

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on January 22, 2002 in Room 231-N of the Capitol.

All members were present except: Representative Daniel Thimesch - excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Clint Riley, Department Attorney, KS Dept. Wildlife and Parks, 900 SW Jackson, Ste 502, Topeka, KS 66612-1233
Mary Jane Stattelman, Administrator Kansas Agricultural Remediation Board, 816 SW Tyler, Topeka, KS 66612
Michael Hayden, Secretary, KS Department Wildlife and Parks, 900 SW Jackson, Topeka, KS 66612
Keith Sexson, Assistant Secretary, Operations, KS Dept. Wildlife and Parks, 512 SE 25th Avenue, Pratt, KS 67124
Roger Wolfe, Fisheries and Wildlife Regional Supervisor, KS Dept. Wildlife and Parks, 3300 SW 29th, Topeka, KS 66614

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She welcomed committee members and guests to the first meeting of the session. She introduced Michael Hayden, newly appointed Secretary of Kansas Department of Wildlife and Parks.

The Chairperson asked if there were any individuals wishing to introduce a bill at this time.

Representative Jerry Henry requested a bill that would remove the solid waste tonnage fee for foundry and utility waste and institutes a lower fee for industrial waste disposed of at landfill operated by the generator of the waste. (See attachment 1)

Rep. Tom Sloan made a motion the bill requested by Rep. Jerry Henry be introduced. Rep. Vaughn Flora seconded the motion. Motion carried.

The Chairperson asked if there were agencies wishing to introduce bills at this time.

Clint Riley, Department Attorney, KS Dept. Wildlife and Parks requested two bills. (1) Amendment to KSA 32-930 to specify that, for the purposes of eligibility for lifetime hunting, fishing, or furharvesting licenses, a person must live at least one full year in Kansas to qualify as a Kansas resident. (2) Amendment to KSA 32-1050 to increase several of the bond amounts that may be required to ensure appearance in court when cited for certain violations of Wildlife and Parks laws. (See attachment 2)

Rep. Vaughn Flora made a motion the two bill requests by Clint Riley be introduced. Rep. Ray Merrick seconded the motion. Motion carried.

Bill Bider, Director, Bureau Waste Management, KDHE, requested three bills. (1) A bill to allow KDHE to more accurately estimate statewide waste reduction activities for use in national state-by-state comparisons; to assess the success of state and local waste reduction programs; and to plan future waste reduction activities. (2) A bill to establish a new class of landfill for which KDHE can issue permits. These new landfills will be allowed to dispose of some wastes currently prohibited in C & D landfills provided additional standards of design and operation are satisfied, including a clay liner, leachate collection, and groundwater monitoring. (3) A bill to provide counties and regional planning authorities with clear guidance on how to revise and

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on January 22, 2002.

update currently approved solid waste plans. Most points of clarification involve regional planning activities and the differences in the roles of planning committees and county commissioners. (See attachment 3)

Rep. Vaughn Flora made a motion the three bills requested by Bill Bider, KDHE, be introduced. Rep. Dan Johnson seconded the motion. Motion carried

The Chairperson welcomed Mary Jane Stattelmann, Administrator, Kansas Agricultural Remediation Board, to the committee. She reviewed the annual report of the Board. The Kansas Agricultural Remediation Act was passed by the Kansas legislature in 2000. This act created the Kansas agricultural remediation program for the purpose of reimbursing responsible, eligible parties for remediation costs incurred after July 1, 1997. Corrective action costs incurred after September 1, 2001, shall be submitted to the Board within 2 years after incurring the costs. The remediation fund was created by assessing an annual fee on pesticide products, pesticide dealers, grain storage, fertilizer products and custom blenders. The fund is administered and managed by a seven member Governor appointed board. The Board will meet quarterly and review all applications that are received 30 days prior to the meeting date. A completed application may be eligible for reimbursement for up to 12 months after the receipt of the application by the Board administrator. Starting in the last week in October, letters containing the application form, the brochure and copies of the statutes and rules and regulations were mailed to the interested parties and those persons that are already involved in one of KDHE's remediation programs. As of December 31, 2001, the Board had received eleven applications. (See attachment 4) Committee questions and discussion followed.

Chairperson Freeborn thanked Ms. Stattelmann for her presentation and welcomed Michael Hayden, Secretary of Kansas Department Wildlife and Parks to the committee. Secretary Hayden presented copies of the Kansas Deer Management Program (See attachment 5) and gave an update on deer population control efforts in Kansas. He introduced Keith Sexson, Assistant Secretary, to the committee. The white-tailed deer population has been a discussion item before this committee on several occasions. Reducing the white-tailed deer population is a goal shared by the Department, the Legislature, agricultural interest groups, and the general public. Although final statistics for 2001 are not yet available, the attached graphs depicting deer-vehicle accidents, total deer permits issued, and total deer harvest indicate that reduction measures are having a positive impact toward population control. Hunter harvest of antlerless deer remains the most effective and efficient means of controlling a deer population, and the Department intends to continue liberal deer permit availability and to focus on white-tailed antlerless deer harvest. Some of the key management actions initiated over the last five years to achieve that end are summarized and the Department is confident that management programs now in place will result in further reduction in white-tailed deer numbers. (See attachment 5) Committee discussion followed.

The Chairperson welcomed Roger Wolfe, Regional Supervisor, Fisheries and Wildlife Division, Kansas Department Wildlife and Parks. He briefed the committee on the Walk-In Hunting Area program. WIHA allows private landowners to voluntarily lease property to KDWP for public hunting. The lease terms and payment rates may vary depending on habitat, species availability, and location. The WIHA program was initiated as a pilot project in 1995 in an area around Wichita where 46 landowners signed up 10,345 acres. It was expanded statewide in 1996, and long term goal is to enroll one million acres for 2003. A chart was provided which shows the history of WIHA growth since the project was started. (See attachment 6) Committee discussion followed.

Chairperson Freeborn thanked guests for their presentations and the committee for their attention. She reviewed the committee agenda for Thursday, January 24.

The meeting adjourned at 5:10 p.m. The next meeting is scheduled for January 24, 2002.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: January 22, 2002

NAME	REPRESENTING
Joe L. Lund	KDHE
Bill Bider	KDHE
Tom Bruno	Farm Credit Council
Mary Jane Stattelman	KS Ag Remediation Bd
Clint Riley	KDWP
Mike Hayden	KDWP
Keith Sexson	KDWP
Roger Wolfe	KDWP
Lloyd Cox	KDWP
Doug Wareham	KGFA / KARA
Tom Tunnell	" "
Dave Holdhaus	KGFA Vulcan
JOHN C. BOTTENBERG	Deffenbaugh
Robin Jensen	Spur Hunt Assn
GREG FOLEY	KDA
Keith Bradshaw	Dir of the Budget
Luke Bauer	Intern for Lee Tafarelli
Pam Brown	public
Charles Arjann	Serra Club

2002

HOUSE BILL NO. _____

lrs1475

By

AN ACT concerning solid waste tonnage fees; amending K.S.A. 2001 Supp. 65-3415b and 65-3415f and repealing the existing sections.

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

Section 1. K.S.A. 2001 Supp. 65-3415b is hereby amended to read as follows: 65-3415b. (a) There is hereby imposed a state solid waste tonnage fee of \$1.00 for each ton or equivalent volume of solid waste disposed of at any solid waste disposal area in this state other than:

(1) Solid waste subject to the fee provided by subsection (c);

(2) solid waste enumerated in subsection (c)(d); or

(3) solid waste disposal authorized by the secretary pursuant to subsection (a) of K.S.A. 65-3407c, and amendments thereto.

(b) There is hereby imposed a state solid waste tonnage fee of \$1.00 for each ton or equivalent volume of solid waste transferred out of Kansas through a transfer station, other than waste enumerated in subsection (c)(d).

(c) The following state solid waste tonnage fee shall apply to industrial solid waste, other than solid waste enumerated in subsection (d), if such waste is disposed of at a solid waste disposal area which is permitted by the secretary, owned and operated by the facility that produced the waste and used only for industrial solid waste generated by such facility:

(1) \$0.25 per ton for the first 5,000 tons of solid waste disposed of in the calendar year; and

(2) \$0.10 per ton for each ton of solid waste in excess of 5,000 tons disposed of in the calendar year, up to a maximum fee of \$3,000 per facility.

(d) The fees imposed by this section shall not apply to:

(1) Any waste tire or processed waste tire, as defined by K.S.A. 65-3424, and amendments thereto, disposed in or at a permitted solid waste disposal area;

*House Environment
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Attachment 1*

(2) ~~any~~either of the following wastes when disposed of at a monofill permitted by the ~~department~~secretary: (A) Sludges from public drinking water supply treatment plants; and (B) ~~cement-kiln dust-from-the-manufacture-of-portland-and-masonry--cement;~~(E) flue gas desulfurization sludge, fly ash and bottom ash from coal-fired electric generating facilities; ~~and (D) --foundry sand;~~

(3) clean rubble;

(4) solid waste solely consisting of vegetation from land clearing and grubbing, utility maintenance and seasonal or storm-related cleanup but such exception shall not apply to yard waste; and

(5) construction and demolition waste disposed of by the federal government, by the state of Kansas, or by any city, county or other unit of local government in the state of Kansas, or by any person on behalf thereof.

~~(d)~~(e) The operator of a solid waste disposal area or transfer station shall pay the fee imposed by this section.

~~(e)~~(F) The secretary of health and environment shall administer, enforce and collect the fee imposed by this section. The secretary shall have the authority to waive such fee when large quantities of waste are generated due to major natural disasters such as floods, tornados and fires unless persons paying such fees are able to recover such fees from the federal government. Except as otherwise provided by subsections (a) and (b), all laws and rules and regulations of the secretary of revenue relating to the administration, enforcement and collection of the retailers' sales tax shall apply to such fee insofar as they can be made applicable. The secretary of health and environment shall adopt any other rules and regulations as necessary for the efficient and effective administration, enforcement and collection thereof.

~~(f)~~(g) The secretary of health and environment shall remit all moneys collected from fees imposed pursuant to subsections (a) and (b) to the state treasurer in accordance with the

provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the solid waste management fund created by K.S.A. 65-3415a, and amendments thereto.

Sec. 2. K.S.A. 2001 Supp. 65-3415f is hereby amended to read as follows: 65-3415f. (a) As used in this section, terms have the meanings provided by K.S.A. 65-3402 and amendments thereto.

(b) In addition to any other fee provided by law, the board of county commissioners of any county may impose, by resolution adopted pursuant to this section, a solid waste tonnage fee for each ton or equivalent volume of solid waste disposed of at any solid waste disposal area operated by such county. Such fees shall not apply to:

~~{1}--Any--waste--tire,--as--defined--by--K.S.A.--65-3424--and amendments--thereto,--disposed--in--or--at--a--permitted--solid--waste disposal--area;~~

~~{2}--any--of--the--following--wastes--when--disposed--of--at--a monofill--permitted--by--the--department;--(A)--Sludges--from--public drinking--water--supply--treatment--plants;--(B)--cement--kiln--dust--from the--manufacture--of--portland--and--masonry--cement;--(C)--flue--gas desulfurization--sludge,--fly--ash--and--bottom--ash--from--coal--fired electric--generating--facilities;--and--(D)--foundry--sand;~~

~~{3}--clean--rubble;~~

~~{4}--solid--waste--solely--consisting--of--vegetation--from--land clearing--and--grubbing,--utility--maintenance--and--seasonal--or storm--related--cleanup--but--such--exception--shall--not--apply--to--yard waste;--and~~

~~{5}--construction--and--demolition--waste--disposed--of--by--the state--of--Kansas--or--by--any--city--or--county--in--the--state--of--Kansas, or--by--any--person--on--behalf--thereof any solid waste exempted from the state solid waste tonnage fee imposed by K.S.A. 65-3415b, and amendments thereto.~~

(c) Fees imposed pursuant to this section shall be collected

by the county and deposited in a special fund in the county treasury. All interest earned on moneys in the fund shall also be deposited in the fund. If there is more than one solid waste disposal area in the county where fees are imposed pursuant to this section, a separate fund for each such disposal area shall be maintained from the fees collected from such disposal area. Money in the fund shall be used only for payment of costs of closure, postclosure actions and contamination remediation associated with the solid waste disposal area until the secretary determines that all requirements for closure, postclosure actions and contamination remediation associated with the disposal area have been met.

(d) The board of county commissioners, by resolution, may modify, discontinue or reinstate the fee authorized by this section.

(e) Transfer or expenditure of moneys in a special fund provided for by this section for any purpose other than authorized by this section is a class A nonperson misdemeanor and constitutes grounds for forfeiture of public office.

(f) If two or more counties jointly operate a solid waste disposal area, the fee provided for by this section on solid waste disposed of at such disposal area may be imposed, modified, discontinued or reinstated only if a majority of the board of county commissioners of each county jointly operating the disposal area votes to impose, modify, discontinue or reinstate the fee.

Sec. 3. K.S.A. 2001 Supp. 65-3415b and 65-3415f are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.



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



January 15, 2002

Chair Joann Freeborn
House Committee on Environment
State Capitol, Room 155-E
Topeka, Kansas 66612

Dear Chair Freeborn:

The Kansas Department of Wildlife and Parks wishes to request introduction of two pieces of legislation through the House Committee on Environment for the 2002 Legislative Session:

1. Lifetime Residency Requirements: Amendment to K.S.A. 32-930 to specify that, for the purposes of eligibility for lifetime hunting, fishing, or furharvesting licenses, a person must live at least one full year in Kansas to qualify as a Kansas resident.
2. Appearance Bond Amounts: Amendment to K.S.A. 32-1050 to increase several of the bond amounts that may be required to ensure appearance in court when cited for certain violations of Wildlife and Parks laws.

Drafts of these proposals have been submitted to the Office of the Revisor. We look forward to presenting them to the Committee at your earliest convenience. If you have any questions or concerns about any of these legislative initiatives, you can contact me directly, or Clint Riley, Department Legal Counsel, at 296-2780.

Sincerely,

J. Michael Hayden
Secretary

House ENVIRONMENT
1-22-02
Attachment 2

2002

PROPOSED BILL NO. _____

lrs1549

By

AN ACT concerning lifetime hunting, fishing and furharvester licenses; amending K.S.A. 32-930 and repealing the existing section.

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

Section 1. K.S.A. 32-930 is hereby amended to read as follows: 32-930. (a) Except as provided in subsection (b), the secretary or the secretary's designee is authorized to issue to any Kansas resident a lifetime fishing, hunting or furharvester or combination hunting and fishing license upon proper application made therefor to the secretary or the secretary's designee and payment of a license fee as follows: (1) A total payment made at the time of purchase in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto; or (2) payment may be made over a two-year period in eight quarter-annual installments in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto. If payment is in installments, the license shall not be issued until the final installment has been paid. A person making installment payments shall not be required to obtain the appropriate annual license, and each installment payment shall be deemed to be such an annual license for a period of one year following the date of the last installment payment made. If an installment payment is not received within 30 days after it is due and owing, the secretary may consider the payments in default and may retain any payments previously received. Any lifetime license issued to a Kansas resident shall not be made invalid by reason of the holder thereof subsequently residing outside the state of Kansas. Any nonresident holder of a Kansas lifetime hunting or combination hunting and fishing license shall be eligible under the same conditions as a Kansas resident for a big game permit upon proper application to the secretary. Any nonresident holder of a lifetime fishing license issued before July 1, 1989, shall be eligible under the same conditions as a Kansas resident for a big game permit upon proper application to the secretary.

lrs1549

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(b) For the purposes of subsection (a), the term "resident" shall have the meaning defined in K.S.A. 32-701, and amendments thereto, except that a person shall have maintained that person's place of permanent abode in this state for a period of not less than one year immediately preceding the person's application for a lifetime fishing, hunting or furharvester or combination hunting and fishing license.

(c) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not issue a lifetime fishing, hunting or furharvester or combination hunting and fishing license to an applicant except as provided in this subsection. The secretary of social and rehabilitation services may make such a request if, at the time of the request, the applicant owed arrearages under a support order in a title IV-D case being administered by the secretary of social and rehabilitation services or had outstanding a warrant or subpoena, directed to the applicant, in a title IV-D case being administered by the secretary of social and rehabilitation services.

Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services, the secretary of wildlife and parks may issue the lifetime fishing, hunting or furharvester or combination hunting and fishing license. The applicant shall have the burden of obtaining and delivering the release.

The secretary of social and rehabilitation services shall issue a release upon request if, as appropriate:

(1) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;

(2) an income withholding order has been served upon the applicant's current employer or payor;

(3) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; or

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(4) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn.

Nothing in this subsection shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to the title IV-D case except to resolve questions of mistaken identity or determine the adequacy of any notice relating to this subsection that the secretary of wildlife and parks provides to the applicant.

"Title IV-D" means part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) and amendments thereto, as in effect on May 1, 1997, relating to child support enforcement services.

(c) (d) The secretary, in accordance with K.S.A. 32-805 and amendments thereto, may adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 2. K.S.A. 32-930 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

2002

lrs1561

PROPOSED BILL NO. _____

By

AN ACT relating to violations of wildlife and parks laws; concerning cash bonds; amending K.S.A. 32-1050 and repealing the existing section.

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

Section 1. K.S.A. 32-1050 is hereby amended to read as follows: 32-1050. (a) Whenever any person is issued a citation by a conservation officer or deputy conservation officer of the wildlife and parks conservation service or by any law enforcement officer for any of the violations described in subsection (b), the officer may require such person to give bond in the amount specified in subsection (b) for the offense for which the person was charged, which bond shall be subject to forfeiture if the person does not appear at the court at the time specified in the written citation. The bond shall be a cash bond and shall be payable using cash or legal tender identified as travelers checks, certified checks, cashiers checks, personal checks and postal money orders. The cash bond shall be taken in the following manner: The officer shall furnish the person charged with a stamped envelope addressed to the judge or clerk of the court named in the written citation and the person shall place in such envelope the amount of the bond, and in the presence of the officer shall deposit the same in the United States mail. After having complied with these requirements, the person charged need not sign the citation, but the officer shall note the amount of the bond mailed on the citation and shall give a copy of such citation to the person.

(b) The offenses for which a cash bond may be required as provided in subsection (a) and the amounts thereof shall be as follows, subject to increase at the discretion of the court:

Engaging in any activity without a required valid license, permit, stamp or other issue of the department	50
<u>Engaging in any activity without a required valid license or permit, other than a big game permit or a license or permit for commercial activity</u>	<u>\$100</u>
<u>Engaging in any activity without a required stamp or other issue of the department</u>	<u>75</u>
<u>Engaging in any commercial activity without a required valid license or permit</u>	<u>500</u>
<u>Engaging in any big game hunting without a required valid</u>	

big game permit.....	500
Making misrepresentation to secure license, permit, stamp or other issue of the department.....	±03250
Taking wildlife, except big game, unlawfully (including but not limited to taking game) before or after legal taking hours, during closed season, or using unlawful equipment, means or method).....	53100
Faking wildlife during closed season.....	53
Carrying unplugged shotgun.....	5375
Exceeding bag or possession limit, except big game - \$20\$25 for each animal in excess of the bag or possession limit, plus.....	5375
Exceeding big game bag or possession limit - \$100 for each animal in excess of the bag or possession limit, plus.....	250
Faking wildlife with unlawful aid of motor vehicle, radio or artificial light.....	±23
Unlawful transporting of wildlife.....	±03150
Faking wildlife, except big game, unlawfully.....	53
Taking big game unlawfully (including but not limited to taking game before or after legal taking hours, during closed season, or using unlawful equipment, means or method).....	303500
Failing to wear and properly display required clothing during a big game hunting season.....	5375
Faking wildlife using unlawful equipment, means or methods.....	53
Taking wildlife when operating an amount of equipment in excess of that legally authorized.....	5375
Exceeding creel or possession limit - \$20\$25 for each animal in excess of the creel or possession limit, plus.....	5375
Operating vessel without a certificate of number or registration.....	2350
Operating vessel without proper display of required identification number.....	2350
Failing to properly display required lights on vessel between sunset and sunrise.....	2350
Operating vessel without correct number or approved types of adult personal flotation devices - \$±0\$25 for each personal flotation device violation, plus.....	2350
<i>adult</i> Operating vessel without correct number or approved types of child personal flotation devices - \$50 for each child personal flotation device violation, plus.....	100
Operating vessel without required number of personal flotation devices readily accessible and in good and serviceable condition - \$±0\$25 for each personal flotation device violation, plus.....	2350
Operating vessel without required number or approved types of fire extinguishers.....	2350
Operating vessel in restricted area.....	2350
Operating vessel without required observer or rearview mirror on vessel.....	2350
Operating vessel without required equipment or in excess of capacity plate limitations.....	2350
Unlawful altering, destroying or removing of capacity plate.....	23100

(c) For any violation of the wildlife and park laws of this state or rules and regulations adopted thereunder for which a cash bond is not specified in subsection (b), the court may establish a cash bond amount.

(d) There shall be added to the amount of cash bond required pursuant to subsections (b) and (c) the amount of the fish--and

lrs1561

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game docket fee as prescribed by K.S.A. 28-172a, and amendments thereto for crimes defined in chapter 32 of the Kansas Statutes Annotated, and amendments thereto.

(e) In the event of forfeiture of any of the bonds set forth in this section, the amount added by (d) to the amount of the cash bond shall be regarded as a docket fee.

Sec. 2. K.S.A. 32-1050 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

KDHE Solid Waste Bill Introductions

1. Required Reporting of Recycling and Waste Diversion Activities

Purpose? To allow KDHE to more accurately estimate statewide waste reduction activities for use in national state-by-state comparisons; to assess the success of state and local waste reduction programs; and to plan future waste reduction activities

Who is affected? Owners or operators of facilities which collect, store, process, broker, or reuse waste materials as part of recycling, composting, or manufacturing operations

Requirement? Submit information to KDHE on forms provided by the department. Information will be maintained as confidential.

2. Establish a New Class of Construction & Demolition Landfill

Purpose? Establish a new class of landfill for which KDHE can issue permits. These new landfills will be allowed to dispose of some wastes currently prohibited in C & D landfills provided additional standards of design and operation are satisfied, including a clay liner, leachate collection, and groundwater monitoring.

Who is affected? Only C & D landfill owners or applicants who choose to provide this disposal service. Existing C & D landfills are not affected.

3. Clarify County and Regional Solid Waste Planning Requirements

Purpose? To provide counties and regional planning authorities with clear guidance on how to revise and update currently approved solid waste plans. Most points of clarification involve regional planning activities and the differences in the roles of planning committees and county commissioners.

- Note:** (1) Current law focuses on the initial development of solid waste plans and inadequately addresses updates or revisions.
- (2) County commissions retain final authority for plan adoption and revision, even when a county is part of a regional planning authority.

Who Affected? All counties or regional planning authorities

*House Environment
1-22-02
Attachment 3*

Kansas Agricultural Remediation Board



Board Members:

CHAIR

Agricultural Producer
LINDA PETERSON
Burdick

VICE CHAIR

Specialty Chemical
Distributor

LARRY SHIVERS
Van Diest Supply
Salina

Grain Processor

KAMYAR MANESH
Farmland Industries
Olathe

Agricultural Retailer

LAURA PEARL
J.B. Pearl Sales &
Service
St. Marys

Ag & Specialty

Chemical Registrant

ROGER LONG
Syngenta Crop Protection
Great Bend

Ex Officio Members:

RICK BEAN

Remediation Section Chief
KS Department of Health &
Environment, Topeka

GARY MEYER

Fertilizer & Pesticide
Program Director
KS Department of Agriculture,
Topeka

Program Administrator

MARY JANE STATTELMAN
Topeka

KANSAS AGRICULTURAL REMEDIATION BOARD

ANNUAL REPORT

SUBMITTED TO:

HOUSE ENVIRONMENT COMMITTEE

JANUARY 22, 2002

*House Environment
1-22-02
Attachment 4*

The Genesis

The 2000 Legislature passed SB 501, which was entitled the Agricultural and Specialty Chemical Remediation Act. This bill created the following programs and board:

1. Remediation Linked Deposit Loan Program - This program is to be administered by the state treasurer for the purpose of providing lower interest loans to eligible persons to pay the costs of corrective action approved or ordered by the Kansas Department of Health and Environment.
 - The costs must also be approved by the Kansas Agricultural Remediation Board (KARB).
 - The total amount of linked deposit loans for any one site cannot exceed \$300,000.
 - The total amount of money in the linked deposit program shall not exceed \$5 million.
 - This provision will sunset in 10 years.

2. Remediation Reimbursement Program - This program is administered by the Kansas Agricultural Remediation Board (KARB). This program provides reimbursement to eligible persons for the costs of corrective actions approved by KDHE or taken in accordance with an order from KDHE.
 - If an eligible person is assessed a fee then that person can receive 90% of the total costs greater than \$1,000 and less than \$100,000 **plus** 80% of the total eligible corrective action costs greater than \$100,000 and less than \$200,000.
 - If a person does not pay an assessment or a pesticide dealer that sells less than \$2500 of pesticides annually, then the person is eligible to receive 100% of their costs greater than \$1,000 and less than or equal to \$10,000.
 - This provision sunsets in 10 years.

3. Kansas Agricultural Remediation Board (KARB) – 5 members are appointed by the Governor and confirmed by the Senate and two ex officio members representing KDHE and KDA. These Board members will serve 4 year terms. The Board has the following authority and responsibility:
 - Promulgate rules and regulations;
 - Contract or hire an administrator;
 - Provide an annual audit of the fund;
 - Provide an annual report to the Governor, the Senate Energy and Natural Resources Committee and the House Environment Committee on or before February 1, of each year;
 - The Board and the Fund shall be subject to an annual audit by the legislative post audit committee.

Kansas Agricultural Remediation Board (KARB)

The following individuals were selected by Governor Graves and confirmed by the Senate:

Linda Peterson, Chair

Representing agricultural producers

Term expires: 2003

Larry Shivers, Vice Chair

Representing specialty chemical distributors

Term expires: 2004

Kamyar Manesch

Representing grain processors

Term expires: 2003

Laura Pearl

Representing agricultural retailers

Term expires: 2002

Roger Long

Representing agriculture and specialty chemical registrants

Term expires: 2002

Rick Bean, ex-officio member

Representing the Kansas Department of Health and Environment

Gary Meyer, ex-officio member

Representing the Kansas Department of Agriculture

These are the original Board members and as such they have staggered terms. Therefore, there are two members, Laura Pearl and Roger Long, whose terms expire later this year unless they are reappointed.

FY 2001 Receipts

Who Pays	Number	Due date	Amount Assessed	Amount to KDA	Amount to KARB	Total Amount to KARB
Pesticide Product	6619	Jan. 1 st	\$190	\$130	\$60	\$397,140
Grain Storage	880,588 million bushels	August 31 st - or upon license renewal	\$.0005 per bushel	No fee to federally licensed	\$.0005 per bushel	\$440,294
Pesticide Business Dealer License	1455	July 1 st	\$100	\$20	\$80	\$116,399
Fertilizer Products	2744	July 1 st	\$25	\$5	\$20	\$ 54,880
Custom Fertilizer Blenders	429	Jan. 1 st	\$125	\$25	\$100	\$ 42,880
Total						\$1,051,593

Kansas Agricultural Remediation Fund

As of January 4, 2002, the remediation fund balance was \$1,906,198.87. The revenue collected by these assessments was approximately \$41,000 above the estimated revenues for 2001. This is due mainly to the number of pesticide product registrations. However, we believe the Kansas Department of Agriculture should be commended for these well done projections, especially since this was the initial estimated revenue for a totally new program.

FY 2002 Projected Revenues

Who Pays	Number	Due date	Amount Assessed	Amount to KDA	Amount to KARB	Total Amount to KARB
Pesticide Product	7364	Jan. 1 st	\$190	\$130	\$60	\$441,840
Grain Storage	880 million bushels	August 31 st - or upon license renewal	\$.0005 per bushel	No fee to federally licensed	\$.0005 per bushel	\$440,000
Pesticide Business Dealer License*	1667	July 1 st	\$100	\$20	\$80	\$133,360
Pesticide Business Dealers <\$2500*						
Fertilizer Products	2800	July 1 st	\$25	\$5	\$20	\$ 70,00
Custom Fertilizer Blenders	415	Jan. 1 st	\$125	\$25	\$100	\$ 41,500
Total						\$1,126,700

During the 2001 legislative session, the Kansas legislature passed a bill that reduces the fee for pesticide dealers that sell less than \$2500 a year in product from \$80 per year to \$5 per year. The Kansas Department of Agriculture has recorded that as of January 1, 2002, the total number of pesticide dealers that registered with them was 1,706. Of that number 1224 paid \$80 into the remediation fund and 482 dealers paid \$5 into the remediation fund. Therefore, while the number of pesticide dealers did not significantly change from the previous year, there were a significant number of dealers that paid the reduced fee in 2001, which lowered the revenue collected by \$33,030.

2001 Legislative Changes to the Remediation Act

During the 2001 legislative session, the following statutory changes were made regarding the remediation program:

- Allowed a pesticide dealer that sells less than \$2500 worth of pesticides annually to only pay \$5 into the remediation fund and in return is restricted to only being able to receive up to \$10,000 in reimbursements;
- Authorize the secretary of agriculture to adopt rules and regulations regarding the payment and collection of remediation fees;
- Authorize the secretary of agriculture to reimburse or refund a person if an error occurred in the payment of the assessment;
- Enacted a site cap that restricts the amount that can be reimbursed for a particular site to \$200,000 within a 5 year period.

The Remediation Board was supportive of all these changes, except for the reduction in fees paid by the pesticide dealers. However, the final language of the bill that restricted the amount these people could be reimbursed was supported by the Remediation Board.

KARB Meetings

The Board has met 6 times during the calendar year 2001. These meetings occurred on January 25, 2001, April 3, 2001, May 18, 2001, September 4, 2001, September 14, 2001, and November 14, 2001. During these meetings, the Board accomplished the following tasks:

- Promulgated rules and regulations (see later discussion regarding the regulations);
- Created an application form and brochure (see attached copies);
- Sent out application forms and brochures to every person or entity that is currently participating in either KDHE's voluntary cleanup program or the state cooperative program;
- Renewed the administrative contract with Kansas Grain and Feed Association;
- Renewed the contract with Berberich, Trahan and Company P.A. to perform the audit of the remediation fund.

Rule and Regulation Progress

The Board worked diligently to enact regulations so that the remediation program could begin reimbursing eligible applicants as soon as possible. This process was delayed temporarily this past summer while the Attorney General's office considered an opinion request that asked whether the Board had authority to promulgate rules and regulations. The Attorney General ultimately opined that the Board was a governmental entity with authority to issue rules and regulations. Shortly after this opinion was rendered, the temporary regulations went into effect on September 5, 2001. The permanent regulations became effective on January 4, 2002.

The regulations set out the following parameters for the program:

- Applicants may apply for reimbursement of corrective action costs incurred since July 1, 1997. However these costs must be submitted to the Board by September 1, 2003. Thereafter, all claims for reimbursement must be made within 2 years of incurring the corrective action cost.
- An application will remain viable for 12 months and then the applicant can resubmit the form.
- If more than one eligible person incurs eligible corrective action costs then each person will need to apply separately to the Board.
- The Board set out a list of what types of costs they deem to be eligible and ineligible. These lists are not exhaustive. Some of the costs that the Board has deemed to be ineligible are attorney fees, loss of property valuation, interest or financing cost or undocumented costs.
- Arbitration shall be the means of resolving a denial of a corrective action cost.
- Before payment shall be made, the applicant must submit all the necessary documentation and there shall not be any pending lawsuits involving the applicant and the contaminated site.
- If a Board member has a direct financial or employment interest in the application or has a substantial interest relating to the application then the Board member will refrain from voting on the application.

Application Process

Starting in the last week in October, letters containing the application form, the brochure and copies of the statutes and rules and regulations were mailed to the interested parties and those persons that are already involved in one of KDHE's remediation programs. As of December 31, 2001, the Board had received 11 applications.

Kansas Deer Management Program

The white-tailed deer population has been a discussion item before this committee on several occasions. Reducing the white-tailed deer population is a goal shared by our Department, the Legislature, agricultural interest groups and the general public. Although final statistics for 2001 are not yet available, the attached graphs depicting deer-vehicle accidents, total deer permits issued, and total deer harvest indicate that reduction measures are having a positive impact toward population control. Hunter harvest of antlerless deer remains the most effective and efficient means of controlling a deer population, and the Department intends to continue liberal deer permit availability and to focus on white-tailed antlerless deer harvest. Some of the key management actions initiated over the last five years to achieve that end are summarized below, and the Department is confident that management programs now in place will result in further reduction in white-tailed deer numbers.

White-tailed Antlerless-Only Deer Tags:

For the 2001 season, 4 antlerless-only deer tags were allowed per hunter. This represented an increase of 2 tags compared to previous seasons. In addition, both resident and non-resident hunters could purchase these tags without first purchasing a regular archery or firearm permit, which is a change from previous seasons. These tags, at a cost of \$10.50 each, were popular with hunters who were interested in harvesting a deer for meat and had little interest in hunting an antlered buck. Nearly 64,000 of these tags were issued in 2000, and 60% of the total deer harvested, including all tags and permits sold, were antlerless deer.

January Deer Season:

Established in 1998, the season is open to hunters having unfilled deer permits from the regular archery, firearms, and muzzleloader seasons. Hunters are allowed to harvest white-tailed antlerless deer only. This season was established to increase the harvest of antlerless deer and has expanded from a 2-day season to a 13-day season for January 2002. Twenty percent (20%) of the total deer harvest in the fall 2000 season actually occurred in January 2001.

Deer Damage Permits:

Implemented in 1996, deer damage permits are available to landowners experiencing property damage caused by deer. Department personnel work with the private landowner to determine the desired deer harvest for that property and permits are issued. These permits are intended to address localized problems. During calendar year 2001, 1,300 tags were issued to 186 landowners and 400 deer were harvested.

As a convenience to landowners, a **toll free number (1-888-497-8661)** has been in operation since July, 2000. The calls are received in the Department's Pratt Headquarters, then forwarded to the appropriate field staff for response. This number is advertised quarterly in over 20 different newspapers throughout the state. During the first 6 month period, 145 deer damage related calls were received; only 86 calls were received during the last 12 months.

*House Environment
1-22-02
Attachment 5*

Over-the-Counter Sales of White-tailed Either Sex Permits:

Before the 2001 season, hunters were required to send a written application by mid-July to obtain a white-tailed either sex permit. In 2001, hunters were allowed to purchase these permits at 30 Department offices or by mail, through January 12, 2002. Limited quota permits that allowed the harvest of mule deer in 9 western Kansas units continued to be distributed through an application and drawing system.

Hunter Referral Program:

Implemented in 1999, this program provides landowners the names of hunters who are willing to harvest antlerless deer from property experiencing deer damage. Nearly 14,000 hunter names were in the referral program for the 2000 season and 27 landowners requested names; 2,200 names were available for 2001 season and 11 landowners requested hunter names.

Youth and Disabled Persons Season:

In 2000, the Department initiated a 2-day, late September season limited to youth and disabled persons. This season provides an additional deer harvest opportunity for those who might otherwise have difficulty during the regular seasons.

Urban/Suburban Deer Program:

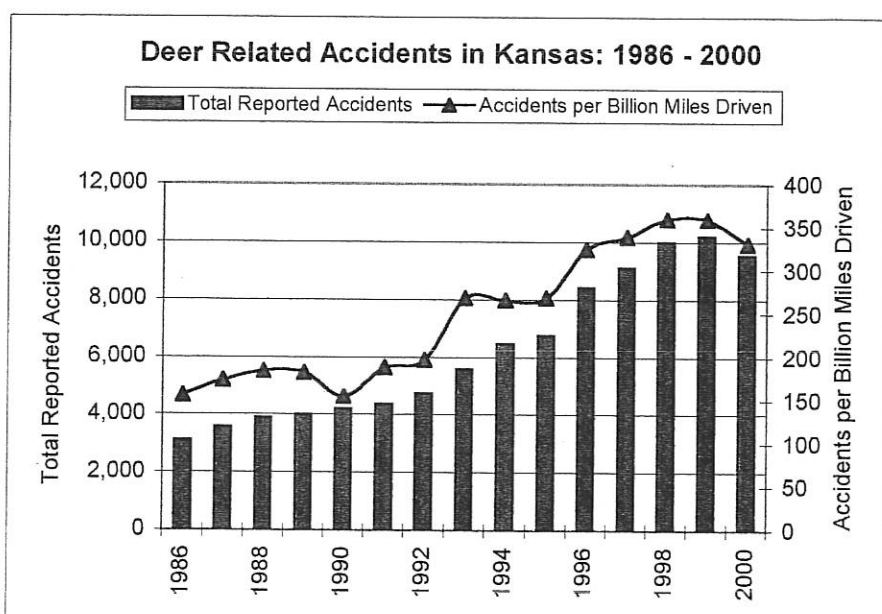
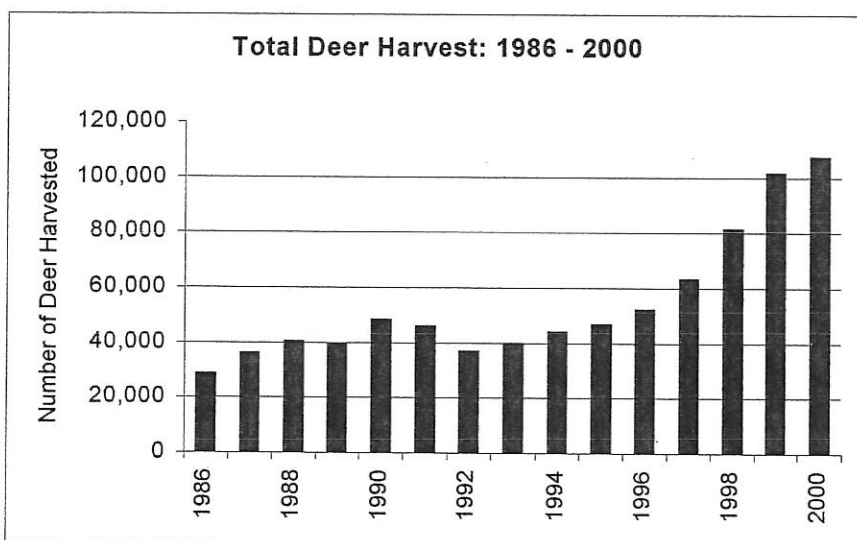
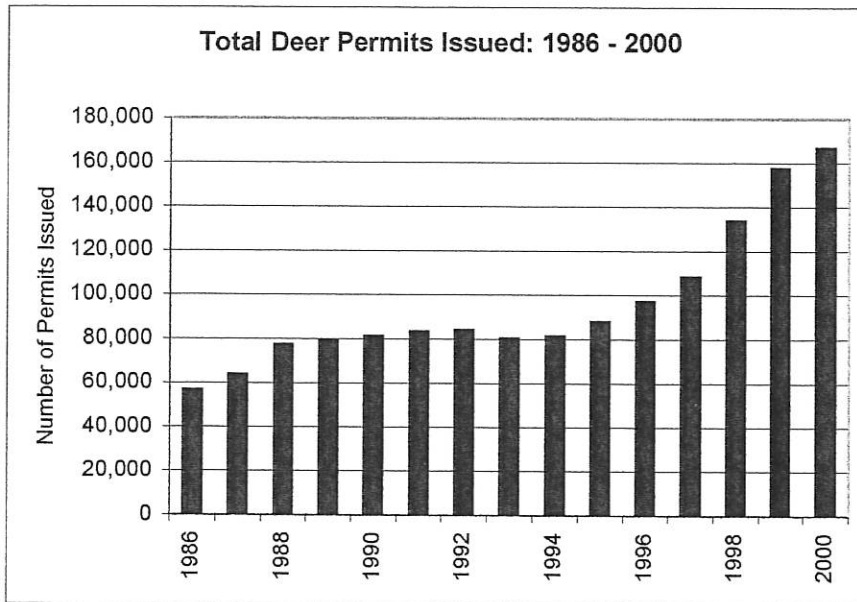
The special challenges for deer management in urban and suburban areas have resulted in the need to address deer populations in those areas. The Department is working cooperatively with city and county governments to develop programs to reduce deer damage and deer-vehicle accidents where population control is possible.

Walk-In-Hunting-Area (WIHA):

The WIHA program provides for the leasing of private land for public hunting access. While the program is primarily directed at upland game bird hunting, it does provide opportunity for deer hunter access to private land and is helping meet harvest objectives in areas where population control is desirable.

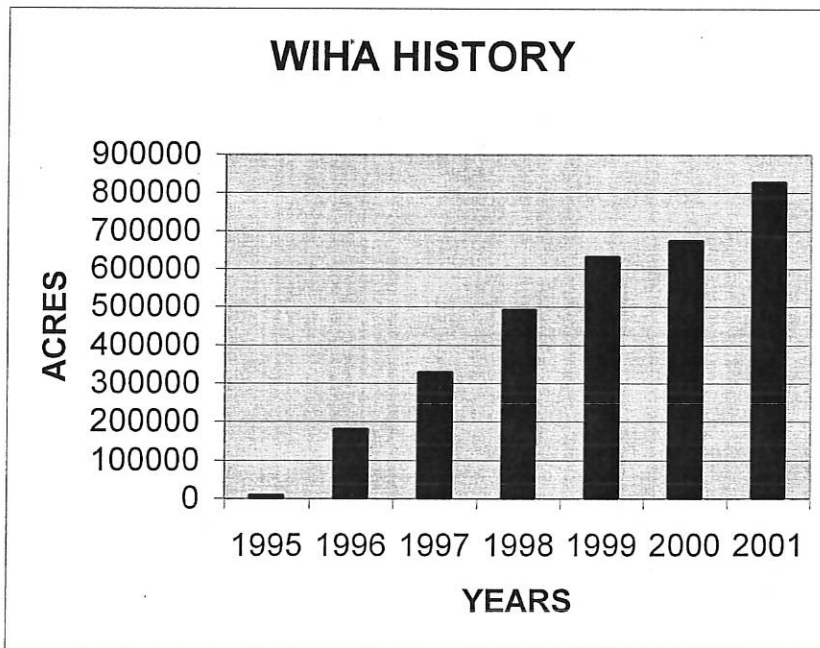
Non-Resident Deer Permits:

Deer permits for general non-resident hunters were first made available in 1994. The number of non-resident permits has grown to the 7,800 permits authorized for the 2001 season. All non-resident permits that can be used to harvest an antlered buck continue to be issued on a limited quota basis. Beginning in 2000, one-half of the quota are made available to resident landowners who, if successful in obtaining the permit, may transfer that permit to another person. Also beginning in 2000, non-residents were allowed to purchase white-tailed antlerless-only game tags without going through a drawing. Opening Kansas deer hunting to non-residents can enhance the ability to control deer populations through increased deer harvest.



Walk-In Hunting Areas (WIHA)

The Walk-In Hunting Area program, or WIHA, allows private landowners to voluntarily lease property to KDWP for public hunting. The lease terms and payment rates may vary depending on habitat, species availability, and location. The WIHA program was initiated as a pilot project in 1995 in an area around Wichita where 46 landowners signed up 10,345 acres. It was expanded statewide in 1996, and long term goal is to enroll one million acres for 2003. The chart below shows the history of WIHA growth since the project was started.



Resident hunting license sales in Kansas have remained fairly steady over the past five years, despite nationwide trends of decreasing license sales, and non-resident hunting license sales have continued to increase. The WIHA program, by providing additional public hunting opportunities, can be partially credited for these strong numbers. The program receives especially high praise from the 50,000-plus non-residents who come to Kansas.

2001 FALL WIHA FACTS

- 1,801 contracts for 833,648 total acres.
- \$1,031,377.50 spent for leasing land, at \$1.24 / acre statewide average payment.
- Total program cost is about \$2.00 per acre per year.
- 1,931 Kansas landowners received payments, averaging \$534.12 per payment.
- Properties were leased in 99 counties.

*House Environment
1-22-02
Attachment 6*

Since establishment of the WIHA program for fall hunting, KDWP has begun two additional programs involving private leases for public outdoor recreation: Spring WIHA leases to promote spring turkey hunting, and leases of private water bodies and stream stretches for public fishing opportunities.

SPRING TURKEY WIHA

- Pilot project started in 2001 in eastern Kansas.
- 40,000 acres in 31 Counties were leased in 2001.
- Expanded the program to statewide in 2002.
- 85,000 acres in 53 Counties are leased for the upcoming turkey season.

F.I.S.H. (Fishing Impoundments and Stream Habitats)

- First introduced in 1998.
- Payment rates of \$40/acre for impoundments and \$500-\$1000/mile for streams.
- Areas are open to fishing from March 1 through October 31.
- The program has grown to over 1500 acres of impounded water and almost 75 miles of streams leased in 2001.
- 2002 signup will not conclude until January 25, 2002 so final results for this year are not available.

