

Approved: 2-16-99  
Date

## MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 2, 1999 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department  
Emalene Correll, Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Clint Riley, Attorney, Dept. Wildlife and Parks, 900 SW Jackson, Ste 502, Topeka, KS 66612-1220  
Whitney Damron, KS Sport Hunting Assoc., 1100 Mercantile Bank Tower, 800 SW Jackson, Topeka, KS 66612-2205  
Dick Carter, Travel Industry Assoc. of KS, 700 SW Jackson, Ste 702, Topeka, KS 66603-3758  
Representative Laura McClure  
Connie Dougherty, Box 175, Lucas 67648  
Craig Langdon, Box 337, Lucas 67648  
Rick Langdon, PO Box 6, Lucas, KS 67648  
Bill Bider, Bureau of Waste Management KDHE, Forbes 740, Topeka, KS 66620-0001

Others attending: See attached list

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that minutes of January 21 and 26 meetings had been distributed for committee members to review. A vote will be taken on Thursday, February 4 as to their approval. She asked if anyone had committee bill requests.

Rep. Dan Johnson introduced a bill that would require the Division of Water Resources to inform the holder of a water right what the holder must do to retain the right when the holder reports under use. Rep. Sharon Schwartz seconded the motion. Motion carried.

Rep. Doug Johnston introduced a bill to provide for an election on fluoridation of city water. Rep. Helgerson seconded the motion. Motion carried.

Chairperson Freeborn announced that today was the last day in this committee for agency bill requests. No one came forward.

Raney Gilliland distributed and briefed the committee on information provided by the Department of Wildlife and Parks concerning deer management that had been requested by the committee. (See attachment 1) Included in the packet were a Hunting regulation summary provided to all license buyers; Report on deer depredation permits; Map of deer management units; Report on deer population estimation for Kansas; and Information on deer-vehicle accidents and vehicle miles of travel. Secretary Steve Williams of Wildlife and Parks was in attendance and answered questions raised by the committee regarding the deer population.

The Chairperson reviewed the agenda for Thursday, February 4. A review by Maurice Korphage, Director, Conservation Division, KCC, of Abandoned Oil and Gas Wells and Remediation Sites; a review by Thomas Stiles, Director, Planning and Prevention, KDHE, of Total Maximum Daily Loads; and a hearing on **HB2145**, concerning solid waste; relating to certain permits. She opened the hearing on:

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

Chairperson Freeborn welcomed Clint Riley, Attorney, KS Department Wildlife and Parks, to the committee. He appeared as a proponent to the bill. (See attachment 2) The current law states that no person born on or

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S Statehouse, at 3:30 p.m. on February 2, 1999.

after July 1, 1957 may hunt in Kansas (except on that person's own land) unless the person has been issued a certificate of completion of an approved hunter education course. The law also states that any person under 27 years of age must have the hunter education certification in possession while hunting. **HB2103** would amend the law so that anyone required to have completed a hunter education course must carry the hunter education certificate while hunting.

The Chairperson welcomed Whitney Damron, Topeka, to the committee. He appeared in behalf the Kansas Sport Hunting Association and provided testimony in opposition to the bill. (See attachment 3) They suggest that the passage of this bill will result in fewer hunters in Kansas and believe it will have no material effect on hunter safety. Also, they feel Kansas should be looking at ways to bring more hunters to the state and into the fields, not less.

Chairperson Freeborn welcomed Dick Carter, Travel Industry Association of Kansas, to the committee. He appeared in a neutral position to the bill. (See attachment 4) He believes Kansas natural resources are a unique draw for visitors to the state. They provide a tremendous economic impact to our motels, restaurants, convenience stores and gas stations. He wants to insure that any legislation enacted is visitor friendly and feels we need to be looking at ways to create an environment that is conducive to tourism business, not one that discourages people from participating in everything our state has to offer.

The Chairperson closed the hearing on **HB2103**. She opened the hearing on **HB2124**.

**HB2124: An act concerning solid waste; relating certain accumulations of used or discarded materials; prohibiting certain acts and prescribing penalties for violations.**

Raney Gilliland, Legislative Research Department, explained the bill.

Chairperson Freeborn recognized Rep. Laura McClure. She offered comments in support of the bill. She distributed two letters from concerned citizens of Lucas (See attachments 5 and 6) and presented photos showing piles of waste railroad ties on property outside the boundaries of the city of Lucas. People living near the area feel this has become a health and fire hazard. No one seems to have the authority to have the railroad ties removed. She encourages the passage of a bill that would give KDHE authority to develop rules and regulations related to accumulation and storage of discarded materials.

The Chairperson welcomed Connie Dougherty, Lucas. She appeared in support of the bill. (See attachment 7) She is the secretary for the Lucas Area Chamber of Commerce. Lucas has several thousand visitors a year coming to see the Garden of Eden and the Grassroots Art Center. She feels the waste railroad ties are unsightly and a potential health and safety hazard to the community.

The Chairperson welcomed Craig Langdon, Lucas, to the committee. He appeared in support of the bill. (See attachment 8) He is a landowner in Lucas and Assistant Fire Chief for the rural fire department. He feels the waste railroad ties have created many safety and health hazards to surrounding land owners and is asking the legislature to give someone authority to dispose of the waste ties.

Rick Langdon, son of Craig Langdon, Lucas, was welcomed by the Chairperson. He supports the bill and offered comments to that affect. (See attachment 9) He also is a landowner in the area of the waste ties and feels they have become a health and fire hazard as well as a rodent problem.

Chairperson Freeborn welcomed Bill Bider, Bureau of Waste Management, KDHE. He provided testimony in support of the bill. (See attachment 10) This bill establishes authority for KDHE to develop rules and regulations related to the accumulation and storage of discarded materials. At the current time state law only authorizes KDHE to regulate the management of "solid waste". Mr. Bider also provided a balloon (See attachment 11) to the bill and briefed the committee on the changes. Questions and discussion followed. Mr. Bider stated that KDHE needs to do research on costs.

The Chairperson closed the hearing on **HB2124** and opened hearing on **HB2104**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S Statehouse, at 3:30 p.m. on February 2, 1999.

**HB2104:     An act concerning controlled shooting areas.**

Chairperson Freeborn welcomed Clint Riley, Attorney, Dept. Wildlife and Parks. He appeared as a proponent to the bill. (See attachment 12) The Department considers the bill to be relatively simple clean-up legislation and would delete "turkeys" from the definition in K.S.A. 32-943.

The Chairperson closed the hearing on **HB2104** and thanked Mr. Riley for appearing.

The meeting adjourned at 5:15 p.m.

The next meeting is scheduled for February 4, 1999.

# HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: February 2, 1999

NAME	REPRESENTING
Connie Doughty	Lucas Area Chapter of Conservation
Rich M. Langston	SELF
Craig Langston	Land owners & Lucas Rural Fire Dept.
Bill Bider	KDHE
Harry Clubine	KFB
Frank Clubine	KFB
Francis Kelsen	Kansas Farm Bureau
DICK CARTER	TIAK
Whitney Damon	KS Sport Hunting Assn.
<del>Gene Holman</del>	Western America
<del>Pat Whibell</del>	Kansas RR
GRUE WILLIAMS	KTDWP
STEVE KEARNEY	WASTE MANAGEMENT
Gary Benteman	Farm Bureau
Harold Weimann	Farm Bureau
Francis Felt	Farm Bureau
Clint Riley	KDWP
Dale Lambly	Ks. Dept. of Agriculture
John Holliday	Morristown, Mo. Co. Farm Bureau







STATE OF KANSAS  
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary  
900 SW Jackson, Suite 502  
Topeka, KS 66612  
913/296-2281 FAX 913/296-6953



MEMORANDUM

**To:** Senate Energy and Natural Resources Committee  
House Environment Committee

**From:** Steve Williams, <sup>SW</sup> Secretary

**Date:** January 29, 1999

**Subject:** Request for Information - Deer Management

I have compiled and attached information regarding deer management in response to committee requests. The information on vehicle accidents and vehicle miles traveled are from KDOT data. Please find attached:

Hunting regulation summary provided to all license buyers

Report on deer depredation permits

Map of deer management units

Report on deer population estimation for Kansas

Information on deer-vehicle accidents and vehicle miles of travel

I hope this adequately responds to your questions. Thank you for your interest in this important management program.

attach.

*House Environment  
2-2-99  
Attachment 1*

## Draft for DWB review and confirmation

### DEER CONTROL PERMITS IN KANSAS, 1996 TO 1998.

Guidelines for issuing deer control permits were established in June 1996. District Wildlife Biologists (DWB) of the KDW&P are responsible for working with private landowners and land managers in implementing deer damage control permits.

Deer damage control permits are considered on an individual property basis. KDW&P personnel will provide an on-site evaluation of deer damage and site-specific recommendations for damage abatement. KDW&P personnel also serve in an advisory capacity by providing up-to-date information on deer population management alternatives that are based on acceptable standards, proven field procedures, and/or research published in a professional peer reviewed wildlife management publication.

Each landowner request for a deer control permit and the results of the request are documented. This reporting system includes complaints handled with verbal advice, complaints that can be addressed with nonlethal techniques or changes in deer hunting during the regular hunting seasons, or complaints determined to be due to other species. Where conditions warrant the use of a deer control permit, the documentation includes the number of tags authorized and the deer killed in the operation. Follow-up contact with the landowner is conducted to determine the subsequent level of property owner satisfaction.

The system for handling deer control permits was evaluated during 1998 and two areas were addressed. Currently the deer control permit system seldom works in urban and suburban areas. An urban deer management plan has been drafted and is under review. Effective deer management in urban areas will require cooperation from urban officials. A regulation dealing with legal equipment that could be authorized to kill deer during a control operation is being considered for changes. Archery equipment is being proposed in addition to traditional firearms used during hunting seasons. These changes may increase the usefulness of control permits in some urban and suburban situations.

A summary of the history of the deer control permit system is attached. Ninety four inquiries about deer damage were received in 1998. Only 56 of the inquiries required a field review. The rest of the inquiries were handled over the telephone. One landowner declined to allow a field evaluation after making inquiries for a depredation permit. Four landowners were approved for a permit but decided not to use accept them. One hundred and eleven tags were authorized and 52 deer were killed during the control operations.

Prepared by: Lloyd B. Fox

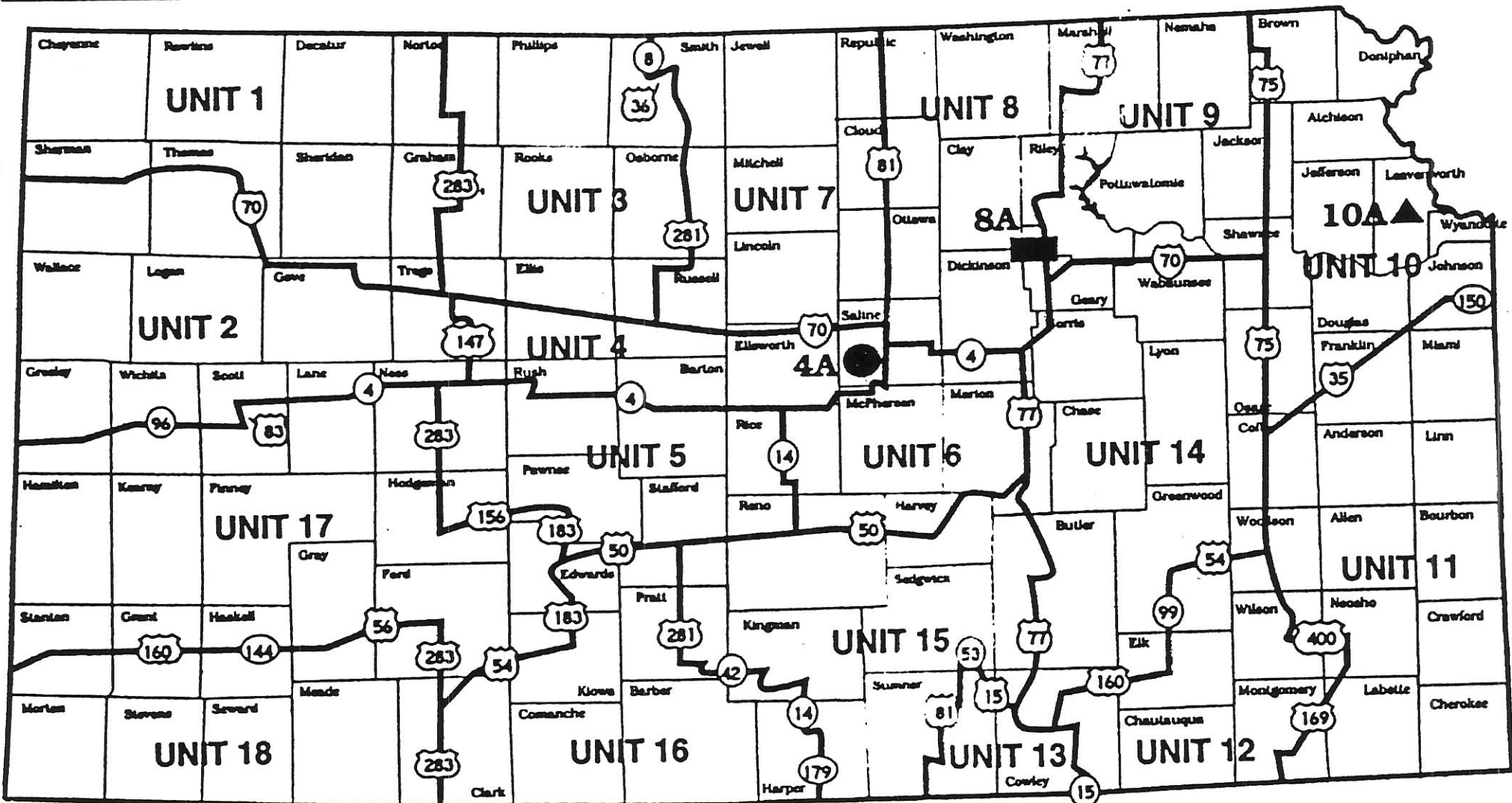
# DRAFT

Region / Year	Total Inquiries	Field Reviews	Permits Issued	Tags Authorized	Deer Taken
Region 1					
1996	7	7	0	0	0
1997	28	16	0	0	0
1998	14	8	1	3	0
Region 2					
1996	14	13	7	37	21
1997	45	32	7	32	13
1998	38	17	7	59	19
Region 3					
1996	1	0	0	0	0
1997	8	6	0	0	0
1998	7	7	1	1	0
Region 4					
1996	11	2	0	0	0
1997	14	6	2	8	2
1998	23	12	6	34	13
Region 5					
1996	1	0	0	0	0
1997	17	14	4	36	35
1998	12	12	1	20	20
<b>STWD Total</b>					
<b>1996</b>	<b>34</b>	<b>22</b>	<b>7</b>	<b>37</b>	<b>21</b>
<b>1997</b>	<b>112</b>	<b>74</b>	<b>13</b>	<b>76</b>	<b>50</b>
<b>1998 *</b>	<b>94</b>	<b>56</b>	<b>16</b>	<b>117</b>	<b>52</b>

\* One landowner declined to allow a field review to access damage caused by deer, and three landowners were approved for permits but decided against accepting them.

Archery Season: Oct. 1 - Dec. 1. Dec. 14 - Dec. 31, 1998 & January 9 - 14

News for 1998: Hunters with any unfilled deer permit may hunt the January firearms season permit and in unit specified on permit. All permits convert to a bag limit of one (1) whitetail (without a visible polished antler.) A 1999 KS hunting license is required, unless exempt by must meet hunter orange requirements.



● SMOKY HILL A.N.G. RANGE, UNIT 4A    ■ FT. RILEY, UNIT 8A    ▲ FT. LEAVENWORTH, UNIT 10A

**PERMITS PURCHASED DURING THE OPEN SEASON ARE NOT VALID UNTIL THE HUNT-OWN-LAND PERMIT RESTRICTIONS**      Resident leftover firearms perm



## ESTIMATING THE DEER POPULATION OF KANSAS.

A census to enumerate a population of wildlife is generally unattainable. Conditions where a census would work include where there are few individuals, in a confined space, while the visibility of those individuals is high and there is little movement or mixing of individuals while a count is being conducted. An example of those conditions might include a breed colony of seals on a beach, but it does not apply to deer in Kansas.

There are various ways of estimating the population of wildlife. Most of these techniques require assumptions, and their accuracy varies depending on how well those assumptions mirror actual conditions. We have used two means of estimating the deer population. One estimate is based on landowner opinions, and the other is based on a historic estimate of the deer population which is then projected forward with a constant rate of growth based on the trend in the vehicle accident index.

Periodically since 1964 the KDWP has surveyed landowners to determine their opinions about deer densities and also estimates of how many deer the landowners believe live on their land. In 1997 the survey included three questions dealing with the size and density of the deer herd. One question asked the landowners how many acres they managed. Another question asked how many deer had been killed on their land, and a third asked them how many deer lived on their land. Answers to these questions allowed us to estimate how many deer the landowners believe occur in the state.

The number of deer harvested each year is known based on a survey independent of landowner opinion, the mandatory report cards submitted by hunters. This value can be compared with estimates of the harvest based on what landowners thought occurred on their land. Landowners estimated that nearly 110,000 deer were taken in the state in 1996, while the results of mandatory report cards indicated that about 52,000 deer were taken. We developed a correction ratio for each deer management unit, and applied that to the landowner's estimate of deer living on their land. We further modified that estimated deer density by subtracting two times the standard error of the statewide sample of deer densities. It is believed that landowners generally overestimate deer density because the deer living on their land also uses land off their farm or ranch. The procedure we used resulted in a statewide estimate of 341,000 deer in 1996. This agrees with a projected deer population based on a herd estimate of 27,000 deer in Kansas in 1964 and a 17-year constant growth rate of the population index of 7 - 8.5%. Both methods predict a population in the neighborhood of 350,000 animals.

Deer management in Kansas does not rely upon estimates of the population. As Don Hayne, in his chapter on population dynamics and analysis in the book, *White-tailed Deer Ecology and Management* wrote:

"Estimates of whitetail population size interest the public and appeals to the media. Often, however, the importance of knowing the population size is overestimated as a tool for deer management. It is more important to know the relative abundance of deer --- whether the population is increasing or decreasing, and whether it is above, below or nearly in balance with the carrying capacity of the environment."

The Kansas Department of Wildlife and Parks uses a population index based on the trend in deer related vehicle accidents per billion miles of travel to determine trends in the deer population. To evaluate the balance level for carrying capacity, we survey the opinions of people, particularly input gathered from random surveys of landowners and measures of success and satisfaction of deer hunters.

Analysis of the population index and surveys of landowners in recent years has shifted the deer management emphasis toward higher harvest levels and added emphasis on harvesting antlerless deer to reduce the future growth of the deer herd.

ESTIMATED DEER POPULATION IN KANSAS IN 1996 BASED ON LANDOWNER ESTIMATES OF DEER ON THEIR PROPERTY.

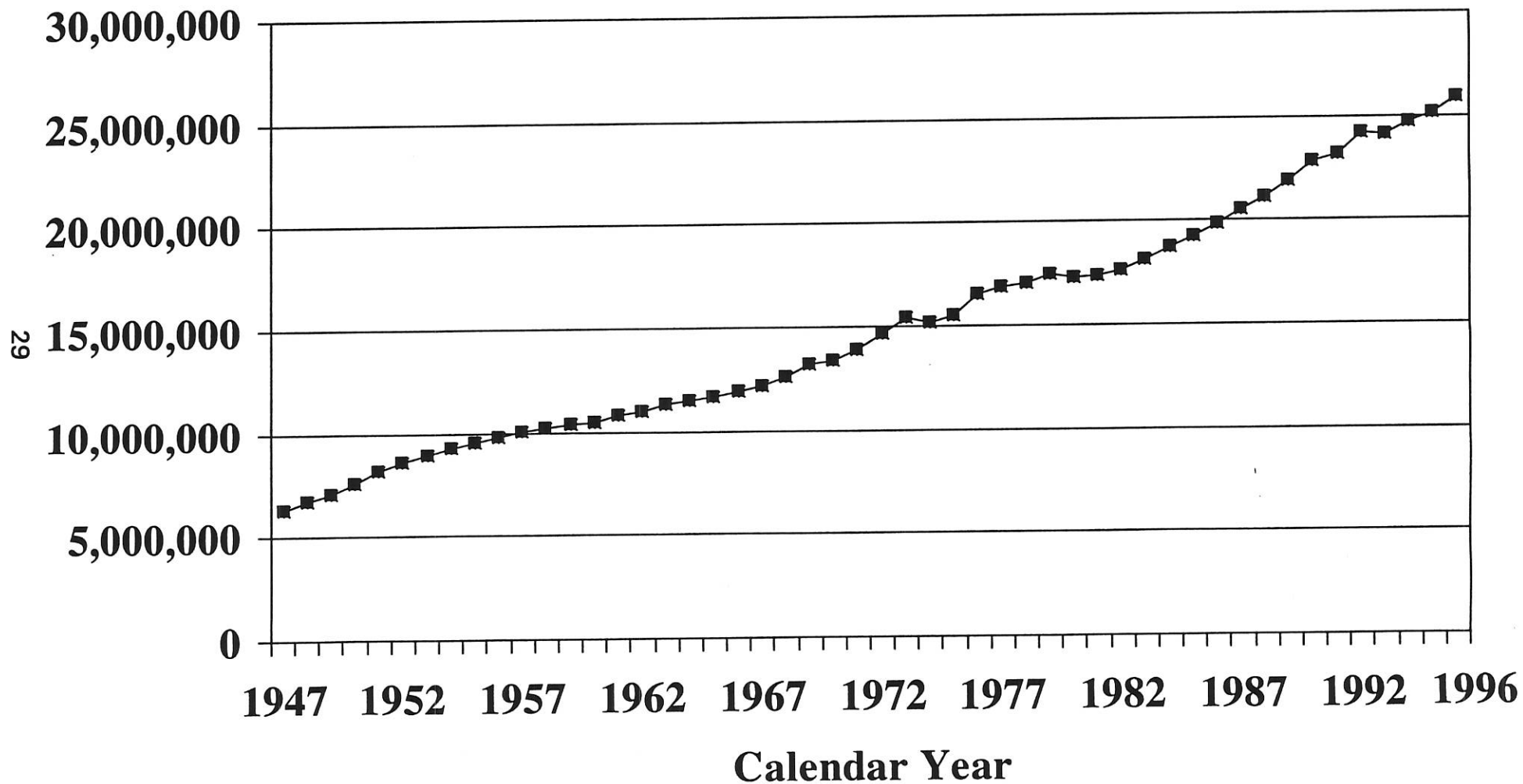
1-6

DEER MANAGEMENT UNIT (DMU)	DATA FROM REPORT CARDS FOR REGULAR FIREARMS HARVEST	SQUARE MILES PER DMU	ADJUSTED HARVEST DISTRIBUTION WITH ALL PERMIT TYPES	TOTAL ESTIMATED DEER HARVEST PER SQ. MILE	LANDOWNER ESTIMATE OF DEER HARVEST PER SQ. MILE	HARVEST DENSITY CORRECTION RATIO	LANDOWNER ESTIMATE OF DEER PER SQ. MILE	ADJUSTED DEER DENSITY BASED ON HARVEST CORRECTION RATIO	ESTIMATED DEER PER DMU
1	1915	5929	2494	0.421	0.984	0.427	9.716	4.153	16,321
2	1407	5962	1832	0.307	0.610	0.504	6.340	3.194	10,695
3	1751	4345	2280	0.525	1.085	0.484	9.291	4.494	13,441
4	1067	2596	1389	0.535	1.184	0.452	14.842	6.709	13,782
5	798	3381	1039	0.307	0.711	0.432	10.135	4.380	10,078
6	934	2653	1216	0.458	0.869	0.527	6.209	3.275	4,975
7	2069	4767	2694	0.565	0.812	0.696	11.843	8.242	32,619
8	2674	4120	3482	0.845	1.417	0.596	12.759	7.609	25,583
9	3101	3552	4038	1.137	2.285	0.497	21.058	10.476	32,239
10	4723	4290	6150	1.434	3.936	0.364	26.513	9.657	35,421
11	6526	6572	8498	1.293	2.746	0.471	26.431	12.446	72,592
12	2930	2595	3815	1.470	3.523	0.417	26.597	11.099	25,170
13	949	931	1236	1.327	1.405	0.944	11.577	10.933	8,878
14	4393	6853	5720	0.835	1.643	0.508	17.422	8.851	51,061
15	2132	5841	2776	0.475	0.922	0.515	15.185	7.828	37,544
16	1046	2596	1362	0.525	0.801	0.655	10.908	7.146	14,914
17	1003	9202	1306	0.142	0.575	0.247	6.611	1.632	2,133
18	431	5747	561	0.098	0.075	1.302	3.131	4.077	15,384
4A	18		23						
8A	102		133						
10A	21		27						
Total	39,990	81,933	52,072			Mean 0.558	Mean 13.698	Mean 7.011	Total 422,831
TOTAL HARVEST BASED ON ALL PERMIT TYPES	52,072					POPULATION MINUS HARVEST ESTIMATED DEER POPU IN KS			370,759

# KANSAS TOTAL ANNUAL VEHICLE MILES OF TRAVEL

1947-1996

Total AVMT in Thousands



SOURCE: Kansas Department of Transportation, "Mileage and Travel Tables, 1996," page 2.

KDOT RECORDS OF DEER RELATED VEHICLE ACCIDENTS PER COUNTY.

COUNTY	1986 TOTAL	1987 TOTAL	1988 TOTAL	1989 TOTAL	1990 TOTAL	1991 TOTAL	1992 TOTAL	1993 TOTAL	1994 TOTAL	1995 TOTAL	1996 TOTAL	1997 TOTAL
AL	16	37	40	39	44	45	54	58	65	78	86	90
AN	25	21	26	27	29	42	35	45	69	60	84	86
AT	24	29	33	15	42	38	56	67	63	93	112	102
BA	23	32	37	46	27	38	36	34	57	54	71	76
BB	20	34	16	19	27	29	13	27	42	32	53	61
BR	19	22	30	47	36	42	62	77	81	75	139	108
BT	39	47	51	48	50	55	75	80	83	90	105	137
BU	133	145	167	153	134	149	179	171	247	199	291	264
CA	10	4	7	13	11	9	5	11	12	17	26	14
CD	34	33	42	52	39	47	52	72	83	70	92	92
CF	45	61	61	54	65	71	86	82	77	95	147	130
CK	31	47	53	64	57	59	84	77	126	107	115	165
CL	77	87	102	99	137	107	98	140	169	167	196	203
CM	4	4	.	1	3	3	2	4	7	11	24	24
CN	3	3	1	1	.	5	1	4	3	3	2	11
CQ	12	25	17	19	19	25	21	22	13	16	22	28
CR	18	52	36	23	85	79	81	89	83	100	108	133
CS	24	33	22	30	30	36	31	35	46	50	40	53
CY	21	17	25	36	36	22	48	63	80	106	117	124
DC	7	16	17	8	17	5	5	19	19	19	27	26
DG	89	107	119	115	131	143	148	154	178	214	246	203
DK	43	30	37	36	50	46	59	91	99	135	127	145
DP	13	22	30	23	29	37	26	47	46	56	63	88
ED	7	14	5	3	10	8	10	7	9	5	12	24
EK	9	11	10	12	19	16	10	23	20	18	27	29
EL	44	39	40	40	43	33	45	81	88	82	91	91
EW	38	31	32	37	35	53	37	57	75	74	63	100
FI	12	21	21	14	15	23	16	24	29	28	41	46
FO	22	31	20	20	25	18	31	26	36	38	44	83
FR	49	59	68	74	72	56	76	102	120	107	150	131
GE	42	68	73	71	53	73	58	69	82	56	106	88
GH	18	10	11	17	15	11	19	23	26	33	48	49
GL	2	.	4	4	1	2	1	1	3	2	3	5
GO	14	5	14	8	8	13	17	12	26	22	15	25
GT	5	4	6	8	7	8	5	16	9	8	13	12
GW	16	24	24	44	30	29	32	55	45	51	49	65
GY	13	21	18	16	3	3	3	3	6	19	19	14
HG	11	8	6	3	13	16	9	10	23	24	30	30
HM	9	13	2	5	7	20	15	16	6	.	17	23
HP	11	12	13	22	32	36	29	41	60	52	81	78
HS	2	5	2	2	1	5	3	3	2	2	3	9
HV	51	51	56	65	50	50	70	62	59	73	97	110
JA	29	36	43	22	31	48	48	51	67	78	95	105
JF	93	97	72	87	84	91	99	113	117	156	180	171
JO	108	127	171	174	181	197	206	270	269	288	310	341
JW	18	11	19	24	24	22	23	22	24	20	25	30
KE	14	11	9	13	20	10	11	16	10	15	25	24
KM	31	42	39	56	62	49	69	45	61	64	91	105
KW	6	9	9	5	11	13	12	22	15	26	44	43
LB	25	45	68	52	54	64	68	72	86	97	110	94
LC	6	2	6	13	12	6	11	22	24	24	18	46
LE	4	4	2	5	7	5	4	11	17	8	13	18
LG	4	3	6	8	6	10	7	4	4	4	13	13
LN	26	27	25	46	65	63	72	68	76	112	106	109
LV	106	110	111	109	137	108	129	149	187	216	251	224
LY	63	92	110	86	107	106	95	114	137	119	167	146

KDOT RECORDS OF DEER RELATED VEHICLE ACCIDENTS PER COUNTY.

COUNTY	1986 TOTAL	1987 TOTAL	1988 TOTAL	1989 TOTAL	1990 TOTAL	1991 TOTAL	1992 TOTAL	1993 TOTAL	1994 TOTAL	1995 TOTAL	1996 TOTAL	1997 TOTAL
MC	6	12	8	12	16	9	.	5	6	1	8	44
ME	10	11	13	16	6	12	14	15	22	11	22	26
MG	13	13	65	95	59	100	77	101	133	150	151	150
MI	63	63	89	87	110	112	127	140	132	131	199	211
MN	48	38	48	44	44	47	45	66	65	65	100	126
MP	43	51	62	49	41	51	48	49	55	99	86	161
MR	24	32	27	29	23	31	40	33	45	42	42	51
MS	35	48	32	28	22	25	11	15	15	12	11	27
MT	2	2	.	2	3	2	4	7	2	4	6	6
NM	16	27	19	22	33	35	40	68	57	69	97	106
NO	36	49	60	75	73	88	90	93	107	116	150	149
NS	6	9	15	9	12	12	21	11	37	31	27	31
NT	27	23	24	29	46	32	32	40	53	50	43	77
OB	7	11	9	12	14	11	12	5	1	2	3	27
OS	63	82	81	83	80	85	83	80	115	98	140	127
OT	27	25	24	21	25	27	36	51	52	57	61	92
PL	33	27	32	33	29	27	31	47	80	46	81	85
PN	26	27	32	22	25	12	24	49	67	43	60	68
PR	26	20	26	45	26	32	34	47	54	37	74	59
PT	46	66	45	69	90	89	97	123	159	135	167	155
RA	9	11	14	15	12	7	12	15	13	13	21	20
RC	31	29	46	20	32	31	55	65	55	48	88	86
RH	21	24	21	31	19	38	31	39	46	49	54	53
RL	68	75	60	64	71	92	105	131	128	141	186	201
RN	95	93	108	84	110	123	102	130	149	158	214	238
RO	37	37	36	26	39	36	26	44	40	58	54	77
RP	26	31	32	31	37	40	33	38	61	77	102	91
RS	25	31	29	35	46	40	43	45	67	74	74	76
SA	35	29	19	35	33	27	21	38	43	42	70	71
SC	4	7	11	12	12	3	9	11	12	13	9	19
SD	16	5	14	10	12	16	14	9	15	15	28	31
SF	25	30	46	34	37	31	29	36	47	36	74	80
SG	132	146	151	141	111	106	156	149	158	166	245	277
SH	6	10	13	6	6	10	12	18	20	20	24	26
SM	5	3	13	25	26	4	9	22	36	47	35	44
SN	119	139	143	166	151	157	197	224	264	267	342	328
ST	1	.	2	2	2	5	2	3	4	4	1	2
SU	57	45	63	65	60	54	59	52	56	70	101	135
SV	.	3	2	2	5	4	6	12	6	6	7	9
SW	5	5	12	2	8	3	5	14	17	10	11	24
TH	17	16	17	20	6	18	17	19	43	32	25	35
TR	11	21	20	13	14	19	20	23	30	22	30	33
WA	.	.	.	1	.	.	.	.	.	.	.	.
WB	29	39	38	42	47	47	70	57	68	74	92	88
WH	.	3	5	2	6	3	3	7	15	9	8	10
WL	26	28	44	43	37	47	32	47	69	70	81	81
WO	12	17	22	25	29	16	14	26	34	32	31	45
WS	18	33	33	35	41	36	68	68	93	94	121	139
WY	67	80	72	104	85	108	130	126	149	140	169	143
STWD	3,094	3,566	3,883	3,996	4,209	4,354	4,739	5,582	6,571	6,746	8,415	9,116





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. 2103**

**Testimony Provided to  
House Committee on Environment  
February 2, 1999**

Current law (K.S.A. 32-920) states that no person born on or after July 1, 1957 may hunt in Kansas (except on that person's own land) unless the person has been issued a certificate of completion of an approved hunter education course. The law also states that any person under 27 years of age must have the hunter education certification in possession while hunting. House Bill No. 2103 would amend the law so that anyone required to have completed a hunter education course must carry the hunter education certificate while hunting.

The department proposes this legislation in response to a series of public meetings, held by the Wildlife and Parks Commission, at which concerns were expressed that some hunters who are required by law to have completed hunter education may be obtaining hunting licenses without having done so. Although a person's hunter education certificate number is on a hunting license, if the hunter is over the age of 27, a law enforcement officer checking the license has no means of discerning whether the number is valid. In response to these concerns, HB 2103 would allow a law enforcement officer to simply check whether the person has a hunter education certificate, regardless of the person's age.

The department recognizes that many hunters may be transferring the certificate number from the old hunting license to the new license each year, and therefore may have misplaced the original certificate. Consequently, we would expect a significant increase in the number of requests for duplicate hunter education certificates following enactment of this law. More important, enactment of this law would require significant public information efforts to educate affected hunters about the change in requirements.

The hunter safety education program established by the Legislature in 1973 has been credited with improving hunting safety and decreasing accidents throughout the state. Hundreds of volunteers donate thousands of hours of their time each year in support of the program. HB 2103 would not require anyone to take hunter education who is not already required to do so by law. The amendment would simply ask that these hunters carry the certificate with them in the field. By doing so, the bill would be a small step to help ensure that the current education requirements are met, and that the program reaches all those to whom it is intended.

W:\WPDOCS\LEGISLAT\99BILLS\HB2103TE.WPD

*House Environment  
2-2-99  
Attachment 2*

**WHITNEY B. DAMRON, P.A.**  
**1100 MERCANTILE BANK TOWER**  
**800 SW JACKSON STREET**  
**TOPEKA, KANSAS 66612-2205**  
**(785) 354-1354 ♦ 354-8092 (FAX)**

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**- TESTIMONY -**

**TO:           The Honorable Joann Freeborn, Chair  
              And The Members Of The  
              House Environment Committee**

**FROM:       Whitney Damron**

**RE:           HB 2103 – Hunter Education Requirements**

**DATE:       February 2, 1999**

Good afternoon Madam Chair Freeborn and Members of the House Environment Committee. My name is Whitney Damron and I am appearing before you today on behalf of the Kansas Sport Hunting Association in opposition to HB 2103. The Kansas Sport Hunting Association (KSHA) is an organization of state-licensed Controlled Shooting Areas and game bird breeders who have joined together in efforts to support the sport hunting industry in Kansas. A listing of our members is included with my testimony.

By way of background information, on August 20, 1998, I appeared before the Kansas Wildlife and Parks Commission at a workshop session when the Commission was considering the repeal of K.A.R. 115-9-4 which requires proof of successful completion of a hunter safety program at time of purchase of a Kansas hunting license. At that meeting, I appeared as a citizen, not a representative of the KSHA. My appearance and interest was based upon my longstanding participation and commitment to hunting and sport shooting activities as evidenced (I believe) by my involvement in hunting and shooting sports, including:

- President, Capital City Gun Club (Topeka, KS)
- Member and Sponsor, Quail Unlimited
- Member and Sponsor, Ducks Unlimited
- Member, National Skeet Shooting Association
- Member, National Sporting Clays Association
- Member and former President, Kansas Skeet Shooting Association
- Member, Ravenwood Hunting Preserve and Sporting Clays (Topeka, KS)
- Member, Cedar Hill Hun Club (Baldwin, KS)
- Member, Flint Oak Ranch (Fall River, KS)
- And many more such affiliations and activities...

*House Environment  
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Attachment 3*

At that August, 1998 hearing and a subsequent meeting of the Commission in October held in Pratt, comments were received and deliberations were held by the Commissioners regarding staff's interest in seeking the repeal of a current regulation which allows a hunting license purchaser to "attest" to the fact they have successfully completed a hunter education course in Kansas or another jurisdiction. The Commission ultimately rejected the repeal of that regulation, but the staff, the Commission, or both have apparently moved forward on legislation which effectively does even more than the repeal of K.A.R. 115-9-4 by requiring the carrying of a gun hunter safety card or certificate at all times while hunting. The comments I presented to the Commissioners in Wichita when considering the repeal of that regulation are just as applicable for HB 2103.

Before considering the merits of requiring hunters to carry another piece of paper at all times when in the field in addition to their hunting license, I believe the Legislature should be made aware of a much bigger picture, and that is how Kansas competes for the hunter and sport shooters' discretionary dollars.

The KSHA believes our state should be more supportive of the hunting and shooting preserve industry, which annually brings millions of dollars into the Kansas economy. Adoption of HB 2103 will only serve to create additional obstacles for those who wish to hunt in our state and enjoy our natural resources. The passage of HB 2103 will necessarily impact out-of-state sportsmen and women who may not routinely carry or have available such documentation when in our state. As for the sport hunting industry, our customers ever-increasingly come from out-of-state and even out of the United States. As such, our members are generally not competing against each other for customers, but rather against other states. The adoption of HB 2103 will result in fewer hunters for Kansas fields and fewer customers for sport hunting preserves through its restrictive application of licensure requirements.

By the adoption of legislation such as HB 2103, Kansas is creating additional obstacles to our citizens and tourists alike who wish to hunt in our state. Imagine traveling to Kansas and finding that you have left your hunter safety certificate at home. What about travelers and business people who come to our state and are unexpectedly presented with the opportunity to hunt or go to a sport hunting preserve, but have not brought their hunter safety card with them? Under current law and regulations, such person would be allowed to attest to the fact they have successfully completed a hunter education course and allowed to purchase a Kansas license (in-state, out-of-state or preserve license, depending upon qualifications and license desired). Under HB 2103, they could still get the license, but they just couldn't hunt.

Other points to consider would include persons who have taken hunter safety programs many years ago and no longer have a certificate due to loss or destruction. Are duplicates available in all circumstances, even during normal business hours? Perhaps

during normal business hours in Kansas, but what about on weekends when most people venture out to the fields? What about out-of-state hunters?

Before HB 2103 is adopted, the KSHA believes a number of questions should be addressed, including:

1. What problems will the adoption of HB 2103 correct? Will Kansas be a safer state to hunt in? What impediments will this bill create for hunters and sport shooters?
2. How many citations for improper compliance with hunter safety statutes and regulations are issued annually? Of these citations, how many were involved in a hunting or shooting accident? Of the accidents reported each year, how many were by hunters with a hunter safety certificate? How many involved illegal hunting activities (i.e. poaching, which may involve a variety of illegal and unsafe hunting practices)?
3. How does Kansas compare to other states in regards to hunter safety requirements and age restrictions? What about license requirements?
4. How can Kansas make itself more attractive to the hunting and shooting sports person, while maintaining our strong record of hunter safety?

These questions and many more should be addressed before the Legislature makes Kansas a more restrictive place to hunt.

At the Wichita meeting of the Commission which I referenced earlier in this testimony, the Commission staff distributed a summary of Kansas hunting accidents spanning the time period of 1962-1996 (copy attached). According to that information, Kansas is near their lowest incident point in almost forty years with an accident rate of 1.77 accidents per 100,000 hunting days (1996). There does not appear to be a significant incident problem, as evidenced by this statistical information.

I have spent the majority of my time thus far today talking about our problems with the bill, I would now like to talk a little bit about some alternatives if the Committee is inclined to move forward with this legislation.

When originally created, the hunter safety program was designed to give those interested in hunting a basic understanding of safety and conservation issues related to the sport prior to entering the field. Current law requires a ten-hour program prescribed by the Secretary of Wildlife and Parks (K.S.A. 32-921). Instructors are typically given

wide latitude and discretion in the creation and administering of KDW&P-approved hunter safety programs. For example, in a class given in the fall of 1998 in Topeka, attendees were required to complete nearly twenty hours of instruction over three days on topics such as hunting safety, black powder shooting, bow hunting, conservation, first aid and so forth. While we readily acknowledge that such instruction is informative, it may not be necessary for a safe hunting experience at a sport hunting preserve. Specifically, the KSHA believes that a separate hunter safety program should be developed for their industry if the Kansas Department of Wildlife and Parks intends to continue to push for greater restrictions on those desiring to hunt in our state.

Shooting preserves are the most safety-conscious hunting environments in the country and are traditionally operated with significant supervision by preserve management. Preserve operators insist their customers adhere to strict safety standards regardless of whether they have passed an approved hunter safety program. The underwriting requirements of their insurance carriers demand no less. Providing a safe hunting environment is certainly in the best interests of the preserve owner as well as the participants.

If the Legislature decides to move forward with HB 2103 or similar legislation, the KSHA would propose an industry-specific program designed to meet the growing needs of the patrons of sport hunting preserves. Components of such a program could include:

- Reduced study time commitment or "known ability" exceptions.
- Focus of the program on Controlled Shooting Area (CSA) hunting.
- Limit use of the certificate to licensed CSA preserves in Kansas.
- Limitations upon class size.
- Allow anyone with a valid hunting license from another state or country to obtain a preserve license, if deemed acceptable to the preserve operator.

Current programs are presented to ages <8-80> and can have over a hundred participants with many portions unnecessary or overly redundant to those familiar with hunting and firearm safety. By adopting a limited program specifically for the preserve hunter, an interested party could conceivably be introduced to the sport of hunting in the morning and actually in the field by the afternoon, with proper instruction.

Virtually all states have different requirements for obtaining a hunting license. Over half of the states (26) don't require a hunting license to hunt on Controlled Shooting Areas. If safety concerns can be addressed, why wouldn't Kansas want to make the obtainment of a Kansas hunting license easier than allowed under current law? In the field, safety is the number one concern of all who carry a gun or walk along side those who do. Statistics show that our hunters are safe. Passage of legislation making it more



restrictive to hunt in Kansas in the name of “hunter safety” or “compliance” should be avoided.

The Kansas Department of Commerce and Housing has targeted “hunting” as one of six niche areas that Kansas should concentrate upon to increase tourism. Sport hunting preserves are a vital component to that mission, particularly in light of their increased hunting seasons (seven months vs. less than three months, in many cases). I would encourage this Committee and the Legislature to visit with the Department to see what programs and ideas they are considering in this regard. The Kansas Sport Hunting Association stands ready to work with all parties interested in supporting this industry, including Wildlife and Parks and Commerce and Housing.

In closing, we would suggest that the passage of HB 2103 will result in fewer hunters in Kansas and we believe it will have no material effect on hunter safety. Kansas should be looking at ways to bring more hunters to our state and into the fields, not less.

On behalf of the Kansas Sport Hunting Association, we respectfully request that this Committee not pass HB 2103, or in the alternative, consider the issue of a Sport Hunting Preserve license similar to what has been described in my testimony. We would be pleased to work with the appropriate parties in this regard if it is the desire of the Committee.

Thank you for your time this afternoon. I would be pleased to stand for questions.

Ark-Valley Pheasant Hatchery	Wayne and Melvena Rieth	HC 65 204 Maple	Pierceville	KS	67868
Ash Creek Upland Game Farm	Richard Case	1713 13th Ave	McPherson	KS	67460
Beaver Creek Gamebirds	Brad Leitner	103 N 3rd	Atwood	KS	67730
Beaver Creek Outfitter	Mark Leitner	RR 1 Box 27	Atwood	KS	67730
Beavers Game Farm	Vern & Claudette Beavers	01406 US Hwy 50	Pierceville	KS	67888
Blue Hill Gamebirds	Don & Virginia Montgomery	PO Box 174	Tipton	KS	67485
Blue Line Club	Bernie Janssen	Rt 1 Box 139A	Solomon	KS	67480
Cimmarron Valley Game Farm	Arrow Zangi	PO Box 810	Satanta	KS	67870
Country Hatchery	Rita Eichman	11379 117th Road	Dodge City	KS	67801
Double E Pheasant Ranch	Ron Erickson	2038 15th Ave	McPherson	KS	67047
Dye's Quail Farm	Bobbie & Elan Dye	4200 E K-4 Hwy	Assaria	KS	67418
Evans Game Farm	Charles Rott	1816 18th Road	Clay Center	KS	67432
Fantasy Flyers	Phil & Sherry Mann	Box 18A	Quinter	KS	67752
Flint Oak LLC	Ray Walton/Jeff Oakes	RR 1 Box 262	Fall River	KS	67047
Glacial Hills Pheasants	Larry & Terry Kuhnert	702 Maple Ave	Denton	KS	66017
Golden Prairie Hunting Service	Jeff and Debra White	Box 119	Sublette	KS	67877
Harold Hunting Lodge	Dale Lyman	Rt 1 Box 91	Ness City	KS	67560
Heinemann's Prairie Hill	Steve & Sharon Heinemann	301 W 43tr St N	Wichita	KS	67204
Hunnewell Hunting Club	Allan Heisel	105 N 6th	Hunnewell	KS	67140
Kansas Gun Dog's & Supply	Mike Koehn	Rt 1 Box 106	Burrton	KS	67020
Lone Pine Game Birds	Mike Hamman	440 90th Road	Toronto	KS	66777
M&L Gamebirds	Mark & Laura Rothgeb	Rt 1 Box 229C	Independence	KS	67301
Marvin's Farm Equip Repair	Marvin Meile	PO Box 96	Ulysses	KS	67880
Mike's Game Birds	Mile & Verlin Hammerschmidt	103 West Main	Victoria	KS	67671
Pheasant Creek Inc	Raymond Dienst	PO Box 209	Lakin	KS	67860
Prairie Wings Gamebirds	Ed & Terri VanMeter	RR 1 Box 43	Webber	KS	66970
Quail Valley Farms	Mike & Barbara Stucky	RR 1 Box 134M	Moundridge	KS	67107
Rader Lodge	Jeff & Lori Rader	Rt 1 Box 162	Glen Elder	KS	67446
Ravenwood Lodge	Ken Corbet	10147 SW 81	Topeka	KS	66610
Ringneck Ranch Inc	Keith & Debra Houghton	HC 61 Box 7	Tipton	KS	67485
Rockers Pheasant Farm	Ron Rockers	27744 NE 2350 Rd	Greeley	KS	66033
Rohrer's Game Farm	Fred & Sandra Rohrer	1476 Larkenburger	Troy	KS	66087
Sandyland Gamebird Farm	Lee Allen	Rt 1 Box 25	St John	KS	67578
Show-Me Bird Hunting Resort	Kim Shira	Rt 1 Box 134	Baxter Springs	KS	66713
Solomon Valley Lodge	Bob & Serena Saylor	1894 W 70th Dr	Alton	KS	67823
Spillman Creek Lodge	Merrill Nielsen	Rt 1 Box 40	Sylvan Grove	KS	67481
Superior Game Farm	William & Joyce Sherry	19001 S US Hwy 58	Burlington	KS	66413
Switzer Gap Gamebirds	John R Ross	103 N West Street	Mankato	KS	66956
T & C Wildlife	Terry Kunstel/Greg Kubler	RR 1 Box 755	Arcadia	KS	68711
Thundering Wings Pheasant Farm	Larry & Dena Webber	13320 NW 1600 Rd	Westphalia	KS	68093
Waggoner Game Farm	Alan & Carol Waggoner	PO Box 663	Tribune	KS	67879
Walnut Ridge	Mike & Barbara Duling	24580 190th RD	Walnut	KS	66780
Watson's Game Farm	Randy Watson	7355 S 295th W	Chaney	KS	67025
Wildlife Harvest	John Mullin	PO Box 96	Goose Lake	IA	52750
Wilson Game Farm	Lynn Wilson	23511 W Hwy 54	Goddard	KS	67052
	Pat Alexander	318-West Cattapa	Girard	KS	66743
	Rick Peters	17826 85 PL NE	Bothell	KS	68011
	Jack Wilson	Rt 1 Box 28-A	Bronson	KS	66716
	Joseph Stich	8740 150th Rd	Chanute	KS	66720
	Bob Hasenplaugh	1307 Five Mile Ave	Baxter Springs	KS	66713

## Kansas Sport Hunting Association

WHITNEY B. DAMRON, P.A.  
 1100 MERCANTILE BANK TOWER  
 800 SW JACKSON STREET  
 TOPEKA, KANSAS 66612-2205  
 (785) 354-1354 - 354-8092 (FAX)

Kansas Hunting Accidents Summary

YEAR	ACCIDENTS	FATALITIES	PHEAS/QUAIL HUNTER DAYS	ACCIDENT RATE (accidents /100,000 days)
1962	31	5	968,000	3.20
1963	37	5	946,000	3.91
1964	25	2	1,157,000	2.16
1965	30	5	1,088,000	2.76
1966	37	5	1,537,000	2.41
1967	43	4	1,253,000	3.43
1968	31	7	1,361,000	2.28
1969	50	7	1,511,000	3.31
1970	46	4	1,507,000	3.05
1971	40	3	1,373,000	2.91
1972	46	3	1,598,000	2.88
1973	30	3 $\bar{x} \uparrow = 4.82$	1,556,000	1.93 $\bar{x} \uparrow = 3.11$
1974	30	3 $\bar{x} \downarrow = 1.58$	1,680,000	1.79 $\bar{x} \downarrow = 2.38$
1975	42	3	1,613,000	2.60
1976	50	3	1,570,000	3.18
1977	53	3	1,487,000	3.56
1978	62	1	2,035,000	3.05
1979	34	1	1,655,000	2.05
1980	40	1	1,575,000	2.54
1981	58	3	1,906,000	3.04
1982	36	1	2,220,000	1.62
1983	50	3 $\bar{x} \downarrow = 1.26$	1,873,000	2.67 $\bar{x} \downarrow = 2.40$
1984	32	0	1,168,000	2.74
1985	38	2 $\bar{x} \downarrow = 1.23$	1,234,000	3.08 $\bar{x} \downarrow = 2.35$
1986	31	2	1,651,000	1.88
1987	38	0 $\bar{x} \downarrow = 1.07$	1,608,000	2.36 $\bar{x} \downarrow = 2.32$
1988	51	2	1,661,000	3.07
1989	56	3 $\bar{x} \downarrow = 1.11$	1,498,000	3.74 $\bar{x} \downarrow = 2.23$
1990	41	2	1,658,000	2.47
1991	36	1	1,607,000	2.24
1992	21	0	1,335,000	1.58
1993	35	2	1,613,000	2.17
1994	44	0	1,861,000	2.36
1995	21	1	1,432,000	1.47
1996	23	0	1,300,000	1.77
1997	27	1	(Not available)	(Not available)

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**HB 2103**

**Testimony Provided to  
House Committee on Environment  
February 2, 1999**

Good afternoon Chairman Freeborn and members of the House Committee on Environment. My name is Dick Carter and I am the Executive Director of the Travel Industry Association of Kansas, better known as TIAK. TIAK was formed in 1982 as a small but determined group of tourism promoters and marketers in Kansas. Our organization was structured on a model of the Travel Industry Association of America, and our membership includes convention and visitors bureaus, chambers of commerce, hotels and motels, attractions, regional promotional organizations, and businesses who service tourists and tourism promotion. Our ranks also include a variety of representatives from state agencies who are involved in the tourism industry in one way or another. Our mission was, and is, to speak with one voice for the tourism industry.

I appear before you today in a neutral position on HB 2103. Two years ago, the Legislature commissioned a study on tourism in Kansas. The purpose of the study was to give direction to, and provide for strategic plans to better the Kansas tourism product. The study identified six travel strength areas that our state should capitalize on. Two of those areas are the Natural Resources niche and Eco-Tourism. Hunting and Fishing fall into the Natural Resource arena, and Eco-Tourism comprises activities such as bird watching, hiking and backpacking. We at TIAK have long recognized the economic impacts that occur from our state's bountiful natural

*House Environment  
2-2-99  
Attachment 4*

resources. In fact, we have initiated cooperative efforts with state agencies to promote our excellent upland game bird hunting.

We appear neutral because we think that several questions should be asked before delving into changing the current law regarding the possession of hunter safety certificates.

The Kansas Department of Wildlife & Parks (KDWP) is very aware of the need to recruit and retain sportsmen and sportswomen. KDWP has developed working groups to identify new ways to reverse declines in hunter and angler participation rates. This effort would seem to support ways to make hunting and fishing in Kansas easier -- not more difficult.

The word has spread regarding the success of the Walk-In Hunting Area program. In the 1998-1999 hunting season, over 480,000 acres of land are available to the public for walk-in access hunting. TIAK applauds the KDWP for realizing the importance of providing this type of access to the 95,760 resident and 38,038 nonresident license holders that choose to hunt in Kansas (nearly \$4 million in license revenue alone).

Hunter safety needs to be credited with the reduction of hunting accidents. Certainly, TIAK appreciates the men and women who volunteer their time to educate adults and youth alike, in the practices of safe gun handling and conservation. Nothing in the proposed change to the law would change the requirement that anyone born after July 1, 1957 take a hunter safety course if they desire to hunt in the state of Kansas. Additionally, Kansas recognizes other state's hunter safety certificates for nonresidents who travel to our state to hunt. **Continued safety training is the crucial to insuring future generations of sportsmen and sportswomen.** Quite possibly we should be looking at ways to make it easier for folks to take a hunter safety class. Maybe these classes should be offered on a set schedule 12 months out of the year. There are numerous possible solutions that address the delivery of a program like this.



For whatever reason, the current law states that once you turn 27 years of age you do not have to carry in your possession a hunter safety certificate. Changing this statute may result in a public relations nightmare that KDWP may not recover from. Carrying your hunter safety certificate on your person certainly does not make you a safer hunter. Taking the course, however, presents the knowledge and skills one needs to safely pursue game. And it is currently working.

Our natural resources are a unique draw for visitors to our state. They provide a tremendous economic impact to our motels, restaurants, convenience stores and gas stations. We want to insure that any legislation enacted is visitor friendly. We would like to think that we are making Kansas a desirable and affordable place for people to come and enjoy our natural heritage. We need to be looking at ways to create an environment that is conducive to tourism business, not one that discourages people from participating in everything our state has to offer.

JANUARY 30, 1999

WE WOULD LIKE TO MAKE YOU AWARE OF POTENTIAL PROBLEMS THAT CONCERN MY WIFE AND I.

ACROSS THE ROAD FROM OUR HOME, APPROXIMATELY 50-75 YARDS, IS A LARGE NUMBER OF WASTE RAILROAD TIES. WHEN THE UNION PACIFIC RAILROAD ABANDONED THE LINCOLN BRANCH RAILROAD LINE, THE SALVAGEABLE RAILROAD TIES WERE BANDED AND SOLD. THE TIES THAT WERE OF NO VALUE WERE GIVEN AWAY. THE PERSON THAT OWNS THE PROPERTY ON THE WEST EDGE OF TOWN AND ACROSS FROM OUR HOUSE GAVE THE CONTRACTOR PERMISSION TO DUMP ALL THE WASTE TIES ON HIS PROPERTY. WE CAN NOT GUESS HOW MANY THOUSANDS OF TIES WERE DUMP ON THIS PROPERTY.

ONE OF OUR GREATEST CONCERNS IS THE POTENTIAL FOR FIRE. THE THREAT OF FIRE FROM LIGHTING, VANDALISM, OR CARELESSNESS IN THIS SMALL CONCENTRATED AREA IS A VERY HIGH RISK. THE PROPERTY BEING SO CLOSE TO TOWN IS ALSO A PROBLEM FOR CHILDREN. THERE HAS BEEN TIMES THAT CHILDREN WERE SEEN CLIMBING ON THE TALL UNSTABLE STACKS OF TIES.

WE FEEL THE CLOSE PROXIMITY OF THIS PROPERTY TO SEVERAL HOMES AND ALSO TO THE CITY OF LUCAS IS A HAZARD AND WE WOULD APPRECIATED YOUR ATTENTION TO THIS MATTER.

THANK YOU;

*Douglas & Linda Brant*

DOUGLAS AND LINDA BRANT  
904 W. 1ST  
LUCAS, KANSAS 67648

*House Environment  
2-2-99  
Attachment 5*

The City Of Lucas  
OFFICE OF CITY CLERK  
Lucas, Kansas 67648

CITY OFFICE  
(785-525-6425

OFFICE HOURS  
8:00 a.m. to 12:00 noon

POWER HOUSE  
(785-525-6353

February 1, 1999

Representative Laura McClure  
State Capitol Building  
Topeka, Ks.

RE: House Bill 21-24

Dear Representative McClure,

I am writing to you concerning House Bill 21-24 supporting this bill.

The City of Lucas has had many citizen complaints about the pile of old railroad ties on the outside boundaries of the city.

It is my understanding, these ties were disposed by the Salvage Company hired to take out the old Union Pacific Rail Road line between Salina Ks and Plainville Ks. The reason the Salvage Company did not want these ties was they did not have any value.

These large piles of ties make an ideal place for rodents to make their homes.

These piles are located approximately 100 ft. west of city water well. The number of creosote ties concerns the city as to a possibility of contamination of a city water supply.

Another issue is safety. The stacks of ties are leaning. Children have been seen playing on and near these ties. Fire hazard is another safety issue.

If this bill were passed, it would help keep this type of situation from occurring.

Sincerely,

*Carol Schneider*  
Carol Schneider,  
City Clerk

"Equal Housing Opportunity City"

**Hello, I am Connie Dougherty from Lucas. I am the secretary for the Lucas Area Chamber of Commerce.**

**I am here to show my support of House Bill 2124.**

**The people of Lucas have always worked hard to keep our town growing and prosperous. We are very proud of our accomplishments.**

**Lucas has been a Kansas PRIDE Community since 1987 and has won awards in Community Achievement, Tourism, Community Development and Rural Health.**

**Some of our accomplishments during the past 10 years are 2 new industries that employ over 90 people, the Grassroots Art Center, the Post Rock Scenic Byway, and being named the Grassroots Art Capital of Kansas by Governor Graves. In 1998 Lucas won the Department of Commerce and Housing award for Outstanding Achievement in Community Development.**

**The City of Lucas has also received 2 housing rehabilitation grants, and a grant for a water treatment plant. In 1997 the city received a comprehensive grant that included the demolition of 11 old houses, a new access road to the Industrial Park and elevator, new energy efficient ball field lights, a new medical clinic, the renovation of the Grassroots Arts Centers third building and two new rental homes. You can see that the City of Lucas is actively working for the betterment of its citizens.**

**Lucas has several thousand visitors a year coming to see the Garden of Eden and the Grassroots Art Center, because of this we try to keep our town neat and clean.**

**Immediately outside the city limits, on an access road into town, sits six stacks of waste railroad ties numbering in the thousands. They were put there when the railroad line was abandoned in 1994. The waste ties are unsightly and a potential health and safety hazard to the community.**

**I would like for you to take all of this into consideration when you make your decision on this bill. Thank you for your time.**

*Connie Dougherty*  
Box 175  
Lucas, KS 67648  
2-1-99

*House Environment*  
*2-2-99*  
*Attachment 7*

2/2/99

Re: Waste Railroad Ties.

To: The House of Rep. the State of Kansas, to the committee reviewing House Bill 2124.

My interest is two fold, first I represent my family who owns the farm and 2 houses just across the road from where these waste railroad ties have been dumped. Secondly as the Asst. Fire Chief for the rural fire dept. that is responsible for these properties.

My brother and his wife live in the house my grandparents lived in. My sister and her husband have built a home on this property also.

The dumping of these waste railroad have created many problems,

1. Rodents and animals: Rats, Mice and Skunks.
2. Safety hazard: these ties are in several piles some stacked as high as 20 feet. I have seen children from town playing on top of these stacks.
3. Health: One of the Lucas's city water wells is within 150' of these stacks.
4. Loss of revenue to the state and county: The county appraiser as reduced the value of both home across the road due to the piles of these ties.
5. Fire Hazard: These piles were placed among trees making them at risk for a lightning strike. With the location of these stacks so close to the houses, our small fire dept. would be stressed both financially and personal wise, to protect the houses and the surrounding crops. It could be possible these stacks of ties would burn for many days or even weeks.

We have talked to KDHE, KDOT and the Fire Marshals Office, all basically said they had no jurisdiction on Railroad Ties.

What we are asking for from the legislature is to empower one of these Depts. so someone has authority over how these ties can be dispose of properly.

Craig Langdon  
405 N. Main  
Lucas, Ks  
785-525-6355

*House Environment  
2-2-99  
Attachment 8*

I am here today to show my support for HB 2124. I live right across the street from this mess. As you can see from the photo my sister and brother-in-law live in the yellow house. The small white building in the photo is the city well. I don't have a lot to add to what has already been said. The stack to railroad ties are a health hazard. They are a breeding ground for skunks and rodents. When the weather starts to turn cold those rats and mice try to move in with us. Since the ties have been dumped there the rodent problem at my house has increased considerably. I don't like it, my wife doesn't't like it and I'm sure you wouldn't't like it.

The ties are not only a breeding grounds for skunks and rodents, they are also a fire hazard. They are surrounded by a bunch of dead trees which could act as lightning rods. If the stacks would ever catch fire they could burn for weeks, maybe longer. Not only would my sister's house and mine be in jeopardy of burning, just the smoke damage alone could be very costly.

The ties also pose a threat to the safety of the children from town that ride their bikes out that way and stop to play on the stacks. Not only could they be hurt by falling, or having a tie fall on them, but they also run the chance of encountering a rabid skunk.

We have a problem here and we need your help.

Rick M. Langdon  
Lucas, Kansas

*House Environment  
2-2-99  
Attachment 9*





**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Clyde D. Graeber, Acting Secretary

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Testimony presented to

**House Environment Committee**

February 2, 1999

by

William L. Bider, Director, Bureau of Waste Management

Kansas Department of Health and Environment

**House Bill 2124**

The Department of Health and Environment appreciates this opportunity to provide testimony in support of HB 2124. This bill establishes authority for KDHE to develop rules and regulations related to the accumulation and storage of discarded materials. At the current time, state law only authorizes KDHE to regulate the management of "solid waste." A person can accumulate discarded waste materials and claim they have value and are therefore not "solid wastes." Unless a storage activity presents a very clear threat to human health or the environment, KDHE has no authority to regulate the activity.

Examples exist across Kansas of "speculative accumulation" by individuals who hope that someone else's waste will someday become a valuable commodity for them. Large piles of railroad ties, wooden pallets, and empty 55-gallon drums have been accumulated by such hopeful individuals. The owners of these piles, which can surpass 50,000 railroad ties or 100,000 pallets, claim that the material is not waste even though the material may sit for years without any use or sales. Neighbors of the piles often see these practices differently. Instead of seeing a valuable resource, neighbors often observe an eyesore which effects local property values and which can present fire hazards or breeding grounds for undesirable rodents.

State law already regulates the storage of certain types of waste materials. The Junkyard Salvage and Control Act administered by the Department of Transportation established authority for regulating discarded materials generally accumulated in junkyards or salvage yards. KDOT has adopted regulations which further delineate allowed practices and a certification procedure for salvage yards. To avoid duplication of this existing authority and any potential conflicts which could arise, KDHE is offering some suggested revisions to HB 2124, including the need

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DIVISION OF ENVIRONMENT  
Bureau of Waste Management

Forbes Field, Building 740  
(785) 296-1600

*Printed on Recycled Paper*

Topeka, KS 66620-0001  
Fax (785)-296-1592

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2-2-99  
Attachment 10*

for KDHE and KDOT to enter into a cooperative agreement to establish clearcut responsibilities to regulate the accumulation of discarded materials. These amendments clarify that the new authority granted to KDHE will complement rather than conflict with the authority and responsibilities of KDOT to administer the Junkyard and Salvage Control Act.

Our amendments also provide a few wording changes to clarify certain requirements and to add consistency with other environmental statutes. We modified the first sentence of the definition of "speculative accumulation" to clarify that the accumulation activity could be for reuse and recycling in addition to the hopeful sale of the items. KDHE will develop rules and regulations which establish standards for allowable accumulation for all purposes. Our final amendment adds consistency with other environment statutes by changing "create a hazard to public health or welfare" to "create a public nuisance or adversely affect public health or the environment" as related to the accumulation of discarded materials.

Passage of this bill will give KDHE the authority to establish regulations which determine when accumulated waste materials have real value. The department has previously developed waste tire regulations which included a demonstration to show that used tires have market value based upon records of use or sale. In developing more broad-based criteria for other materials, KDHE will solicit input from interested and affected persons. The criteria will allow KDHE to determine when accumulated material is a "solid waste" because it is not being used or sold and the potential for it to be used or sold is minimal. Because certain speculative accumulation activities will become unlawful, KDHE will have new authority to order cleanup actions to remove materials which are solid waste.

Thank you for this opportunity to present testimony on HB 2124.

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**HOUSE BILL No. 2124**

**By Committee on Environment**

**1-26**

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9 AN ACT concerning solid waste; relating to certain accumulations of  
10 used or discarded materials; prohibiting certain acts and prescribing  
11 penalties for violations; amending K.S.A. 1998 Supp. 65-3402, 65-3406  
12 and 65-3409 and repealing the existing sections.  
13

14 Be it enacted by the Legislature of the State of Kansas:

15 Section 1. K.S.A. 1998 Supp. 65-3402 is hereby amended to read as  
16 follows: 65-3402. As used in this act, unless the context otherwise  
17 requires:

18 (a) "Solid waste" means garbage, refuse and other discarded mate-  
19 rials including, but not limited to, solid, semisolid, sludges, liquid and  
20 contained gaseous waste materials resulting from industrial, commercial,  
21 agricultural and domestic activities. Solid waste does not include hazard-  
22 ous wastes as defined by subsection (f) of K.S.A. 65-3430, and amend-  
23 ments thereto, recyclables or the waste of domestic animals as described  
24 by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

25 (b) "Solid waste management system" means the entire process of  
26 storage, collection, transportation, processing, and disposal of solid wastes  
27 by any person engaging in such process as a business, or by any state  
28 agency, city, authority, county or any combination thereof.

29 (c) "Solid waste processing facility" means incinerator, composting  
30 facility, household hazardous waste facility, waste-to-energy facility, trans-  
31 fer station, reclamation facility or any other location where solid wastes  
32 are consolidated, temporarily stored, salvaged or otherwise processed  
33 prior to being transported to a final disposal site. This term does not  
34 include a scrap material recycling and processing facility.

35 (d) "Solid waste disposal area" means any area used for the disposal  
36 of solid waste from more than one residential premises, or one or more  
37 commercial, industrial, manufacturing or municipal operations.

38 (e) "Person" means individual, partnership, firm, trust, company, as-  
39 sociation, corporation, individual or individuals having controlling or ma-  
40 jority interest in a corporation, institution, political subdivision, state  
41 agency or federal department or agency.

42 (f) "Waters of the state" means all streams and springs, and all bodies  
43 of surface or groundwater, whether natural or artificial, within the bound-

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- 1 aries of the state.
- 2 (g) "Secretary" means the secretary of health and environment.
- 3 (h) "Department" means the Kansas department of health and  
4 environment.
- 5 (i) "Disposal" means the discharge, deposit, injection, dumping, spill-  
6 ing, leaking or placing of any solid waste into or on any land or water so  
7 that such solid waste or any constituent thereof may enter the environ-  
8 ment or be emitted into the air or discharged into any water.
- 9 (j) "Open dumping" means the disposal of solid waste at any solid  
10 waste disposal area or facility which is not permitted by the secretary  
11 under the authority of K.S.A. 65-3407, and amendments thereto, or the  
12 disposal of solid waste contrary to rules and regulations adopted pursuant  
13 to K.S.A. 65-3406, and amendments thereto.
- 14 (k) "Generator" means any person who produces or brings into ex-  
15 istence solid waste.
- 16 (l) "Monitoring" means all procedures used to (1) systematically in-  
17 spect and collect data on the operational parameters of a facility, an area  
18 or a transporter, or (2) to systematically collect and analyze data on the  
19 quality of the air, groundwater, surface water or soils on or in the vicinity  
20 of a solid waste processing facility or solid waste disposal area.
- 21 (m) "Closure" means the permanent cessation of active disposal op-  
22 erations, abandonment of the disposal area, revocation of the permit or  
23 filling with waste of all areas and volume specified in the permit and  
24 preparing the area for the long-term care.
- 25 (n) "Postclosure" means that period of time subsequent to closure of  
26 a solid waste disposal area when actions at the site must be performed.
- 27 (o) "Reclamation facility" means any location at which material con-  
28 taining a component defined as a hazardous substance pursuant to K.S.A.  
29 65-3452a and amendments thereto or as an industrial waste pursuant to  
30 this section is processed.
- 31 (p) "Designated city" means a city or group of cities which, through  
32 interlocal agreement with the county in which they are located, is dele-  
33 gated the responsibility for preparation, adoption or implementation of  
34 the county solid waste plan.
- 35 (q) "Nonhazardous special waste" means any solid waste designated  
36 by the secretary as requiring extraordinary handling in a solid waste dis-  
37posal area.
- 38 (r) "Recyclables" means any materials that will be used or reused, or  
39 prepared for use or reuse, as an ingredient in an industrial process to  
40 make a product, or as an effective substitute for a commercial product.  
41 "Recyclables" includes, but is not limited to, paper, glass, plastic, munic-  
42 ipal water treatment residues, as defined by K.S.A. 65-163 and amend-  
43 ments thereto, and metal, but does not include yard waste.

1 (s) "Scrap material processing industry" means any person who ac-  
2 cepts, processes and markets recyclables.

3 (t) "Scrap material recycling and processing facility" means a fixed  
4 location that utilizes machinery and equipment for processing only  
5 recyclables.

6 (u) "Construction and demolition waste" means solid waste resulting  
7 from the construction, remodeling, repair and demolition of structures,  
8 roads, sidewalks and utilities; untreated wood and untreated sawdust from  
9 any source; solid waste consisting of motor vehicle window glass; and solid  
10 waste consisting of vegetation from land clearing and grubbing, utility  
11 maintenance, and seasonal or storm-related cleanup. Such wastes include,  
12 but are not limited to, bricks, concrete and other masonry materials, roof-  
13 ing materials, soil, rock, wood, wood products, wall or floor coverings,  
14 plaster, drywall, plumbing fixtures, electrical wiring, electrical compo-  
15 nents containing no hazardous materials, nonasbestos insulation and con-  
16 struction related packaging. "Construction and demolition waste" shall  
17 not include waste material containing friable asbestos, garbage, furniture,  
18 appliances, electrical equipment containing hazardous materials, tires,  
19 drums and containers even though such wastes resulted from construction  
20 and demolition activities. Clean rubble that is mixed with other construc-  
21 tion and demolition waste during demolition or transportation shall be  
22 considered to be construction and demolition waste.

23 (v) "Construction and demolition landfill" means a permitted solid  
24 waste disposal area used exclusively for the disposal on land of construc-  
25 tion and demolition wastes. This term shall not include a site that is used  
26 exclusively for the disposal of clean rubble.

27 (w) "Clean rubble" means inert uncontaminated construction and  
28 demolition waste which includes concrete and concrete products, rein-  
29 forcing steel, asphalt pavement, brick, soil or rock.

30 (x) "Industrial waste" means all solid waste resulting from manufac-  
31 turing, commercial and industrial processes which is not suitable for dis-  
32 charge to a sanitary sewer or treatment in a community sewage treatment  
33 plant or is not beneficially used in a manner that meets the definition of  
34 recyclables. Industrial waste includes, but is not limited to: Mining wastes  
35 from extraction, beneficiation and processing of ores and minerals unless  
36 those minerals are returned to the mine site; fly ash, bottom ash, slag and  
37 flue gas emission wastes generated primarily from the combustion of coal  
38 or other fossil fuels; cement kiln dust; waste oil and sludges; waste oil  
39 filters; and fluorescent lamps.

40 (y) "Composting facility" means any facility that composts wastes and  
41 has a composting area larger than one-half acre.

42 (z) "Household hazardous waste facility" means a facility established  
43 for the purpose of collecting, accumulating and managing household haz-

ardous waste and may also include small quantity generator waste or agricultural pesticide waste, or both. Household hazardous wastes are consumer products that when discarded exhibit hazardous characteristics.

(aa) "Waste-to-energy facility" means a facility that processes solid waste to produce energy or fuel.

(bb) "Transfer station" means any facility where solid wastes are transferred from one vehicle to another or where solid wastes are stored and consolidated before being transported elsewhere, but shall not include a collection box provided for public use as a part of a county-operated solid waste management system if the box is not equipped with compaction mechanisms or has a volume smaller than 20 cubic yards.

(cc) "Municipal solid waste landfill" means a solid waste disposal area where residential waste is placed for disposal. A municipal solid waste landfill also may receive other nonhazardous wastes, including commercial solid waste, sludge and industrial solid waste.

(dd) "Construction related packaging" means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. "Construction related packaging" does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging wastes generated during maintenance of existing structures.

~~(ee) "Speculative outdoor accumulation" means accumulation or storage, at outdoor sites, of materials for the purpose of selling them at a profit in the future. "Speculative outdoor accumulation" does not include accumulation or storage of materials that, as determined in accordance with rules and regulations of the secretary, have market value, have a beneficial use to the person accumulating them or are accumulated on the premises of a business that uses them in the ordinary course of business.~~

(ee) "Speculative Accumulation" means the outdoor accumulation or storage of materials with an intent to use, reuse, sell, or recycle the materials. "Speculative accumulation" does not include accumulation or storage of materials that, as determined in accordance with rules and regulations adopted by the secretary, (1) have market value, (2) have a beneficial use to the person accumulating them, or (3) are accumulated on the premises of a business that uses them in the ordinary course of business; or are certified or licensed under the Junkyard and Salvage Control Act.

Sec. 2. K.S.A. 1998 Supp. 65-3406 is hereby amended to read as follows: 65-3406. (a) The secretary is authorized and directed to:

(1) Adopt such rules and regulations, standards and procedures relative to solid waste management as necessary to protect the public health and environment, prevent public nuisances and enable the secretary to carry out the purposes and provisions of this act.

(2) Report to the legislature on further assistance needed to administer the solid waste management program.

(3) Administer the solid waste management program pursuant to provisions of this act.

(4) Cooperate with appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out duties under this act.

(5) Develop a statewide solid waste management plan.



- 1 (6) Provide technical assistance, including the training of personnel  
2 to cities, counties and other political subdivisions.
- 3 (7) Initiate, conduct and support research, demonstration projects  
4 and investigations and coordinate all state agency research programs with  
5 applicable federal programs pertaining to solid waste management  
6 systems.
- 7 (8) Establish policies for effective solid waste management systems.
- 8 (9) Assist counties and groups of counties to establish and implement  
9 solid waste planning and management.
- 10 (10) Authorize issuance of such permits and orders and conduct such  
11 inspections as may be necessary to implement the provisions of this act  
12 and the rules and regulations and standards adopted pursuant to this act.
- 13 (11) Conduct and contract for research and investigations in the over-  
14 all area of solid waste storage, collection, transportation, processing, treat-  
15 ment, recovery and disposal including, but not limited to, new and novel  
16 procedures.
- 17 (12) Adopt rules and regulations for permitting of all solid waste dis-  
18posal areas, including those that are privately owned.
- 19 (13) Adopt rules and regulations establishing criteria for the location  
20 of processing facilities and disposal areas for solid wastes.
- 21 (14) Adopt rules and regulations establishing appropriate measures  
22 for monitoring solid waste disposal areas and processing facilities, both  
23 during operation and after closure.
- 24 (15) Adopt rules and regulations requiring that, for such period of  
25 time as the secretary shall specify, any assignment, sale, conveyance or  
26 transfer of all or any part of the property upon which a permitted disposal  
27 area for solid waste is or has been located shall be subject to such terms  
28 and conditions as to the use of such property as the secretary shall specify  
29 to protect human health and the environment.
- 30 (16) Adopt suitable measures, including rules and regulations if ap-  
31 propriate, to encourage recovery and recycling of solid waste for reuse  
32 whenever feasible.
- 33 (17) Adopt rules and regulations establishing standards for trans-  
34 porters of solid waste.
- 35 (18) Adopt rules and regulations establishing minimum standards for  
36 closing, termination, and long-term care of sites for the land disposal of  
37 solid waste. In this subsection, "site" refers to a site for the land disposal  
38 of solid waste which has a permit issued under K.S.A. 65-3407 and  
39 amendments thereto. The owner of a site shall be responsible for the  
40 long-term care of the site for 30 years after the closing of the site, except  
41 the secretary may extend the long-term care responsibility of a particular  
42 site or sites as the secretary deems necessary to protect the public health  
43 and safety or the environment. Any person acquiring rights of ownership,

1 possession or operation in a permitted site or facility for the land disposal  
2 of solid waste at any time after the site has begun to accept waste and  
3 prior to closure shall be subject to all requirements of the permit for the  
4 site or facility, including the requirements relating to long-term care of  
5 the site or facility.

6 (19) Enter into cooperative agreements with the secretary of com-  
7 merce for the development and implementation of statewide market de-  
8 velopment for recyclable materials.

9 (20) Adopt rules and regulations for the management of nonhazar-  
10 dous special wastes.

11 (21) Adopt rules and regulations governing speculative outdoor ac-  
12 cumulation of used or discarded pallets, used or discarded railroad ties  
13 or other used or discarded materials that create or may create a hazard  
14 to the public health or welfare.

public nuisance or adversely affect the public health or the environment.

15 (b) In adopting rules and regulations, the secretary shall allow the  
16 exemption contained in subsection (f)(1) of 40 CFR 258.1 (October 9,  
17 1991), as amended and in effect on the effective date of this act.

(22) Enter into a cooperative agreement with the secretary of transportation  
delineating enforcement responsibilities related to the speculative accumulation of  
"junk" as defined in the Junkyard and Salvage Control Act and other waste  
materials.

18 (c) (1) Any rules and regulations adopted by the secretary which es-  
19 tablish standards for solid waste processing facilities or solid waste dis-  
20 posal areas that are more stringent than the standards required by federal  
21 law or applicable federal regulations on such date shall not become ef-  
22 fective until 45 days after the beginning of the next ensuing session of  
23 the legislature, which date shall be specifically provided in such rule and  
24 regulation.

25 (2) The provisions of subsection (c)(1) shall not apply to rules and  
26 regulations adopted before January 1, 1995, which establish standards for  
27 location, design and operation of solid waste processing facilities and dis-  
28 posal areas.

29 (d) Any solid waste disposal area which qualifies for the exemption  
30 provided for by subsection (b) and which successfully demonstrates that  
31 naturally occurring geological conditions provide sufficient protection  
32 against groundwater contamination shall not be required to construct a  
33 landfill liner or leachate collection system. The secretary shall adopt rules  
34 and regulations which establish criteria for performing this demonstration  
35 and standards for liner and leachate collection systems for exempt landfills  
36 which fail the demonstration. Solid waste disposal areas which qualify for  
37 the exemption provided for by subsection (b) may be designed with  
38 trenches or units which have straight vertical walls. All solid waste disposal  
39 areas which qualify for the exemption provided for by subsection (b) shall  
40 be required to comply with all applicable rules and regulations adopted  
41 by the secretary and approved by the U.S. environmental protection  
42 agency, including location restrictions, operating requirements and clo-  
43 sure standards for municipal solid waste landfills. Operating requirements

1 include, but are not limited to, hazardous waste screening, daily cover,  
2 intermediate cover, disease vector control, gas monitoring and manage-  
3 ment, air emissions, survey controls, compaction, recordkeeping and  
4 groundwater monitoring.

5 The identification of groundwater contamination caused by disposal  
6 activities at a solid waste disposal area which has qualified for the exemp-  
7 tion provided for by subsection (b) shall result in:

8 (1) The loss of such exemption; and

9 (2) the application of all corrective action and design requirements  
10 specified in federal laws and regulations, or in equivalent rules and reg-  
11 ulations adopted by the secretary and approved by the U.S. environmental  
12 protection agency, to such disposal area.

13 Sec. 3. K.S.A. 1998 Supp. 65-3409 is hereby amended to read as  
14 follows: 65-3409. (a) It shall be unlawful for any person to:

15 (1) Dispose of any solid waste by open dumping, but this provision  
16 shall not prohibit: (A) The use of solid wastes in normal farming opera-  
17 tions or in the processing or manufacturing of other products in a manner  
18 that will not create a public nuisance or adversely affect the public health;  
19 or (B) an individual from dumping or depositing solid wastes resulting  
20 from such individual's own residential or agricultural activities onto the  
21 surface of land owned or leased by such individual when such wastes do  
22 not create a public nuisance or adversely affect the public health or the  
23 environment.

24 (2) Except as otherwise provided by K.S.A. 1998 Supp. 65-3407c and  
25 amendments thereto, construct, alter or operate a solid waste storage,  
26 processing or disposal facility or area of a solid waste management system  
27 without a permit or be in violation of the rules and regulations, standards  
28 or orders of the secretary.

29 (3) Violate any condition of any permit issued under K.S.A. 65-3407,  
30 and amendments thereto.

31 (4) Conduct any solid waste burning operations in violation of the  
32 provisions of the Kansas air quality act.

33 (5) Store, collect, transport, process, treat or dispose of solid waste  
34 contrary to the rules and regulations, standards or orders of the secretary  
35 or in such a manner as to create a public nuisance.

36 (6) Refuse or hinder entry, inspection, sampling and the examination  
37 or copying of records related to the purposes of this act by an agent or  
38 employee of the secretary after such agent or employee identifies and  
39 gives notice of their purpose.

40 (7) Violate subsection (b) of K.S.A. 65-3424a, subsection (c) of K.S.A.  
41 65-3424b or K.S.A. 65-3424i, and amendments thereto.

42 (8) Engage in speculative ~~outdoor~~ accumulation of used or discarded  
43 pallets, used or discarded railroad ties or other used or discarded mate-

8-11

1    rials that create or may create a ~~hazard to the public health or welfare,~~ public nuisance or adversely affect the public health or environment,  
2    except in accordance with rules and regulations adopted by the secretary.  
3    (b) No person shall be held responsible for failure to secure a permit  
4    under the provisions of this section for the dumping or depositing of any  
5    solid waste on land owned or leased by such person without such person's  
6    expressed or implied consent, permission or knowledge.  
7    (c) Any person who violates any provision of subsection (a) shall be  
8    guilty of a class A misdemeanor and, upon conviction thereof, shall be  
9    punished as provided by law.  
10    Sec. 4. K.S.A. 1998 Supp. 65-3402, 65-3406 and 65-3409 are hereby  
11    repealed.  
12    Sec. 5. This act shall take effect and be in force from and after its  
13    publication in the statute book.



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. 2104**

**Testimony Provided to  
House Committee on Environment  
February 2, 1999**

For purposes of controlled shooting area law and regulation, the current definition of "game bird" includes "turkey" (K.S.A. 32-943). This conflicts with other statutory definitions, in which turkeys are classified as big game animals. To reconcile these statutes and prevent confusion, HB 2104 would delete turkeys from the definition in K.S.A. 32-943.

Records submitted to the department by current controlled shooting areas indicate that no current areas release pen-raised turkeys, and therefore no current areas would be affected by the bill. To the extent the release of pen-raised turkeys may spread certain diseases to wild populations, which has been documented in certain instances, the bill could have positive long-range impact by preventing such disease.

The department considers HB 2104 to be relatively simple clean-up legislation, and supports its passage.

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*House Environment  
2-2-99  
Attachment 12*