your deer problems. These "damage control permits" should be used to keep the number of deer under control and not as a piece of candy to the farmers. When damage control permits are received, they should be issued to the whole area. Each farmer should be given anywhere from 10-15 per farm no strings attached.

Just a little about our place in Rawlins County and the Beaver Creek There is 3,300 acres of grass and cropland. The county road comes to our place and there are no county roads through the place or around it. If you hunt this place, you drive on trails through the fields and pastures. The hunters stop in the yard or they cross the creek often times we ask them if they have seen any deer they will generally say yes but we could not shoot what we saw. This is our land they are driving on trip after trip to shoot the Game commission deer or turkey. The people with the game commission do not understand why people do not like to have these hunter driving through their property. In the summer, the deer will keep our alfalfa hay eaten down. There will be a strip the size of three to four swather widths eaten along the edge of the field next to the trees. The farmer has the damage to his crops and has no legal control to prevent the over population of deer. We have lived here for forty-two years and I am sure the damage has been at least one to two thousand dollars a year. The damage is due to loss of crops, time spent rebuilding fences, loss of garden, damage to small trees and flowers. There is also damage to vehicles, loss of calf weights during weaning time when calves are spooked by all the deer and get out. The cost of insurance on property and vehicles increases. This is at least a cost of forty two to eighty four thousand dollars on our farm. The solution is getting the deer population down. Thank you for your time. We look forward to hearing a response from you and your committee.

Sincerely,

*Kendall L. Klein  
Dee Lores Klein*

Kendall & DeeLores Klein

Rt. 2 Box 20

Atwood, Ks. 67730

785-626-3893



I apologize for being unable to attend in person. I am Bruce Miller and feel I have a well-rounded perspective on the deer issue. We have a 150-cow dairy and farm 1,100 acres. I have been an avid bow hunter for 15 years and now a licensed outfitter and have been guiding out of state deer hunters for the past two years.

Kansas has a very high quality deer herd. I applaud Kansas Dept. Wildlife & Parks for an excellent job. I do not feel we have deer population problem. I do feel we have a deer perception issue. Landowners for years have been expected to provide habitat and food for a deer herd they receive nothing from, but provide recreation for others. This has created a backlash reaction when a farmer sees a deer trail running through his cornfield. One might think the deer are taking his profits and wants them eradicated.

Giving legitimate landowners the option to transfer a limited number of tags is a fair trade for supporting the deer herd. The transfer fee on these tags should be equal to the non-resident fee, so the state would still get as much revenue.

Unlike the walk-in hunter program, this would allow landowners to control the number of people on their property and still be financially compensated. I understand this is not traditional hunting, but as a farmer I can tell you these are no longer traditional times.

Thank you.

*Bruce Miller*  
*Harnett, KS*

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Lee Robbins  
1181 Hwy 54  
Yates Center, KS. 66783

Home Phone = 316-625-3628  
Cellular = 316-496-6695

### Senate Committee Members

I am an agricultural producer in Woodson County and operate around 2000 acres. I am also a commercial guide in Kansas, own a hunting lodge, and part of an outfitters business. I am a lifetime resident of Kansas and truly love where and what I do. The potential in the hunting business is much bigger if KDWP would allow it to be. This must be changed. The key is to allow the landowners to share in the control and benefits from hunting. KDWP sells permits to hunt on our private land with little or no consent from us. The landowners provide the habitat for this renewable resource therefore we should be allowed to benefit from our part if we choose to do so. KDWP will contend that the landowners prohibit them from controlling the deer population by not allowing hunters access. This is probably true to some extent because they can't control who hunts on any certain property.

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If KDWP had their way anyone could hunt anywhere. This would pose problems for myself being in the livestock business and also a hunter. I would not feel safe to work, let alone hunt, not knowing who is ahead or behind me on my property with a high powered rifle or any weapon. This factor is the main deterrent to KDWP Walk In Hunting Program ~~seems~~ followed by too much hunting pressure on land enrolled in this program. KDWP for the most part has made all the permit rules, has in the past received most of the monetary return and now competes with private business. They lease land for the Walk In Hunting and sell the permits to hunt on this land. Landowners should at least have the opportunity to buy permits to hunt on their own ~~propert~~ property, to help control who hunts their. Seems like KDWP has a monopoly from the landowners point of view. I do not feel that landowners and operators in production agriculture could ever safely allow free range hunting to the extent needed to control our problem deer population, This is why the landowners need a fair shake, and need to be included in controlling this deer population problem

These reasons and more are why myself and many, many, more landowners and producers support S.B. # 518. I have not talked with one landowner in production agriculture that does not support my thoughts.

I believe there are some major changes that need to be made on bill 518.

1. We need to focus on harvesting does not the bucks, the bucks are a big asset and eliminating them makes no sense. So change the buck to doe tag ratio on this bill to maybe issuing 5 or more doe tags to 1 buck tag.

2. No landowner or tenant should be allowed to monetarily benefit from the sale of any permit that allows the hunting of wild game of any species. Therefore the landowners and tenants should only ~~also~~ be allowed to transfer these permits and not to sale them. The wild game are the citizens, not the landowners. If the landowners or ~~tenant~~ tenants desire to monetarily benefit from receiving these permits it should be from the use of their land and habitat. The landowners or tenants should pay the appropriate fee to KDWP depending on who they want

to transfer these permits to, whether it be ~~is~~ a resident or non resident hunter.

3. This bill may cause too much pressure on the deer and the 80 acres may need to be changed to 240 acres but too few of deer are not our problem today so maybe it should be tried like it is 1<sup>st</sup>.

4. The permits issued under this system should be specific to the land that they were requested for.

In closing on S.B. 518 I am sure that not all permits that could be applied for will be, because not all landowners and tenants are interested. Furthermore of the permits that are issued and ~~are~~ transferred not all landowners or ~~tenants~~ tenants will charge for access, to use these permits on their land. Once you charge for access you assume liability and need to have insurance, so this will deter landowners from charging for access. I can see KDWP hunter referral program working well in this system. If KDWP will work with landowners or tenants then I think their access problem will be greatly resolved. I feel it is KDWP unwillingness to recognize landowners and tenants needs to be the access problem.

S.B. 597

I support it because it maybe the only way to get KDWP to deal with the problems. I think all permits and hunters should share in this appropriation and not just the non-resident holders.

Thank You for Your Time & Consideration

Alc Robbins

**Senate Committee on Energy and Natural Resources**  
February 16, 2000

**Testimony on Senate Bill No. 518**  
Steve Williams, Secretary  
Department of Wildlife and Parks

Thank you for the opportunity to testify on SB 518 concerning the sale of hunt-on-your-own-land permits and the prohibition of nonresident guides.

Senate Bill 518 establishes a new category of deer permit, the "special landowner or tenant hunt-on-your-own-land permit that shall be transferable." This permit would be sold on the open market to resident or nonresident deer hunters. This unprecedented action provides a mechanism for private individuals to profit directly from selling a department permit rather than, or in addition to, profiting from selling hunting access (leasing). This profit-driven action would directly conflict with the department's goal of reducing white-tailed deer numbers throughout the state and providing equal opportunity for residents.

In general, this bill would establish resident and nonresident landowners as the primary source of deer permits. This market and its associated revenue would create an incentive for landowners to increase deer numbers -- more deer, more opportunity to sell permits. There would be no incentive to decrease deer numbers because deer numbers would dictate current and future revenue generated from the sale of these guaranteed permits. In addition, this bill's provisions would lead to an increase in restricted hunting access to land. As I have stated previously before this committee, restrictive hunting access on private land is becoming the key limiting factor to deer population reduction. The landowner who profits from this entitlement may appreciate the money associated with higher deer numbers, but what about neighboring farmers and motorists in the area concerned about too many deer?

Specific provisions of the bill are also troubling. SB 518 guarantees two permits for each 80 acres of land owned or managed by a resident or noresident. Each of these permits includes two tags, one for a buck and one for a doe. Under current law, landowners are currently eligible for one permit per 80 acres which can be used to harvest a buck, SB 518 provides an additional four permits per 80 acres, two that can be used to harvest a buck. One person owning a section of land would be eligible for 32 additional tags. In 1999, we issued more than 17,000 hunt-on-your-own-land permits. Assuming that each of these permittees participates, the department would issue more than 85,000 permits (half of the total 1999 permit allocation) solely to landowners, the majority of which could be used to shoot a buck. Other landowners, not currently participating in this program will be enticed to apply due to the lure of making money.

We restrict the number of antlered (buck) permit types to 1) focus hunting pressure on antlerless (doe) deer and 2) maintain the trophy buck population. Consequently, as more buck permits are issued to landowners, opportunities for residents to hunt for a buck would be greatly diminished. Resident hunters would have to compete with nonresidents, many wealthy enough to "outbid"

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resident hunters. In effect, the Kansas hunter would become a "nonresident" in his/her own state.

Since SB 518 allows these permits to be "transferable on the face of the permit" it provides no oversight for the transfer of permits among individuals. It does not take much creative thought to conjure up situations leading to widespread abuse of these permits. Permits could be transferred in the field, daily or weekly, they could be passed among landowners for private resale, and deer permit brokers would become a lucrative business for some individuals. Enforcement and system integrity is not considered in SB 518. This potential is troubling to the department and to residents that enjoy this public resource.

SB 518 prohibits all nonresident guides and outfitters from operating within Kansas. The department concurs with and is aware of occasional problems concerning nonresident guides in Kansas. Greed and abuse often raises its ugly head in wildlife commercialization. In spite of our concerns, it is the opinion of this department, other states, and the court system that this provision is unconstitutional. State laws attempting to prohibit nonresident guides have already been struck down by courts in Wyoming and Arizona.

In summary, SB 518 has numerous problems. First, the bill clearly establishes an incentive for private individuals to allow the deer population to grow due to the potential to make money. This directly opposes the department's objective and legislative direction provided to the department to reduce deer numbers. Second, the bill restricts the opportunity and/or raises the expense for resident deer hunters. Those of us who do not own 80 acres, the majority of urban and rural Kansans, will be restricted in the ability to hunt deer. This restriction will increase the difficulty in controlling deer numbers. Finally, we believe that prohibiting nonresident guides is unconstitutional and would not withstand a legal challenge. The challenge that is sure to come when nonresidents learn about the "private pay to hunt" provisions of SB 518.

I urge this committee to reject SB 518, a bill that overshoots the mark and does not address deer population reduction. Thank you for the opportunity to comment.



# KANSAS BOWHUNTERS ASSOCIATION

**To: Senate Committee on Energy and Natural Resources**

**RE: Senate Bill Number 518**

The **Kansas Bowhunters Association** opposes Senate Bill 518 and asks that you consider our reasoning on this position.

While we (the KBA) feel no landowner should suffer the burden of a burgeoning deer herd to the point of severe financial loss, we also feel that bills like SB518 promotes a trend towards "lease hunting". The ability to sell multiple tags to the highest bidding "client(s)" only hurts the efforts to reduce the deer herd. Land tied up in leases by outfitters, clubs or individuals for the sole purpose of hunting by their clientele reduces the total number of hunters available to harvest deer. In effect, the exact opposite outcome that KDWP is striving for could happen. More deer.

Guaranteeing an increased number of tags to individuals for resale to anyone year in and year out only promotes this concept. Some of these operations are already established and some of the effects can be substantiated. Yes, the landowner receives some compensation but with a deer herd that has the potential to increase instead of decrease the idea that crop damage problems will be reduced or paid for is ridiculous.

The possibilities of taking 4 deer per eighty acres in certain areas of the state might make sense to some. We (the KBA) feel there are many parts of the state that this idea would extirpate deer from the area. On a section of land there could be 32 deer killed. That isn't even possible in most areas of our state. This legislation is "broad brush" in its solution and could harm our state resources in regional areas that don't harbor as many animals.

We ask that you review new programs that KDWP is working on. We feel that these ideas accomplish the same goals in a way that maintains our hunting heritage.

Respectfully Submitted,  
Shawn W. Harding, Legislative Committee Chair

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*Jim Beason*

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, Senate Bill 597 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.

SB 597 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 (HB 2937) makes it into law. Thank you again for your careful consideration of this serious problem.

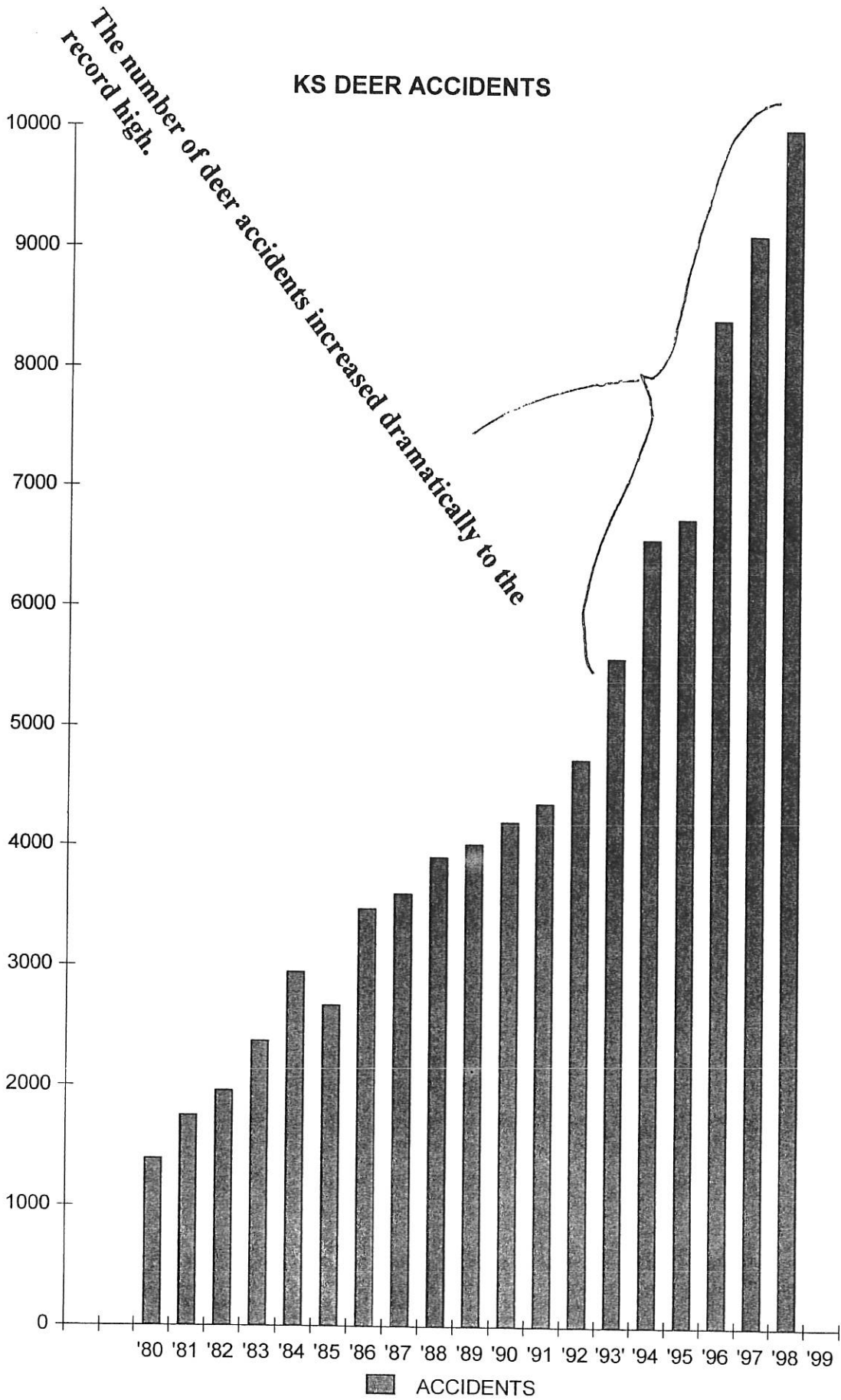
Beason Farm  
Herb and Jim Beason  
1667 Road 28  
Elk City, KS 67344  
(316) 627-2466

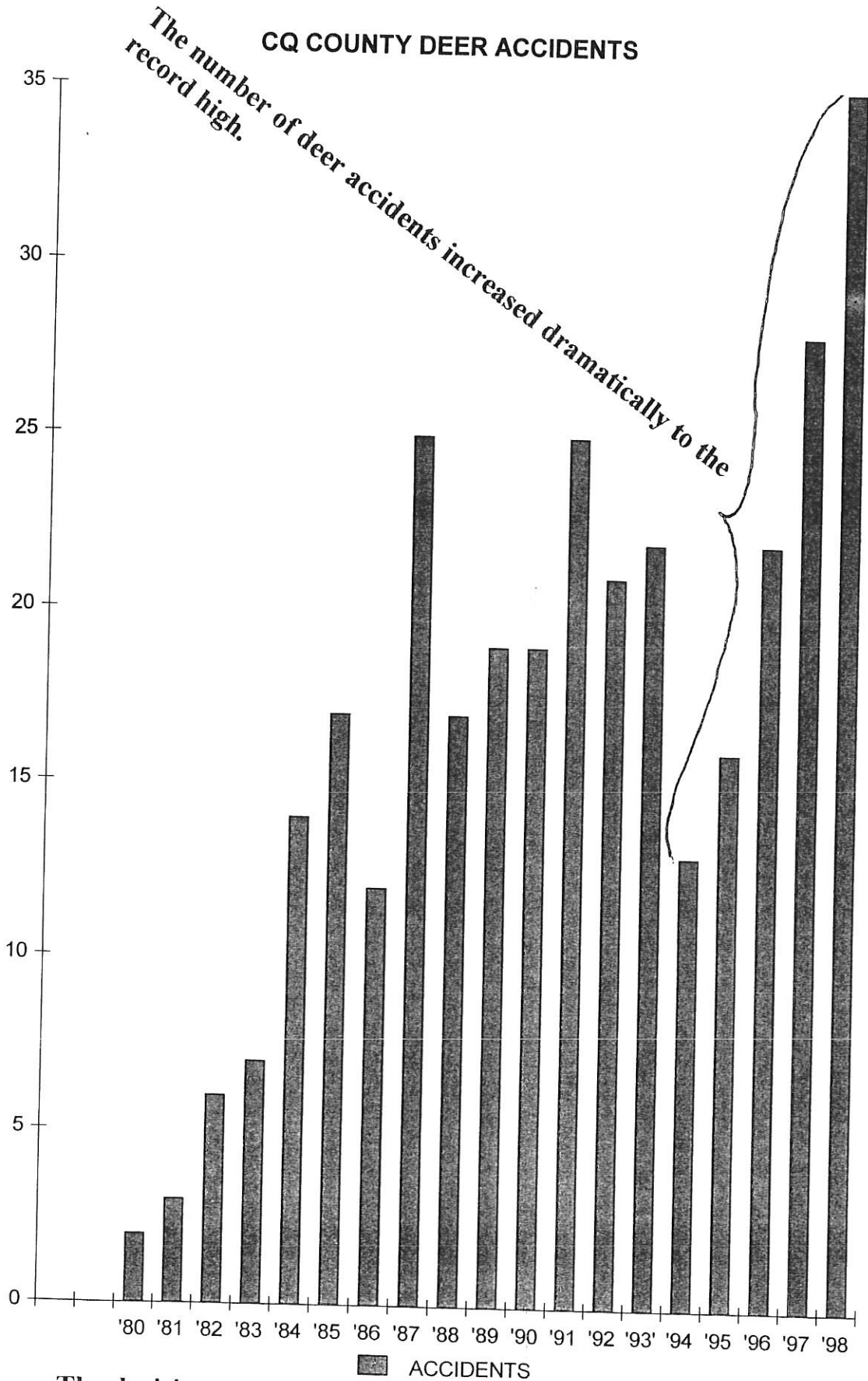
UPDATED ESTIMATE OF LOSS FROM DEER--BEASON FARM--1999

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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

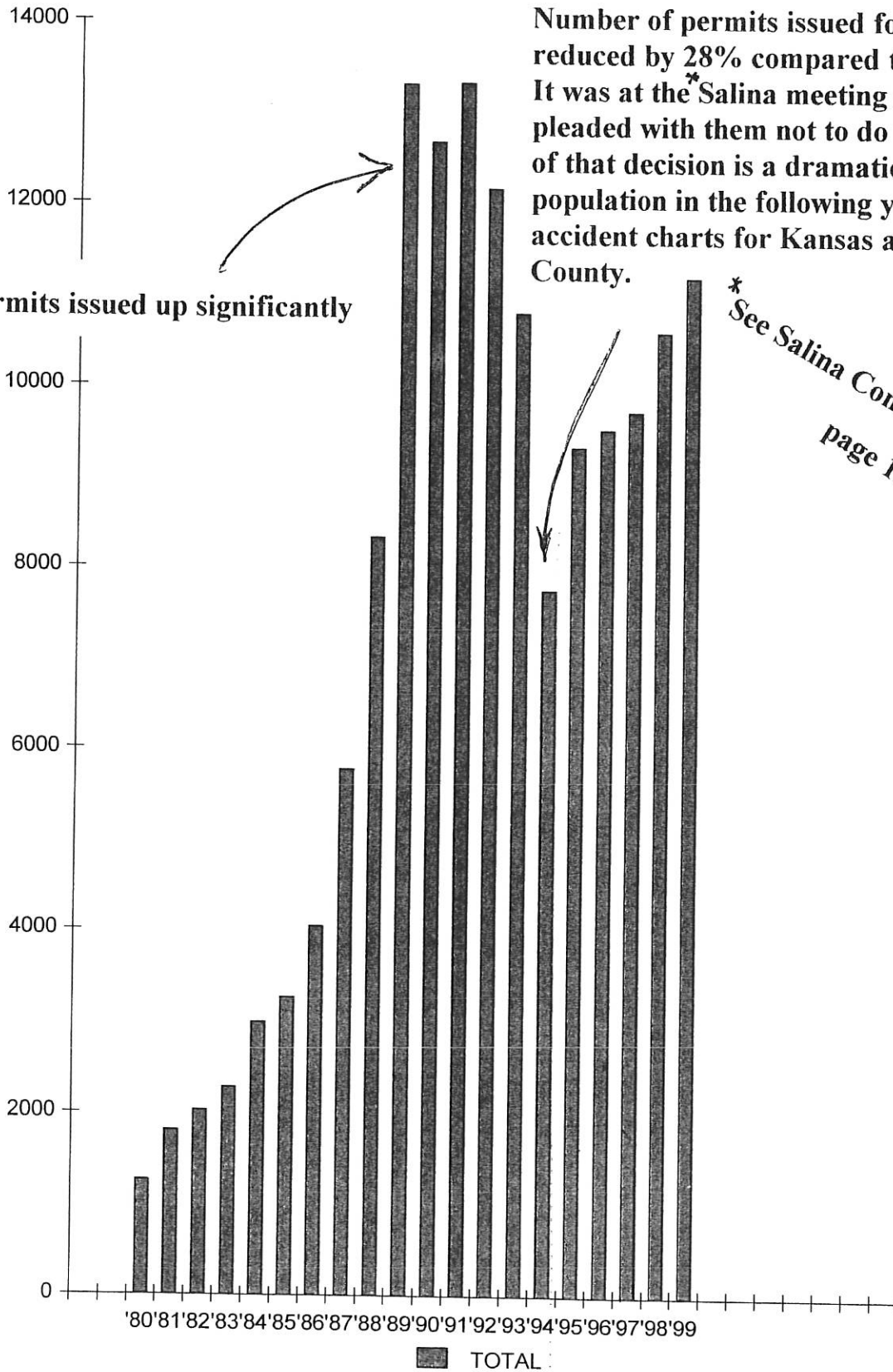
### KS DEER ACCIDENTS





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 <sup>\*</sup>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*

**Senate Committee on Energy and Natural Resources**  
February 17, 2000

**Testimony on Senate Bill No. 597**  
Steve Williams, Secretary  
Department of Wildlife and Parks

Thank you for the opportunity to testify on SB 597 concerning nonresident deer permits and damage compensation payments.

SB 597 raises the current statutory cap on the allocation of nonresident deer permits from up to 5 percent of resident permits to up to 20 percent of resident permits. In addition, the bill establishes a "deer damage reimbursement fund" within the Wildlife Fee Fund from revenue associated with nonresident deer permits. Damage payments would be decided by the Joint Committee on Special Claims Against the State.

Although damage compensation may appear to be the "fair" thing to do for those experiencing crop damage, significant factors should be considered before the state enacts this as a permanent public policy decision. Although many states are struggling with wildlife-related crop damage, only 10 states have taken legislative action to compensate landowners for deer or elk damage. More than half of these states are located in the Intermountain West where elk are the primary cause. No Midwestern state pays deer damage compensation. Please consider the following policy and practical issues that have confronted states and have led to their rejection of this decision.

There are practical and cost-effective measures to solve crop damage problems. The department is employing those measures currently and has initiatives to expand deer control measures statewide. I testified previously about our efforts over the last five years and I reiterate our commitment to reduce deer numbers to tolerable levels. However, deer damage may result in spite of decisions made by the state. The affected landowner and his/her neighbors may also contribute to the problem. Landowners who do not provide access for hunters to kill deer create refuges for deer herds leading to future population growth and impact on neighboring landowners. Please do not dismiss the scope and importance of this factor; it is significant, and we are currently observing it in a number of locations.

Compensation does not solve crop damage. It does provide a guaranteed, long-term expenditure of public funds with no apparent end or solution in sight. In fact, compensation may provide a disincentive for some landowners to take action to kill deer and reduce deer numbers. Currently, landowners are provided significant rights with respect to property protection from wildlife. The department has expanded this capability using big game control permits (available at no cost to the landowner) and the hunter referral system (a program to match hunters and landowners.) The Walk-In-Hunting-Area program even provides a financial incentive to allow hunting on private property. Further, a compensation program for crop damage may set a precedent for other claims against the state involving deer, other wildlife, and/or environmental issues. It is not a large step from this concept to that of providing compensation for other "naturally caused damages" such as costs

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associated with water pollution, soil erosion, offensive odors, property devaluation, etc. Is the state prepared to address increased private claims against state agencies based on a private individual's perception of that agency's performance?

Practical issues involving damage estimation, program oversight and review, crop value assessment, and payment administration are not addressed by SB 597. Damage estimation is inexact at best and not good science. I served as the Massachusetts deer damage agent for four years. I have first-hand experience with the difficulties of estimating deer damage. Deer damage estimation is confounded by various factors including: crop planting dates, crop husbandry practices, weather conditions prior to and during growing seasons, insect damage, other wildlife damage, use and misuse of herbicides or pesticides, crop record keeping, volatile crop markets, and the timing of deer damage. Individuals involved in damage assessment may also conspire to abuse the system. These factors make it difficult to standardize and objectively conduct crop damage assessment. This difficulty leads to landowner dissatisfaction and complaints about unfairness within the compensation program.

SB 597 does not address the eligibility requirements, program components, nor the responsible parties for damage assessment. Although the Special Claims Committee is tasked with deciding on the appropriate amount of compensation, no decision-making guidelines are provided in SB 597. The bill contemplates ear-marking 50 percent of nonresident deer permit revenue for this program. That amount of money would be substantial, as would claims against the state. I do not see adequate safeguards for the claim decision-making process. From a legal perspective, the department will continue to assert that we have not committed a negligent act or omission in managing the public's resource. We have not acted outside our legal role as defined by statute. Based on this perspective, the state should continue to reject damage claims.

Finally, legislative action that dictates the use of license dollars from the Wildlife Fee Fund (a restricted use fund by both state and federal designation) may constitute an illegal diversion of these funds. In any event, expenditures for deer damage are not eligible for federal reimbursement. These actions could endanger future federal funds pursuant to the federal Wildlife Restoration Act and the Sportfish Restoration Act. On a more philosophical level, should hunters be required to pay for damage caused by deer? These individuals are the very agents of deer population reduction; they pay for the opportunity to kill deer. Should they be expected to pay compensation for damage occurring on lands where hunting is restricted or prohibited? The federal response is that funds are apportioned to states only if the state fish and wildlife agency exercises control and expenditure authority over license fees for wildlife damage management.

In conclusion, I appreciate the intent of this legislation and sympathize with those experiencing crop damage. However, I do not believe that this legislation is sound public policy. SB 597 does not provide the appropriate guidelines or process by which a compensation program could be fairly administered. The program it seeks to establish does not solve crop damage, it only provides an incentive to individuals to ignore the real solution -- allowing hunters access to kill deer. This solution needs to be expanded throughout the state through a concerted department-landowner effort. I respectfully request that you do not recommend this bill for Senate consideration.

Thank you for the opportunity to comment.



# PUBLIC POLICY STATEMENT

## SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

**RE: SB 597 – Compensating landowners for deer damage to crops and authorizing an increase in the number of nonresident deer permits.**

**February 17, 2000  
Topeka, Kansas**

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

Chairman Corbin and members of the Senate Committee on Energy and Natural Resources, we are here to express strong Farm Bureau support for SB 597. We thank the sponsor for introducing the bill and the committee for conducting this hearing today.

My name is Bill Fuller. I serve as the Associate Director of the Public Policy Division for Kansas Farm Bureau.

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 landowners and public to demand more action that will actually reduce the size of the herd and the resulting damage to crops and vehicles.

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 5-6 to deny the claim and avoided 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. Key Farm Bureau policy relating to deer includes:

- ***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.***

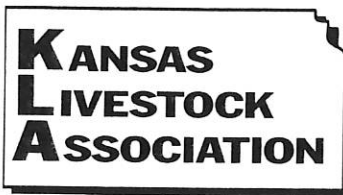
- ***We urge the Wildlife and Parks Department to establish a toll-free telephone number to be used by citizens to report wildlife damage to crops and other property.***

Based upon member- adopted policy, Farm Bureau strongly supports SB 597 which includes these important provisions:

- Creates a Deer Damage Reimbursement Fund with fees from nonresident deer permits.
- Increases the number of nonresident deer permits to 20 percent (currently 5 percent) of the total number of resident deer permits.

We respectfully ask the bill be amended to include a section that would establish a toll-free telephone number for landowners to report agricultural damage. Since landowners provide the habitat, furnish the feed and suffer the damage, we believe a toll-free number to the Kansas Department of Wildlife and Parks is essential as farmers and ranchers seek assistance, implement control programs or report damage.

We have outlined the support of the farm and ranch members of Kansas Farm Bureau for this important bill. Thank you for listening to our concerns and considering our recommendations. We respectfully ask the committee to approve SB 597 and advance the measure to the full Senate.



Since 1894

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

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

Subj: **Support of Senate Bill 597**

Date: February 17, 2000

Mr. Chairman, and Committee members, I represent the Kansas Livestock Association (KLA) and we are testifying this morning in support of this legislation. It has two key provisions, which our members have voted to support. First, the bill creates a deer damage reimbursement fund. Secondly, the proposal increases the number of nonresident deer hunting permits the Kansas Department of Wildlife and Parks (KDWP) may issue.

During the last ten years KLA members have periodically considered proposals to create a state managed fund to compensate agriculture producers who experience financial damages to their crops and feed supplies from deer. Historically, they have rejected this notion. Last December, however, members voted at our annual meeting to support a compensation program. Perhaps the deer population has grown the extent that more producers are feeling the financial pain from the state's large deer herd. I contend now is the time to consider this issue and look favorably on SB 597.

The bill suggests the Claims Against the State Committee would review and consider deer damage claims. This should provide a means to consider each claim on its merits and deny frivolous and poorly documented claims. Producers who can provide evidence like the Beason Brothers should be eligible for a payment from the newly created fund.

The funding mechanism is a clever approach. It establishes a mechanism to allow nonresident deer hunters to pay into the fund. We especially support the provision raising the threshold of allowable nonresident firearm and archery permits. In addition to funding the deer damage compensation fund, it stimulates fee or lease hunting opportunities for our guides and landowners.

I'm not sure how this fee would impact KDWP's budget. I would suggest, however, KDWP could raise the nonresident fee and increase the issuance of nonresident permits in a manner to minimize the financial impact of KDWP. One suggestion ... this Committee may want to restrict the nonresident fee increase to antlered deer only. We do not want an antlerless fee that inhibits the harvest of our female deer population.

In closing, this bill provides the mechanism and the focal point for a debate on establishing a new deer damage compensation fund. We urge this Committee to give SB 597 your careful and favorable consideration.

Thank you!

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6031 SW 37<sup>th</sup> Street ♦ Topeka, KS 66614-5129 ♦ (785) 273-5115 ♦ Fax (785) 273-3399 ♦ Date: 2-17-2000

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