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Legislative Research Department

June 22, 1976

M I N U T E S

SPECIAL COMMITTEE ON FORESTRY, FISH AND GAME COMMISSION

June 11, 1976

Members Present

Representative R. E. Arbuthnot, Chairman  
Senator Richard Williams, Vice-Chairman  
Representative James Cubit  
Representative James Holderman  
Representative Herbert A. Rogg

Staff Present

Robert Haley, Legislative Research Department  
Donald L. Jacka, Jr., Legislative Research Department  
Marlin Rein, Legislative Research Department  
John Rowe, Legislative Research Department  
Don Hayward, Revisor of Statutes Office

Agency Representative

Dick Wettersten, Director of the Forestry, Fish and Game Commission

Morning Session

The Special Committee on Forestry, Fish and Game Commission was called to order June 11, 1976, at 10:00 a.m. by Chairman Arbuthnot. Chairman Arbuthnot introduced Committee members and staff and expressed his views as to the importance of the issues to be considered by the Committee. The Chairman stated that the Committee responsibilities include making recommendations to the Legislature that will balance the expenditures of the Forestry, Fish and Game Commission with the needs of both the avid and weekend sportsmen of the state.

Chairman Arbuthnot introduced Mr. Richard D. Wettersten, Director of the Forestry, Fish and Game Commission for comments reviewing the agency's background and current status. Mr. Wettersten expressed appreciation to the Committee for its interest and assured the members of full cooperation from the agency during the interim study. He indicated that, as four of the five members of the Forestry, Fish and Game Commission were appointed within the last year, Commission review of the agency would probably parallel the efforts of the Committee. He also noted that agency personnel anxiety was high and that many individuals felt their positions were insecure. He noted that this feeling resulted from the interim reorganization study and proposals of FY 1976 along with the FY 1977 expenditure reductions and position cutbacks.

Mr. Wettersten said that several program areas such as field services and the agency magazine were affected by the recent efforts to reduce expenditures. For example, while the agency magazine will have fewer printings and will recoup some costs, the problem of handling subscription receipts requires increased agency involvement. To help the situation, maintenance of the 14,000 current subscriptions will be computerized over the next few months.

Mr. Wettersten expressed his personal pleasure with the accomplishments that the SASNAK program has made in all areas. He stressed that projects begun two and

one-half years ago are now beginning to impact on the state. This impact, he said, will be slowed with the current expenditure cutbacks. Mr. Wettersten invited the Committee to attend the next Commission meeting on June 17, 1976 in Pratt.

Mr. Rein asked Mr. Wettersten how well subscriptions had met original estimates. Mr. Wettersten responded by indicating there are 14,000 current subscriptions compared with the agency's estimate of 30,000. It has a current free distribution of 82,000. He indicated the difficulty of estimating subscription levels.

Representative Holderman asked about the distribution policy of agency materials to the public, specifically to county clerk offices. Mr. Wettersten replied that cost reductions were instituted in all areas and that certain publications were now available only upon request, but that county clerk offices would have necessary material available for distribution.

Chairman Arbuthnot requested staff to present a review of the agency. (See Attachment No. I). Discussion followed.

Chairman Arbuthnot suggested that the Committee consider the question of St. Jacob's Well. Committee consensus indicated a desire to visit the site and to make a recommendation of what should be done with the land. Agency information was requested.

Mr. Rein noted that the projection of future expenditure levels presented in the staff report were based upon the continuation of current program levels. He also noted that operating expenditure increases could be kept lower than 7.5%; however, this percentage is considered by the legislative staff to be a good estimate of future cost increases. Mr. Wettersten suggested that all agencies making projections should use the same percentage factor so that the time and size of an increase in fees could be uniformly determined.

Representative Rogg noted that when the Legislature approved the SASNAK program, it also considered the agency request for an increase in fees. This increase was modified and implemented.

The Chairman requested staff present a report concerning the deterioration of the agency's fee fund balances. (See Attachment No. II.) Discussion followed.

Representative Cubit questioned the agency's sharecropping arrangements with farmers on state managed lands. Mr. Wettersten replied that usually one-third of the crop is to be left standing in the field as forage for native animals. He also said that very little financial reserve is maintained against future crop failures.

The Chairman recessed the meeting until 1:30 p.m. When the meeting reconvened, staff presented a report concerning the organization of the Forestry, Fish and Game Commission. (See Attachment No. III.) Discussion followed.

Mr. Wettersten noted that only \$2 million to \$2.5 million of the agency's total budget of \$5.6 million may be eligible for the 75% federal reimbursement. Some activities, such as law enforcement, are not eligible for reimbursement. His expressed concern was that as budget reductions are made, projects may be reduced to the point that some of the available federal allocation may have to be turned back to the federal government.

The Committee discussed whether previous proposals for the reorganization of the agency should be reviewed. The consensus of the Committee was that the impact of governmental reorganization on the agency should be reviewed at a later meeting.

Representative Cubit suggested that in approximately 1969 the House Ways and Means Committee made an informal agreement with the Commission in that the Commission should pay taxes on all land. He indicated that a letter concerning this point was contained in the minutes of the Ways and Means Committee meetings.

The Committee requested that staff provide a report indicating the fiscal impact of licensing fishermen and hunters ages 14 and 15 and over 65 at the current fee and at half the current fee.

The meeting was closed with the Committee's approval of the following interim meeting schedule.

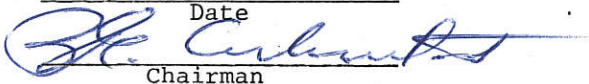
<u>Date</u>	<u>Location</u>	<u>Purpose</u>
July 19	Chanute	Tour of F.F. & G. Facilities
July 20	Chanute	Committee Meeting
August 4	-	-
August 5	-	-
September 2	Pratt	Attend F.F. & G. Commission Meeting
September 3	Pratt	Conduct Committee Meeting
October 4	-	-
October 5	-	-

Prepared by John Rowe

Approved by Committee on:

7-20-76

Date



Chairman

## MEMORANDUM

TO: Special Committee on Forestry, Fish  
and Game Commission

FROM: Legislative Research Department

SUBJECT: Preliminary Staff Review of the Forestry,  
Fish and Game Commission

General Overview

The purpose of this report is to provide a general overview of the Forestry, Fish and Game Commission for the special interim committee. The following table provides a summary of the growth of the agency budget:

<u>Activity</u>	<u>FY 1973</u>	<u>FY 1974</u>	<u>FY 1975</u>	<u>Estimated FY 1976</u>	<u>Authorized FY 1977*</u>
Administration	\$ 370,874	\$ 655,540	\$ 642,649	\$ 690,004	\$ 685,193
Fisheries	372,844	1,019,136	977,887	1,115,551	1,078,268
Game	768,474	1,482,264	1,454,000	1,567,025	1,365,493
Law Enforcement	931,878	1,125,780	1,101,681	1,219,690	1,326,788
Information	250,419	380,733	368,936	427,399	331,025
Field Services	438,347	946,543	714,825	620,862	512,638
Capital Improvements	617,252	340,700	812,088	558,624	381,000
Total	<u>\$3,750,088</u>	<u>\$5,950,696</u>	<u>\$6,072,066</u>	<u>\$6,199,155</u>	<u>\$5,680,405*</u>
Number of Positions	203.4	288.5	297.4	290.6	266.0

\*Not adjusted for \$141,247 salary plan revision.

Background

Since FY 1974, the end-of-year balance in the Forestry, Fish and Game Commission Fee Fund has been deteriorating at a rapid rate. Prior to FY 1974 the end-of-year balances had been consistently increasing. However, with the implementation of SASNAK expenditures grew at a much more rapid rate

than receipts. While FY 1975 General Fee Fund net receipts were 41 percent above FY 1973, FY 1975 expenditures were 62 percent above FY 1973 expenditures. The following table reflects the declining end-of-year balances in the General Fee Fund:

<u>Fiscal Year</u>	<u>End-of-Year Balance</u>	<u>Percentage Decrease from Previous Year</u>	<u>Percentage Decrease from FY 1973</u>
Actual FY 1973	\$7,611,083	--%	--%
Actual FY 1974	5,459,427	28.27	28.27
Actual FY 1975	3,699,514	32.24	51.39
Estimated FY 1976	2,718,109	26.53	64.29
Approved FY 1977	2,442,416	10.14	67.91
Projected* FY 1978	1,939,674	20.58	74.52
Projected* FY 1979	1,073,280	44.67	85.90
Projected* FY 1980	(189,666)	--	--

\*The projected balances are based on the following assumptions: 7.5% annual increase in operating expenditures each year after FY 1977; \$275,000 annual expenditure for capital improvements each year after FY 1977; no increase in total license sales; and an annual increase of \$75,000 in federal aid apportionments.

Reliance on the end-of-year balance as the only indicator of the agency's financial status may be misleading. Because of the uneven flow of receipts during the course of a year, this cash flow pattern necessitates that the fund balances be adequate enough to absorb this fluctuation.

The original FY 1977 budget request of \$6,291,420 (305.6 positions) would have resulted in a continued deterioration of the Fee Fund balance, with its possible projected virtual exhaustion in FY 1978. The Governor requested that the agency adjust the budget and the Commission provided a revised request which contained reductions of \$537,046, including 29.1 positions from the original request. However,

the agency also noted that it would still require a fee increase by FY 1979. The Governor's Budget Report indicated that the Governor's recommendation of \$5,681,290 (262.0 positions) would sufficiently reduce expenditures to allow adequate funding without a rate increase. However, the Governor's projection was based on only a five percent increase in operating expenditures while this report assumes a 7.5 percent annual increase.

Staff Reduction. The agency was authorized 307.6 positions in FY 1976 but only requested 305.6 positions in its original request and reduced that number to 278.5 in its revised request. While the Governor's FY 1977 recommendation was 45.6 positions below the originally authorized FY 1976 level, it was 16.5 positions below the revised agency request. The Governor indicated that his recommendation provided for significant personnel reductions in the area of property management. The additional reduction of 16.5 positions recommended by the Governor included six lake and groundskeepers, three Farmer I's, a Laborer II, a Civil Engineer I, an Engineer Technician IV, an Informational Writer I, an Informational Writer II, a Clerk Typist II, a pilot, and a half-time attorney. The Commission indicated that if such a personnel reduction were deemed necessary, it would prefer that three Farmer I positions, nine lake and groundskeeper positions, and one Laborer II position be reinstated at a

cost of \$114,164 and that four Game Biologist I positions, four Fisheries Biologist I positions, and one Game Biologist II position be deleted at a savings of \$115,049. This alternative, concurred in by the Legislature, increased the number of positions by four but reduced the expenditures by \$885. The following table reflects the personnel adjustment by classification:

<u>Classification</u>	<u>Positions Authorized for FY 1976</u>	<u>Number of Vacancies*</u>	<u>F.T.E. Adjustments</u>	
			<u>F.T.E. Dele- tions</u>	<u>Lay- offs Req.*</u>
Biologist III	5.0	2.0	2.0	--
Fish Biologist I	37.0	4.0	9.0	5.0
Game Biologist I	27.0	1.0	8.0	7.0
Game Biologist II	12.0	--	1.0	1.0
Civil Engineer I	1.0	--	1.0	1.0
Informational Writer I	5.0	--	1.0	1.0
Informational Writer II	2.0	--	1.0	1.0
Engineer Technician IV	4.0	--	1.0	1.0
Laborer II	3.0	1.0	1.0	--
Librarian	.6	--	.6	.6
Refuge Manager	20.0	1.0	1.0	--
Farmer I	13.0	3.0	3.0	--
Equipment Operator III	6.0	1.0	2.0	1.0
Lakes and Groundskeeper	20.0	3.0	2.0	--
Pilot**	1.0	1.0	1.0	--
Administrative Officer I**	1.0	1.0	1.0	--
Attorney III	.5	--	.5	.5
Clerk Typist II	12.5	2.5	2.0	--
Clerk Steno I	2.0	1.0	1.0	--
Clerk Steno II	8.0	2.0	2.5	.5
All Other Classifications	127.0	--	--	--
<u>Total</u>	<u>307.6</u>	<u>23.5*</u>	<u>41.6</u>	<u>19.6*</u>

\*Data supplied by agency in a telephone conversation March 2, 1976.

\*\* Position reclassified.

In FY 1973 the agency had 28 biologist positions; however, by FY 1977 the number of authorized biologists increased to 68. The approved FY 1977 budget reduced the number of biologist positions by 20.

Capital Improvements. The \$381,000 authorized for capital improvements is comprised of several projects. The following table summarizes the projects:

<u>Project</u>	
Lake Meade Rehabilitation	\$177,000
Kansas River Access Program	40,000
Shoreline Development	
State Lakes	125,000
Floating Fishing Piers	
Northcentral Region	9,000
Floating Fishing Piers -	
Rooks State Fishing Lake	5,000
Special Maintenance -	
State Lakes	25,000
Total	<u>\$381,000</u>

The approved FY 1977 budget provides \$177,000 for the completion of the rehabilitation of Lake Meade. The federal government will provide \$88,500 for the project with the remaining 50 percent funded from license revenue. The 1975 Legislature had previously approved \$15,200 for Lake Meade rehabilitation which was used for project planning and for draining of the lake. The FY 1977 appropriation of \$177,000 would provide for the development of four fishing piers and increasing the average depth of the lake by six feet along the two major areas of shoreline.



The \$40,000 Kansas River Access Program is a cooperative program to develop public access to the Kansas River at approximately five sites between Kansas City and Junction City. This is a continuation of a program initiated in FY 1976. Developments proposed include launching ramps for boats, breakwaters, and improving roadways and parking areas. The Commission proposes to finance or provide matching for development of structures and facilities providing the landowner dedicates the property, and a local entity agrees to provide maintenance. The purpose is to develop sites on the Kansas River to provide public access to the stream for fishing and boating.

The \$125,000 for improvement and development of the shoreline at state lakes will fund needed excavation and deepening of shallow areas in impoundments and along shorelines; construction of jetties, piers, dikes, and silt-control structures; and other developments in selected locations. The improvements will facilitate maintenance and management, establish and improve fisheries habitat and improve fisherman access. The project is a continuation of an on-going program.

The Forestry, Fish and Game Commission was directed by 1974 House Bill No. 2059 to purchase, for an amount not to exceed \$250,000, St. Jacob's Well and Big Basin in Clark County. The federal government provided \$125,000 and state license revenue provided the remaining 50 percent of the purchase price. Mr. Richard D. Wettersten, Director of the

Forestry, Fish and Game Commission, in his appearance on August 20, 1975, before the House Special Committee on Ways and Means explained that this was not considered a diversion of fishing and hunting license money because the land is under control of the Forestry, Fish and Game Commission. There has been some suggestion to transfer the property to the Park and Resources Authority. Since federal funds were involved in the original acquisition, there would have to be reimbursement to the Forestry, Fish and Game Commission in order to avoid jeopardizing the agency's continued receipt of federal money. The director also indicated that the land could be sold, but that the federal government would have to be reimbursed and the provisions of the deed would have to be met by the purchaser. The provisions of the deed were intended to protect the natural state of the land. The Commission has considered several possible uses of the area but has determined no further investment of Fish and Game funds should be made until the Commission receives some indication of legislative intent regarding development and/or use of the area.

MEMORANDUM

TO: Special Committee on Forestry, Fish  
and Game Commission

FROM: Legislative Research Department

SUBJECT: Deterioration of Fee Fund Balances

Background

The Commission presented the SASNAK project in two parts. The first part was the expansion of program which was generally approved; and the second part, which was an increase in fees, was modified. The expansion of program is demonstrated in the following comparison of actual FY 1973 and authorized FY 1977 expenditures:

	<u>Actual FY 1973</u>	<u>Authorized FY 1977*</u>	<u>Percentage Change</u>
Administration	\$ 370,874	\$ 685,193	84.75%
Division of Fisheries	372,844	1,078,268	189.20
Division of Game	768,474	1,365,493	77.69
Division of Law Enforcement	931,878	1,326,788	42.38
Division of Information	250,419	331,025	32.19
Division of Field Services	438,347	512,638	16.95
Subtotal - Operations	<u>\$3,132,836</u>	<u>\$5,299,405</u>	69.16%
Capital Improvements	617,252	381,000	(38.27)
Total	<u>\$3,750,088</u>	<u>\$5,680,405</u>	<u>51.47%</u>

\*Not adjusted for \$141,247 salary plan revision.

This staff report attempts to examine the current and projected financial condition of the agency through a review of the present expenditure and revenue patterns. While this report will contain some examination of the fiscal impact of SASNAK, the evaluation of the program's accomplishments is contained in a separate report.

Expenditure Pattern

Two major factors can be identified as contributing to the deteriorating financial condition of the agency. The first factor is the failure to view the total long range impact of the SASNAK project. The second factor contributing to the financial problem is the commitment to ongoing expenditures which must be met from relatively fixed levels of resources. The most visible ongoing cost is for salaries and wages. Staff increases tend to cause increased expenditures in other cost elements such as communication, travel and subsistence, motor vehicle parts, supplies, and capital outlay. The exact relationship is difficult to determine and may not be constant. However, the number of positions provides an indication of trends. The following chart reflects the growth in personnel.

<u>Fiscal Year</u>	<u>F.T.E.</u>
Actual FY 1972	199.0
Actual FY 1973	203.4
Actual FY 1974	288.5
Actual FY 1975	297.4
Estimated FY 1976	290.6
Authorized FY 1977	266.0

The best example of one time expenditures is capital improvements. To a large extent these expenditures have been reduced to special maintenance. This discussion is not intended to imply that capital improvements could have been substituted for personnel but only that a decrease in total expenditures required a decrease in agency activity, not just a curtailment of new activity.

The following chart reflects the changes in agency priorities (expressed as a percentage of total expenditures) for each of the fiscal years since FY 1973:

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>Estimated 1976</u>	<u>Authorized 1977</u>
Administration	9.9%	11.0%	10.6%	11.1%	12.1%
Fisheries	9.9	17.1	16.1	18.0	19.0
Game	20.5	24.9	23.9	25.3	24.0
Law Enforcement	24.8	18.9	18.1	19.7	23.4
Information	6.7	6.4	6.1	6.9	5.8
Field Services	11.7	15.9	11.7	10.0	9.0
Capital Improvements	16.5	5.8	13.5	9.0	6.7

Revenue Patterns

The state can exercise some control on the amount of revenue from the sale of hunting, fishing, and trapping licenses and boat certificates by adjusting the fees. Major federal grant programs are determined by the number of licenses sold; and the revenue from the sale of livestock and poultry, crop and dairy products, and rent from lands are controlled to a large degree by the terms of the federal leases. The following table shows the relative importance of major revenue sources as estimated for FY 1977:

<u>Source</u>	<u>Percentage of Revenue</u>
License Sales	65%
Federal Grants	24
Boat Certificates	4
Agricultural Leases	2
Publications	2
Other	3

License Revenue. The estimate of \$3,598,459 for license fee income in FY 1977 represents about 65 percent of total estimated General Fee Fund receipts. License sales are not only the largest single source of revenue, but they are also the most responsive to state efforts to increase revenue. In calendar year 1976, estimated receipts from this source are \$1,130,150 or 44 percent above receipts in the last calendar year (1972) prior to SASNAK. This increase in receipts reflects both a change in level of fees and an increase in the number of licenses sold. The following table compares the current fees to those in effect in calendar year 1972:

<u>License/Permit</u>	<u>Fee</u>	
	<u>1972</u>	<u>1976</u>
Resident hunting	\$ 3.00	\$ 5.00
Nonresident hunting	15.00	25.00
Resident fishing	3.00	5.00
Nonresident fishing	5.00	10.00
Nonresident trip fishing	3.00	5.00
Trapping	1.50	3.00
Combination	6.00	10.00
CSA	3.00	3.00
Boat permit*	3.00	9.00
Antelope permit	--	15.00
Deer permit	10.00	15.00
Upland game bird stamps	1.00	--
24-hour fish	1.00	--
Turkey permit	--	15.00

\*Boat permit (three year)

Federal Aid. The two major sources of federal aid for the Forestry, Fish and Game Commission are for the Pittman-Robertson and Dingell-Johnson funds. The Pittman-Robertson fund is financed by a percentage federal excise tax on the sale of firearms and ammunition and the Dingell-Johnson fund is financed by a percentage federal excise tax on fishing equipment. Both taxes are collected by the federal government from the manufacturer. The percentage rate makes the taxes responsive to cost increases resulting from inflation and to increases in interest in outdoor sports. Apportionments to the states have been continued to increase and the Commission estimates that by FY 1980 it could receive \$1,732,622 in Pittman-Robertson funds and \$406,358 in Dingell-Johnson funds for a total of \$2,138,980. The rate of increase in recent years can be seen from the following table:

<u>Calendar Year</u>	<u>Receipts from Pittman-Robertson Dingell-Johnson Funds</u>	<u>Percentage Increase Over Previous Year</u>	<u>Percentage Increase Over 1970</u>
1970	\$ 828,817	10.80%	--%
1971	835,531	.81	.81
1972	903,067	8.08	8.96
1973	1,099,536	21.76	32.66
1974	1,185,109	7.78	42.99
1975	1,330,321	12.25	60.51

The state apportionment for the two funds is determined by a formula based 50 percent on land area and 50 percent on the number of state hunting and fishing licenses sold. The funds can then be used by the state as reimbursement of up to 75 percent of the expenses of projects which meet federal

requirements. Federal Pittman-Robertson and Dingell-Johnson funds may not be used for law enforcement, most information-education programs, or for programs not related to the development of wildlife and fish habitation. The state has two years to obligate or establish programs for use of the funds. As the level of discretionary funds decreases, the agency may have increasing difficulty in obligating all of the federal funds because of the need to utilize available state funds to finance ongoing projects that are not eligible for federal reimbursement.

Boat Certificates. FY 1977 receipts are estimated at \$225,000 or four percent of total agency net receipts. Income from boat certificates is presented as a separate fund. The individual boat certificate fee for a three year period was increased from \$3.00 to \$9.00 in the 1975 legislative session. Boating certificate fee income is projected to be equal to expenditures for the first time in FY 1977. The shortfall in income has heretofore been funded by a Coast Guard reimbursement. The aid program is being discontinued in FY 1977. The following chart shows the relationship of income from certificate sales, available resources, and expenditures allocated to this fund.



<u>Fiscal Year</u>	<u>Income From Boat Certificate Sales</u>	<u>Available Resources</u>	<u>Expenditures</u>
1972	\$ 85,728	\$233,990	\$111,891
1973	78,696	263,322	113,725
1974	96,782	297,321	167,523
1975	98,879	290,686	194,154
Est. 1976	170,400	316,932	225,000
Est. 1977	225,000	316,932	225,000

Agriculture Income. This source of revenue is expected to produce only \$99,000 or two percent of total net receipts in FY 1977. The agency rents or sharecrops a large portion of the federal land that it administers. The federal lands are held under three types of leases with varying restrictions on the use of the land. The oldest and least restrictive agreement, which applies to about 17 percent of the land, provides that the income from the sale of state surplus production may be used to defray costs of administering the wildlife programs. The moderately restrictive agreement, which currently applies to approximately 35 percent of the land, provides the state surplus crops can be sold but the crops cannot be produced solely to produce revenue. The newest and most restrictive agreement, which applies to approximately 48 percent of the federal lands under lease, provides that the revenue from the sale of state surplus crops must be held in reserve to provide food for wildlife in the event of future crop failure.

The restrictions in the federal leases appear to prevent the state from greatly increasing the revenue produced by this fund source. It should be noted that much of the state share is left in the field to provide food and habitat for game.

#### Publication Sales

While this source of revenue is estimated by the Governor to produce only \$90,000 or about one percent of total receipts in FY 1977, this level of receipts is uncertain since this will be the first effort to charge for the Kansas Fish and Game magazine. Mr. Wettersten told the House Special Committee on Ways and Means on August 22, 1975, that other states had experienced an approximate 80 percent decline in circulation with a major rate change. The agency estimate of \$75,000 assumes a reduction in circulation from 80,000 to 30,000 a decrease of 62.5 percent. However, if Kansas realizes a comparable decline in circulation that other states have had, circulation could be as low as 15,000 and the revenue only \$37,500.

#### Policy Options

Major Concerns. There are two major policy questions related to the funding of the Forestry, Fish and Game Commission. The first concern is the amount of revenue that must be produced and the second concern is the relative financial burden imposed on various groups. Related to three policy decisions is the design of a rate structure that generates sufficient revenue and imposes the desired relative

financial burden. The decision relating to the amount of revenue that must be generated is to a large degree dependent on the Committee's findings concerning the desired level of programs. It is also related to the Committee's perception of the effectiveness and efficiency of the current programs. The question relating to the relative financial burden that must be imposed on various groups will require the Committee to make value judgments concerning the desired relationship between the nonresidents' financial burden and the residents' financial burden. The Committee may also wish to consider the relationship of the relative financial burden for the avid sportsman versus the occasional sportsman.

The design of a rate structure to implement the policy decisions will require an evaluation of the impact of the rate change on the number of licenses sold. A business that increases the price of its products to the point that many people do without the product could find that the rate increases produces less revenue than the old rates produced. It is possible that revenue resulting from a rate increase would not be as great as could be expected because of the adverse effect of the rate increase on the number of licenses sold.

License Fee Increase Proposed by Agency. The agency indicated in its FY 1977 budget appeal that it would be necessary to increase license revenue by FY 1979 in order to maintain current program activities, assuming a three percent

per annum rate of growth in expenditures. The agency anticipates the following fee changes would be imposed in FY 1979:

	<u>Current</u>	<u>Proposed</u>	<u>Increase</u>	<u>Percentage Change</u>
Resident Hunting	\$ 5.00	\$ 7.00	\$2.00	40%
Nonresident Hunting	25.00	27.00	2.00	8
Resident Fishing	5.00	7.00	2.00	40
Nonresident Fishing	10.00	12.00	2.00	20
Nonresident Trip Fishing	5.00	7.00	2.00	40

This proposed fee structure results in shifting proportionately more of the burden to resident license holders. In the 1974-1975 rate adjustments, the relative burden was maintained by increasing resident hunting, nonresident hunting, resident fishing, and nonresident trip fishing permits by a fixed percentage (66%) instead of a fixed amount. Under the current fee structure Kansas residents holding a hunting, fishing, or combination license account for 80 percent of the license holders and only 70 percent of the revenue. Non-residents holding hunting, fishing, or trip fishing licenses account for only eight percent of the license holders and 21 percent of the revenue.

The rate structure can also be used to control the level of activity. A nonresident going on a short hunting trip must pay five times more for the license than he would if he were going on a fishing trip. The logic behind the differential is that there is a shortage of game and a relatively greater abundance of fish.

The impact of the elasticity of the different licenses should also be considered. Since the number of people desiring to buy deer permits far exceeds the number of permits

that can be sold, a sharp increase in the fee will likely only result in a decrease in the waiting list and not the number of permits sold. The following table reflects the relationship between the number of licenses sold and the revenue produced:

	<u>Calendar Year 1976</u>	
	<u>Number of</u>	<u>Revenue</u>
	<u>Licenses</u>	<u>Produced</u>
Resident Fishing	46%	35%
Resident Hunting	26	20
Combination	9	15
Nonresident Hunting	4	14
Nonresident Fishing	2	4
Boat Permits	6	3
Deer Permits	3	7
Other	4	2

License Exemption Modifications. A second area of additional revenue that the Commission recommends is modification of present license exemptions. The proposal would consist of reducing the minimum license age from 16 years to 14 years, discontinuing military exemptions, and requiring that persons 65 years of age and older continue to buy licenses at the prevailing rate or, in lieu thereof, a lifetime combination fishing and hunting license at a cost of \$35.00. The agency contends that the 333,000 licensed Kansas anglers are actually supporting a fisheries program enjoyed by some one-half million anglers and a similar ratio may apply to hunting. It should be noted the major reason that many people do not have licenses is not that they are avoiding purchasing a license but rather, that they are not required to do so.

The elimination of these three exemptions will make Kansas eligible for increased federal aid averaging about \$.80 for each fishing license sold and \$4.50 for each hunting sold. Since the number of licenses sold is an element in the formula for allocating federal funds, an increase in the number of licenses will increase federal support. However, this potential increase in the federal apportionment will be helpful only if state priorities still require sufficient state expenditures to obligate the additional federal revenue.

1976 Senate Bill No. 985. The Senate Ways and Means Committee introduced this bill which provides an alternative to the rate structure proposed by the agency. The Senate bill would, to a large degree, maintain the current relative burden except for the increase in deer, antelope, and turkey permits. The bill would have resulted in the following rate structure:

	<u>Current</u>	<u>Proposed</u>	<u>Increase</u>	<u>Percentage Increase</u>
Resident Hunting	\$ 5.00	\$ 7.50	\$ 2.50	50%
Nonresident Hunting	25.00	37.00	12.00	48
Resident Fishing	5.00	7.50	2.50	50
Nonresident Fishing	10.00	15.00	5.00	50
Nonresident Trip				
Fishing	5.00	7.50	2.50	50
Trapping	3.00	4.50	1.50	50
Combination	10.00	15.00	5.00	50
CSA	3.00	4.50	1.50	50
Boat Permits	3.00	4.50	1.50	50
Antelope Permits	15.00	25.00	10.00	67
Deer Permits	15.00	25.00	10.00	67
Turkey Permits	15.00	25.00	10.00	67

Conclusion

The continuing deterioration of the Fee Fund balance suggests that the Legislature may have to consider four main options relating to the funding of the Forestry, Fish and Game Commission. One option would be to reduce expenditures sufficiently so that current level of net receipts could maintain an adequate balance in the fund. A second option would be to increase license revenue to support the current level of expenditures. The third option might include both a further reduction in expenditures and an increase in license revenue. The fourth option would be to supplement special revenue income from the State General Fund.

## MEMORANDUM

TO: Special Committee on Forestry,  
Fish and Game Commission

FROM: Legislative Research Department

SUBJECT: Review of Agency Programs and Organization

Background

SASNAK (Surging Ahead for Skippers, Nimrods, and Anglers of Kansas) was initiated with approval of the FY 1974 budget. The goals of the SASNAK project were, to a large degree, extensions of activities already being performed by the Commission and cannot be completely separated in the budget or in evaluation of the program. The five year program goals, as set forth by the Commission in its pamphlet Project SASNAK, are as follows:

1. Double the take of upland game on public hunting lands;
2. Increase by 50 percent the take of game fish from Kansas waters;
3. Establish a close working relationship with Kansas landowners to save and develop wildlife habitat on private lands;
4. Develop a statewide firearms safety training program for Kansas youth; and
5. Create a modern courtesy boat patrol to teach, enforce (the boating laws) and help boaters in Kansas.

This report will generally review the organization and programs related to agency operations including the SASNAK project. A separate report discussed deterioration of



the agency's financial condition which resulted from the increase in expenditures related to SASNAK. Fiscal Year 1977 will be the fourth year of the five year program.

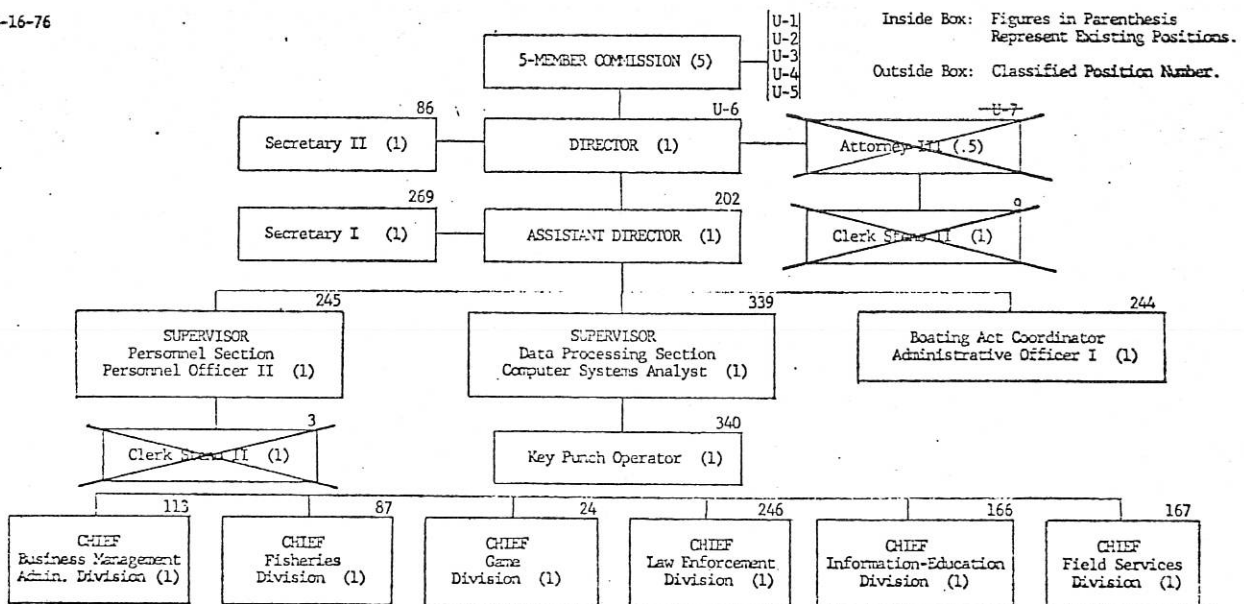
The agency is divided into six major divisions which are also the major budget activities. The divisions are Administration, Fisheries, Game, Law Enforcement, Information and Education, and Field Services. Some programs such as the water safety program are related to more than one division.

While the agency has established regional offices that contain members of most of the divisions, the line of authority is still within each division and thus there is no regional coordinator.

Division of Administration

Organization. The Administration Division is divided into the executive section and the business management section. The following chart reflects the organization of the executive section as presented by the agency (positions that are crossed out were deleted by the 1976 Legislature):

3-16-76

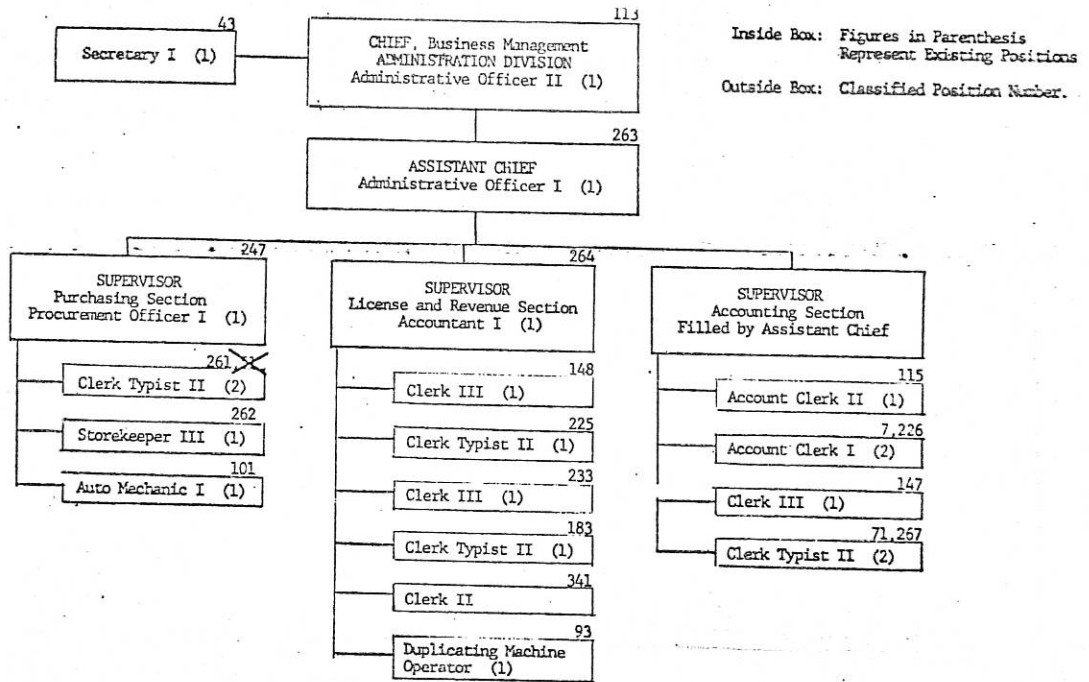


The five member commission is considered part of this section. Each member is appointed by the Governor with the consent of the Senate for a four year term which continues until a successor is appointed and qualified. Four of the members are appointed by districts as specified in K.S.A. 1975 Supp. 74-3301 and the fifth member is appointed from the state at large. Meetings may be held as often as necessary.

The director is appointed by the Commission and serves at the pleasure of the Commission. The assistant director aids the director in both line and staff operations and has direct supervisory responsibility over the personnel activities, data processing center, and the coordination of the State Boating Act. The data processing section, which consists of a computer systems analyst and a keypunch operator, uses the Computer Services Division of the Department of Administration and Kansas State University computer via a remote job entry terminal located at the Pratt headquarters. The State Boating Act has been coordinated by an Administrative Officer I. This staff position was responsible for monitoring all federal regulations and funds relating to pleasure boating, development of a long range recreational boating safety program, and public information-education programs related to the boating program. The boat safety program may be transferred to the Information-Education Division and the Administrative Officer I given responsibility for monitoring all federal funds.

The business management section is assigned responsibility for accounting, purchasing-procurement, and related operations. The following organization chart reflects the business management section as presented by the agency:

3-16-76



The license and revenue staff is responsible for issuing approximately 558,000 licenses related to hunting and fishing and 25,000 boat licenses per year. The unit also maintains a file of about 73,000 boat registrations. The accounting office is responsible for payroll, validation of receipts, review of expense accounts, classification of vouchers, disbursement of warrants, inventory control, and budget control. The purchasing office processes between 10,000 and 15,000 purchase requests per year and maintains a general inventory.

Aircraft. The House Ways and Means subcommittee suggested that the purchase of an aircraft be delayed because of the current financial condition of the agency but should be

reconsidered if the agency's financial condition improves. Since the interim committee will make a determination of the desired level of expenditures, it may be helpful to review the agency's request for an aircraft.

The agency indicated that the use of the Cessna 185 will greatly improve its effectiveness. There are three main reasons why the Commission believes it should have its own aircraft. The pilot must have knowledge of the needs of the agency. The pilot and aircraft must be able to fly at a low altitude and speed as well as normal cross-country flights. The agency also believes that it must have final authority as to the schedule of the aircraft. The Forestry, Fish and Game Commission believes that its experience with the state aircraft and local chartered planes indicates that a non-agency plane and pilot are not satisfactory. The following table reflects the agency's estimate of its flying needs:

<u>Hours</u>	<u>Aircraft Activity</u>
300	Transportation of administrative personnel (meetings, field management review, etc.)
300	Law Enforcement surveillance and patrol (day and night activities)
50	Fish distribution and pollution surveys
80	Photography, reconnaissance, and inspections of projects
80	Distribution and surveys of wildlife
<u>810</u>	TOTAL AIRCRAFT HOURS

The \$50,000 requested by the agency for the aircraft consisted of \$40,000 for the purchase of a Cessna 185 aircraft; \$5,000 for aircraft fuel; \$2,000 hangar rental and maintenance (not including major maintenance); and \$3,000 for additional salaries resulting from reclassification of a maintenance repairman position to pilot. The agency spent \$5,563 for aircraft rental and charter services in FY 1975. No funds were appropriated for these activities and the agency indicates that it may have to finance these operations in FY 1977 by reducing other approved expenditures. The agency was unable to estimate the cost for FY 1977 charter operation. If it is assumed that operating costs increase by about seven percent per year, an approximate estimate of charter costs would be \$6,369. The following table reflects the estimated five year fiscal impact (not including depreciation):

	Estimated Cost of Aircraft*	Estimated FY 1975 Level Cost of of Charter Operations*	Estimated Cost Increase
FY 1977	\$50,000	\$ 6,369	\$43,631
FY 1978	10,700	6,815	3,885
FY 1979	11,449	7,292	4,157
FY 1980	12,250	7,802	4,448
FY 1981	13,108	8,348	4,760
Five Year Cost	<u>\$97,507</u>	<u>\$36,626</u>	<u>\$60,881</u>

\*Seven percent increase per year in operating costs.

Boat Safety. While much of the current program activity is centered in the Law Enforcement Division, the Administration Division has had responsibility for development of a long range plan in this area. A policy question may be the relationship between boat inspections, education programs, and licensing of boat operators. The current program is to a large degree an effort of boat inspection which is supplemented by operator training.

In regard to testing and licensing of boat operators, a 1974 Coast Guard study concluded that national coordination would be necessary in developing minimum standards to encourage some degree of uniformity and reciprocity. The study estimated that the cost of administration would approximate \$6.00 per license for the written test on rules-of-the-road. The study found that operational skill testing is "clearly impractical."

The Coast Guard supports the efforts of states to require youthful operators to complete an approved boating course before they are allowed to operate a recreational vessel. This could be a companion course to the Kansas hunter safety training program.

Taxes Paid on Non-Income Producing Property. The Commission had an informal policy of paying taxes on all land acquired after 1969, even if the land is used exclusively for state purposes. The May 17, 1976, Program Audit: Management of Surplus State-Held Lands by the Legislative Division of Post Audit states:

This taxation practice of the Forestry, Fish and Game Commission is in conflict with K.S.A. 1975 Supp. 79-201a et. seq. and 79-210 which require the payment of property taxes only on land not used exclusively for state purposes.

The following table, from the Audit report, shows the relative importance of this practice:

Property Taxes Paid by the  
Forestry, Fish and Game Commission  
(1975)

	<u>Number of Acres</u>	<u>Amount of Property Taxes Paid</u>
Taxes Paid on Income- Producing Property	19,944.48	\$26,845
Taxes Paid on Non-Income Producing Property	<u>2,282.31</u>	<u>3,247</u>
Total	<u>22,226.79</u>	<u>\$30,092</u>

Source: Division of Accounts and Reports, payment vouchers for 1975 property taxes.

Mr. Thomas J. Pitner, Chief Attorney for the Department of Administration, stated in a memorandum of April 27, 1976, to Mr. James R. Cobler, Director of Accounts and Reports:

The farming of said land by agriculture lessees is a necessary and integral part of the fulfillment of the statutory duties imposed upon the Commission. For such tracts of land, the taxes should not be paid.

The Commission has filed a petition for refunds of the property taxes paid in FY 1976.

The Forestry, Fish and Game Commission has paid no tax or payments-in-lieu-of-taxes on the 1,56,875 acres that are leased from the federal government. The agency contends that such payments would endanger the apportionments of Pittman-Robertson and Dingell-Johnson federal funds. If the Commission was required to make such payments from the hunting and/or fishing license fees, Kansas could lose the right to participate in the federal programs. The acting regional director of the United State Department of the Interior, Fish and Wildlife Service stated in an August 2, 1972, letter to Mr. Wettersten:

No projects, involving land under lease or administered by agreements would receive departmental approval if such projects involve the making of payments-in-lieu-of-taxes under our legislative authorization as it now stands.

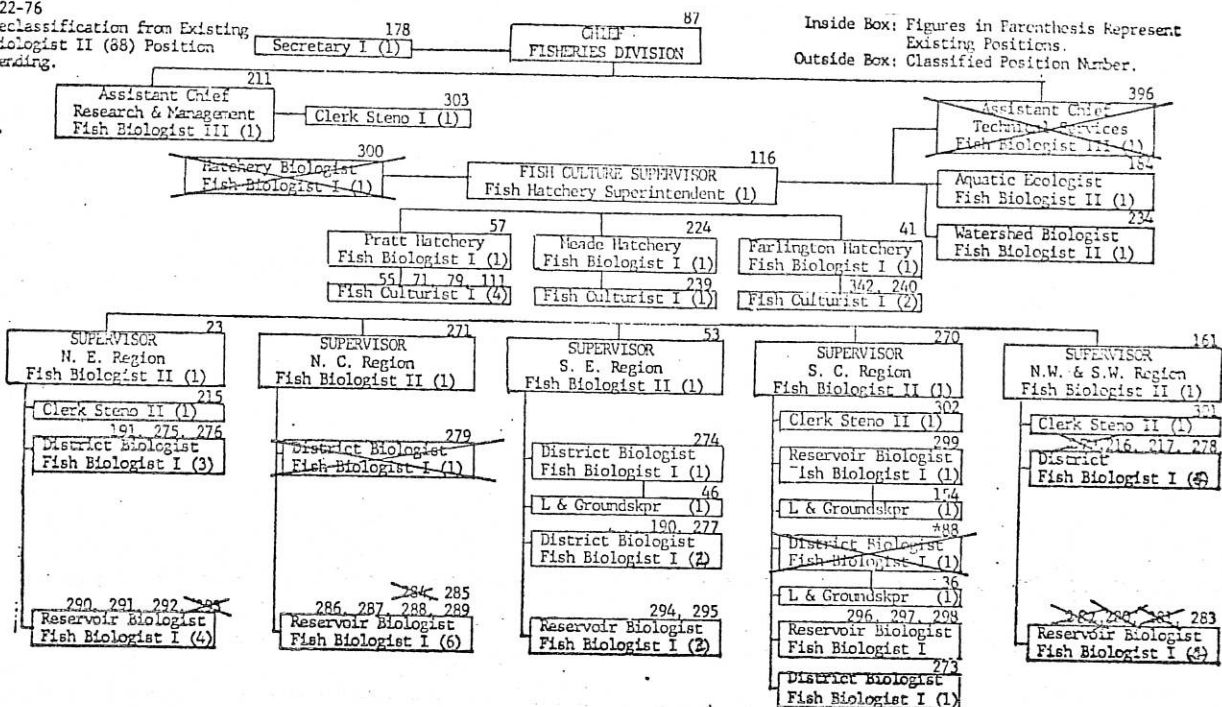
### Division of Fisheries

Organization. The Fisheries Division is divided into fisheries mamangement, fish culture, fisheries research, and fisheries administration. The following chart reflects the organization of the Fisheries Division as presented by the agency:



3-22-76

\*Reclassification from Existing Biologist II (68) Position Pending.



The Division of Fisheries is the organizational unit with responsibility for achievement of the SASNAK goal to increase the take of game fish by 50 percent. Since all of the division activities relate to this goal, it appears logical to review division expenditures in relation to progress toward this end. The FY 1977 approved budget for the Fisheries Division is approximately \$1,080,000 or 19.0 percent of the total agency request. The SASNAK project has resulted in a major shift in priorities in this area. In FY 1973 the Fisheries Division received only 9.9 percent of the budget compared to the 19.0 percent approved for FY 1977. One of the most radical changes has been in staffing. The number of full-time equivalent (F.T.E.) positions has increased from 23.5 F.T.E. in FY 1973 to 52.2 F.T.E. for FY 1977.

The FY 1977 agency budget report indicated that the division has had significant accomplishments. One accomplishment is that the rearing of striped bass at the Farlington Hatchery has increased 500 percent. Other accomplishments include the rehabilitation of the fishing ponds in the Cimarron National Grassland, the completion of new fishing ponds in Cheyenne County, and the opening of Nemaha Lake to fishing. The agency has arranged for water level manipulations at some state fishing lakes and reservoirs.

The fisheries administration section has primary responsibility for developing division policies and for management of the division. The fisheries management subactivity consists of the application of appropriate management practices. These management practices vary but may include: (1) water level fluctuations to promote or retard spawning, provide nursery areas for young fish, or provide fish population control; (2) habitat improvement; (3) fish population reduction; (4) initial, supplemental, and correctional fish stocking and introduction of new species; (5) impoundment rehabilitation; (6) maintenance of fishing information services; and (7) providing technical assistance to the public.

Fisheries management involving the large federal reservoirs in the state is the responsibility of this section. There are currently 20 federal reservoirs completed and in operation in Kansas, and they have a total combined area of 138,276 surface acres of fishing water. Approximately one-fourth of all of the annual man-days of fishing in the state

takes place on these large reservoirs. However, the potential of these impoundments with respect to providing man-days of angling and fish take greatly exceeds current use and yield.

The fish culture subactivity comprises all collecting and handling of brood fish and eggs, fish hatching, propagation, rearing, and fish distribution, as well as the operation, repair, and maintenance of related facilities. Facilities operated by the division in the production of fish for stocking purposes include the Pratt Fish Hatchery (87 ponds), Meade Fish Hatchery (16 ponds), and the Farlington Hatchery (29 ponds). Other facilities utilized in the production of fish include rearing ponds located adjacent to state fishing lakes in Neosho, Woodson, Leavenworth, Shawnee, and Sherman counties, and spawning and rearing ponds and marshes at various locations over the state.

Approximately one million fingerling fish, ranging in length from two to four inches, including largemouth bass, channel catfish, and bluegill are produced annually. These fingerling fish are utilized for initial and maintenance stocking. Channel catfish fingerlings are also restocked into culture ponds for additional feeding and rearing to intermediate size.

A total of 80,000 to 100,000 channel catfish ranging from 8 to 11 inches in length are released annually where prior surveys have indicated a need for such stocking as a means of maintaining satisfactory fishing for this species.

The predatory fish production phase of the fish culture operations is undergoing significant expansion to provide larger numbers of fingerlings and larger sizes of largemouth bass, northern pike, walleye, and striped bass for stocking in reservoirs, state fishing lakes, and other public fishing impoundments. To meet the needs for walleye, a total of 12 million to 22 million walleye eggs are collected each spring and are hatched at fish culture facilities. One million to two million striped bass fry are acquired from out-of-state sources each spring and are fed and reared to fingerling size for stocking in selected impoundments available for public fishing. Northern pike eggs or fry are acquired through exchange procedures from out-of-state sources.

The fisheries research subactivities consist of inventories, surveys, investigations, special studies, and technical surveys. Most are performed to provide an informational data base for management application and planning. Technical services also draw upon these sources of information for fisheries assessment of proposed land and water development projects.

Continuing inventories are conducted to determine the characteristics of fish populations. The Statewide Creel Census Project designed to obtain angler use and success data is employed to assess results of management techniques. Fisheries surveys also include the Statewide Stream Survey which is designed to assess river and stream characteristics.

Fisheries investigation assesses damages and fish mortalities attributable to pollution. Those studies, for which the agency has neither adequate staffing, expertise, or specialized equipment, are performed by other institutions under contract.

Technical services includes coordination, planning, evaluation, and presentation of departmental views and recommendations on various developmental land and water resource use projects. Coordination of statewide water quality monitoring, water pollution and fish kill investigations are additional responsibilities making up a part of this section.

Stocking of Private Ponds. The Commission has a policy of stocking private ponds (which may or may not be open to public fishing) without cost to the landowner. Private fish hatcheries which must charge are thus at a disadvantage. This also may result in public money being used in a way that only benefits the landowner.

A February 26, 1975, letter from Mr. Wettersten, Director of the Commission, to Representative Lady indicated that the agency stocks an average total of 450,000 fingerlings per year in approximately 1,125 ponds. The data provided in the letter indicates that the cost per fingerling in 1972, 1973, and 1974 was about \$.07. This would indicate that the average cost is approximately \$30,000 per year. These fish represent about one-third of the Pratt hatchery production and the fish deliveries require approximately 30 man-days per year. The letter contended:

If this program were to be eliminated no real personnel savings would result ... (because) the same complement of hatchery personnel would be required with or without pond distribution.

It appears that several options are available to the state. These include continuation or discontinuation of the current policy; establishment of a charge to landowners for the cost of providing fish; or establishment of a public access policy to stocked ponds. It might be possible to give the landowner the choice of opening his pond to the public or paying for the stocking.

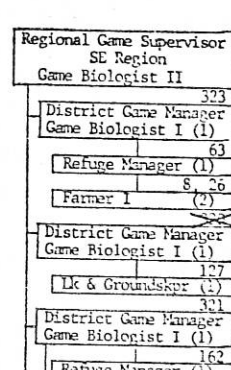
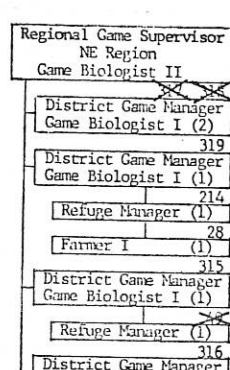
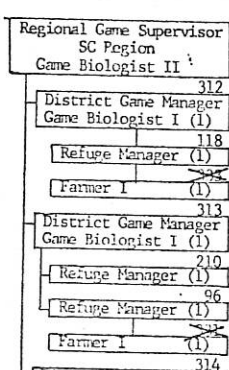
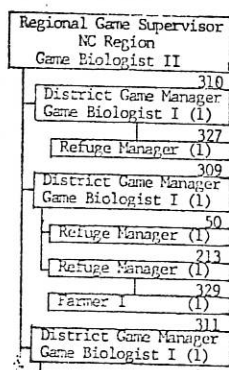
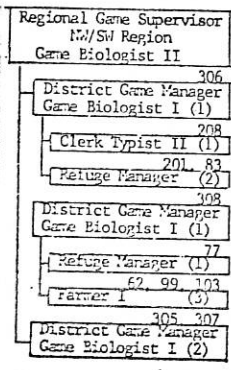
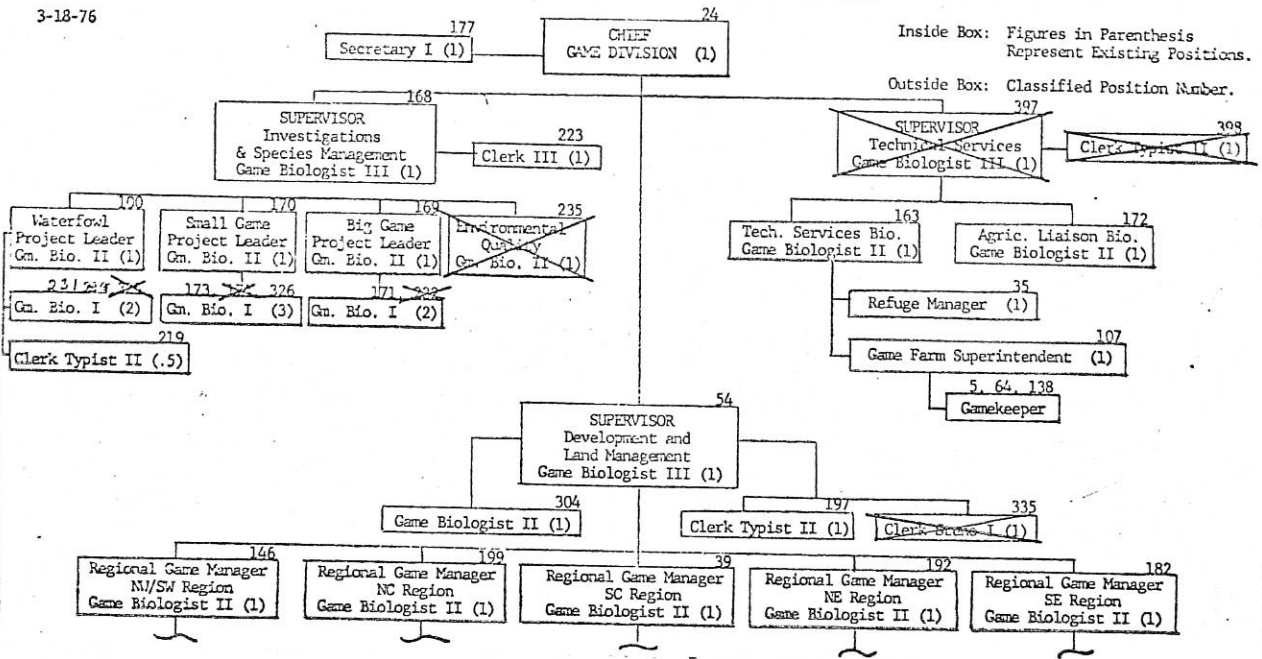
The Committee may also want to review the adequacy of the hatcheries. Some problems have become evident in the past years; however, a feasibility study estimate of the cost of repairs was considered prohibitive by the agency.

Land Use Planning. The agency indicates that pre-flooding work on new reservoirs and controlling the land use around existing water is a major area of concern. This type of program requires intensive planning by biologists. The Department of Health and Environment has obtained federal funds which will help complete the stream inventory. This study will help determine the potential of the streams.

#### Division of Game

Organization. The Game Division is divided into administration, investigations and species management, public land management, private land management, technical assistance, and propagation. The following charts reflect the organization structure as presented by the agency.

3-18-76



The administration subactivity provides general administration support for the division. This subactivity also has responsibility for the organizational guidance relative to implementation of the 1975 non-game and endangered species bill.

The functions of the investigations and species management subactivity of the Game Division are (1) to monitor trends in the wildlife supply; (2) to monitor trends in public demand for wildlife; and (3) to develop wildlife management strategies. This subactivity also conducts a battery of periodic surveys of wildlife, user demands, and land use conversion trends.

Historically, this agency's management efforts have focused acutely on the most common game species. However, the agency indicates that it is relatively ignorant of management needs of non-game species. The Game Division is currently preparing species management plans for all recognized animal species occurring in the state.

Public land management accounts for approximately 60 percent of the Game Division expenditures. Approximately 200,000 acres are open to public hunting. Tentative plans call for transferring an undetermined number of areas and personnel from Field Services Division to the Game Division. The principal objective of the public land management is to increase, improve and/or maintain essential wildlife habitat on public lands.



Costs of management of public lands have escalated sharply in recent years due to general inflationary trends and the SASNAK expansion. A major increase has been in the area of salaries (increases in total numbers of positions plus cost of living increases). Production of wildlife food and certain types of permanent and semi-permanent cover are held to a low cost on most management areas by taking advantage of sharecrop farming.

The private land management subactivity is responsible for the development of habitat on private lands where the vast amount of hunting (87 percent) takes place. The increase of acres in agricultural production has resulted in a decrease in wildlife habitat. The main project in this area is the Wildlife Habitat Improvement Program (WHIP). WHIP will be discussed in the section on issues related to the Division of Game.

The technical assistance and planning subactivity has responsibility for projects related to the National Environmental Policy Act of 1969. This act requires that all federal and state agencies using federal funds examine the environmental impact of construction projects. This has placed additional manpower demands upon the staff of the Fisheries and Game Divisions.

The Game Division provides technical assistance to the Department of Transportation on a gratis basis. Detailed review was accomplished on 32 different projects and comments were prepared regarding proposed alternative routes to minimize impact on fish and wildlife habitat.

Many planning and construction agencies contract with consulting firms to assess environmental impact. These consultants frequently request input from the Commission to complete certain phases of the study. With increasing frequency, the Commission staff is declining to prepare such assessments; however, agency files are made available to consultants. Even this limited participation has resulted in an increased workload. One option would be to require reimbursement for such services.

Propagation efforts in Kansas by the Game Division are limited to operation of a quail farm near Pittsburg (which is discussed in the section on issues related to the Game Division) and management of two bison herds located at the Kingman Game Management Area and the Maxwell Big Game Refuge.

The division maintains a herd of plains bison and elk on 2,100 acres of native prairie at the Maxwell Big Game Refuge. Title provisions stipulate the area must be stocked and maintained with native big game wildlife. Subsequently bison, elk, and antelope have been stocked on the area. White-tailed deer occur naturally. During FY 1975, an estimated 8,670 persons, exclusive of local traffic, visited the area specifically to view the bison and elk herds.

Approximately 60 acres of the Kingman Game Management Area is set aside as a bison pasture. The present location is a low-lying wet area which is not representative of bison range. The moist conditions present a perennial parasite problem. Relocation would be desirable but would be unnecessarily expensive according to the agency. The Kingman herd is

not essential to the objective of maintaining a plains bison herd under natural conditions, according to the agency. The Committee may wish to consider eliminating the Kingman herd. As excess bison are sold before winter, the agency indicates that enough revenue is produced to cover the costs of the bison herds.

Double the Take of Upland Game from Public Hunting Lands. The agency now states that the collection of hunter success data would be counterproductive because of the large number of man hours required. Even if the agency could compare hunter success between years, a severe winter storm could kill such a large percentage of quail that a measure of hunter success would be misleading. One way to circumvent these problems would be to determine what manageable factors (hedgerows, etc.) contribute to the number of quail and measure the change in these factors. Finally, an increase in hunters may reduce the per hunter success even though the total take is doubled.

The agency indicated in its FY 1977 budget appeal report that there have been significant accomplishments in this area during the SASNAK program. One major accomplishment is that the estimated take of doves at Marion, Cheney, Fall River, and Kingman Game Management Areas has doubled. Another accomplishment is that the prairie chicken population on the Woodson wildlife Management Area has more than doubled and the quail population has also increased. Other accomplishments include new waterfowl marshes at Perry and the increase in public hunting acres opened to the public by refuge modification and

and federal land license modifications. The approximate 200,000 public acres open to hunting (less than one percent of the total acreage in the state) account for an estimated 263,000 hunting days or 12.9 percent of the 2,031,100 hunting days in Kansas, according to the 1972-1973 survey conducted by the agency.

Wildlife Habitat Improvement Program. WHIP is basically a technical assistance effort. If a landowner expresses interest in WHIP, the District Game Biologist evaluates the land for its current and potential capability to produce wildlife. A wildlife habitat plan is then developed. Hunting with permission is encouraged but is not a mandatory aspect of the cooperative program.

The improvement of private land habitat has had the lowest success of any of the goals. Interest in WHIP is far below the prediction. The 1971 agency survey of farmers showed that almost 25 percent indicated interest in developing more wildlife habitat on their lands. As of July 1, 1975, less than one percent were listed by the agency as cooperators. The main reason appears to be the elimination of agricultural support programs and the resulting increase of acres in agricultural production.

The 1975 Legislature authorized a 75 percent state and 25 percent private cost sharing program for seed and planting stock. The agency recommended that the WHIP effort be reduced. The decrease is in the reduced personnel effort and in the

elimination of the \$50,000 cost sharing. It is contended that even a total state funding of planting would not be sufficient incentive because of the loss of income from the reduction in crops.

Effective at the time of the 1976 spring releases, quail stocking will be used to complement the WHIP program. When landowners express an interest in entering into a WHIP contract, they will be advised that quail will be made available to them, if desired, when sufficient quality habitat has been developed.

Pittsburg Quail Farm. The agency hopes that the survival rate of quail will increase because the WHIP participants may provide feed and other assistance for the quail.

Quail production at the Pittsburg farm was reduced in 1969 to stocking the eastern one-fourth of the state. During the past six years an average of 12,770 quail have been produced per year at Pittsburg. The agency indicates that approximately 6,000-6,500 birds are released each fall with an additional 5,250-5,500 quail held for spring release.

The agency noted in the justification of its revised budget request that "spring releases are timed to coincide with the breeding season to augment natural wild production and provide additional young-of-the-year birds for hunter harvest in the fall." The 1971 study by the agency, titled Survival and Harvest of Pen-Raised Bobwhite Quail concluded:

Study results showed that this objective was not attained since there was no significant difference between the average fall population on the stocked and unstocked areas ... In all probability, the spring released birds displaced potential native breeders, thereby resulting in a lower average fall population on the stocked areas.

The birds are released in the fall for the purpose of significantly increasing hunter take. The 1971 agency study concluded:

Fall stocking of pen-raised quail did result in a higher, but not significantly higher, average pre-hunting season population on the stocked area as compared to the unstocked area...A higher pre-season population of a stocked area coupled with any increased vulnerability of pen-raised birds to the gun will result in an increase in hunter success for that area.

The cost of the Quail Farm is not specifically identified in the budget document; however, the agency indicates that operating costs have averaged approximately \$55,000 per year in recent years and that approximately \$57,000 will be required in FY 1977. Assuming an average annual operating cost of \$55,000 and the average number of quail produced (12,770), the average cost per quail produced is approximately \$4.31.

The cost of quail that actually benefit hunters may be much higher. The 1971 agency study (p. 49) found that only 13.37 percent of the quail released are bagged by hunters. This may understate the impact on hunting because of the subsequent production of young by farm raised birds. However, the agency study concluded that this is of little significance to the fall

hunting population. If the 13.37 percent bag rate is applied to the average release of 12,170 quail (600 of the birds produced are retained for breeding stock), the average cost per bird bagged would approach \$33.80.

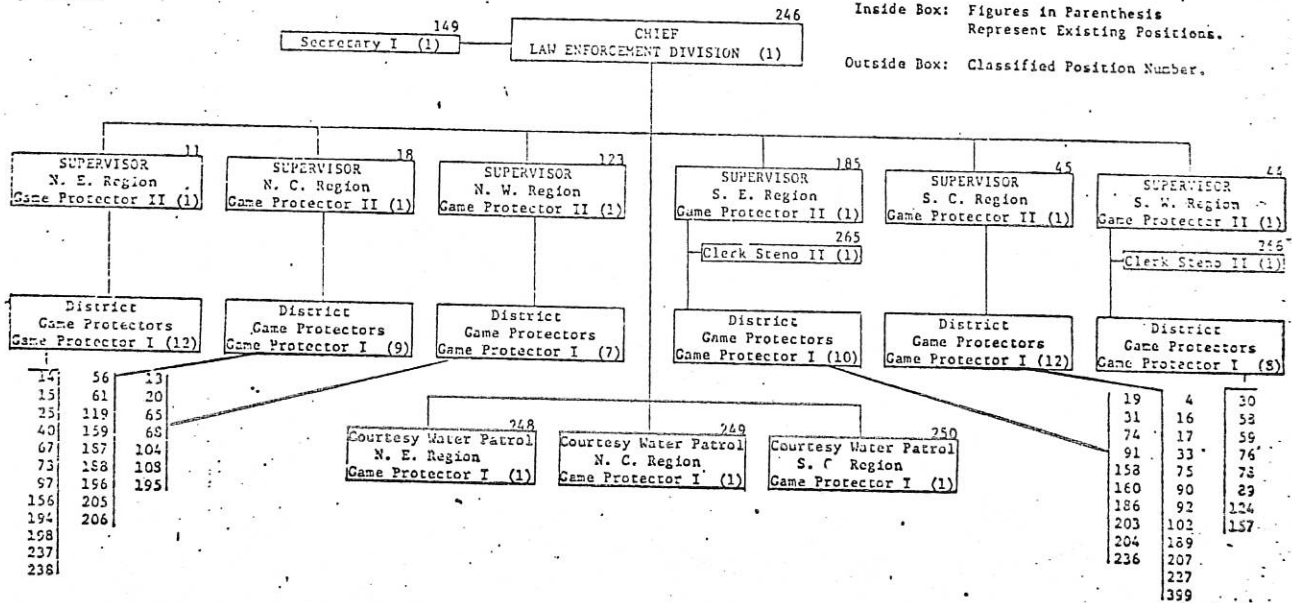
Land Acquisition. All funds in excess of \$250,000 for the purchase of land for public hunting and fishing were lapsed by 1976 House Bill No. 2926. This amount was the figure requested by the agency. The FY 1977 Budget Rejustification Statements contends:

The Commission must be in a position to acquire key parcels of land as they become available to facilitate management of existing property and to accommodate increased use of public land in years ahead ...Traditionally, this Commission has used land acquisition authority with great discretion. Decisions to purchase are based on proximity to other Commission property, location with respect to users, condition of the property, and a willing seller. It is important to have budgeted funds when key parcels become available.

#### Law Enforcement Division

Organization. The Law Enforcement Division is responsible for enforcement of state fish and game laws, state boating laws, and both Commission and federal regulations. Enforcement helps ensure the protection of wildlife resources and helps ensure the sale of licenses and permits. Besides administration the division consists of a field section and boating safety section. The following chart reflects the organization as presented by the agency:

3-18-76



State game protectors in the field section

are assigned a region of responsibility comprising one to four counties. (In 1975 the game protectors made 3,334 citations with a 97 percent conviction rate.) Responsibilities of the game protector also include cooperation with other state agencies and with other divisions of the Commission.

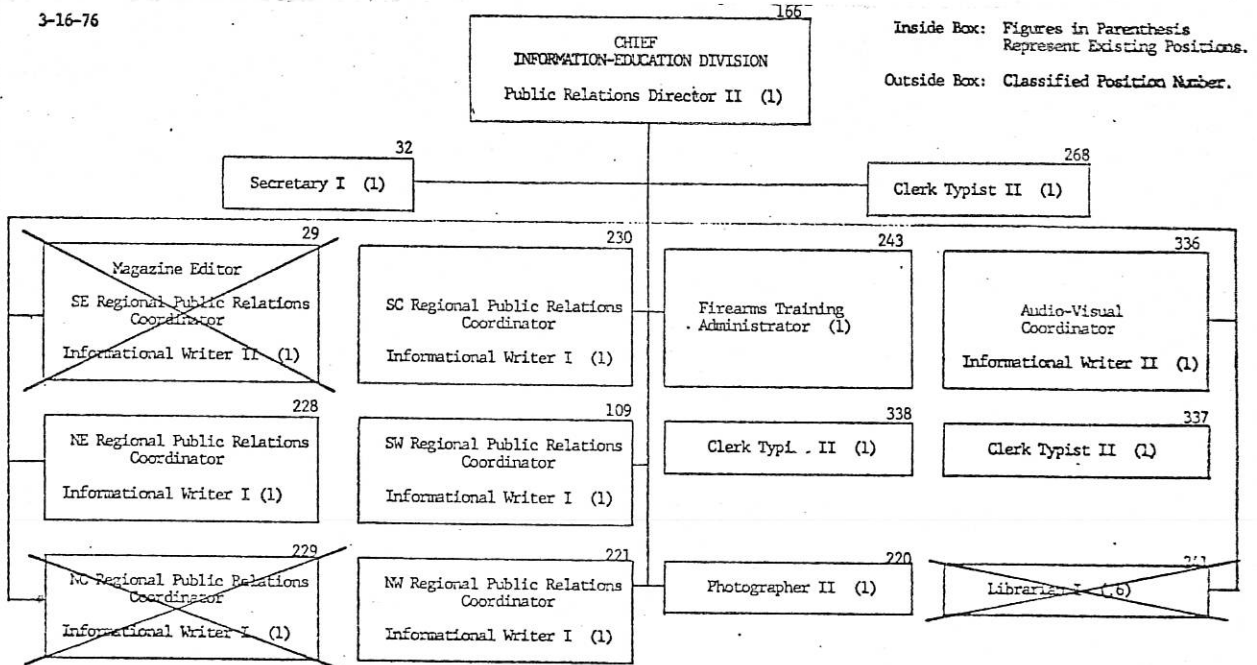
The Kansas water safety program consists of courtesy vessel safety examinations, law enforcement patrols, and an off-season education program. Over 900 courtesy vessel examinations were conducted in FY 1975 with an approximate failure rate of 25 percent. A boat bearing a current decal is not checked on the water during the boating season unless it is observed in obvious violation of laws. It appears that the six members of the water patrol spend about 50 percent of their field time on boat inspections. Their remaining time



is spent on patrol. The water safety patrols in FY 1975 issued 148 citations and the game protectors issued 473 citations. The game protectors increased their boating enforcement activities by 33 percent over FY 1974. During the off season (October through March), the three year-round water patrol officers devote full time to presenting boating safety education programs.

Information-Education Division

Organization. The Information-Education Division's responsibilities include dissemination of information and administration of the Kansas hunter safety program. The division is divided into the publication section, audio-visual section, the library section, and the administration section. The following chart reflects the organization as presented by the agency:



The publications section includes preparation and dissemination of all printed materials. Informational writers throughout the division provide material for this section. Effective July 1, 1976, distribution of Kansas Fish and Game will be changed from a free publication to the one which is provided upon payment of a subscription fee. The audio-visual subactivity also has a wide variety of responsibilities which include all agency photography, operation of the agency's sound recording facility, and film library.

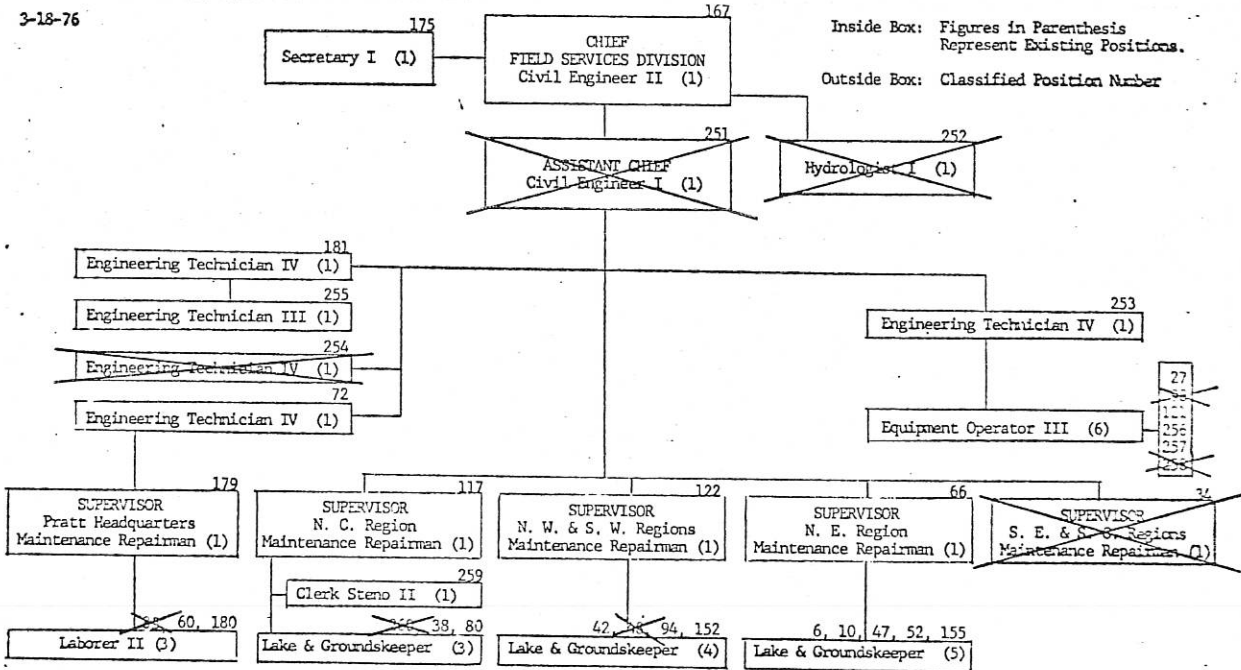
The hunter safety program is funded from the Pittman-Robertson funds. The 25 percent match required under the federal program is provided by credits received for in-kind contributions attributed to volunteer instructor hours. The Kansas hunter safety program was selected by the International Association of Fish and Game Commissioners as the best program of its kind being offered in North America in 1975. For two consecutive years firearm hunting accidents have been reduced to 30 per year. This is a 36 percent decrease from the average 47 accidents per year prior to the training program.

The administration subactivity contains the regional informational writers. These regional writers maintain close contact with newspaper, radio and television media within each region. They prepare news releases, fishing reports, public spot announcements, radio tapes, and perform similar other services.

Field Services Division

Organization. The general function of the Field Services Division is the application of professional engineering to the operation, maintenance and improvement of agency property. The engineering responsibilities are (1) to provide feasibility reports, designs, specifications and cost estimates; (2) to coordinate consulting engineering firms; and (3) to act as a liaison with state, federal, and private agencies.

The division is divided into the engineering section, general maintenance section, state lake management section, and administration section. The following chart reflects the organization as presented by the agency:



## MEMORANDUM

FROM: Legislative Research Department  
TO: Special Committee on Forestry, Fish and Game  
RE: Organization and Proposed Reorganization of the Forestry,  
Fish and Game Commission

June 8, 1976

### Background and History

The State of Kansas has maintained some form of fish and game regulation and control since 1877. Since then, though there has always been some form of control extended by the State in this area, the responsibility for fish and game regulation, control, and, in recent years, management has been assumed by various organizational structures and forms throughout the years.

Prior to the turn of the century, all "constables and marshals" in Kansas were granted the authority and responsibility for fish and game regulation and control. Although in 1877 the Governor appointed the first Fish Commissioner, during that initial stage of organizational evolution, as a result of the broad grant of responsibility, it is questionable as to the consistency of regulation and coordination of the fish and game control program.

In approximately 1905 the Kansas Legislature attempted to coordinate the responsibilities for fish and game control. Legislation was passed at that time to provide for the appointment, by the Governor, of the State Fish and Game Warden. The State Fish and Game Warden had a term of office of four years and was under the direct supervision of the regents of Kansas University. The State Fish and Game Warden would be responsible for the administration of statutes dealing with fish and game control. To accomplish that function, the State Fish and Game Warden was authorized to appoint deputy fish and game wardens at the county level. The appointment of a State Fish and Game Warden was the first attempt by the State at a coordinated program of fish and game control.

In 1925 the Legislature determined the need for popular representation in fish and game policy formulation and administration. In that year the Legislature created a policy making and administering body composed of the Governor, the State Fish and Game Warden, and three individuals appointed by the Governor, representing different areas of the State. This body -- termed the Forestry, Fish and Game Commission -- was the State's first attempt at a commission form of government in the area of fish and game regulation, control and management. The commission form of government -- considered at the time as a reform -- attempted to provide representation and input from those persons regulated or governed. In 1925, the first Forestry, Fish and

Game Commission was composed in part of three individuals each representing one third of the state -- the eastern third, central third and western third. These commission members were appointed by the Governor with Senate consent, one from each of these three areas of the State.

In 1939 the Legislature expanded the concept of a commission form of government in the area of fish and game control to create a six-man, bi-partisan Forestry, Fish and Game Commission. Instead of a commission as proposed in 1925 with a representative from each of three districts and two ex officio members, the Legislature opted to expand on the "commission" concept and create a "pure" commission -- with no ex officio members -- composed of six commissioners, one selected from each of six specified districts within the State. The Commissioners were appointed on a bi-partisan basis -- three from the majority party and three from the minority party -- by the Governor with Senate consent.

As a result of this 1939 legislation, the Commission was authorized to appoint a full-time director to execute laws of the state involving forestry, fish and game. This organizing law of 1939 also defined the new Commission's duties and responsibilities. These duties and responsibilities, briefly stated, included the preservation, protection, and propagation of the state's fish and wildlife resources; the setting of seasons and bag limits; the enforcement of fish and game laws; building of fish and game refuges; and establishment of recreation areas. It was also this legislation which established the Forestry, Fish and Game Offices at the State Fish Hatchery in Pratt.

#### Present Organization and Function of The Forestry, Fish and Game Commission

The Kansas Forestry, Fish and Game Commission, as it is presently organized, was established by the 1961 Legislature to replace the former six-man, bi-partisan commission. The present Forestry, Fish and Game Commission, composed of five men, is authorized by K.S.A. 74-3301 et seq.

The Commission, as organized in 1961, is composed of five individuals -- one from each of four specific districts and one individual from the State at large. The members of the Forestry, Fish and Game Commission are appointed, for terms of four years, by the Governor with the consent of the Senate. K.S.A. 74-3301 requires that to be eligible for selection as a member of the Commission individuals must have training and experience in commission activities and must have held a valid fishing or hunting license for each of the previous four years. Commission meetings are called by the chairman and are called at the request of a majority of the members. There is no limit to the number of meetings which can be held.

Associated purposes of the Forestry, Fish and Game Commission, as set forth in K.S.A. 32-101 et seq., are:

to establish and maintain wildlife management areas and state fishing lakes to facilitate public use of fish and wildlife resources;

to assist private enterprizes in fish and wild-life management where it is in the good interest of fish and wildlife resources;

to conduct research to provide a basis for sound fish and game management; and

to disseminate, to the public, fish and wild-life resource information which is generated in carrying out these purposes.

To carry out these duties, the Forestry, Fish and Game Commission functions through the offices of the director at Pratt, which were originally set up in 1939. Presently, the Commission offices are composed of six divisions: administration, game, fish, law enforcement, information - education, and field services (engineering and maintenance). For a graphic representation of this organization see Chart I.

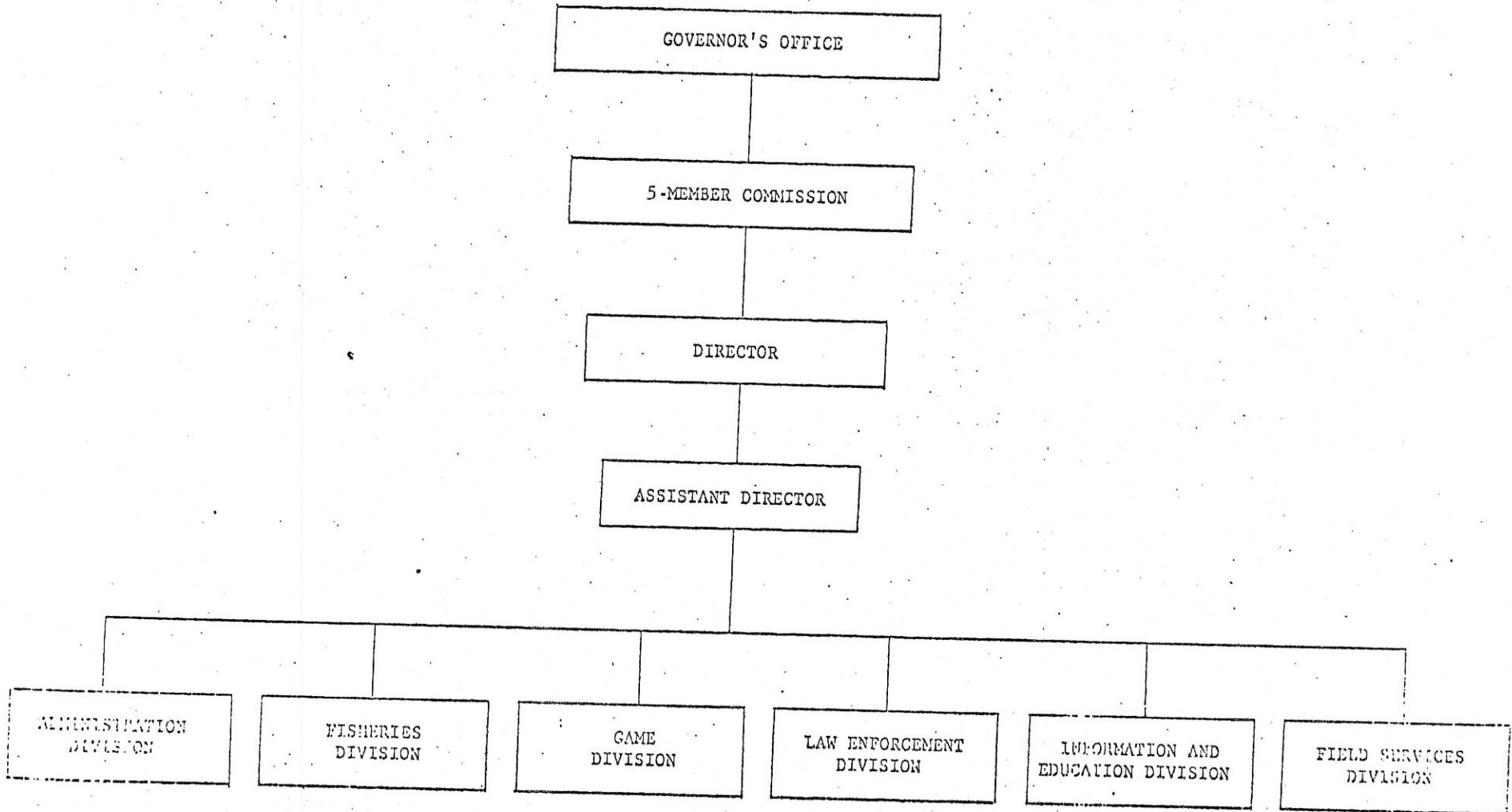
#### Proposed Reorganization of the Forestry, Fish and Game Commission

Relative to the responsibilities of the State in the area of forestry, fish and game activities, the organizational evolution discussed previously can be explained through a discussion of various governmental "reforms" implemented throughout the years. Reform, as used in this context -- in relation to governmental structure -- is a term applied to any structural change which is believed, at the time when it is implemented, to improve the operation of a governmental agency. Although the reforms which were discussed previously -- leading to a "commission" form of government -- may have been considered reforms in 1925 and improved upon in 1935 and 1961, today reforms taking place in State government often result in the creation of cabinet-level departments with one man responsible directly to the Governor for the administration of a specific area of state government.

In the decade of the 1960's the creation of cabinet-level departments answerable to the Governor became a very popular reform throughout the states. It has been purported that such a "reform" could achieve maximum efficiency and economy in state government and lead to a state government which is more responsive to the people of the state which it serves. It is felt that cabinet-level departments, within the Executive Branch of state government, tie the Chief Executive -- the Governor -- more closely to the subject areas regulated by state government, and thus holds the Governor directly responsible for activities in those subject areas.

CHART 1

FORESTRY, FISH AND GAME COMMISSION



In Kansas, during the past 10 years or so there have been various actions taken to improve and modify the administration of state government through the creation of cabinet-level departments. The latest, and most far reaching move, had its beginnings in 1970 when the legislature adopted a resolution providing for a constitutional amendment to, among other changes, grant authority to the Governor to reorganize state government through executive reorganization orders. That same year H.B. 2031 created a commission on reorganization of the State Executive Branch with directions to perform a study of state needs and report its recommendations to the 1971 Session of the Legislature. This Commission, composed of outstanding business and community leaders of the State, culminated its study with 23 specific recommendations.

Basically, those recommendations, if implemented, would result in an executive branch organized into eight cabinet-level departments, each headed by a secretary appointed by the Governor with Senate confirmation. The eight recommended departments were: Department of Administration, Department of Agriculture and Natural Resources, Department of Economic Development, Department of Labor and Employment, Department of Health and Social Services, Department of Public Safety, Department of Regulatory Agencies, Department of Revenue and Department of Transportation. Relating specifically to the present Forestry, Fish and Game Commission, the 1971 Commission on Executive Reorganization recommended that the activities relative to forestry, fish and game control and management be merged with the State activities relative to agriculture and natural resources.

The 1971 Commission believed that the establishment of a cabinet-level department in the subject areas of agriculture and natural resources would result in a comprehensive agency capable of providing effective and efficient services to the State. Such a department as proposed by the 1971 Commission would be composed of four separate divisions -- the Division of Agriculture; the Division of Forestry, Fish and Game, the Division of Land and Water Resources; and the Division of Parks and Recreation -- each concerned with broad subject areas. The subject areas proposed to be incorporated within such a Department of Agriculture and Natural Resources included activities presently performed by the: State Board of Agriculture; Board of State Fair Managers; Horticultural Society; Grain Inspection Department; Wheat Commission; Department of Animal Health; Forestry, Fish and Game Commission; State Water Resources Board; Geological Survey; Conservation Commission; Mined-Land Conservation and Reclamation Board; Joint Council on Recreation; and the State Parks and Resource Authority. For a graphic representation the proposed Department of Agriculture and Natural Resources see Chart 2.

In response to the 1971 recommendations to create a cabinet-level Department of Agriculture and Natural Resources the 1975 Special Committee on Governmental Organization studied the feasibility or desirability of establishing such a department -- incorporating within it the Forestry, Fish and Game Commission.

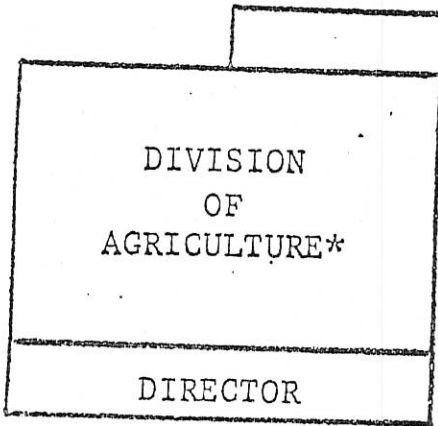
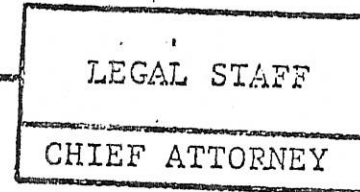
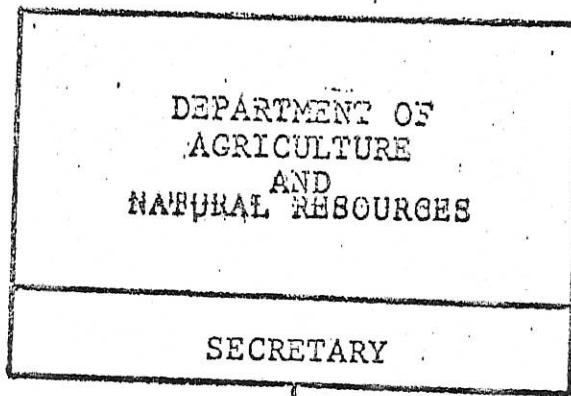


CHART 2

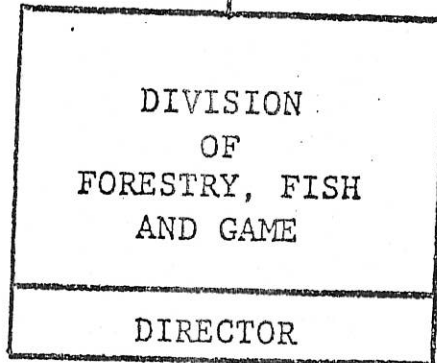
DEPARTMENT OF AGRICULTURE AND  
NATURAL RESOURCES

As proposed by the 1971 Commission  
on Executive Reorganization

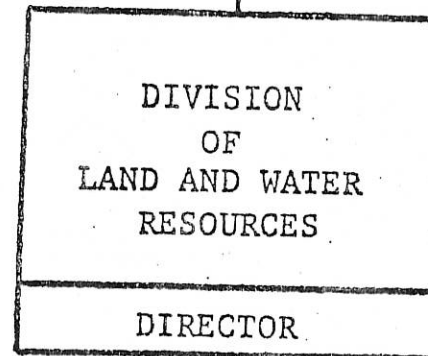
Legislative Research  
Department



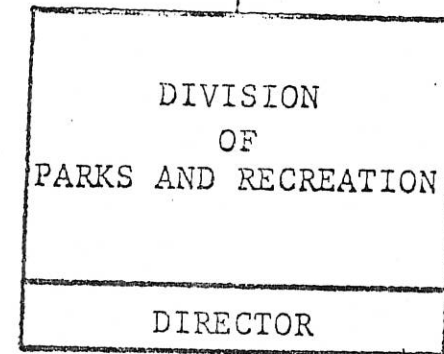
- State Board of Agriculture
- Board of State Fair Managers
- Horticultural Society
- State Grain Inspection Department
- Wheat Commission
- Department of Animal Health



- Forestry, Fish and Game Commission



- Geological Survey
- Conservation Commission
- Mined-Land Conservation and Reclamation Board
- Division of Water Resources, St. Bd. of Agriculture
- Water Resources Board



- Joint Council on Recreation
- State Parks and Resources Authority

\*Recommended that the following be retained in an advisory capacity to the Division of Agriculture: the State Board of Agriculture, the Animal Health Board, the Grain Advisory Commission, and the Wheat Commission.

As a result of that interim study, the Special Committee concluded that the area of activities to be performed by that Department was too broad and two separate cabinet-level departments -- a Department of Agriculture and a Department of Natural Resources -- were proposed and legislation to create such departments was introduced in the 1976 Legislative Session.

The Department of Natural Resources, incorporating within it the Forestry, Fish and Game Commission, was proposed by 1976 H.B. 2695. In addition to the Forestry, Fish and Game Commission, H.B. 2695 proposed to also include, within this cabinet-level department, the activities presently being accomplished by the: Water Resources Board, Conservation Commission, Natural and Scientific Areas Advisory Board, State Parks and Resource Authority, Joint Council on Recreation, Mined-Land Conservation and Reclamation Board, and Kansas Energy Office. Within the proposed Department of Natural Resources the activities of the Forestry, Fish and Game Commission would be conducted by a separate Division with advice from a Fish and Wildlife Advisory Commission -- essentially this advisory commission would be the Forestry, Fish and Game Commission in a strictly advisory role. In addition to the Division of Fish and Wildlife (just discussed), the Department of Natural Resources, as was proposed by H.B. 2695, would have also contained a Division of Land and Water Resources, a Division of Parks and Recreation, and a Division of Energy. For a graphic representation of the Department of Natural Resources, as proposed by H.B. 2695 of the 1976 Legislative Session, see Chart 3.

H.B. 2695 creating a Department of Natural Resources was first introduced in the House and referred to the House Committee on Governmental Organization where it was passed out. H.B. 2695 was then introduced in the Senate and referred to the Senate Committee on Governmental Organization. H.B. 2695 was not reported out of the Senate Committee and was thus killed.

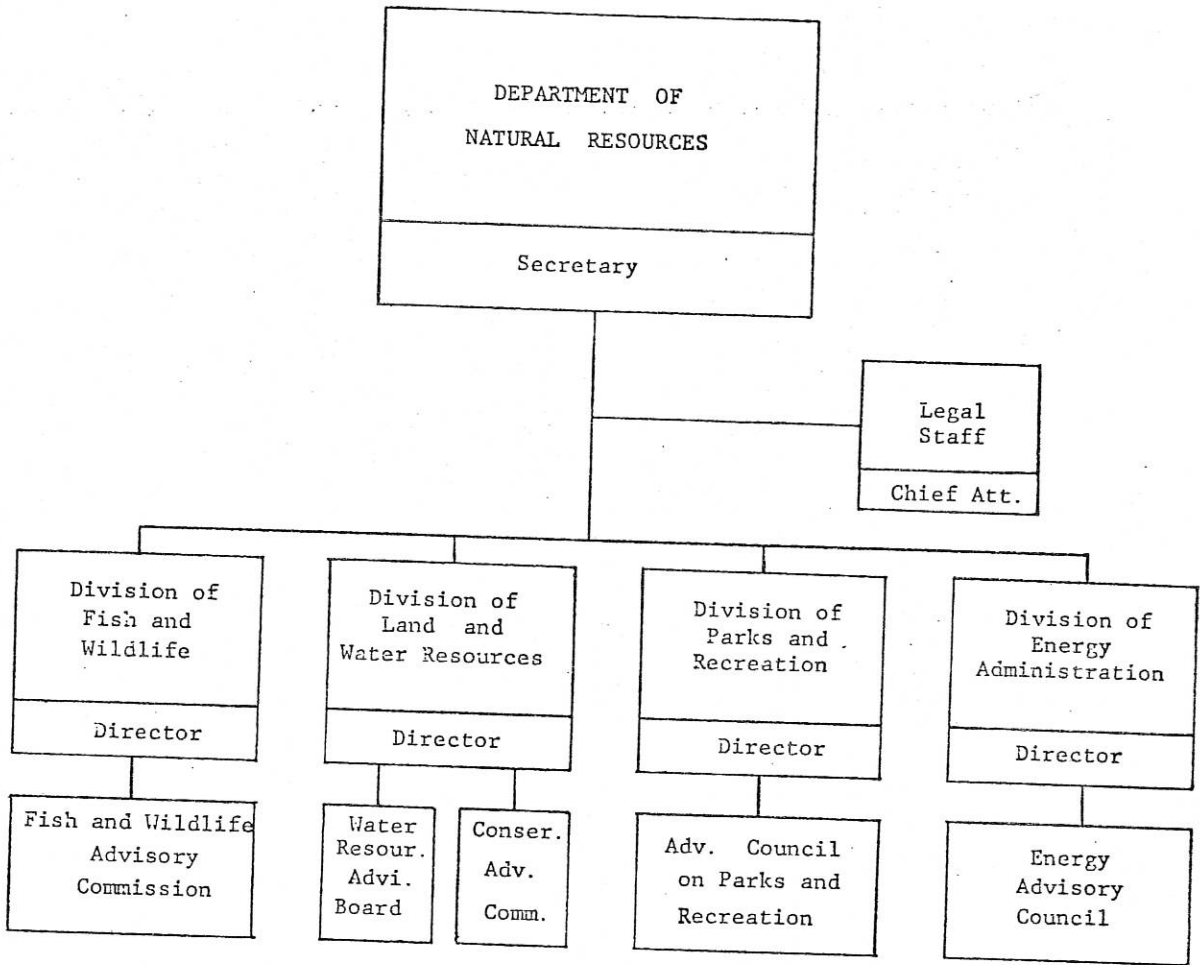
### Summary

In this memorandum an attempt has been made to show the evolution, over the years, of the organizational structure of the agencies responsible for fish and game control, regulation and management activities and to indicate what has been proposed in the future relative to that subject area. This evolution has been traced from a one-man gubernatorial appointment with no partisan restrictions, to a partly ex officio and partly commission form, to a bi-partisan "pure" commission form, and finally to a commission with no partisan restrictions which is present today.

In a discussion of the future disposition of an agency in state government it is enlightening at times to review the organizational structures utilized by other states to perform the functions in the subject area concerned. In review of the organizational structure utilized in the other states to execute

CHART 3

ORGANIZATION CHART OF THE PROPOSED DEPARTMENT OF NATURAL RESOURCES  
(1976 H.B. 2695)



fish and game activities, these activities can generally be grouped into one of three categories. Either the fish and game activities are performed by an independent agency, an agency within a department of natural resources or conservation, or an agency involved with wildlife and parks. See Table 1 for a listing of agencies responsible for fish and game activities within the various states.

From Table 1 it should be noted that there are 22 states which maintain, as Kansas does, independent agencies to perform their functions relative to fish and game. In 25 states the fish and game functions are performed by a section of a larger department of natural resources or conservation. Fish and game activities of the remaining three states are executed by an agency concerned strictly with wildlife and parks.

Relative to a commission form of government versus a cabinet-level department form, other interesting comparisons can be made from Table 1. As discussed earlier, Kansas has a commission form of government to execute fish and game functions. In addition to Kansas, 11 other states (22%) have a commission form of government in the area of fish and game control, regulation and management.

From an analysis of Table 1 it can be stated that although Kansas, along with about one-half of the other states, maintains an independent agency to execute fish and game functions, the Forestry, Fish and Game Commission is organized in a form of government which is utilized by less than one-fourth of the other states.

TA 1

STATE AGENCIES INVOLVED IN FISH AND GAME ACTIVITIES  
(1975)

- Alabama - Division of Game and Fish, Department of Conservation and Natural Resources
- Alaska - Department of Fish and Game
- Arizona - Game and Fish Department
- Arkansas - Game and Fish Commission
- California - Department of Fish and Game
- Colorado - Division of Wildlife, Department of Natural Resources
- Connecticut - Department of Environmental Protection
- Delaware - Division of Fish and Wildlife, Department of Natural Resources and Environmental Control
- Florida - Division of Game and Fresh-Water Fish, Department of Natural Resources
- Georgia - Game and Fish Division, Department of Natural Resources
- Hawaii - Fish and Game Division, Department of Land and Natural Resources
- Idaho - Department of Fish and Game
- Illinois - Department of Conservation
- Indiana - Fish and Wildlife Division, Department of Natural Resources
- Iowa - Fish and Wildlife Division, Conservation Commission
- KANSAS -**
- Kentucky - Fish and Wildlife Resources
- Louisiana - Wildlife and Fisheries Commission
- Maine - Department of Inland Fisheries and Wildlife
- Maryland - Fisheries Administration, Wildlife Administration, Department of Natural Resources
- Massachusetts - Division of Fisheries and Game, Department of Natural Resources
- Michigan - Wildlife Division, Department of Natural Resources
- Minnesota - Fish and Wildlife Division, Department of Natural Resources
- Mississippi - Game and Fish Commission
- Missouri - Conservation Commission, Department of Conservation
- Montana - Department of Fish and Game
- Nebraska - Game and Parks Commission
- Nevada - Department of Fish and Game
- New Hampshire - Fish and Game Department
- New Jersey - Division of Fish, Game and Shell Fisheries, Department of Environmental Protection
- New Mexico - Department of Game and Fish
- New York - Division of Fish and Wildlife, Department of Environmental Conservation
- North Carolina - Wildlife Resources Commission, Department of Natural and Econ. Resources
- North Dakota - Game and Fish Department
- Ohio - Wildlife Division, Department of Natural Resources
- Oklahoma - Department of Wildlife Conservation
- Oregon - Wildlife Commission, Fish Commission
- Pennsylvania - Fish Commission, Game Commission
- Rhode Island - Fish and Wildlife Division, Department of Natural Resources
- South Carolina - Wildlife and Marine Resources Department
- South Dakota - Division of Game and Fish, Department of Game, Fish and Parks
- Tennessee - Wildlife and Resource Agency
- Texas - Parks and Wildlife Department
- Utah - Division of Wildlife Resources, Department of Natural Resources
- Vermont - Department of Fish and Game, Environmental Conservation Agency
- Virginia - Game and Inland Fisheries Commission
- Washington - Department of Fisheries, Department of Game
- West Virginia - Division of Wildlife Resources, Department of Natural Resources
- Wisconsin - Bureau of Fish and Wildlife Management, Department of Natural Resources
- Wyoming - Game and Fish Commission