

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on March 22, 2007, in Room 423-S of the Capitol.

All members were present except:
Terry Bruce- excused

Committee staff present:
Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Art Griggs, Revisor of Statutes Office
Judy Holliday, Committee Assistant

Conferees appearing before the committee:
Mike Hayden, Secretary, Kansas Department Wildlife & Parks
Mike Miller, Special Assistant to the Assistant Secretary, Kansas Department Wildlife & Parks
Brad Harrelson, State Policy Director, Kansas Farm Bureau
Whitney Damron, Kansas Sport Hunting Association
Keaton Kelso, Kansas Outfitters Association
Mike Beam, Executive Vice President, Kansas Livestock Association
Ron Klataske, Audubon of Kansas
Representative Tom Hawk
Tom Gross, Section Chief, Bureau of Air & Radiation, Kansas Department Health & Environment

Others attending:
See attached list

Chairman McGinn asked the Committee to look over the minutes of the March 7 corrected minutes, and March 13 and March 15 minutes for approval at the end of the meeting.

Chairman McGinn opened the hearing on **HB 2046, Renaming state park no. 24**. She told the Committee that the bill is identical to the bill the Committee passed earlier this year and they are basically just running the House bill through.

Mike Hayden, Secretary, Kansas Department Wildlife and Parks, commented that the Department supported the Senate bill that passed unanimously and supports the House version of **HB 2046 (Attachment 1)**. He asked the Committee's support of **HB 2046**.

Senator Ostmeyer made a motion to move the bill out of Committee, seconded by Senator Francisco. Motion carried.

Chairman McGinn opened the hearing on **HB 2437, Nonresident deer permits, extending current sunset provision**. Raney Gilliland, Legislative Research Department, explained the bill, which amends a section of the statutes dealing with permits for big game under the Department of Wildlife and Parks. The change on page four deals with nonresident deer permits that are landowner or tenant permits that can be transferred under current law. The current provision in this subsection is set to expire on June 30, 2007. The expiration date in **HB 2437** would be June 30, 2008.

Mike Miller, Special Assistant to the Assistant Secretary, Kansas Department Wildlife and Parks, testified in opposition to the provisions in **HB 2437 (Attachment 2)**. He stated the Department has concerns regarding the extension of the sunset on the transferrable deer permits. The Department supports a substitute that implements the provisions of its recommendations, but will work with the Committee in hopes of getting those provisions through the legislation.

Brad Harrelson, State Policy Director, Kansas Farm Bureau, testified in support of **HB 2437 (Attachment 3)**. Mr. Harrelson told the Committee that Farm Bureau supports the extension of the sunset provision, and would be interested in participating in any discussions between interested persons and the agencies to address the broader proposal and have input regarding Farm Bureau's position on the issue.

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Whitney Damron, representing the Kansas Sport Hunting Association (KSHA), testified in support of **HB 2437** (Attachment 4). Mr. Damron told the KSHA is concerned with the potential loss of transferrable deer tags and believes that state policy on that issue and other changes in deer management policy should be considered by the Kansas Legislature and not delegated to the Commission. The KSHA supports the recommendations of the Legislature to request the Department to bring specific statutory provisions to the Legislature to allow for review and hearings before adoption.

Keaton Kelso, President, Kansas Outfitters Association (KOA), testified in support of **HB 2437** (Attachment 5). Mr. Kelso stated that extending the sunset provision on the landowner transferable deer permits would help ensure that landowners and outfitters could provide quality hunting opportunities for non-resident hunters. Without these tags, under current conditions, the landowners of Kansas and outfitters would have limited outlets for helping provide non-resident hunting opportunities. Landowners who receive the tags can resell the tag to a non-resident, thus increasing the revenue entering the state by non-residents. The KOA supports many of the recommendations of the deer task force, but believes that further work is needed to ensure that all parties involved are updated on the effects of Wildlife and Parks' new proposal.

Mike Beam, Senior Vice President, Kansas Livestock Association (KLA), testified in support of **HB 2437** (Attachment 6). Mr. Beam told the Committee that many of KLA's members conduct fee hunting activities on their farms and ranches, which often has supplemented their income, or in some instances, created small businesses in rural Kansas. KLA has supported this bill through the House and supports the Wildlife and Parks' plan for developing a new deer hunting permit that is simpler and more accessible to nonresidents, while addressing concerns for most stakeholders.

Ron Klataske, Audubon of Kansas, testified on **HB 2437** (Attachment 7). Mr. Klataske expressed philosophical support for provisions in the bill that maintain the concept of landowner nonresident transferrable permits. He stated that the support is based on the hope that landowners who maintain habitat that supports deer and other forms of wildlife will be rewarded for wildlife habitat stewardship.

Senator Lee offered a proposed **Senate Substitute for HB 2437**, and provided copies to each Committee member for review (Attachment 8). Senator Lee had been working for some time with the Department on the proposed amendment. The amendment takes the proposed rules and regulations in **SB 266** brought before the Committee on February 9 by the Department of Wildlife and Parks, and puts those into statute in the proposed substitute bill currently before the Committee. Senator Lee explained the changes from current law which will reduce and simplify deer-related statutes to allow changes and necessary adjustments for permitting and resource management made through the regulatory process. In addition, language was added that would reduce fraudulent landowner/tenant purchases by requiring proof of tenancy; eliminates the landowner/transferrable nonresident permit; enables a resident hunter to purchase a whitetail either sex permit and a whitetail antlerless only permit over the counter or online, which would allow hunting anywhere in the state on public or private land during any open season with the equipment legal for that season. Senator Lee stated she felt the Department had put forth a good faith effort and that this substitute bill was a good compromise.

There was discussion regarding rewarding the landowner for maintaining habitat that supports wildlife; the current fee structure; leasing land for hunting allows farmers to recoup money for feeding the deer population.

Chairman McGinn closed the hearing on **HB 2437** and asked for a motion to accept the proposed **Senate Substitute for HB 2437**. Senator Lee made a motion to move Senate Substitute for HB 2437, seconded by Senator Francisco. Upon voice vote, a division was requested, followed by a show of hands. The motion carried.

Senator Huelskamp made a motion to reinsert subsection n (dealing with landowner and tenant transferrable nonresident deer permits) back into the current bill on page 4 and to change the language to 2009. Senator Taddiken seconded the motion.

Secretary Mike Hayden told the Committee the Department opposes Senator Huelskamp's amendment to the bill because reinserting the subsection essentially guts the proposed substitute bill. Senator Huelskamp stated that he understood the opposition by the Department, but that the language is one way for farmers to

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recoup some of the cost for feeding the deer herd. He told the Committee there is more to the bill than elimination of non-transferable deer permits.

Chairman McGinn stated there was a motion and second of Senator Huelskamp's amendment and asked for a vote. After the voice vote, a division was requested. The motion failed.

Chairman McGinn asked for a motion to move the bill out of Committee. Senator Lee made a motion to move Senate Substitute for HB 2437 out of Committee, seconded by Senator Francisco. After the voice vote, a show of hands was requested. The motion carried.

Chairman McGinn opened the hearing on **HB 2526, Monitoring and analysis of mercury deposition samples in Kansas**. She asked Raney Gilliland, Legislative Research Department to explain the bill. Mr. Gilliland explained that the bill would require the Secretary of Health and Environment to establish a statewide network to measure mercury deposition in the state. There would be a requirement that at least six sites would take a sample with related data that would be collected on a weekly basis with the requirement that at least two of the sites would measure mercury entering the state from the direction of the prevailing winds. The Secretary would be required to contract with a laboratory to analyze the samples and the results of the analyses would be distributed to the public through a website and the data provided to the public. At the start of the 2009 Legislative Session and annually thereafter, there would be a report required to be sent to the Governor and the leadership of the House and Senate natural resources and utilities committees on the issue of mercury deposition in Kansas. In addition, this bill would become effective on the date of publication in the *Kansas Register*.

Representative Tom Hawk testified in favor of **HB 2526 (Attachment 9)**. Representative Hawk testified that **HB 2526** had been introduced in the House Energy and Utilities Committee amid concerns about emissions from the new power plants being built around Holcomb. It is a mercury testing bill designed to ensure that critical facts about mercury depositions in the state are being gathered.

Tom Gross, Section Chief, Bureau of Air & Radiation, Kansas Department Health & Environment, testified in favor of **HB 2526 (Attachment 10)**. Mr. Gross presented technical information on mercury and the health hazards to humans associated with the deposition of mercury in air, soil and water. Mr. Gross explained that mercury is emitted from natural and man-made sources, and that mercury emitted from sources in the state is mixed with mercury from other states and nations. To monitor for mercury, there would be six sites with three new sites being established. Samplings will be collected weekly and analyzed by a national contract laboratory to assure consistency in the trends data. The data is posted to a national database and provided to the public via a website. Mr. Gross provided maps showing total local mercury concentration and deposition values for 2005. Mr. Gross told the Committee the Department would propose the new activity be funded through the existing Air Quality Fee Fund.

Chairman McGinn told the Committee that the hearing on **HB 2526** would continue at the Natural Resources Committee meeting the following morning, March 23.

Chairman McGinn asked for a motion to approve the minutes of the March 7, 13 and 15 Committee meetings. Senator Ostmeyer made a motion to approve the minutes, seconded by Senator Francisco. The motion carried.

The meeting adjourned at 9:35 a.m.