

## MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE

The meeting was called to order by Chairperson Becky Hutchins at 3:30 p.m. on March 15, 2004 in Room 241-N of the Capitol.

All members were present except: Margaret Long - excused

## Committee staff present:

Hank Avila, Legislative Research Department  
Mary Torrence, Office of Revisor of Statutes  
Lura Attig, Committee Secretary

## Conferees appearing before the committee:

Senator Mark Taddiken  
Senator Phillip Journey  
Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife & Parks

## Others attending:

See Attached List.

**Hearing on: SB 363 - Hunter safety education for nonresidents; hunting by persons under 12 years old.****Proponents:**

Chris Tymeson, Chief Legal Counsel, Kansas Wildlife and Parks testified in favor of **SB 363** (Attachment 1). There are two parts to this bill, the first would create a shortened course for nonresidents who are coming to Kansas to hunt and would be strategically located and timed to coincide with the opening of hunting seasons. Nearly every state has hunter education courses. The Department is proposing a four-hour course in conjunction with an internet-based course. The second portion of the bill would remove hunting minimum age restrictions in Kansas, in an attempt to increase participation. As written, the bill would exempt persons less than twelve years of age from having hunting education but would require them to hunt with an adult. They can take hunter education at age eleven thereby allowing them time to get into a class before they became twelve. In today's society, there are many competing interests, it is hoped by allowing youth to participate without having to invest 14-16 hours, more will participate. This Department realized that we had inadvertently struck the bow hunter education provision which we would like this Committee to amend back in, requiring youths 15 and under to have bow hunter education prior to hunting big game.

Committee questions followed.

Rep. Kauffman asked Chris Tymeson, you said twelve and under may hunt, does that mean my five-year-old grandson could hunt without an adult? Chris Tymeson replied, he could currently come to hunter education and go hunting on his own. This bill would require supervision of an adult without taking the course. The course would however, need to be taken by the time they are twelve.

Rep. Merrick asked, regarding hunter education, what is the logic in a five-year-old who is not mature, yet are old enough to carry a weapon and go hunting before they are twelve? Chris Tymeson replied that at twelve they are physically and psychologically able take the information that is given at hunter education and carry that on the rest of their life. What the Department wishes to encourage, are parents taking their kids out for safe hunting. Removing the restriction on hunter education will get more kids involved going hunting with their parents and get them excited enough to go to hunter education.

Rep. Hayzlett asked, ten and eleven year olds cannot hunt alone? Chris Tymeson replied, that is correct, under the bill as it would be written. Currently they could hunt alone if they had gone through hunter education, or even if they were ages five or six. Rep. Hayzlett asked, not even on your own property? The reply was that you do not have to go through hunter education to hunt on your own property.

Rep. Morrison asked what has prompted this, have there been abnormal accidents or death? Chris Tymeson replied that actually this group has very few injuries from hunting. It is a recruitment and

CONTINUATION SHEET

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE at 3:30 p.m. on March 15, 2004 in Room 241-N of the Capitol.

retention aspect. Get them interested in hunting and they will most likely be lifelong hunters.

Chairman Hutchins said that it is her understanding that Kansas is seeing a decline in the number of kids that are interested in hunting because of other interests. By letting them hunt at a younger age, without the hunter education, we "get them hooked." She brought the Committee's attention to the fiscal note by KDWP which states that there would be no net fiscal effect on bill passage. Additional revenues from the nonresident education courses would be offset by the Department cost of the program.

Rep. Kauffman stated that parents are not even reliable when it comes to their school kids. It concerned her that the parents would be responsible for their kids while hunting. Chris Tymeson replied that hopefully when they are hunting with their parents, they will learn the consequences of improper safety.

**Opponents:** None.

**Written:** None.

Chairperson Hutchins closed the hearing on **SB 363**.

**Hearing on: Sub SB 496 - Concerning criminal hunting and revocation of hunting licenses.**

**Proponents:**

Senator Mark Taddiken spoke as a proponent of Sub. **SB 496 (Attachment 2)**. This bill rose out of constituent concerns about people who knowingly trespass while they are hunting. All too often landowners or hunters arrive at a field to find that someone is or has been there hunting. The goal of this bill is to encourage responsible hunting. Our method is to create a new crime called "intentional criminal hunting." The definitions of hunting does include fishing and fur harvesting. This would apply to someone who is hunting in a posted area without permission or hunting in a non posted area and refuses to leave when told to do so. Forty-eight hours of jail time or 100 hours of community service, is the same penalty as a DUI conviction. An offender would lose their hunting license for up to six months for the first conviction or diversion, up to one year for the second, up to five years for the third or subsequent. The courts are to notify KDHE so they may restrict the hunting license of the defendant.

Committee questions followed.

Rep. Thull asked, regarding two to five hunters with dogs, would they be as required as anyone else to have permission to be on the land? Chris Tymeson replied that currently if you were coyote hunting you'd still need permission even to turn your dogs loose on someone's property

Rep. Flaharty asked has the Sentencing Commission taken a look at this bill? Do they have any concerns about jail or prison overcrowding? Rep. Thull answered that they had not contacted the Commission and that it would not take space in prisons but in jails. If the jail is full there is the option of community service.

Rep. Osborne asked Sen. Taddiken, in the pursuit of a wounded animal, would you be subject to intentional criminal hunting? The Senator replied it stays the same as current law which gives you permission to track that animal. The only difference under this provision is if you are on that land tracking the animal and the landowner asks you to leave and you don't, then you are criminal trespassing. Rep. Osborne asked does present law say that you could continue tracking the animal. Chris Tymeson replied, no, if the landowner asks a hunter to leave, he still must leave.

Senator Phillip Journey also spoke as a proponent of **Sub. SB 496 (Attachment 3)**. The intention of the bill is to enhance criminal penalties and create a new crime of intentional criminal hunting. The real purpose is to send a message to hunters that they cannot hunt wherever they want. Landowners and law enforcement officers will have a new tool to protect private property.

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks spoke as a proponent to **Sub. SB 496 (Attachment 4)**. This bill would make criminal hunting a class B misdemeanor and would

CONTINUATION SHEET

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE at 3:30 p.m. on March 15, 2004 in Room 241-N of the Capitol.

go into effect July 1, 2004. The Department cited 245 individuals for these types of violations in 2003. Of the 245, 120 were found guilty or entered into a diversion agreement, 21 were dismissed, and 104 were cited as warnings.

Committee questions followed.

Rep. Kauffman asked what is the current penalty? Chris Tymeson replied it is a class C misdemeanor with up to a \$500 fine.

Rep. Hayzlett drew attention to the more than \$101,000 fiscal note and asked if that would come from the wildlife fee fund? Chris Tymeson said that was the previous version of the bill where there were administrative hearing costs and the department would have to revoke licenses administratively, which changed substantially in this new format. The fiscal note for the substitute is about \$20,000 statewide for court time. The fiscal note reflects the Department would lose about \$3,400 annually, is that true under the substitute bill? Chris, if you revoke hunting licenses there will be a reduction in income, so that portion of the fiscal note is still somewhat valid. Sen. Journey replied, the most important aspect of this bill is to create the registry so an offender cannot have five different diversion agreements in five different counties.

Chairperson Hutchins clarified fiscal note items and closed the hearing on Sub. SB 496.

The committee began deliberation on HB 363 - Hunter safety education for nonresidents; hunting by persons under 12 years old.

Rep. Thull offered a balloon amendment (Attachment 5). Chairperson Hutchins asked what is the wish of the committee: Rep. Thull made a motion to adopt the amendment, Rep. Osborne seconded the motion. Chris Tymeson explained the balloon amendment. There are two parts to this balloon, the first being the placement of mandatory bow hunter education youths prior to using a big game permit. The second came as a constituent request to allow youths to go up to age 15 without having hunter education versus age 12, and to allow 12 year olds who have been licensed to hunt on their own.

Committee questions followed.

Chairperson Hutchins asked Mr. Tymeson to clarify. He stated, up to 12, you would not need to have hunter education, but hunt with an adult; 12-15 has two options, you can take hunter education and hunt on your own or you could hunt without hunter education, but still with an adult.

Rep. Hayzlett asked Mr. Tymeson for a bow hunter what is the present rule? Chris Tymeson answered, a 13-14 year old has to have bow hunter education to hunt with archery equipment for big game.

Rep. Osborne asked if the Senate had seen this amendment. Chris Tymeson said he had discussed it with the Senate Natural Resources Committee.

A vote was taken and the balloon was adopted.

Rep. Flaharty moved that the Committee approve SB 363 as amended, favorable for passage. Rep. Schwab seconded the motion. Motion passed.

The Committee deliberated on Sub. SB 496 - Concerning criminal hunting and revocation of hunting licenses.

Rep. Thull made a motion to pass Sub SB 496 favorably, Rep. Ruff seconded.

CONTINUATION SHEET

MINUTES OF THE HOUSE TOURISM AND PARKS COMMITTEE at 3:30 p.m. on March 15, 2004 in Room 241-N of the Capitol.

A vote was taken and the motion carried.

Announcements: On Wednesday, March 17, we will have a hearing on **SB 364** - the reissuance of permits to be awarded certain organizations, providing for reissuance of permits for certain military personnel, wild turkey not big game. We will be deliberating on **SB 334** - agritourism.

On March 4, 2004, Mr. David A. Church, P.E., Chief of Traffic Engineering, Kansas Department of Transportation, in a letter, addressed concerns posed by our Committee during our January 28, 2004 meeting. That document was distributed to Committee members (Attachment 6).

Meeting adjourned at 4:55 p.m.



# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 363 Relating to Hunter Education  
To  
House Tourism and Parks Committee**

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

**March 15, 2004**

Senate Bill 363 would authorize the Department to conduct shortened hunter education courses for nonresidents that would only be valid through January 31 of the calendar year following the taking of the course and in addition, removes restrictions on youths pertaining to hunter education requirements.

Nearly all states have mandatory hunter education requirements in place to hunt in their respective states. However, at times this poses a problem with nonresident hunters entering Kansas to hunt due to different statutory implementation dates for mandatory hunter education in the other states. The Department is seeking to lessen the burden of hunter education requirements for those nonresidents while at the same time, maintaining the integrity of the program in Kansas. Kansas, as is the trend in all other states, is experiencing fewer and fewer accidents when compared to times before the hunter education program began.

Conceptually, these shortened nonresident courses would involve an Internet based segment as well as a hands-on portion conducted here in Kansas. The courses would be strategically located around the state and timed to coincide with the opening of major seasons such as pheasant and deer. Attendees to the courses would pay a fee for the privilege of the special courses to offset costs and the certificate of completion would only be valid through January 31 of the calendar year following issuance. The shortened courses would thereby allow nonresidents who are hunting in Kansas to hunt the current season and make provisions to take a hunter education course in their home state prior to returning to Kansas in subsequent years.

In addition, the Department is seeking to remove minimum age restrictions on hunting in Kansas as well as increase participation and recruitment of youths into hunting. The bill would not require youths under the age of 12 to have completed hunter education, but would require them to hunt with a licensed adult over the age of 18. In addition, the bill would set a minimum age for attending a hunter education class at 11, a

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House Tourism & Parks Committee  
Meeting Date 3-15-04  
Attachment 1

time when many feel youths are both physiologically and psychologically ready to handle hunter education on their own.

Today's society is filled with many competing interests, among those football, soccer, volleyball, video games and the list goes on. It is felt that by allowing youths to participate prior to having to make a decision to invest 14-16 hours in a hunter education course, more youths will be introduced to hunting and become lifelong enthusiasts. And as a side note, by requiring youths under 12 to hunt with a licensed adult, it is hoped that more adult sometime hunters would be encouraged to return to the lifelong pursuit of wild game and time afield with those youths interested in learning.

Finally, the Department would request the Committee amend the bill to replace language originally removed during drafting regarding bow hunter safety education for those 15 and under when hunting big game with archery equipment. This provision was inadvertently stricken and the Department would respectfully request its reinstatement into the bill in the first section to reduce confusion rather than its original place in K.S.A. 32-937.



TOPEKA

SENATE CHAMBER

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**Testimony in support of substitute for SB- 496 Concerning Criminal Hunting  
 and Revocation of Hunting Licenses**

**by Senator Mark W Taddiken**

**March 15, 2004**

Thank you Madam Chairman, for the opportunity to testify in support of Substitute for SB 496 today. This bill arose out of constituent concerns about people who knowingly trespass while hunting.

It seems that all too often landowners or hunters arrive at a field to begin hunting and discover that someone is already there or has been there hunting. The goal of this bill is to encourage responsible hunting. The bill accomplishes that by creating the new crime of intentional criminal hunting.

This new provision would apply to someone who is hunting on land posted as “hunting with written permission only” and does not have permission to be there. Also it would include someone hunting on non-posted land and refusing to leave when instructed to do so.

The penalties for the new crime include 48 hours of jail time or 100 hours of community service which is the same as someone convicted of DUI. Also an offender would lose their hunting license for up to six months for the 1<sup>st</sup> conviction or diversion, up to one year for the 2<sup>nd</sup> conviction or diversion, and up to five years for the 3<sup>rd</sup> or subsequent convictions or diversions.

The bill also requires the courts to notify the division of Wildlife and Parks when there is conviction or diversion so that they may appropriately restrict the hunting license of the offender.



The bill still provides safeguards for hunters who are genuinely lost and the new enhanced penalties would not apply to them. Only if they refused to leave the property after instructed would they lose the ability to employ the defense of "not knowing" they were trespassing.

The fiscal note is for the original bill and would be significantly lower under the substitute version as W&P would not be conducting administrative hearings.

Intentional trespassing is a very real ongoing problem in rural areas. This bill provides the penalties that would get the attention of problem hunters and provide better hunting opportunities for responsible hunters and landowners. This bill passed the Senate on a 40 to zero vote and I encourage your favorable consideration of the bill.

SENATOR PHILLIP B. JOURNEY

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TOPEKA

SENATE CHAMBER

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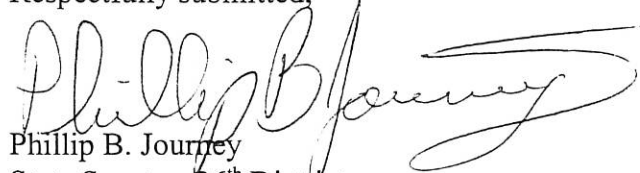
**Testimony in Support of Substitute for Senate Bill #496  
Before the Kansas House of Representatives, Tourism and Parks Committee  
Presented Monday, March 15, 2004  
by Kansas State Senator Phillip Journey 26<sup>th</sup> District**

Madam Chair, members of the Committee, while I hope I will be able to attend this hearing in person I may be required by my duties on the floor of the State Senate to submit this testimony only in writing. It is an honor and a privilege to address the Committee, I come before you today in support of the Substitute for Senate Bill #496. As one of the principal authors of this legislation, I want to make sure the Committee is aware of the difficult problems responsible hunters are currently having finding locations away from their mainly urban areas of residence to obtain permission for hunting on our fellow Kansans' land. The old adage of a few bad apples spoiling the entire barrel is unfortunately as true today in these circumstances as it was when it was first coined. I want to take this opportunity to thank my colleagues, Senator Schmidt and Senator Taddiken, for their efforts in this project.

The intention of the Substitute for Senate Bill #496 is to enhance the criminal penalties creating a new crime of Intentional Criminal Hunting. It is patterned after normal trespass statutes. The specific statute will enhance the prosecution of these matters and allow the tracking of repeat violators with progressively increasing penalties in regards to both their freedom and/or their ability to pursue their avocation of hunting, fishing, or fur harvesting. There are a number of safeguards in the bill. The enhanced penalties of intentional criminal hunting require the alleged violator have actual notice either through purple paint, posting of a sign, or of course verbal contact with the landowner. Another important enhancement in this act is the requirement that the district courts where these matters are normally prosecuted inform the Kansas Department of Wildlife and Parks of any diversion agreement, or conviction so that enhancement of the penalties can occur if there is a subsequent incident. District Court judges are given discretion in the penalty phase of these cases. We should trust the Court's sound discretion for imposing a penalty appropriate to the circumstances of the individual case. Enactment of this legislation and the appropriate prosecution of these cases by county and district attorneys along with law enforcement in the State of Kansas will help mend the relationship between landowners and outdoors men across the State of Kansas. These enhanced penalties are intended to act as an effective deterrent to this behavior that has become such a problem in the past. The fiscal note for these matters is nominal and I believe would be offset substantially by any fines imposed or benefits to the community through community services hours for first offenders.

I would respectfully request the Committee pass the bill as written favorably to the floor of the Kansas House of Representatives.

Respectfully submitted,



Phillip B. Journey  
State Senator, 26<sup>th</sup> District

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on Sub. SB 496 Criminal Hunting  
To  
House Committee on Tourism and Parks**

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

**March 15, 2004**

Sub SB 496 would amend current statutory provisions dealing with hunting without written permission and criminal hunting and would create a new crime of intentional criminal hunting, a class B misdemeanor. Upon conviction for intentional criminal hunting, an offender would be sentenced to 48 hours of imprisonment or 100 hours of community service (only available for a first conviction). In addition, upon first conviction or diversion for intentional criminal hunting, the court shall require the forfeiture of a hunting, fishing or furharvesting license for six months. Upon second conviction, the forfeiture period for the license would increase to one year and for third or subsequent convictions, the forfeiture period would be five years. The provisions of this bill would be effective on July 1, 2004.

The Department firmly supports and is committed to fair and effective conservation law enforcement for the citizens of the State of Kansas. According to Department data, 245 individuals were cited by Department officers for the types of the violations listed above in 2003. Of that number, 120 persons were found guilty or entered diversion agreements. Of the remaining cases, 21 were dismissed and 104 were written warning tickets, normally at the request of the landowner. It should be noted that other law enforcement agencies also enforce the provisions of the laws cited in the bill and some modification to the reporting system would need to be made in order for the Department to capture that data as well.

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House Tourism & Parks Committee  
Meeting Date 3-15-04  
Attachment 4

SENATE BILL No. 363

By Committee on Natural Resources

1-26

AN ACT concerning hunting; amending K.S.A. 32-921 and K.S.A. 2003 Supp. 32-920 and 32-937 and repealing the existing sections.

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

Section 1. K.S.A. 2003 Supp. 32-920 is hereby amended to read as follows: 32-920. (a) Except as provided by subsection (b), no person who is born on or after July 1, 1957, and is 12 or more years of age shall hunt in this state on land other than such person's own land unless the person has been issued a certificate of completion of an approved hunter education course. ~~Persons less than 12 years of age may hunt only if under the direct supervision of an adult who is 18 or more years of age.~~ If such person is required by law to obtain a hunting license, the person shall attest to or exhibit proof of completion of such course to the person issuing the license at the time of purchasing the license. If such person is not required by law to obtain a hunting license or is less than 27 years of age but 12 or more years of age, the person shall be in possession of the person's certificate of completion of such course while hunting. A person may purchase for another person, under rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, a lifetime hunting or combination hunting and fishing license without the license recipient's first having been issued a certificate of completion of an approved hunter education course.

(b) Prior to July 1, 2005, completion of an approved hunter education course shall not be required to obtain a special controlled shooting area hunting license valid only for licensed controlled shooting areas.

Sec. 2. K.S.A. 32-921 is hereby amended to read as follows: 32-921. (a) The secretary shall prescribe a course of instruction of not less than a total of 10 hours in hunter education. Except as provided in subsection (c), such course of instruction shall be not less than a total of 10 hours and shall be for persons 11 or more years of age.

(b) The secretary shall designate those persons who shall issue a certificate of completion of an approved hunter education course to each person who successfully completes such course of instruction, and such designation and certificate shall be valid until revoked by the secretary.

(c) The secretary may prescribe a special course of instruction of less

(e)  
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A person less than 12 years of age shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.  
(c) A person who is 12 or more years of age but less than 16 years of age and who has not been issued a certificate of completion of an approved hunter education course shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.  
(d) A person less than 16 years of age shall not be issued a permit to take big game using a bow unless the person submits to the secretary evidence satisfactory to the secretary of completion of a bow hunting safety education course.  
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# KANSAS

DEPARTMENT OF TRANSPORTATION  
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DAVID A. CHURCH, P.E., CHIEF

March 4, 2004

The Honorable Becky Hutchins, Chairperson  
House Tourism & Parks Committee  
Room 502-S, State Capitol Building  
Topeka, KS 66612-1504

Dear Mrs. Chairperson:

Thank you for the opportunity to present Traffic Engineering information to your Committee on Wednesday, January 28, 2004 at the State Capitol Building. As a result of our presentation, several questions were asked regarding signing, billboards, speed limits, enrollment criteria at satellite college campuses, pavement markings, traffic signals and intersections / interchanges. We were able to answer many of the questions that were posed, however there were a few which we needed to respond back to the Committee about. I have listed those specific questions below, and given our answer to each.

**SIGNING (Rep. Vernon Osborne):** *What is the possibility of signing for Manhattan Christian College, in Manhattan, Kansas, on I-70 in Geary County?*

The Kansas Department of Transportation (KDOT) signs for educational institutions on the State Highway System based on specific categories as listed in the Kansas Educational Directory (2003 – 2004). Manhattan Christian College is categorized as a Private Educational Institution in the directory. KDOT's Highway Signing Policy states that Private Educational Institutions can be signed for at the most direct point of access to a state highway as well as at other intersecting highways up to 20 miles in advance of the facility. It also states that Private Educational Institutions can be signed for on freeways (I-70), expressways and conventional roadways.

Upon reviewing existing signing on I-70, eastbound at Exit 303 (K-18) and westbound at Exit 313 (K-177), we find that there are currently several supplemental signs installed at these interchanges:

EB I-70 @ Exit 303 (K-18) (Supplemental signs):

1. Kansas State University with logo.
2. Clarks Creek Rd, Fort Riley Deliveries

WB I-70 @ Exit 313 (K-177) (Supplemental signs):

1. Kansas State University with logo.
2. Gas and Phone blue General Motorist Service Sign

We are currently involved in discussions with the Department of Commerce, Travel & Tourism Division, and the city of Manhattan regarding installing one supplemental brown guide sign at each of these interchanges with two tourist attractions each.

Based on the number of existing signs at Exit 303 and Exit 313, as well as discussions involving the installation of tourist attraction signs at these locations, we are limited with regard to our options to sign for Manhattan Christian College. One option that is a possibility would be to modify the existing Kansas State University (KSU) sign to include both KSU and Manhattan Christian College. This would limit the installation of any future National Championship signing on the KSU sign, as the sign would be too large for existing sign supports to handle. If you would like us to investigate this further, please feel free to contact me at 785-296-3618.

**SIGNING / BILLBOARDS** (Rep. Mary Kauffman) – *A country store in Yoder, Kansas (Kansas Station) was working on requesting a highway sign or a billboard for their establishment. Please update me on the status of their efforts (asked after the Committee meeting was over).*

Based on the information that Rep. Kauffman discussed with me, I accessed the city of Yoder website and looked at some of the businesses located near the K-96 & Yoder Road interchange. I contacted Lori and George Montgomery owners of the Kansas Station, a gift and confection shop featuring select Kansas products and unique gifts. I spoke with Lori Montgomery and she said that they had seen brown signs for the Wildewood Cellars Winery in Mulvane on I-35 and signing for the Prairie Rose Chuck Wagon Supper on K-254 near Benton, Kansas. She also said that they were interested in finding out if they could install billboards on K-96 in advance of the Yoder Road interchange. The Kansas Station has a sign on their property, but the driver can not see the sign until they have already missed the exit.

I told Mrs. Montgomery that we would take a look at several things with regard to signing and billboards along K-96 (see below):

1. I told her that Cathy O'Hara, our Outdoor Advertising Manager in the Bureau of Right-of-Way, would be contacting her regarding any possibilities for installing billboards along K-96 for businesses in Yoder. I explained that we have to follow Federal Guidelines with regard to installing billboards along the State Highway System and that there were 14 categories of outdoor advertising signs that we could let her know about.

The Honorable Becky Hutchins

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2. I explained that the brown signs they saw for the Wildewood Cellars Winery in Mulvane on I-35 and for the Prairie Rose Chuck Wagon Supper on K-254 were installed as a result of being recognized as official Kansas Tourist Attractions through the Department of Commerce, Travel & Tourism Division. I told Mrs. Montgomery that I would have Scott Allegrucci, Director of Travel & Tourism, contact her regarding the Tourism Attraction Signing Program. Scott can explain the process and send her an application if she is interested in pursuing tourism signage.
3. I also told Mrs. Montgomery that I would have someone contact local businesses near the K-96 & Yoder Road interchange and see if they would qualify for blue General Motorist Service signs (Gas, Phone, Food, Lodging and Camping). We do sign for these services based on certain requirements on expressways (K-96) with an interchange. If we find that these services are available, we will move forward with installing General Motorist Service signs on K-96 in advance of the interchange.

Mrs. Montgomery expressed her appreciation for my call and said that she would look forward to hearing from us in the near future.

**SIGNING (Rep. H. Jan Scoggins-Waite)** – *I was traveling on US-54 near Goddard, Kansas and I did not see any signs for the city of Clearwater. As such, I missed the turn to Clearwater and it took some additional time to find my way back. Is there any signing on US-54 for the city of Clearwater, Kansas?*

Clearwater, Kansas is located in Sedgwick County approximately 7 miles south of K-42 highway and approximately 9 miles west of US-81 highway (see attached map). There are no state highways that travel through the city of Clearwater. There is no signing for the city of Clearwater on US-54 because there is not a county road or state highway that travels directly to the city of Clearwater from US-54. There is a county road which travels from K-42 highway directly south to the city of Clearwater. There is also a county road which travels from US-81 directly west to the city of Clearwater. We therefore have signing from K-42 and US-81 which states "Clearwater X, Via County Road, Arrow" (see the attached sheets). I'm sorry if you were expecting signing for the city of Clearwater on US-54 which resulted in additional driving time to reach your destination.

**BILLBOARDS (Rep. Carol Beggs)** – *Over the last several years I have seen new billboards cropping up along I-70 between Salina, Kansas and Topeka, Kansas. I thought that there were Federal Guidelines that governed the use of billboards along our roadways. Please provide me with information regarding the use of billboards in Kansas along the State Highway System.*



The Honorable Becky Hutchins

March 4, 2004

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I spoke with Cathy O'Hara, Outdoor Advertising Manager with KDOT's Bureau of Right-of-Way, regarding your comments about new billboards being installed along I-70 between Topeka and Salina. Cathy stated that KDOT has purchased and removed approximately 30 to 40 outdoor advertising billboards as a part of several road construction projects on I-70 between Topeka and Salina over the last five or six years. Cathy said that there are people in her Section that work in the field monitoring outdoor advertising billboards along our roadways and make sure that they are in compliance with both Federal and State laws. If any structures are not in compliance, the owners are contacted and asked that the structure be removed. She is not aware of any new outdoor advertising billboards that were recently installed, which are not in compliance with these laws. If there are any questions about specific outdoor advertising billboards along I-70, she would be happy to provide you with any information that she has available.

Attached is a one-page document entitled Summary of Kansas Laws – Outdoor Commercial Advertising. If you have any questions with regard to the information in this documents, please contact Cathy O'Hara, Outdoor Advertising Manager, at 785-296-4061 or (tool free) 1-877-461-6817.

**INTERSECTION SAFETY (Rep. Tom Thull)** – *Please provide me with any information regarding recently recommendations to improve safety at the intersection of US-50 & Old Main Street in Newton, Kansas.*

KDOT's Bureau of Traffic Engineering just completed a review of the Harvey County in the summer of 2003. We looked at the crash history for 1996 thru 1998 and found a crash rate of 12.7 crashes per ten million entering vehicles (cptmev). From 1998 thru 2000 it decreased to 6.06 cptmev. Average for an urban intersection is 8 to 10 cptmev.

We have discussed this intersection with the city of Newton numerous times over the past few years. We looked at closing the intersection or changing the geometrics at the intersection so that the highway would be provided with all traffic movements and Old Main traffic would be required to turn right. These options were not agreeable with the city of Newton.

We are working with the city of Newton and a consultant to look at long range plans for this area. The consultant will be gathering data from the city and from local residents concerning the travel needs in this area. One of the possible solutions may be an interchange at Anderson Street with closure of Old Main Street.

We will continue to work with the locals to monitor this area and find the best solution for the traveling public.

The Honorable Becky Hutchins

March 4, 2004

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You also asked about the four-way stop at the intersection of US-50 & US-77 in Florence, Kansas. We installed this four-way control due to a high crash rate at the intersection. Plans are being prepared at this time for the installation of a modern roundabout at the intersection of US-50 & US-77 in the near future.

Thank you for your attention and your interest in KDOT's Traffic Engineering practices. If you have additional questions, please contact me at (785) 296-3618.

Sincerely,



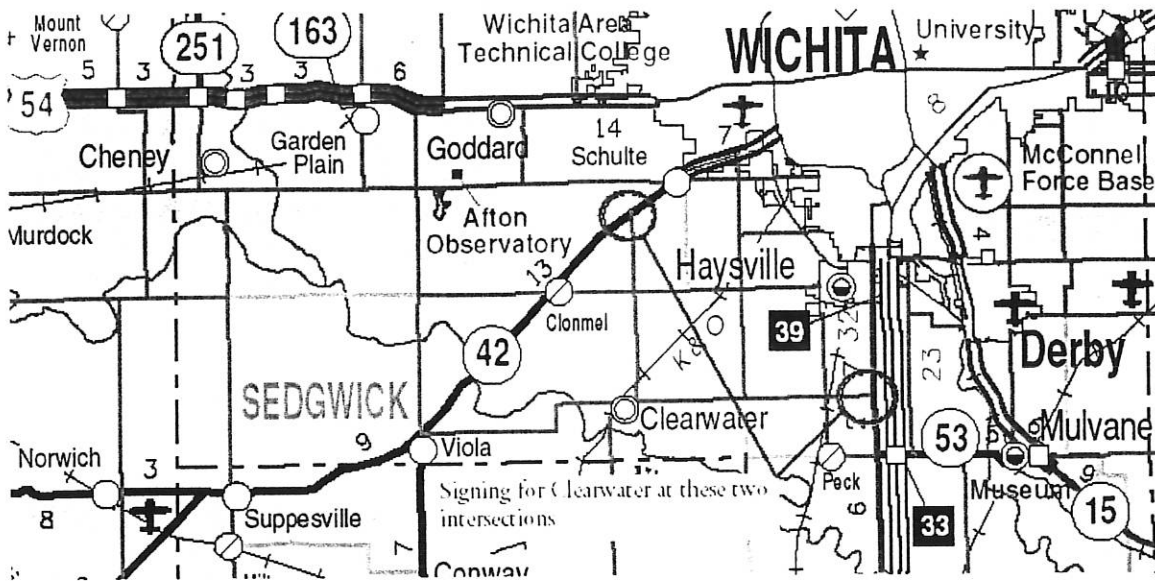
David A. Church, P.E.  
Chief of Traffic Engineering

DC:JG

Enclosures

cc: House Tourism & Parks Committee Members  
Scott Allegrucci – Director of Travel & Tourism

bcc: Deb Miller – Secretary of Transportation  
W. Sick – Asst. Secretary and State Transp. Engr.  
J. Lorenz – Public Affairs  
B. Watts – Management & Budget  
M. Crow – Operations  
C. O'Hara – Right of Way  
S. Buckley – Traffic Engineering  
B. Gower – Traffic Engineering  
R. Rissky – District One  
K. Schorzman – District One, Area Five  
B. Cook – District Five  
M. Longshaw – District Five, Area Two  
B. Tarverdi – District Five, Area Five



Signing for the City of Clearwater, KS  
K-42 & County Road  
US-81 & County Road

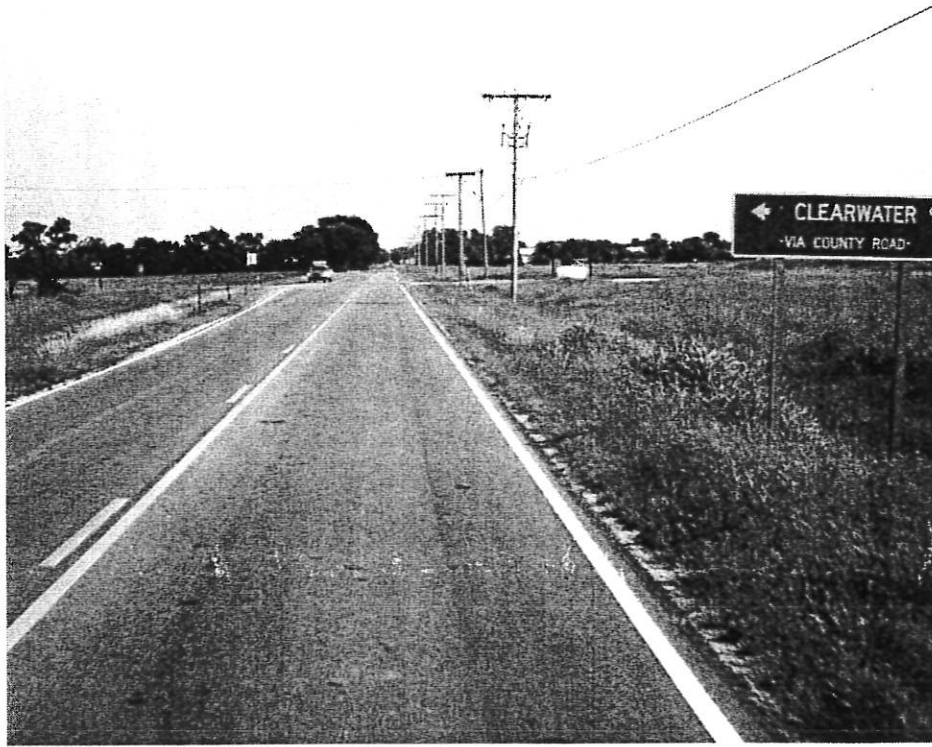
# Existing Signing for the city of Clearwater, KS On State Highway Routes



K-42, Eastbound at a County Road  
"Clearwater 7, Right Arrow, Via County Road"



K-42, Westbound at a County Road  
"Clearwater 7, Left Arrow, Via County Road"



US-81, Northbound at a County Road  
“Clearwater 9, Left Arrow, Via County Road”



US-81, Southbound at a County Road  
“Clearwater 9, Right Arrow, Via County Road”

**KANSAS DEPARTMENT OF TRANSPORTATION**  
**Summary of Kansas Laws – Outdoor Commercial Advertisement**

In order to a) promote the reasonable, orderly and effective display of outdoor advertising and b) protect federal highway funding, it is necessary that KDOT effectively administer the Kansas Highway Advertising Control Act (KHACA), K.S.A. 68-2231 et seq. The regulations pertain to interstate highways, the national highway system, and any routes that were on the Federal-aid primary system as of June 1, 1991. Details regarding the KHACA are provided.

There are two types of commercial signs. The first type of commercial signs is *on-premise* signs, signs that are located **at** the place of business and advertise only the activities conducted on the property. ***On-premise signs are exempt from the regulations of the KHACA.***

The other type of commercial signs is *off-premise* billboards, signs that advertise a product or activity at **another** location. **Billboards are limited to locations that are zoned and unzoned commercial and industrial areas, and are subject to certain standards with regard to spacing size, and lighting.** Billboards are prohibited adjacent to scenic byways regardless of zoning. The following details are provided regarding zoning and standards.

**a) Zoned Commercial & Industrial Areas.** City/County has enacted comprehensive zoning. Such zoning is generally labeled as business, manufacturing, and highway service. Federal laws requires zoning to be comprehensive in nature; therefore, any zoning which is enacted primarily for the purpose of allowing outdoor advertisement may not be recognized. No sign permit is required for new signs in zoned commercial or industrial area.

**b) Unzoned Commercial & Industrial Areas.** City/County has not enacted comprehensive zoning. Generally, these areas are within 600 feet of a bona fide ongoing commercial or industrial activity. The sign owner is required to obtain a sign **permit** prior to placing a billboard.

**c) Spacing Standards.** Commercial off-premise billboards are required to maintain certain distances from other billboards. The **state's** requirements are:

- 100 feet, within the city limit, adjacent to non-accessed controlled highways;
- 300 feet, outside the city limits, adjacent to non-accessed control highways;
- 500 feet along the federal interstate system and accessed controlled highways;
- Certain restrictions next to intersection, parks, churches, schools, museums, recreation, and rest areas also may apply, as well as the prohibition adjacent to scenic byways.

**d) Size Standards.** The **state's** regulations are as follows:

- Maximum size: 1,200 square feet in area per face;
- Each site limited to two faces;
- Maximum dimensions: height–30 feet, width–60 feet.

**e) Lighting Standards.** Must be shielded from the traveled-way and moving lights are restricted.

It is noted that off-premise billboards that were located in agricultural or residential areas or did not comply with size, lighting, and spacing standards, but were already in place *prior* to the KHACA (1968) are “*grandfather.*” Such signs are *legal nonconforming* and may remain for their natural life subject to customary maintenance. However, such signs can not be modified or moved.

**It is important to note that according to K.S.A. 68-2234(e), local authorities may enact billboard/sign regulation within their jurisdiction and it may be necessary to consult local officials regarding local regulations prior to erecting any billboard/sign.**

If you should want a copy of the Kansas Highway Advertising Control Act, a sign license application and/or permit application, or have additional questions, you may contact Cathy O'Hara, Outdoor Advertising Manager, at (785) 296-4061 or (*toll free*) 1-877-461-6817.