

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on January 26, 2010, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Corey Carnahan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Pat Matzek, Committee Assistant - Excused

Conferees appearing before the Committee:

PROPOSERS:

Representative Joe Seiwert
Carl Marks, an individual

OPPOSERS:

Christopher J. Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks
Doug Phelps, Manhattan, Kansas

Others attending:

See attached list.

Chairman Powell opened the meeting with the hearing on **HB 2458** and requested Daniel Yoza, Office of the Revisor of Statutes, to give a briefing of the bill to members of the Committee.

Mr. Yoza stated the purpose of this bill is to require any person who holds an archery license to take a doe before taking a buck.

Representative Joe Seiwert testified in favor of **HB 2458** (Attachment 1), stating his main objective is to make the roads safer for the people of Kansas. Representative Seiwert further stated the need to weed out or cull the does and promote herd quality, which he believes this bill would accomplish and ultimately lessen the number of growing vehicle-deer collisions instead of the vicious circle of overpopulating lower ranking bucks, does and accidents.

Carl Marks presented testimony in favor of **HB 2458**, indicating that in the areas in the counties in Kansas, 53 counties out of the 105 reported cost of vehicle repairs due to deer-related accidents (Attachments 2 and 3). Mr. Marks further commented that he wasn't sure if he for or against the bill but sees poor quality in deer population and there is no incentive to kill does; hunters want the bucks. A resident hunter could buy game tags a year ago for \$10.00 and last year it went up to \$17.50. If hunters want to kill deer, why would there be a price increase to shoot them. Out of state hunters when buying a doe tag or antlerless tag, the cost is \$77.50. They already spent \$72.50 for the hunting license and \$ 322.50 for a deer permit and then would be required to pay \$77.50 to harvest the does. Mr. Marks' suggestion is to give the rifle hunters part of November as well as part of December and be lenient on the cost of the permit.

Christopher J. Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks (Department), spoke in opposition of **HB 2458** (Attachment 4), stating while the proposal might increase revenue to the Department because more hunters would be forced to purchase antlerless permits, it might actually discourage hunters from participating from both a financial as well as operational viewpoint. Mr. Tymeson further added that a proposal such as this has many other limiting factors, such as access to land, weather, habitat, local deer herd structure, timing, etc. Mr. Tymeson stated the Department already has in place many methods to deal with increasing harvest in areas and a one size-fits-all proposal such as this would most likely end up being a limiting factor in controlling deer numbers.

Doug Phelps, Manhattan, Kansas, appeared as an opponent of **HB 2458** (Attachment 5), stating establishing a doe category creates a regulatory conundrum since the only categories are antlered and antlerless deer and

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on January 26, 2010, in Room 783 of the Docking State Office Building.

further that adding a third category only complicates an already difficult set of regulations. Mr. Phelps further stated that enforcing this requirement would be a logistical nightmare, diverting funds and manpower for the State's smallest agency, one that has suffered revenue restrictions far longer than the current existing crisis.

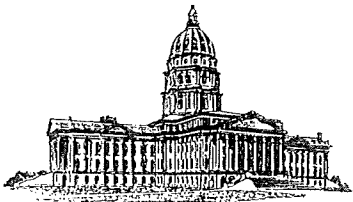
At the conclusion of questions and comments made by members of the Committee, the hearing was closed on **HB 2458**.

The next meeting is scheduled for January 27, 2010.

The meeting was adjourned at 4:40 p.m.

State of Kansas
House of Representatives

State Capitol
Topeka, KS 66612
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Joe Seiwert
Representative, 101st District

- COMMITTEES:
- Energy and Utilities
 - Economic Development and Tourism
 - Veterans, Military & Homeland Security
 - Local Government
 - Vision 2020

Thank you Chairman Powell and the committee for allowing me to come here today and testify in regards to HB 2458, changing deer hunting rules, asking to require that a bow hunter take a doe kill before a buck.

I support this action for several reasons listed below, but my main objective is to make the roads safer for the people of Kansas.

There are so many deer, that most bow hunters can pick and choose the one they want to shoot. I DO NOT have a problem with this as it is definitely the pride of all hunters to bag the trophy. However, what will happen over time, the doe population will climb as it has.

The current method of controlling the population by hunting is not working on does as statistics show. However, W & P implemented an extended doe season this year, but the results are not in yet. Still, there is no incentive to shoot a doe.

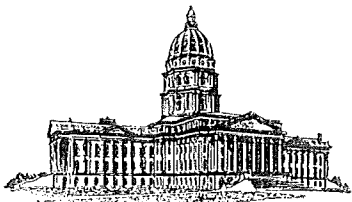
We need to weed out or cull the does and promote herd quality. This bill will accomplish this - and ultimately lessen the number of growing vehicle - deer collisions instead of the vicious circle of overpopulating lower ranking bucks, does and accidents.

Chairman, ladies and gentlemen of the committee, we have a duty

Ag & Natural Resources Committee
Date 2-2-10
Attachment 1

State of Kansas
House of Representatives

State Capitol
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Joe Seiwert
Representative, 101st District

- COMMITTEES:
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 - Vision 2020

to our citizens of Kansas to make the roads safe to drive on. We implement seat belt laws, texting and cell phone laws and further in depth laws to secure safety on the roads, yet we let over 12,000 accidents happen last year, and over 100,000 in the last ten years alone due to deer accidents.

We are obligated to try to reduce these accidents. Is it because we are afraid of killing a few bucks that don't have antlers, or do we possibly think we will run out of deer?? Does any one of you on this committee want to tell the families of the people killed or injured in deer collisions that deer or buck numbers are more important to you than the memory of their family members and how they died.

In conclusion, I support HB2458. I am trying to work with Wildlife and Parks to make the roads safe and also build a quality deer population for the State of Kansas. With this addition, I believe we can start to improve highway safety along with a quality hunting program by reducing the doe population.

Joe Seiwert
Kansas State Representative
101st District

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Attached are the numbers from the Kansas Department of Transportation and a Kansas Insurance Company.

According to the Insurance Companies, deer accidents increased 41% from 2004 to 2008, in just four years. According to KDOT, during 2008, there were 65,858 accidents in Kansas, 30,182 which were Single Vehicle Accidents. Of those SVA, 9,371 over \$1000.00 were caused by deer, or 12,052 reported by insurance companies. 40% of all SVA are deer accidents. That is a deer accident every 43 minutes in Kansas. One out of every 149 registered Kansas drivers had an accident with a deer. In 2008, 3% of all Kansas highway deaths were caused by deer. Over 102,000 accidents in the last ten years.

According to the Federal Highway Administration Accident Cost, deer accidents costs in Kansas were \$333,127,900. A Kansas Highway Patrolman told me it takes an average of around an hour and a half to work a non injury deer accident. That comes to 18,078 law enforcement man hours, approximately \$500,000 in wages and benefits for 8.7 full time officers just to work the deer accidents. None of these figures even include Crop damages to farmers. With the crop damage and losses, deer damage will total more than the State Budget shortfalls.

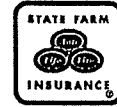
KDOT records show Reno County as the third highest county for deer accidents in the State with 285 reported accidents, which does not include the non-reported or under \$1000 accidents. Sedgwick County was highest with 417 and Johnson County at 362. Kingman County recorded 146.

If any employer, car company, Private business or Manufacturing company had an accident rate like this, the government would shut them down in a heartbeat, so if you ask me if I think there are too many does or bucks, I believe with this type of statistics, I have to say yes. Would you like to tell the 102,000 people in those accidents that deer are more important than them?

One last comment I would like to make is that the extended season was also to promote more local hunting for local hunters. Almost all the outfitters and farmers I talked to said they would not charge to hunt doe only, and that they also want to thin the herd. It also encourages more local people to hunt because it gives them three full weekends to fill their tag which in turn makes their cost of the hunting license a better value and more opportunity to put some meat in their freezer.

Rep Joe Seiwert

Pretty Prairie



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News Release

For Immediate Release

DEER-VEHICLE COLLISION FREQUENCY JUMPS 18 PERCENT IN FIVE YEARS

WEST VIRGINIA CONTINUES TO LEAD COLLISION LIKELIHOOD LIST

Bloomington, Ill., Sept. 28, 2009 – The number of vehicles on U.S. roadways has grown by 7 percent over the last five years. But the number of times those vehicles have collided with deer has swelled by much more than that.

Using its claims data, State Farm®, the nation's leading auto insurer estimates 2.4 million collisions between deer and vehicles occurred in the U.S. during the two-year period between July 1, 2007 and June 30, 2009 (100,000 per month). That's 18.3 percent more than five years earlier. To put it another way, one of these unfortunate encounters occurs every 26 seconds (although they are much more likely during the last three months of the year and in the early evening).

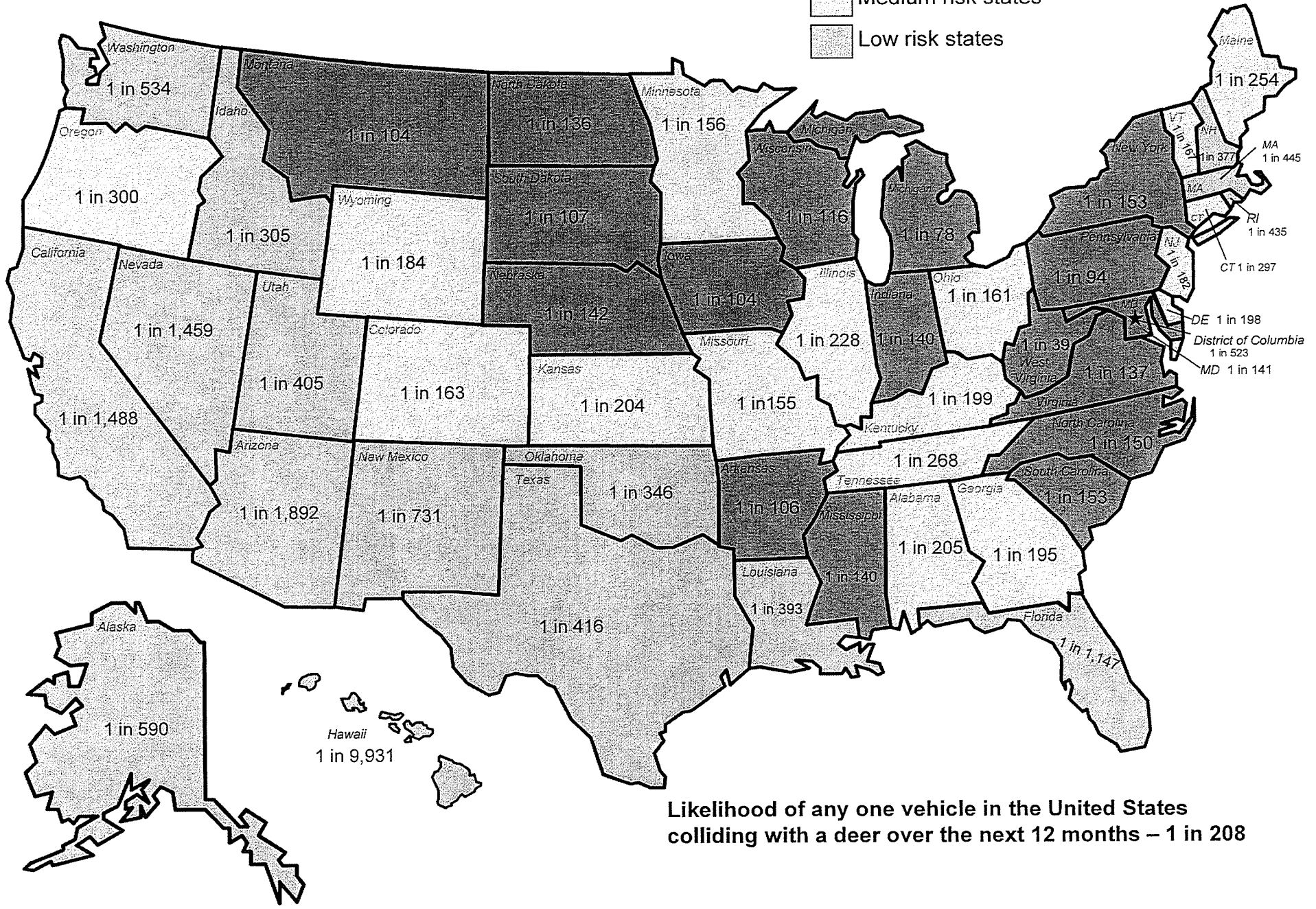
MORE DEER-VEHICLE COLLISIONS

Among the 35 states where at least 7,000 deer-vehicle collisions occur per year (we are not including the percentage changes in the other 15 states plus D.C. because the lower volume of total collisions makes the percentage changes less credible), New Jersey and Nebraska have posted the largest increases, 54 percent. Kansas is next at 41 percent. Deer-vehicle collisions have jumped by 38 percent in Florida, Mississippi and Arkansas. Then come Oklahoma (34 percent) and West Virginia, North Carolina and Texas (33 percent).

[U.S. map showing percentage change in deer-vehicle collisions by state](#)

Likelihood of Deer-Vehicle Collision

- High risk states
- Medium risk states
- Low risk states



Likelihood of any one vehicle in the United States colliding with a deer over the next 12 months – 1 in 208

Bill

● From Page A1

opponents again included KDWP.

A regulatory compromise emerged, instead of an up-or-down vote on the bill. Thus, in addition to an already established 10-day January antlerless season for much of the eastern two-thirds of the state, some deer management units were extended by an extra week.

Too many deer?

While some contend that Kansas has a deer problem, wildlife officials say the state's herd is manageable.

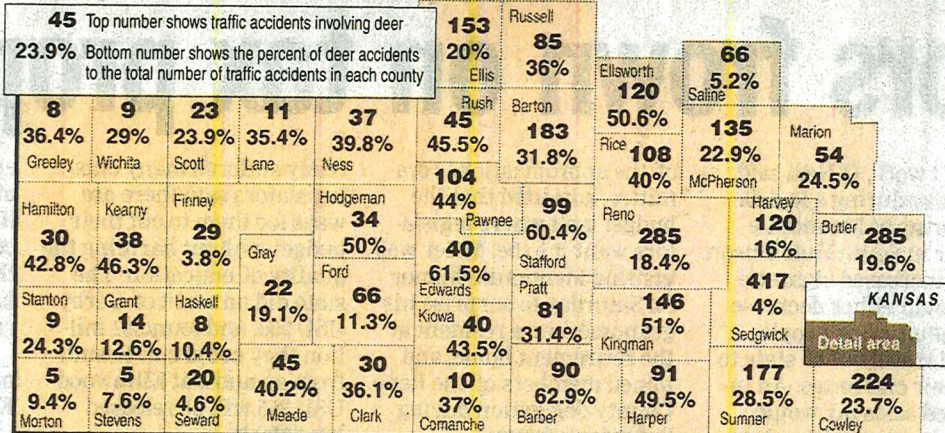
In fact, deer/vehicle collisions aren't going up, but stabilizing since KDWP began implementing programs to better manage populations, said Lloyd Fox, big game coordinator for KDWP.

There were about 1,300 deer-related accidents in 1980, according to information compiled by Fox's agency and the Kansas Department of Transportation. That number rose to a high of 10,300 in 1999, but since has dropped and stabilized, with 9,300 deer accidents in 2008. Fox attributes this to programs now in place to help cut back on deer numbers.

That includes the extended antlerless season in January, he said. Residents no longer have to draw to get a deer permit and, in some units, hunters can get licenses to take several does.

"From my perspective, and this is personal, this

2008 deer accidents – area counties



In the crosshairs

■ Hunters, wildlife officials leery of doe bill targeting state's large deer counts.

By AMY BICKEL

The Hutchinson News
 abickel@hutchnews.com

STAFFORD — Each fall they come from across the nation to Jim Call's hunting refuge, centered around this Kansas town, in search of some monster Kansas bucks.

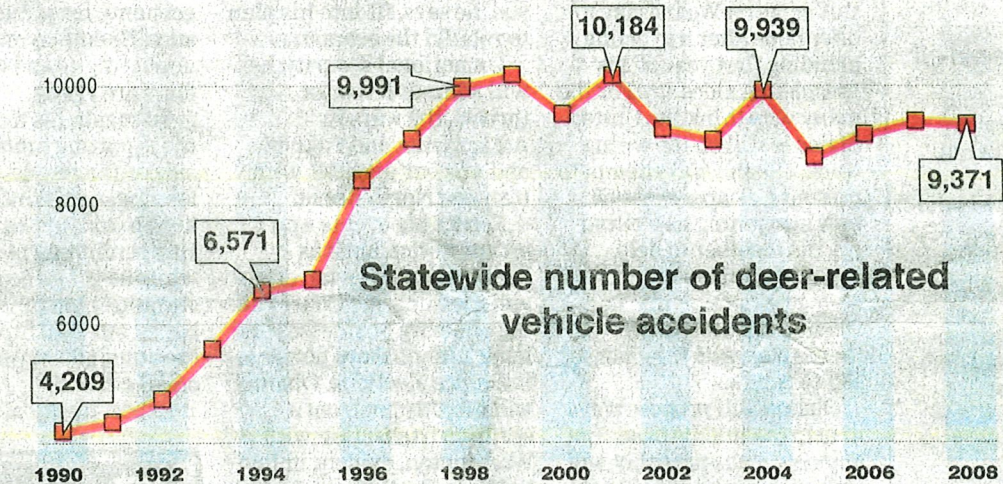
Just name a state, Call says confidently, and he's probably had a hunter.

"Alaska and Washington state to New Jersey, Texas and Georgia," he said, noting he had nine trophy bucks taken off the land he manages. "And they're spending money."

However, he questions whether those same hunters would still come to the state if they're forced to pass up bucks in an effort to reduce deer populations.

"Why would they want to come in and shoot does?" Call asked.

However, cutting down the doe population — thus cutting



Source: Kansas Department of Transportation

JH/The News

down on highway accidents — is the thinking behind a House bill slated for discussion Tuesday. If passed and signed off by the governor, the state's 7,000 resident bow hunters, along with the countless out-of-state archery hunters, would have to take a doe before taking a buck.

"We struggle with deer populations in Kansas, and we need to do something besides harvest them with cars," said

Larry Powell, R-Garden City, chairman of the House Agriculture and Natural Resources Committee who introduced the bill. "Our populations are pretty high, and this is an attempt to reduce the populations while not wasting the deer."

Doe management

The idea is not a new one. Other states have had doe-first regulations, including

Wisconsin.

Wisconsin Department of Natural Resources spokeswoman Laurel Steffes said the state's "earn-a-buck program" was effective as a doe management tool. However, outcry from hunters and a couple of low fawn production years caused the state to disband the program, except for one area in south-central Wisconsin where there is a chronic wasting disease outbreak.

"They tolerated it for a while," Steffes said. "That was the common complaint — that hunters were having to pass up on a buck of a lifetime because they hadn't taken a doe."

Powell said he got the idea from talking to a now retired refuge biologist, who told him if the state were interested in cutting down doe populations, this would be the answer.

The Kansas Department of Wildlife and Parks, however, opposes Powell's proposal.

It's just the latest endeavor by legislators to curb accidents.

In 2009, Rep. Joe Seiwert, R-Pretty Prairie, pushed for a bill that would have extended the hunting season for antlerless deer by 60 days. When the House Agriculture and Natural Resources Committee



Ag & Natural Resources Committee
 Date 2-2-10
 Attachment 3



DEPARTMENT OF WILDLIFE AND PARKS

Mark Parkinson, Governor
J. Michael Hayden, Secretary

www.kdwp.state.ks.us

**Testimony on HB 2458 regarding Deer Hunting
To
The House Committee on Agriculture and Natural Resources**

**By Christopher J. Tymeson
Chief Legal Counsel
Kansas Department of Wildlife and Parks**

January 26, 2010

HB 2458 seeks to amend two statutes related to the taking of deer. The provisions of the bill would be effective on publication in the statute book. **The Department opposes the provisions contained in the bill.**

Section 1 of the bill would require crossbow permit holders to comply with Section 2 of the bill. Section 2 of the bill would require resident archery and nonresident permit holders to take a doe prior to taking a buck, commonly known as an Earn-a-Buck program.

The Department opposes the bill for many reasons. In an Earn-a-Buck management scheme, there must be some method of checks and balances to the system, such as a checkstation program. Checkstation programs are expensive and labor intensive and it is estimated that implementing checkstations for the proposed management program would cost \$500,000 at a minimum. While the proposal might increase revenue to the Department because more hunters would be forced to purchase antlerless permits, it might actually discourage hunters from participating from both a financial as well as operational viewpoint. Further, a proposal such as this has many other limiting factors, such as access to land, weather, habitat, local deer herd structure, timing, etc. The Department already has in place many methods to deal with increasing harvest in areas and a one size-fits-all proposal such as this would most likely end up being a limiting factor in controlling deer numbers.

Additionally, it is expected that there would be significant resistance from some of the hunting public and hunting-related businesses to this proposal. First, it would require mandatory purchase of additional permits. Second, checkstations are problematic in rural areas where hunters would be required to travel many miles to comply. Third, nonresidents come to Kansas to primarily hunt antlered deer, not antlerless deer and their time is limited in the state. Fourth, nobody, resident or nonresident wants to pass up the deer of a lifetime because they haven't shot an antlerless deer first and enforcement may be difficult or impossible. And finally, it is easier said than done to kill a deer with a bow.

There are also some significant drafting issues with the bill that should be corrected if the bill sees further action.

Deer hunting, based on figures provided by the USFWS in a 2006 survey, provides approximately \$100,000,000 dollars of economic benefit to the citizens of the State of Kansas. This influx of funding into the State of Kansas is a direct result of professional, scientific management by Kansas biologists and scientific management is a basic tenant of the North American model of wildlife management.

The Department appreciates the opportunity to address the bill and the support of the Committee in opposing the bill.

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Ag & Natural Resources Committee
Date 2-2-10
Attachment 4

HB2458

Mr. Chairman,

I am here in opposition to the amendment requiring archers to harvest a doe deer prior to harvesting a buck deer.

The Kansas whitetail herd is renowned for its trophy quality. This quality is the direct result of a management plan that emphasizes an appropriate age structure, lessening the harvest of yearlings. This proposal will most likely reverse this, as many archers would take the most vulnerable does in the herd – fawns and yearlings -- that will not be bred or will only bear one fawn, leaving the more mature does to breed, dropping twins or triplets. Population reduction will not occur in the long run.

Establishing a Doe category creates a regulatory conundrum since the only categories are antlered and antlerless deer. Adding a third category only complicates an already difficult set of regulations.

Enforcing this requirement would be a logistical nightmare, diverting funds and manpower from the State's smallest agency, one that has suffered revenue restrictions far longer than the current crisis with which we are dealing.

Each season a large number of non-residents journey to Kansas in pursuit of our deer. Whether on fully outfitted hunts or on simple do-it-yourself hunts, they bring revenue to our state, quite often to those areas in direst need of economic help. Placing a substantial cost for a second permit and a restriction as draconian as this will surely create a disincentive to hunt Kansas, depriving those small communities of important revenue.

Finally, this threatens our hunting heritage, as it places an additional burden on those youth who are early in their hunting careers. Every effort of the KDWP has been to ease the process of getting youth afield. Not only does this add a financial burden, it adds a psychological impediment to an event that should only be concerned with achieving an ethical, high-percentage shot opportunity.

From Doug Phelps

Ag & Natural Resources Committee
Date 2-2-10
Attachment 5