

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Senator Robert Tyson at 8:30 a.m. on February 21, 2003 in Room 423-S of the Capitol.

Members present: Senator Schmidt, Senator Lee, Senator Tyson, Senator Taddiken, Senator Umbarger, Senator Adkins, Senator Corbin, Senator Huelskamp

Committee staff present: Raney Gilliland, Legislative Research  
Lisa Montgomery, Revisor of Statutes  
Shannon Stone, Secretary

Conferees appearing before the committee:

Bill Bider, Director of Bureau of Waste Management, Kansas Department of Health and Environment  
Judy Moler, Kansas Association of Counties  
Jim Beason, Farmer, Chatauqua County  
Leslie Kaufman, State Director, Kansas Farm Bureau  
Todd Johnson, Governmental Affairs Staff, Kansas Livestock Association  
Shawn Harding, Legislative Chairman, Kansas State Bowhunter's Association  
Mike Hayden, Kansas Department of Wildlife and Parks  
Will Carpenter, Commissioner, Wildlife and Parks Commission

Others attending: See attached guest list

**Hearing on SB 216**

Raney Gilliland, Staff, presented the overview of **SB 216**. Senator Taddiken gave comments as to the reason for the bill.

Bill Bider of the Department of Health and Environment presented testimony opposing **SB 216**. The Department stated that open burning of any material, including clean wood could adversely impact human health...by increasing airborne contaminants. Furthermore, the agency believes enactment of the bill would put the state out of compliance with federal regulations which state: *The facility or practice shall not engage in open burning of residential, commercial, institutional, or industrial solid waste.* (Attachment 1) Mr. Bider provided a handout on open burning at KDHE approved tree and brush sites. (Attachment 2)

Judy Moler, speaking on behalf of Kansas Association of Counties, gave testimony supporting **SB 216**. KAC gave their approval of the bill because it would allow counties to free up space in landfills. They urged the Committee to move favorably on the passage of the bill. (Attachment 3)

CONTINUATION SHEET

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Both conferees stood for questions from the Committee following their testimony.

Senator Tyson closed the hearing on **SB 216**.

**Hearing on SB 125**

Staff, Raney Gilliland briefed the Committee on the details of **SB 125**.

Jim Beason, a farmer from Chatauqua County, was the first conferee to give testimony supporting passage of the bill. Mr. Beason described his area an “island of cropland in an ocean of timber” and shared with the Committee the difficulties he and his brother have encountered both practically and legally, in keeping the deer off of their land. The Beasons are advocates of the bill because they feel the deer problem cannot

be solved by the Kansas Department of Wildlife and Parks, alone. They also reasoned that it was unfair for farmers to continue to foot the bill for crop damages caused by state-owned wildlife. (Attachment 4)

Leslie Kaufman of Kansas Farm Bureau said losses to certain individuals can reach up to \$30,000 annually. While KFB supported **SB 125** because it compensates landowners for losses due to big game, they did have some concerns with the bill. Among those concerns were:

Will KDWP investigate/verify claims against the fund?

Will KDWP be expected to administer the fund with existing FTEs?

KFB also had concerns about KDWP’s involvement in selling deer parts at fair market value.

(Attachment 5)

Kansas Livestock Association representative, Todd Johnson said his organization sees **SB 125** as a step in the right direction because it addressed members’ concerns dealing with “compensation to those aggrieved by the wildlife”. (Attachment 6)

Secretary Mike Hayden of the Department of Wildlife and Parks shared the agency’s view of the bill. They Department did not see the bill as offering a solution to the problem. They also felt that 1) the bill penalized the agent of deer herd reduction, hunters and 2) that landowners already had significant legal options. Finally, KDWP stated that the U.S. Fish and Wildlife Service had reviewed the bill and determined that the legislation would place the department in diversion and make the state ineligible to receive certain federal funding. For these reasons, the department opposed the bill. (Attachments 7 and 8)

Wildlife and Parks Commissioner, Will Carpenter also gave testimony opposing **SB 125**. He stated that the Commission has approved regulations that have more than tripled the number of deer permits available to hunters. Mr. Carpenter felt that access to private land was the answer to reducing deer numbers and that the compensation set forth in the bill could be a disincentive to some landowners to take effective action. (Attachment 9)

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Shawn Harding of the Kansas Bowhunter's Association gave final testimony on **SB 125**. The Association opposed the bill feeling that it would force the state to act as an insurance agent. Like KDWP, they also felt the bill unfairly penalized hunters. (Attachment 10)

### **Review of Minutes/Adjournment**

Senator Taddiken moved to approve the minutes from February 13 and 14 as they stood. Senator Huelskamp seconded the motion and the motion carried. The meeting was adjourned at 9:33 a.m.