

Approved March 26, 1987  
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Ron Fox at  
Chairperson

3:30 ~~XX~~/p.m. on March 3, 1987 in room 526-S of the Capitol.

All members were present except:

Representative Barr (excused) Representative Webb (excused)  
Representative Sallee (excused)  
Representative Spaniol (excused)

Committee staff present:

Ramon Powers, Legislative Research Department  
Paul West, Legislative Research Department  
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Ed Flentje, Secretary of Administration  
Lynn Burris, Director, State Park and Resources Authority and  
State Liaison Officer to National Park Service  
Bud Shaffer, Hutchinson, Kansas  
Gary L. Haller, Director, Johnson County Park and Recreation District  
Jan Garton, Environmentalist, Manhattan, Kansas  
Eulalia Lewis, Topeka Audubon Society  
Edward A. Martinko, State Biologist and  
Director, Kansas Biological Survey  
John Strickler, Kansas Nongame Wildlife Advisory Council  
Mike Beam, Kansas Livestock Association  
Richard Jones, Executive Director of Kansas Association of  
Conservation Districts  
Robert J. Robel, Vice President, Kansas Wildlife Federation  
Ted Cunningham, Kansas Furharvesters  
Ron Smith, Kansas Bow Hunters Association

The Chairman opened the meeting with some announcements. There were no objections to the minutes of February 18, 19 and 23 and they were adopted.

Prior to opening of hearings, Chairman Fox made some explanatory remarks relative to Executive Reorganization Order No. 22. He pointed out that by the Constitution, the Legislative Branch is to review it and by the Constitution, no action is required if it is decided to allow ERO 22 to become effective. The ERO would become effective July 1 of the year in which it was introduced. The ERO itself is not subject to amendment; if amendments are needed per se, that would be done by a trailer bill. The Chair asked conferees to list any concerns and noted that those would be addressed in trailer legislation when and if reorganization occurs.

Mr. Ed Flentje spoke at the request of Governor Hayden on behalf of Executive Reorganization Order No. 22, which creates the Department of Wildlife and Parks. He noted that four of the nine cabinet agencies had been set up by using the Executive Reorganization Order mechanism, but no cabinet reorganization had been accomplished since Governor Bennett's use of it in 1976. Mr. Flentje cited two major purposes of this Executive Reorganization Order: (1) To elevate the standing of wildlife and park programs within state government. (2) To enhance the opportunity for improved service in this area of government.

Mr. Flentje displayed a diagram which illustrated the proposed structure of the Department of Wildlife and Parks which would include a Secretary of Wildlife and Parks appointed by the Governor with the consent of the Senate. There would be two undersecretaries, one for field operations to be largely maintained in the Pratt area and one for administration to be located largely in the Topeka area. A Wildlife and Parks Commission would also be established. He noted that the Governor felt that the integrity of federal funds administered by the two independent agencies could be

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
room 526-S, Statehouse, at 3:30 ~~am~~ p.m. on March 3, 1987

protected under this new agency. Following committee questions, the Chairman cautioned committee members relative to making comparisons between Kansas' organization and those of other states because they have evolved to meet the needs of the individual states.

Lynn Burris, Director of the State Park and Resources Authority, spoke in support of ERO 22. He pointed out that for many small communities, the Land and Water Conservation Fund park was the only recreation in town. He noted that the current 1987-88 Action Plan and the 1985 State Comprehensive Outdoor Recreation plan had been made available to the committee. (Attachment 1)

Bud Shaffer of Hutchinson, Kansas, testified as a private citizen, although he is a member of the Park Authority and several related state and national groups. Mr. Shaffer spoke in favor of ERO 22, but he expressed concerns in the areas of financial resources and personnel. (Attachment 2)

Gary Haller represented the Kansas Recreation and Park Association with testimony supporting ERO 22. However, his organization had concerns relative to funding and the Kansas Joint Council on Recreation. (Attachment 3)

Jan Garton of Manhattan appeared as a proponent of ERO 22, although she had some concerns and offered some suggestions. These included selection of the Secretary, addition of an Environmental Division, and possibilities for additional funding. (Attachment 4)

Eulalia Lewis represented the Topeka Audubon Society with testimony in favor of ERO 22. She suggested that the Kansas Wildlife and Parks Commission should be screened so that nongame concerns would be met. (Attachment 5)

Dr. Edward Martinko spoke in favor of ERO 22 on behalf of the Kansas Biological Survey. He felt that the results of the Survey's work relevant to plant and animal resources could be more effectively utilized by the consolidated administration of a Department of Wildlife and Parks. (Attachment 6)

John Strickler was a proponent of ERO 22, representing the Kansas Nongame Wildlife Advisory Council. His printed testimony listed a number of broad-based organizations represented by the Advisory Council, noting that the Council believed that this reorganization would be a strong and positive step for the wildlife and recreation resources of Kansas. (Attachment 7)

Mike Beam appeared as a representative of the Kansas Livestock Association (KLA). He pointed out that KLA supported ERO 22 because of the reorganization of the Kansas Fish and Game Commission. He commented that because of the wildlife habitat needs, the state agency in charge of this responsibility needed to work in cooperation with farmers and ranchers. (Attachment 8)

Richard Jones testified on behalf of the Kansas Association of Conservation Districts. His organization pledged support to maintain close working relations between conservation districts and the new Secretary of Wildlife and Parks. (Attachment 9)

Robert Robel represented the Kansas Wildlife Federation. He said that his organization had voted to endorse the Governor's plan which would provide natural resources with deserved stature and increased administrative efficiency. (Attachment 10)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,

room 526-S Statehouse, at 3:30 ~~am~~/p.m. on March 3, 1987

Ted Cunningham spoke on behalf of the Kansas Furharvesters. He cited the strong support of his group, noting that ERO 22 would give the new agency an opportunity to represent its constituents on a cabinet level. He had only one admonition--that Kansas not use other states' failures or successes as our yardstick in deliberation of this new venture. Mr. Cunningham urged the committee's participation in ERO 22 through an affirmative resolution of support. (Attachment 11)

Ron Smith represented the Kansas Bow Hunters Association with favorable testimony regarding ERO 22.

Proponents who did not appear but provided written testimony were:

Dean Wilson, Sierra Club, Topeka Audubon Society and others. (Attachment 12)

Mary Lou McPhail, Kansas Peace Officers' Association. (Attachment 13)

The meeting was adjourned at 4:35 p.m.

The next meeting of the House Energy and Natural Resources Standing Committee will be held on March 4, 1987 at 3:30 p.m. in Room 526-S.

Date: March 3, 1987

GUEST REGISTER

HOUSE

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M E M O R A N D U M

TO: Chairman and Members of the Natural and Energy Resources Committee  
FROM: Lynn Burris, Jr., Director, State Parks & State Liaison Officer  
SUBJECT: Governor Mike Hayden's Executive Reorganization Order No. 22  
DATE: Tuesday, March 3, 1987

As Director of the Kansas State Park and Resources Authority and State Liaison Officer to the National Park Service for the administration of the Federal Land and Water Conservation Fund, I speak in support of the Governor's Executive Reorganization Order No. 22 concerning Fish and Game and State Parks.

In his summary the Governor's Order No. 22, released February 10, 1987, he states under existing structure, "These agencies have not received the attention or priority they have deserved from state government. In my judgment establishing a single wildlife and park department will best meet the needs of all concerned". Perhaps no one is more acutely aware of the tremendous impact and importance of the state parks and the state's participation in the Land and Water Conservation Fund these past 29 years. As administrator of the park system and the federal grants program for outdoor recreation acquisition and development in Kansas we see every day that parks, recreation areas, public floodplain lands, and natural areas which are the direct result of the L&WCF program.

Literally thousands of persons - Kansans - participated in the planning and establishment of the 22 state parks; (2) eight million dollars of private capital (marinas) serve our patrons; (3) visited by over four and one-half million person/days a year in state parks as a result of this partnership.

Over the years L&WCF has provided hundreds of recreation areas. For many small communities, the L&WCF park is the only recreation in town. It has also built urban waterfront developments and innercity parks and trails which provide many of our citizens their only contact with the natural

environment. L&WCF has built dynamic state parks which see hundreds of thousands of visitors each year. It has also preserved small unique natural areas which are visited by students, scientists, and weary people seeking to renew their spirit. All of these projects represent the original intent of the program--to use profits from offshore oil leases nationally to protect and develop outdoor recreation areas throughout the fifty states.

This investment in recreation and our natural resources belongs to all Kansans. It crosses all political (city-county) boundaries and all political party lines. Therefore, the continued state park partnership to all levels of government in the new Department of Wildlife and Parks is essential to maintaining and developing outdoor recreation for all our citizens.

Therefore, we support the establishment of a seven-member commission, appointed by the Governor, with consideration given to licensed hunters, fishermen, park users, and nonconsumptive users of wildlife and park resources and to geographic balance among the commission members.

But the problems of public outdoor recreation cannot be solved by one group of people, one or more coalitions, or one level of government. We must all come to realize the critical role that recreation plays in our lives, our health, and our economy and be willing to take the action that will insure that the proposed department will be available to all concerned and generations of citizens that follow us.

The current 1987-1988 Action Plan and the 1985 State Comprehensive Outdoor Recreation plan has been made available to each committee member.

Thank you.

LBjr:jr

STATE OF KANSAS  
OUTDOOR RECREATION PLANNING PROGRAM

MIKE HAYDEN, GOVERNOR

ACTION PLAN  
1987-1988

The content of this plan  
was prepared and coordinated  
by the Recreation Planning Division  
of the Kansas Park and Resources Authority

for the  
JOINT COUNCIL ON RECREATION

FEBRUARY-1987



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## INTRODUCTION

OUTDOOR RECREATION IN KANSAS: 1987-1988 ACTION PROGRAM. Kansas Statewide Comprehensive Outdoor Recreation Planning (SCORP) Program (1985), identifies major actions to take place in Kansas during fiscal (budget) year 1988 (July 1, 1987 to June 30, 1988) addressing important recreation and conservation issues. These current issues, although they differ to some extent from those listed in the 1985 SCORP, are as follows:

1. Economic Benefits of Recreation
2. Environmental Coordination In Kansas
3. Financing of Outdoor Recreation
4. Funding At Hillsdale Reservoir
5. Role of State In Vacation Resort In Kansas

The issues highlighted in this action program were selected primarily on the basis of the results from a 1986 survey of the Joint Council on Recreation panel of agency staff who participated in the recreation planning functions of the state, and the professionals attending the 1986 recreation conference on recreation and the economic impact in Kansas. The issues were subsequently refined through the continuing interaction of SCORP staff with the participants of public recreation issue meetings. State policy and program directions for outdoor recreation provision in Kansas are given in the 1985 policy plan which is updated every five years.

While all the actions highlighted under Section II of this Action Plan are vital and necessary elements, they alone do not provide a sufficient base from which outdoor recreation needs in Kansas can be analyzed and met. Consequently, this Action Plan also describes additional actions under Section III that Kansas will be involved in during FY 87-88.

For each issue a brief description is given of why the topic is of concern in Kansas along with an overview of current trends. Specific action being taken in Kansas this fiscal year relates to and follows the issues. By focusing on selected sets of issues each year, annual action programs do not report all important outdoor recreation and resource conservation activities occurring in that year. Rather, they emphasize major and especially new

statewide programs addressing the selected issues. Therefore, action programs provide an illustrative indication of the type of actions being taken in Kansas to resolve issues rather than a complete listing of all important activities occurring throughout the state.

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ISSUES AND ACTIONS, 1987-1988

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ECONOMIC BENEFITS OF RECREATION

The economic contributions of recreation provision and resource conservation continue to gain recognition by the public and all levels of government. This recognition should increasingly lead to the full integration of recreation, open space, and natural resource conservation concerns with comprehensive economic development planning throughout Kansas.

Actions:

- o Continue land and water conservation fund projects throughout Kansas which will stimulate economic development and the state by:
  - creating 150 construction and related jobs per year between 1987 and 1988;
  - eventually creating 200 permanent recreation related jobs; and
  - fostering the development and expansion of tourist-related businesses.

In FY-86 the Land and Water Conservation Fund Program included projects totaling over \$1,000,000 to improve the state parks and other local recreation facilities. (DWP-Administration, Joint Council on Recreation)

- o Continue work with private developers to construct resorts at El Dorado and Glen Elder State Parks. (DWP, Private Contractors, State Park Advisory Boards)
- o Continue construction of boat and sailboat marina facilities and slips by private funding to provide public access on major reservoirs. (Private Marina Concessionaires, State Park Advisory Boards (SPAB))

- o Publish and disseminate the results of the Conference of Economic Significance of Recreation in Kansas as a followup to the 1986 conference in April of 1986 in Kansas. (Kansas Recreation and Park Association, DWP)
- o Assist in the Governor's state-wide travel conference on May 17-19, 1987, Hays, Kansas. This conference is sponsored by the Travel Industry of Kansas which serves the Kansas travel industry and provides recommendations for jointly enhancing the state's recreation system and stimulating economic development through tourism. (DWP, KPRA, Department of Commerce, Kansas Marina Concessionaires, sports groups, private landowners, Travel Industry Association of Kansas)
- o Solicit proposals and negotiate contracts for private development of a lodge and associated amenities adjacent to Clinton State Park. (DWP-Administration, SPAB)
- o Organize, plan and conduct an Annual Governor's Conference on Leisure, Recreation, and the Outdoors. The Governor should convene a special event to address park and recreation issues, in conjunction with the National Recreation Month and summer events of free fishing and state park days throughout Kansas. (KRPA, DWP, private for profit, not for profit organizations, SPAB)

#### ENVIRONMENTAL COORDINATION AND EDUCATION IN KANSAS

No statutory directive exists in Kansas which requires interagency environmental coordination on water development projects. State agencies having statutory responsibilities for protecting natural resources which may be adversely affected by water development projects include the Kansas Water Office, Division of Water Resources, BOA, the State Historical Society, the Kansas State Park & Resources Authority, State Extension Forestry, and the Kansas Fish and Game Commission. City and county governments are equally impacted. Environmental equality has become a major concern in all areas of development especially so in the case of recreation.

Across the state a recurring problem of water quality is that of mineralization from natural sources, although, in the vicinities of the larger urban areas a certain amount of mineralization also occurs as a result of industrial and other pollution. Noticeably, pollution in the form of chlordane used for termite treatment for residences is ultimately picked up by sump pumps and placed in storm drains to the nearest streams. The Kansas Department of Health and Environment has issued advisories about fish taken from the Kaw River between Lawrence and Eudora and parts of the Arkansas and Little Arkansas rivers in Wichita. No solution for cleaning up chlordane pollution or even stopping it seems at hand. Non-point source pollution from agricultural runoff containing pesticides and fertilizers is also an important water quality concern.

Action:

- o Encourage school districts to take the lead in environmental education:
  - a) to develop within each student an awareness and appreciation of the environment and the acceptance of the responsibilities for it;
  - b) to develop an understanding of one's relationship with his/her natural and manmade surroundings;
  - c) to be able to identify possible alternatives to assist their benefits and risks;
  - d) to develop a desire and ability for problem solving and decision-making concerning environmental issues. (Kansas Department of Education, Fish and Game Wildlife Education Service, Department of Commerce-Kansas T00 Magazine)
- o Assist in the implementation of management plans, prepared under the guidelines of the National Trails Systems Act, to protect and develop designated trails as a recreational asset. (Kansas State Historical Society, State Park Authority)
  - State trails were expanded by the Kansas Trail Council on two federal reservoirs-two sites, 17.4 miles; state park trails-three areas, 1.7 miles; and fish and game-3 areas, 4.2 miles.



- Local trail development occurring this past year and trail length are as follows: City of Lawrence-bike routes, 9 miles; City of Hutchinson-natural area trails, 2 miles; Shawnee County-hiking trails, 1.9 miles; Wichita-hiking trails, 2.4 miles; natural area trails, .9 mile.
- o Avoid over appropriation of rivers and streams by maintaining adequate instream flows to protect recreation, fishery and other values. (Division of Water Resources-BOA, Kansas Water Office)
- o Work with the federal government and local irrigation districts exploring future management alternatives for water-short federal reservoirs in western Kansas, including enhanced public recreation use. (Kansas Water Office)
- o Identify non-point pollution problem areas and assist landowners in utilizing best management practices to help control non-point source pollution in agricultural areas. (Kansas Department of Health and Environment, State Conservation Commission, conservation districts)

For state projects, factors such as preventing loss of existing opportunities through facility deterioration and resource protection are stressed.

- o Seek enactment of state laws encouraging environmental coordination on water development projects. (Kansas 1987 Legislature-Environmental Coordination Act SB 40)
- o Outdoor recreation acquisition and development which also is a component of a community's economic development or revitalization;
- o Promoting recreational use of Kansas lakes, rivers and streams;
- o Providing recreation opportunities for disabled beyond provision of basic access;
- o Acquisition and protection of important natural resources, including sites identified in the Kansas Natural Areas Inventory, endangered species habitat, and wetlands;

- o Promoting trail related recreation, especially long distance trail opportunities beyond the political boundaries of the applicant.

## FINANCING OF OUTDOOR RECREATION

Over the last five years, the federal funding programs that have been available for outdoor recreation land acquisition and facility development have dwindled to the point of non-existence. There is a vital need for state legislation to establish a state financing program for public awareness of recreation as a major economic value to the state, as well as, the need to finance future land acquisition and development needs at the state and local levels. A good financial base could also provide for the establishment of private sector incentives for public-private partnerships in the development of recreational opportunities.

Nature of Tax Funds for Parks & Recreation - Realizing the termination date of the Land and Water Conservation Fund Act will be 1989 unless legislation is approved to extend or replace this important funding source, a recommendation of continuation of L&WCF in some form is encouraged.

Federal: o The Federal Land and Water Conservation Fund should be succeeded by a natural resources trust fund providing not less than \$1 billion annually for recreation resource acquisition, development, rehabilitation and planning. The Congress should consider establishing an endowed trust, from several revenue sources, which would become self-sustaining. (Department of Interior, Congress)

State: o The Kansas Legislature should consider a variety of potential revenue sources for recreation. Some more appropriate to state application include:

- recreation season gas tax;
- road tax on motorboat fuel tax;
- real property transfer tax;
- development impact fees (local);
- private corporation contributions;

- a sporting goods and equipment tax;
- a tax on RV vehicles and equipment;
- a liquor tax;
- lottery or pari-mutuel receipts;
- an increase in the car tag dedicated to recreation.

Again, a dedicated and stable source of financing was the most immediate need of outdoor recreation in the Kansas 1985 SCORP to the year 2000. (Kansas Legislature)

#### FUNDING AT HILLSDALE RESERVOIR

Efforts will continue to establish public facilities through state legislative appropriations for development and seek local participation for operation and maintenance by means of a three party contract with Johnson and Miami Counties. The 1986 Legislature appropriated \$50,000 for boat ramp construction in Fiscal Year 1987. Additionally, a task force headed by the Chairman of the Johnson County Park and Recreation District and membership composed of both local and state government including key legislative members representing the two counties, was formed to pursue the establishment of a three party contract to propose to the Corps of Engineers. The contract in essence will ensure the joint participation of the non-federal entities for funding facility development. The State Park Authority will initiate the contract for development to the Corps of Engineers and commit to finance 50 percent of the cost and to be matched in time by the counties. The annual operation and maintenance for the recreation sites as development occurs, will be assumed totally by the Johnson County Park and Recreation District or jointly by the two counties. If the proposed contractual arrangement is agreeable to the Corps, determination can be made for the non-federal entities to participate in federal financing under terms of Public Law 88-578.

#### Action:

- o Reservoir protection programs established by local initiative with state and federal capital improvement support. (Johnson and Miami Counties, Department of Interior-National Park Services, DWP)

- o Joint county governments and the private sector should focus special attention on "market-generated" recreational needs and conditions of "close-to-home" metropolitan places. (Johnson and Miami Counties, private sector service organizations)

#### ROLE OF STATE IN VACATION-RESORT IN KANSAS

The idea of a vacation-resort or lodge facility has been a topic of interest in Kansas for many years. The first thrust toward such a development came in the creation of the Kansas Park Authority (1955-56) when a lodge facility was designed for development as a state-owned facility prior to the establishment of the present state park system. Lack of funding for the lodge facility prevented development at that early date. More recently, private investors have become interested in the idea and have initiated feasibility studies for resort facilities at El Dorado and Glen Elder.

#### Action:

- o Kansas must play a stronger role in shaping growth and development. (State Legislature, Governor, DWP)
- o Encourage and seek private sector financial assistance for development and operations of vacation resorts and thereby increase services to the public through the investment of private capital. (Private sector, Department of Commerce, DWP)

This includes granting increased legal authority and technical aid to private enterprise that invites business to become a partner with state and local government.

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NEW DIRECTION FOR 1987-1988

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CREATION AND FUNDING OF THE DEPARTMENT OF WILDLIFE AND PARKS

In an effort to enhance Kansas Wildlife and Parks, on February 10, 1987, Governor Mike Hayden issued an Executive Reorganization Order creating a Department of Wildlife and Parks. Under the proposal, the Kansas Fish and Game Commission would be reorganized with the Kansas Park & Resources Authority into a cabinet-level department.

"Under existing structure, these agencies have often not received the attention or priority that they deserve from state government. In my judgment, establishing a single Wildlife and Parks Department will best meet the needs of all concerned," Hayden said. Despite the diversity of systems, the Governor outlined a number of common themes, contained in the Governor's proposal document as the first phase of the reorganization policy action.

A seven-member bi-partisan commission would be appointed by the Governor with consideration given to licensed hunters and anglers, park users and non-consumptive users of wildlife and park resources, and to geographic balance among commission members.

Hayden emphasized that this commission will be appointed with the goal of insuring that our parks and wildlife are managed with first-rate, efficient operations.

State Parks have entered a new era characterized by reduced federal funding and severe budgetary constraints for capital improvements on the one hand, and increased demands on the other. Funding is also an important issue facing the Fish and Game staff. There is a concern over the need to rehabilitate older facilities, extend greater protection to sensitive ecological areas, such as wetlands, and provide for increased visitor enjoyment - encouraging more visits to "countryside" lakes and parks of

regional significance - and find means to protect their physical and recreational values.

"I learned the skills and values involved in fishing and hunting at an early age. Like many Kansans, I have a deep respect for natural resources and pledge, as Governor, to enhance these areas for future generations," Hayden added. "This is why I am taking the initiative to propose creation of this cabinet-level agency."

In Kansas there is a crucial link between a healthy-diverse and interesting environment and a maintenance of our citizens' quality of life as has been recognized in Executive Order No. 22. Consolidation under a cabinet-level Secretary of Wildlife and Parks providing for joint projects not now possible, the measure of desirable separateness of operations will be maintained with the two Under Secretaries appointed. The Under Secretary for Operations would be headquartered in Pratt and in charge of the administration of the separate divisions of the combined department, and the Secretary of Administration would be located in Shawnee County.

Actions:

- o Conferring cabinet status July 1, 1987 on the Department of Wildlife and Parks and raising the standing and priority of wildlife and park resources within the overall structure of state government.
- o Increased direct utilization of citizen services to the wildlife and park systems through volunteer such as hosts and guides and members of cooperative associations sponsoring activities in state parks and wildlife resources.
- o Take the lead by helping local recreation agencies, increase their use of other local agencies or public lands and facilities and potentially available government lands and thereby expand the utilization of fish, wildlife, and recreation resources.
- o The integrity of all federal assistance associated with the two former agencies will be continued to avoid jeopardizing federal dollars available to Kansas. DWP will:

- Assist the Kansas Regional Planning and Development Commissions and other regional agencies develop guidelines for addressing wildlife, park, and recreation issues in local general plans.
  - Work with state water agencies and basin advisory groups to enhance public recreation use of major reservoirs and small lakes.
  - Assist the Department of Transportation to improve road access to state parks and other significant state resources from adjacent state and federal highways.
- o There is a growing new interest of nonconsumptive wildlife and park users in managing the states natural resources. DWP will:
- Monitor consumptive and nonconsumptive uses of, demands for and value of wildlife resources.
- o Work directly with public and private landowners, organizations, and the general public to protect, promote and enhance the quality and quantity of Kansas wildlife habitat, particularly that which meets the high quality perimeters for naturalness, diversity, size, and scarcity. DWP will:
- Work with the Basin Advisory Committees to insure that local water resource and small lake development plans provide adequate recreation opportunities.
  - Work to stimulate and facilitate better sportsmen/landowner relationship.
  - Intensify department efforts to inform and educate landusers, agricultural organizations, school systems, and the general public of the needs and management principals, policies, techniques and values of park and wildlife resources.
  - Continued coordination with the federal, state, local and private agencies and organizations to minimize losses and maximize

enhancement of fish and wildlife habitat and public use of fish and wildlife habitat and public use of fish and wildlife resources impacted by Land and Water development projects.

- Take the lead with the Department of the Interior to provide information to private landowners on liability protection loss.
- o Consider for public recreational use "targets of opportunity" to significantly improve general recreational use of many public lands and waters - forests and wildlife areas, diversion canals and drainage ways in urban areas, for example - but improve upon the mutually compatible goals. DWP will:
  - meet with appropriate local and county governments to discuss and solicit public access on the Kansas, Missouri and Arkansas Rivers and the appropriate tributaries;
  - identify and enroll local governments in providing community acres for wildlife programs similar to those under way now in Sedgwick, Johnson, and Wyandotte counties;
  - continue to coordinate and place stronger role in shaping growth and development for outdoor recreation. This includes granting increased legal authority and technical aid to local governments, comprehensive planning and specific actions to identify and protect recreational resources of state-wide or regional significance.
- o Continue Kansas portion of the national wetlands inventory, which will be used as a data base to develop a management program for the protection of the state's wetlands.
- o Fund local L&WCF projects which protect and enhance wetlands and wildlife habitat.



## ORGANIZATION STRUCTURE FOR PLANNING AND MONITORING OUTDOOR RECREATION ISSUES

There is a need for a state governmental structure to replace or in addition to the Kansas Joint Council on Recreation to focus on recreation in Kansas. The Kansas Joint Council was seen by the 1986 State Recreation Conference as a more state-agency oriented structure with little input from the local public or private sectors of the state.

To put outdoor recreation in the proper perspective as a major factor in the state's economic base, establishment of either a Commission on Wildlife and Parks or an advisory subcouncil to the commission would specifically address public and private outdoor recreation issues and promote the economic values of recreation as a vital and integral part of the state's economy.

This should be an on-going group charged with studying issues and problems relating to the field in the State of Kansas. We suggest a number of tasks which the Commission or Subcouncil should immediately deal with. They are as follows:

- o Study the role, responsibility, and composition of the Joint Council on Recreation and make recommendations on its future role in dealing with all aspects of leisure, recreation, and the outdoors in Kansas. (DWP, Joint Council on Recreation (JCOR), KRPA, KWF, other private recreation related organizations and businesses)
- o Plan, organize, and conduct an annual Governor's Conference on Leisure, Recreation, and the Outdoors. (DWP, JCOR, KPRA, KWF, other private recreation related organizations and businesses)
- o Study current state recreation enabling legislation with the intent of recommending new or amended legislation which would standardize the process by which local communities provide park, recreation, and leisure services to their citizens. (League of Municipalities, KRPA)
- o Study the potential for private sector involvement and investment in public recreation areas; to seek legislation that would provide

tax credits and other incentives for such private sector involvement, recognizing that such involvement could permit the redirecting of public dollars to meet future man-power needs in the field.  
(DWP, JCOR, DOC, Department of Human Resources)

- o Study the changing demographics of state population and make recommendations to assure proper distribution and easy access of recreation and leisure programs and facilities for all our citizens.
- o A land grant or other major university library should serve as a repository, particularly for regional studies and related data storage dealing with outdoor recreation and tourism. This repository and data base at one location must tie closely with the data base forthcoming from the Presidents Commission on American's Outdoors. (Board of Regents)

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## PRIORITIES FOR USE OF LAND AND WATER CONSERVATION FUNDS

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The SCORP planning process, of which action program development is a part, guides the use of funds for outdoor recreation provision. Among these funds are Federal Land and Water Conservation Fund (L&WCF) monies authorized by Congress in the Land and Water Conservation Fund Act of 1965. The act also mandates that each state carry out a SCORP program to maintain its eligibility for annual L&WCF appropriations. Since its inception until 1985, Kansas has provided for a combined total of over \$78,000,000 in outdoor recreation acquisition and development projects at both the state and local level.

The project selection process is periodically adjusted to ensure that the use of L&WCF monies effectively meet the needs of Kansas citizens. Any major proposed changes in the process are reviewed by the public prior to being changed. Changes were developed concurrently in the 1985 policy plan to: 1) strengthen equity considerations, 2) more explicitly evaluate the projects against SCORP regional facility needs, and 3) give additional consideration to outdoor recreation projects that are a component of a community's economic development.

In Fiscal Year 1987, it will again be a priority of the Joint Council to allocate the Kansas L&WCF apportionment 50 percent to local units of government and 50 percent to state agencies. This serves as an indication of the state's continuing support of local initiatives to meet local and regional recreational needs.

For both state and local proposed L&WCF projects, the process for evaluating and selecting projects involve similar rating systems that include the following criteria.

- o Need for the Project: The project proposal is required to be identified in the Regional Needs Section of the current SCORP.

As an alternative to SCORP needs compliance, the sponsor may succeed in realizing funding for a proposal by developing and submitting documentation that justifies an isolated local need.

- o Site Characteristics and Plan: The proposed development or acquisition site is carefully surveyed and analyzed to determine the usability of the site as it relates to the proposed development. The site is scrutinized to determine its capability to accommodate the development, attractiveness, its compatibility to accommodate the development, its compatibility with surrounding uses, uniqueness, and the location of the site with respect to the users.
- o Planning: Preliminary planning is extremely important for the local sponsor to determine precisely what they want to develop or acquire and the cost for accomplishment and maintenance, as well as coordination with other groups, levels of government, or individuals. The basic planning of a proposal will help to alleviate potential conflicts and opposition to the proposal and help to achieve a well-documented need for the project.
- o Relationship to Statewide Outdoor Recreation Priorities: The local sponsor is required to prepare a proposal that addresses one or more, if possible, of the SCORP program priorities that are identified as the state's intent to address and satisfy certain recreational needs and issues.
  - Develop additional upland and wetland public wildlife areas. (DWP)
  - Continue studies to determine habitat requirements, population status of wildlife, and to develop or improve management practices. (DWP)
  - Increase efforts to expand and develop urban-metro fisheries with emphasis on monitoring the water quality of major streams in high density population areas. (DWP)

- Intensify efforts to assist private landowners in developing and maintaining wildlife habitat on their lands.
  - Establish the state natural heritage inventory proposed by the nature conservancy and funded by the Kansas Biological Survey, the Fish and Game state income tax "check off", and Joint Council on Recreation L&WCF money. Efforts to expand upon the programs to preserve and protect remaining natural elements representative of Kansas natural heritage. (Kansas Biological Survey, Natural and Scientific Areas Advisory Board)
- o Equity Considerations: The state scoring system for local projects provides several equitable related categories that may or may not generate extra points for the proposal. The most significant is the sponsor's previous L&WCF's received. Those who have received funding will not receive as many points as those applicants that have not received any federal funding. Equally important is the sponsor's maintenance of existing park facilities and areas. Other rating criteria addresses the sponsor's past project administration record, service of project to special populations, local public input in the formulation of the proposal, and energy conserving measures.
  - o Other Factors: Other categories include local monetary or land value donations as: local match, sponsor financing, uniqueness and/or urgency of project, acquisition versus development, financial support from a second governmental unit, and recreational opportunities provided by project.

Recreational professionals, working with the state and local governments, have the opportunity to greatly enhance the diversity and quality of recreation in Kansas. Strategies to accomplish this include: liberalizing riparian access laws, fostering strong support for the natural and scientific areas program and its provided for 1987 natural heritage program, and develop support for innovative recreation research. Broadening the array of quality recreation experiences will increase tourism and improve the quality of life for Kansans.

The Park & Resources Authority does not discriminate on the basis of race, color, sex, national origin, age, or handicap in admission to treatment or employment in the programs or activities in compliance with the Kansas Human Rights Act, the Kansas Constitution, the U. S. Civil Rights Act, Section 504 of the Rehabilitation Act, as amended, and the U. S. Constitution. The equal employment officer is responsible for compliance and may be reached at 913/296-4288.

March 2, 1987

I am appearing before this honorable committee as an individual who believes that E.R.O. #22 is made at the right time. I will confine my remarks to generalizations although I would encourage questions on any specifics you may want to raise. E.R.O. #22 is a bold move and a necessary strategy toward the future of wildlife, nature conservation, parks environment and outdoor recreation.

To prove the wisdom of the order offers many challenges. It also offers many opportunities and there are opportunities to strengthen the operating and financial stability of one of our States most important attractions.

I have concerns:

Most important are the names that fill in the blanks on the proposed reorganization chart. Whoever the Secretary is must have skills that recognize the importance of transition. The Park Authority has a number of ongoing projects which in scope are relative important. In some cases, to use the lawyers language, time is of the essence. For instance - we have several "convention centers" in the mill. We also have some major contracts which switch the financial responsibility away from the state budget to local units. We are working with several privately funded improvements - all of which will serve the park patrons better and save the State of Kasnas money. These projects should not be restricted for lack of direction. I am sure that Fish and Game has some justifiably important projects.

Another concern is one of the financial resources. We must make sure we take advantage of every Federal opportunity. There are some 169 for Parks and Recreation alone and I am guessing there are probably a like number for Wildlife. We need to generate strong financial support form the private sector and create opportunities for industry and tourism development.

Another concern is for the faithfull dedicated well trained people in both agencies. Many of the Park Managers and Fish and Game Wildlife officers are experts in their profession. I would hope their continuity continues through the merger process.

I hope my concerns are needless - and they will be if this committee and later the legislative process decides to let this order stand; all of us should remember we are responsible and make a special effort to assure that the people of Kansas are better served by this order.

Bud Shaffer

KANSAS HOUSE OF REPRESENTATIVES

ENERGY AND NATURAL RESOURCES COMMITTEE  
Public Hearing Statement  
by  
Kansas Recreation and Park Association

Executive Order to Merge State Parks and Fish & Game Agencies  
March 3, 1987

On behalf of the Kansas Recreation and Park Association (KRPA), we thank you for the opportunity to speak on the proposed reorganization issue to merge the State Park Agency and the State Fish and Game Agency into a single unit with representation at the cabinet level of state government in Kansas.

In December 1986, KRPA representatives had an opportunity to meet with Governor Hayden's transition team, and the establishment of such a merger and cabinet-level representation was a suggested recommendation of the Association, along with a support recommendation for reorganization of the Kansas Joint Council on Recreation.

It is the belief of the KRPA that conservation, parks and natural resources have suffered greatly over the past decade due to lack of a central focal point in the state administration. This suffrage is not only felt in the area of funding, but in efficiency in operation, maintenance, development and, more importantly, the delivery of vital conservation and park services to the people of Kansas.

We, at the local level, have seen conservation services offered one year and District offices disappear the next. We have seen major state conservation and state park planning efforts flourish one year and diminish shortly thereafter. KRPA feels there is a need for combined effort and consistency in planning and direction.

The Department of the Interior at the national level combines these services, and it would seem consistent and logical that at the state level these services be represented by a central administration.

Further, due to the demand for parks and recreation services both at the national and state levels, leisure time and service expenditures make a tremendous impact on the national and state economies. In 1986, according to a report provided by the President's Commission on Americans Outdoors, over \$300 billion were spent nationally by the consuming public for leisure time activities. Though we do not have this figure for Kansas, we know it is in the multimillions of dollars. In short, we are addressing a major economic industry within our state, and, more importantly, one that deserves cabinet-level attention within state government.

Though KRPA is in support of the proposed reorganization, it does approach this merger with concern in that its members at the local level of government have primarily sought direction and leadership from the State Park and Resources Authority and the Kansas Joint Council on Recreation, as local cities and counties have made major contributions toward the planning effort of Kansas State Outdoor Recreation Plan and have benefited greatly from pass through Federal dollars from the Federal Land and Water Conservation Fund administered at the state level by the Park Authority and Joint Council. This concern of funding, as you know, has deepened in that this funding source is in great jeopardy. Not many years ago, Kansas was receiving over \$3 million from this source, and this past fiscal year, the amount had



dwindled to a few hundred thousand dollars. Yet, the state has a backlog of millions of dollars in local applications. Also in jeopardy is the small but needed assistance returned to local units from the liquor excise tax. KRPA has consistently labored in the state legislative committees over the past five years to maintain this source of funding for local parks and recreation programs.

With this proposed change in reorganization, KRPA would hope members of the committee would understand our concern that proper recognition is given to parks and recreation concerns and issues both at the state level and at the local level. We realize funding is a major concern for us all, but without equalization of both parks and conservation professionals in the top administration leadership positions of the reorganized structure, it is felt that the direction will remain inconsistent as in the past and would jeopardize not only funding needs but also leadership and direction of both or either conservation or park and recreation programs.

It is evident that this reorganization merger would certainly affect established local government contacts with current state agencies, and KRPA would hope that consultation would be sought throughout any transitional process.

Another directly related concern as noted early in this statement is the current and future status of the Kansas Joint Council on Recreation. Recommendations were presented in December 1986 to the Governor's transition team specifically relating to a broaden base of Council representation from the local public and private sectors. With the proposed reorganization, it is apparent that reorganization of the Kansas Joint Council on Recreation will also need to be addressed.

In representing over 230 local units providing park and recreation services across the state of Kansas, KRPA is appreciative for this opportunity to address the committee on this important reorganization issue and to express its support and comment on its concerns and to let you know that the Association through its resources is available to assist. Thank you.

Presenter on behalf of KRPA:

Gary L. Haller, Director  
Johnson County Park & Recreation District  
6501 Antioch Road  
Shawnee Mission, KS 66202  
(913) 831-3355

President of KRPA:

Dick Horton, Director  
Pittsburg, Kansas Park & Recreation Department  
201 West 4th Street, Box 688  
Pittsburg, KS 66762  
(316) 231-8310

J.S. Garton

TESTIMONY ON ERO 22: THE KANSAS DEPARTMENT OF WILDLIFE AND PARKS

Jan Garton  
219 Westwood Rd.  
Manhattan, Ks. 66502

Governor Hayden, in introducing ERO 22, listed several advantages to the reorganization of the Parks and Resources Authority and the Kansas Fish and Game Commission. Perhaps the most important of these is the creation of the cabinet level position of Secretary of Wildlife and Parks.

Not only does this rightfully place the protection of our wildlife, natural and recreational resources on an equal footing with our commercial, agricultural, transportation and health interests, but it provides an opportunity for greater cooperation in program development among these existing agencies.

There are certainly other advantages to personnel sharing during periods of peak activity in parks or public hunting areas, as well as an opportunity to reduce some duplication of effort.

Another positive element, the bipartisan Commission, answering to the Governor and the Secretary is an essential part of the organizational structure. Nevertheless, I have some slight reservations about the Commission's function with regard to policy matters. It is my understanding that the Commission acts only in an advisory capacity in the area of policy. It is my hope that the Commission be allowed to play an active role in policy formulation, to both initiate policy discussions and act as a sounding board for the Secretary. It is also my hope that policy matters will be open for comment and input at public hearings. People are much more responsive, responsible and cooperative if they feel they have a chance to have a part in the structures by which they are governed.

Though I believe it best to restrict personnel matters to the Secretary as provided for in ERO 22, it is of some concern to me that there are no minimum requirements for the position of Secretary. A great deal of harm can be done by a well-meaning person who does not understand or appreciate basic ecological principles. Currently, the Kansas Fish and Game Commission chooses its Director from competing qualified candidates. It is somewhat unnerving to think that the Secretary of Wildlife and Parks' best qualification may be that he or she is a friend of the Governor. That simply may be a risk one assumes with an appointive position, but it causes me concern. Perhaps there is a legislative means of requiring minimum qualifications for the position of Secretary of Wildlife and Parks, and if so, I would encourage you to consider it.

It has been noted that one of the benefits gained in naming the new agency the "Department of Wildlife and Parks," is the awareness that all wildlife resources are part of the agency's functions, not just those resources related to hunting and fishing. I agree. However, at the operational level of the new agency, the old designation occurs in naming one division to be in charge of 'game.' That division properly should be called 'wildlife,' in keeping with the philosophy espoused through the naming of the total agency. It should be clear that all divisions will plan for the integration of management techniques for both game and nongame species in all programs, except where threatened or endangered species require specific actions. I believe it will be more effective to develop management plans for habitat areas that consider the needs of both game and nongame wildlife, than to create a separate division of nongame wildlife with separate management plans.

While only four divisions appear on the organization chart, I would like to suggest that a fifth division be recognized -- the Environmental Services Division. Annually, the duties of this division grow because of the required cooperation among state and federal agencies, the development of new state programs and policies, evaluation of private and public projects, and assessment of environmental impacts. Currently, there are two environmental services positions in Fish and Game -- one in fisheries, the other, game -- yet their duties often cross divisional boundaries. With the addition of a Parks Division to the arena of responsibilities, it would seem most beneficial to establish a separate division of Environmental Services.

The Kansas Department of Wildlife and Parks cannot be effective at the current level of funding for the separate agencies. Such funding is inadequate to maintain the past level of services and programs, not to mention the giant strides that are required to prepare the new agency for the 21st century.

The results of the Cheyenne Bottoms feasibility study show that the people engaged in simple wildlife observation and/or study at Cheyenne Bottoms were twice as numerous as those whose wildlife activities required the purchase of a license. The non-license buyers are not required to contribute financially to the management or maintenance of the facilities at the Bottoms or elsewhere around the state, yet they freely enjoy the state's wildlife resources. It's time that all Kansans took a hand in the preservation of our wildlife resources.

In addition to strengthening existing efforts with proper funding, this agency has the potential to develop innovative and progressive programs that will increase tourism, that will make Kansas attractive to new businesses and their employees, and that will preserve for future Kansans our vital wildlife, outdoor and recreational legacy. New areas that should be initiated by the Kansas Department of Wildlife and Parks:

**\*\* Kansas should initiate a concerted effort to protect critical wetland, riparian and prairie habitat through purchased or donated conservation easements, or through acquisition, using Land and Water Conservation Fund monies.**

**\*\* Kansas should provide for the protection of areas of unique plant species, or of general habitat types native to Kansas, through creation of state-owned natural areas that remain relatively undeveloped;**

\*\* Kansas should provide naturalists for park campgrounds and natural areas, to provide interpretive programs, lead hikes, and involve visitors in the natural world; all parks should have self-guided trails and interpretive signs to identify points of natural, cultural and historical interest.

\*\* Kansas should immediately begin a program to restore Cheyenne Bottoms and the dewatered rivers and streams of western Kansas.

\*\* Kansas should develop aggressive outdoor education programs for urban areas to include wildlife identification, urban landscaping for wildlife, open space preservation, linear parkways, and neighborhood habitat development.

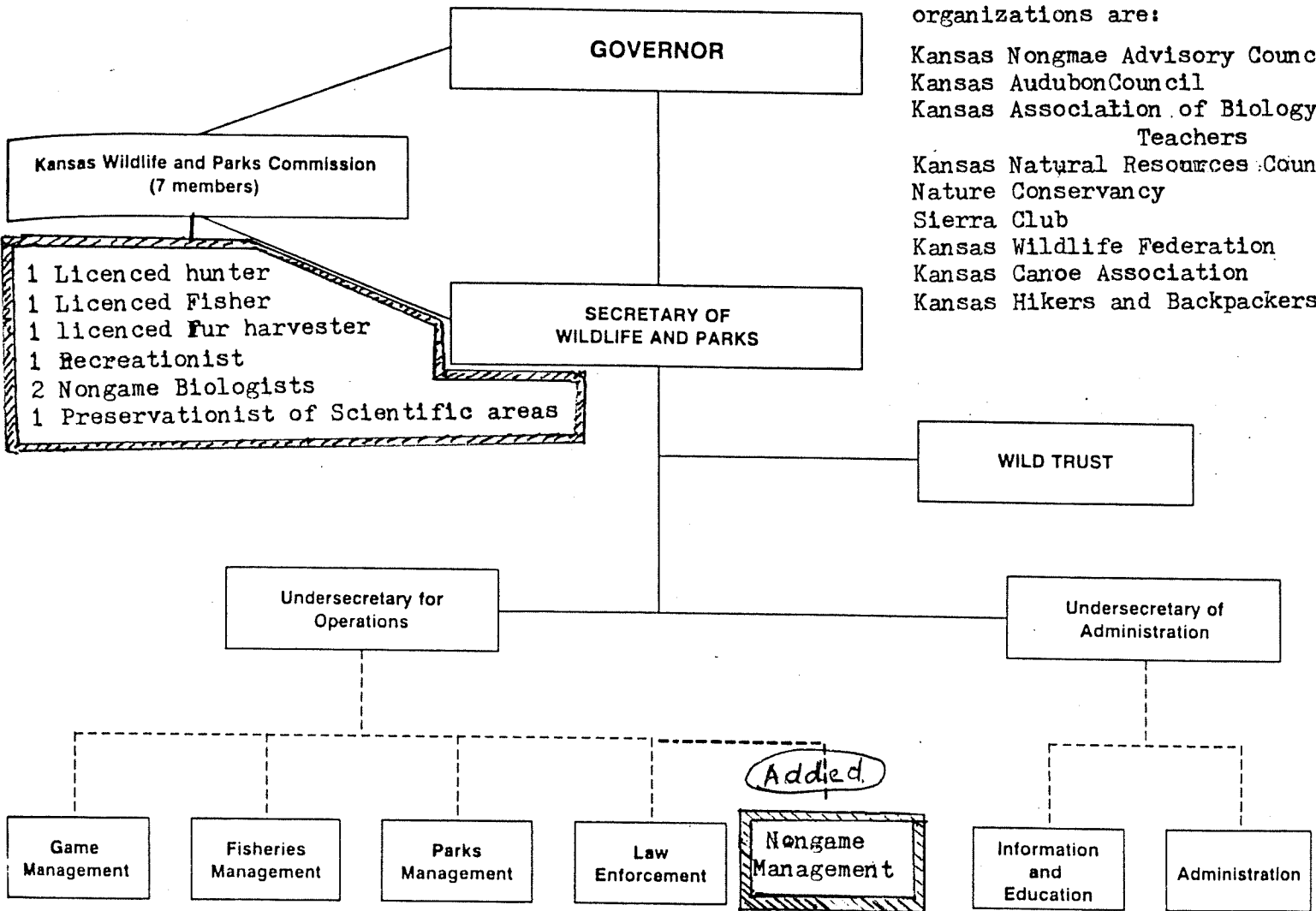
The people of Kansas are ready to pay for the protection of wildlife resources and the creation of new outdoor experiences. I hope that along with approving ERO 22, that the Kansas legislature will work with Governor Hayden to investigate a natural resource funding mechanism that involves all Kansans to substantially underwrite programs in the Kansas Department of Wildlife and Parks, to begin implementation of state water plan projects, and to encourage long-term soil and water conservation programs. Then the Kansas Department of Wildlife and Parks will become a valuable asset as we plan for the best future for our state.

*Jan Garton*  
3-3-1987

# Kansas Department of Wildlife and Parks

The membership of the Kansas Wildlife and Parks Commission should be screened by organizations that are knowledgeable and care for the environment as a whole. Suggested organizations are:

- Kansas Nongame Advisory Council
- Kansas Audubon Council
- Kansas Association of Biology Teachers
- Kansas Natural Resources Council
- Nature Conservancy
- Sierra Club
- Kansas Wildlife Federation
- Kansas Canoe Association
- Kansas Hikers and Backpackers



----- Broken line represents tentative organizational structure.

*Feb. 23, 1987*

Dear Govenor Hayden

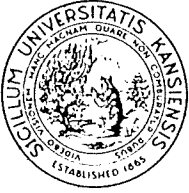
The plan to combine the Kansas Fish and Game With the Kansas Parks Athourity seems to be well thought out so far as the legal language is concerned. There seems to be a lack of legal assurance that the majority interest in nongame and nonconsumptive uses of our public lands and rescources is protected, preserved and enhanced. These suggestions for changes in the diagram will need to be tranlsated into written form for a legal and binding part of the law.

Sincerely

*Eulalia Lewis*

Eulalia Lewis  
1285 Mac Vicar  
Topeka, KS 66604  
(913) 232-1847

Attachment 5 3/3/87  
Standing Committee  
House Energy and NR



# KANSAS BIOLOGICAL SURVEY

The University of Kansas

Raymond Nichols Hall  
2291 Irving Hill Drive—Campus West  
Lawrence, Kansas 66045-2969  
(913) 864-4777

MEMORANDUM TO: House Energy and Natural Resources Committee

FROM: Edward A. Martinko, State Biologist, *Edward A. Martinko*  
Director, Kansas Biological Survey

RE: ERO 22 (Reorganization to Establish a Kansas  
Department of Wildlife and Parks)

DATE: 3 March 1987

The Kansas Biological Survey wishes to express its support for Executive Reorganization Order No. 22 by Governor Hayden. The establishment of a Kansas Department of Wildlife and Parks within the Executive Branch of government would be a positive step to emphasize the importance of the wildlife and parks resources in Kansas. Such a department would also provide the basis for the efficient and effective management of these and other natural resources in Kansas.

The Kansas Biological Survey is a research agency whose purpose is to study the plants and animals of Kansas. Applied research programs of the Survey are designed to address major biological and ecological problems in Kansas through mission-oriented research activities that utilize faculty, library, and computer resources of the University of Kansas. The results of the Survey's work relevant to plant and animal resources can be more effectively utilized by the consolidated administration of a Department of Wildlife and Parks. In addition, a Secretary of Wildlife and Parks will have the opportunity to voice the comprehensive needs of the proposed agency as the State further seeks to utilize natural resources in economic development.

The Kansas Biological Survey supports the reorganization outlined in ERO 22 as an important step forward that will enhance the conservation and utilization of the wildlife and parks resources in Kansas.

EAM:tb

# KANSAS NON GAME WILDLIFE ADVISORY COUNCIL

March 3, 1987

TO: House Committee on Energy and Natural Resources  
Ron Fox, Chairperson

FROM: Kansas Nongame Wildlife Advisory Council

RE: Executive Reorganization Order No. 22 (creating a Kansas Department of Wildlife and Parks).

The Kansas Nongame Wildlife Advisory Council wishes to go on record as unanimously supporting Executive Reorganization Order No. 22.

The Council is a citizens advisory group to the Kansas Fish and Game Commission on the nongame wildlife improvement program funded by the "Chickadee Checkoff" on the state income tax form. It is made up of representatives appointed by nine broad-based organizations: (1) the Kansas Academy of Science, (2) the Kansas Advisory Council for Environmental Education, (3) The Kansas Audubon Council, (4) the Kansas Biological Survey, (5) the Kansas Chapter of the Wildlife Society, (6) the Kansas Farm Bureau, (7) the Kansas Ornithological Society, (8) the Kansas Wildflower Society, and (9) the Kansas Wildlife Federation. I should point out that while Council members are appointed by these organizations, actions by the Council do not necessarily reflect the positions of the individual organizations represented on the Council.

At its meeting on February 16, 1987, the Kansas Nongame Wildlife Advisory Council voted unanimously to support and endorse the creation of a Kansas Department of Wildlife and Parks as outlined in ERO No. 22. The consensus of the Council was that this reorganization will be a strong and positive step for the wildlife and recreation resources of Kansas.

We urge your support of ERO No. 22.

Respectfully submitted by,



John K. Strickler  
2610 Claflin Rd.  
Manhattan, KS 66502  
Phone: 913/532-5752

**Do something WILD!**

Attachment 7 3/3/87  
Standing Committee  
House Energy and NR



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358

Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

STATEMENT  
OF THE  
KANSAS LIVESTOCK ASSOCIATION  
IN SUPPORT OF  
EXECUTIVE REORGANIZATION ORDER NUMBER 22  
BEFORE THE HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE  
REPRESENTATIVE RON FOX, CHAIRMAN  
PRESENTED BY  
MIKE BEAM  
EXECUTIVE SECRETARY, COW-CALF/STOCKER DIVISION  
MARCH 3, 1987

The Kansas Livestock Association (KLA) is a trade organization made up of approximately 9,000 members located in all of the 105 counties. KLA, founded in 1894, has members who are actively involved in numerous aspects of livestock production which include cow-calf stocker producers, feeders, sheep producers, swine operators and general farming and ranching enterprises. On February 24, 1987, KLA's Board of Directors voted to support Governor Hayden's ERO 22 which would reorganize the Kansas Fish & Game Commission.

Mr. Chairman and members of the committee, I'm Mike Beam with the Kansas Livestock Association. I'd like to take this opportunity to briefly outline why KLA supports Executive Reorganization Order Number 22. Basically we support this proposal because of the reorganization of the Kansas Fish & Game Commission. We believe this change should give farmers and ranchers more input into the state's wildlife policies.



Many of you may wonder why KLA even has an interest in a new Kansas Department of Wildlife & Parks. We recognize that Kansas statutes, K.S.A. 32-107, specifically say the state of Kansas owns title to all wildlife in the state. Furthermore, the Fish & Game Commission has been the agency charged with a second state policy which is to "protect and propagate" the wildlife population. A third and important factor in this equation is the effect these policies have on farmers and ranchers who provide most of the habitat for the state's wildlife on privately owned land. The larger the wildlife population the more it has an impact on landowners. Furthermore, when you increase the hunter and fishermen activity, this also affects landowners. Agriculture can play a major role in wildlife policy and we hope this reorganization plan will result in more cooperation between landowners/tenants and sportsmen.

Yes, Mr. Chairman and committee members, I am being critical of the Fish & Game Commission. Our members have repeatedly voiced concern about the commission's attitude and actions toward private landowners. However, perhaps this conflict is mostly the result of the agency's structure. Please let me explain. Any group, organization or agency will always be responsive to the needs of the people funding the organization. As I understand it, the Kansas Fish & Game Commission is funded solely by licenses and excise taxes of sporting goods. Why should the Fish & Game Commission cater to the concerns of agriculture? The Commission is funded by sportsmen and therefore, the agency is naturally inclined to represent their interests first.

From KLA's perspective there are four positive points to the proposal:

(1) It appears that if ERO 22 goes into effect, we'll see new policy makers on the commission and it will be staffed by a new Secretary of

Wildlife & Parks. Sometimes the most expedient way to change the perception of an entity is to involve new personnel.

(2) The new commission would have seven members instead of five which would give broader representation than the current approach. If I could make one change, I would specifically include in the order language to say at least one of the commission members be a representative of landowners and agricultural interests. We plan to submit names for Governor Hayden to consider when making these appointments.

(3) The new seven member commission will be more of a bipartisan group. Section 5 of the Order specifically says that no more than four members of the commission shall be of the same political party.

(4) Section 5 also states the commission will be an advisory commission to the Governor and Secretary. This may not sound very significant, but if the new seven member commission represents all aspects of wildlife and parks, the policies will be screened by a commission that has many interests represented.

In closing I'd like to point out that wildlife is a major Kansas resource. Because of the wildlife habitat needs, the state agency in charge of this responsibility needs to reach out and work in strong cooperation with the farmers and ranchers. KLA wants to be a part of wildlife planning and policy determinations. I personally believe our state's wildlife resources could provide added income opportunities for many farmers and ranchers. We hope the legislature will not repeal ERO 22. I'd be happy to respond to any questions or comments.

HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

March 3, 1987

Testimony on Executive Reorganization Order No. 22

I am Richard Jones, Executive Director of the Kansas Association of Conservation Districts.

The Kansas Association of Conservation Districts represent the 105 local county conservation districts in Kansas. Conservation districts provide assistance to landowners and operators for the protection and improvement of their soil, water, plant, and animal resources. Conservation districts are governed by a five member board of supervisors made up of local farmers and ranchers.

Through the establishment of a cabinet level Secretary of Wildlife and Parks, the Kansas Association of Conservation Districts believes this reorganization will give stronger emphasis to our wildlife and park resources. It will also enhance the state's ability to take advantage of the opportunities for economies and improved service within this area of state government.

We pledge our support to maintain the close working relations between conservation districts and the new Secretary of Wildlife and Parks, just as we have with the present Kansas Fish and Game Commission and on a more limited basis, the State Parks and Resources Authority.

The Kansas Association of Conservation Districts supports Executive Reorganization Order No. 22 and urges your committee's support also.

TESTIMONY PRESENTED

3 March 1987

to the

House Committee on Energy and Natural Resources

R. J. Robel

Mr. Chairman, my name is Robert J. Robel and I am a resident of Manhattan, Kansas. I am a Vice President of the Kansas Wildlife Federation representing over 6,000 paid members in Kansas. I am here to present testimony in support of Executive Reorganization Order No. 22, an order to create a Department of Wildlife and Parks. The Kansas Wildlife Federation has voted to endorse, and help work towards a smooth integration of the functions now handled by the Fish and Game Commission and the Parks and Resources Authority.

The Kansas Wildlife Federation (KWF) is not merely reacting to ERO-22. In July of 1986, four members of the KWF Conservation Issues Committee and several officers and directors of KWF discussed the need to reorganize Kansas natural resource agencies. The problems confronting our natural resources are too complex to be handled by isolated single-purpose agencies removed from the hub of government. Although our approach was not identical to what Governor Hayden is proposing, the thrust is the same, i.e., to provide natural resources a stronger voice in Kansas. We believe the proposed Department of Wildlife and Parks is a positive move in that direction.

Everybody has concerns over change. We are all anxious about the future. And we always fear the unknown. However, I believe this reorganizational plan has many more positive attributes than negatives.

Elevation of stature, increased administrative efficiency, enhanced coordination, and a non-partisan commission are commendable features in the proposed reorganizational plan. The Kansas Wildlife Federation enthusiastically endorses these goals.

The natural resources of Kansas are too valuable to the citizens of Kansas to be relegated to minor agencies. The newly-created entity will provide our natural resources with deserved stature. The new Department of Wildlife and Parks will function in the same arena as other important units of state government. Inter-agency cooperation will benefit all concerned. Our natural resources will have a voice as progressive state strategies are developed, be they economic development, educational improvement, industrial revitalization, or whatever.

I was the Chairman of the Committee that merged four isolated academic departments into one administrative unit at Kansas State University in the late 1960's. People were apprehensive about that move and there were profits of doom. Today that 180-plus academic unit is the pride of the College of Arts and Sciences at Kansas State University. If the new Department of Wildlife and Parks can be even half as successful as the Division of Biology at KSU, we will all look back with pride on its creation.

The officers and directors of the Kansas Wildlife Federation, and the thousands of conservationists we represent, pledge our support of ERO-22. We will offer our assistance to the Governor as he strives to select a strong and highly qualified person to serve as the Secretary of Wildlife and Parks. Likewise, we will assist as appropriate, in the formation of a qualified group of appointees to the Kansas Wildlife and Parks Commission.

Speaking as the representative of the largest conservation organization in Kansas, I applaud the Governor's plan. I consider this a progressive move that will benefit the natural resources of Kansas, and the citizens of Kansas as well.

Thank you.

Mr. Chairman and Members of the Committee:

For the record I am Ted Cunningham and I represent the Kansas Furharvesters with some 450 members spread across our state.

The Kansas Furharvesters, after due and deliberate consideration offers their wholehearted support of Executive Reorganization Order 22.

Permit me to give the committee a little background information. It has been my good fortune to represent Kansas license buyers and our natural and wildlife resources for over 20 years before the Kansas Legislature. I have a life-long and deep commitment to see that continued outdoor opportunities and quality outdoor experiences are available for each Kansas citizen who is a part of our outdoor society.

I have attended some 150 Fish and Game Commission meetings over the years and I am well versed in Commission programs and activities. I have visited, and used, all 39 state fishing lakes and all the state parks with only one or two exceptions. I am acquainted with present and past commissioners of both agencies. I believe the past 20 years has given me a great deal of experience and allows me to make the following observations.

ERO 22 is an innovative plan that can be of benefit to all outdoor users. It does not, nor do I, condemn the commission system but does, in fact, reinforce that system.

ERO 22 will finally give proper prospective to Kansas outdoor user activities. It will bring those activities into the mainstream of Kansas government and give them equal billing with other agencies. It gives the Kansas Department of Wildlife and Parks equal opportunity to represent its constituents on a cabinet level, something that has long been needed. It will give greater credibility to the needs of license and permit buyers and resources as never before.

The merger of the Kansas Fish and Game Commission and the Kansas State Park and Resources Authority should benefit clients of both.

/Presented to Senate and House Energy and Natural Resources Committees, March 3, 1987.

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House Energy and NR

Greater emphasis can be placed on fish and wildlife programs and park needs through a comprehensive budget process than is now the case. Far better utilization of manpower and equipment should result from ERO 22. Dual use of facilities can result in holding costs to license and permit buyers to a minimum. Certainly a greater sharing of experience and expertise should result. In time, greater values for dollars expended should be the bottom line.

There will be no dollar savings from ERO 22 but there should be far better dollar utilization as the new department falls into place. A great deal less duplication of many services will benefit all outdoor users in the long run.

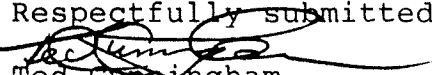
We see no loss of constituent input under the reorganization but, in fact, far greater opportunities to talk to more individuals about our hopes and fears for the future of Kansas outdoors. ERO 22 does not destroy the commission system but does protect its integrity. It adds two members to the body and that should add more expertise to the new commission.

We have no fears that "someday" a governor will dismantle a working system supported and accepted by a majority of license and permit buyers. Kansas has good examples of reorganized and now cabinet level agencies that makes us believe ERO 22 will work to our advantage.

We should not make the mistake of using other state's failures or successes as our yardstick as we deliberate this new venture. We must make our own way! Kansans are unique and independent thinkers and we can make things happen and work. We can make ERO 22 work to the best interests of our rich wildlife and outdoor heritage. We must not allow fear of the unknown or fear of change to lock us to the past.

Our Kansas outdoor society is ready to commence its march into the 21st century and we ask each of you to join with us in the first step.

Mr. Chairman and members of the committee we urge your participation in ERO 22 through an affirmative resolution of support.

Respectfully submitted,  
  
Ted Cunningham



TESTIMONY PRESENTED TO THE  
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE  
ON ERO 22  
BY  
DEAN WILSON  
FEBRUARY 3, 1987

I am a member of the Sierra Club, Topeka Audubon's Board of Directors and Conservation Issues Committee member, Kansas Wildlife Federation's Conservation Issues Committee, National Wildlife Federation, Kansas Canoe Association (past president, past legislative committee chairman), and Riley County Fish & Game Association.

I am speaking on behalf of the Topeka Audubon Society. We are in support of the Executive Reorganization Order 22.

Our natural resources are just as important to this state as are agriculture resources are. At the present, our natural resource management is not at a level in government to become highly visible. This is needed very badly. ERO 22 would elevate our natural resources to a cabinet level position, making it more visible.

Our system of separating the two agencies duties and funds has worked to the point of being overworked. As our state grows and prospers economically, we must not destroy our natural resource heritage in the process. This will take purchasing addition natural resources (caves, prairie areas, hiking/biking trails, etc.), preserve and maintain our existing public natural resources, while making plans for our future. At the present, both agencies are not capable financially to plan for future acquisitions. This is nearsightedness of all of us. Some of our natural resources are delicate, fragile, resources slipping through our grasps, today, never to be seen again. ERO 22 could provide for increased funding sources for both agencies. In the interium, the level of services provided by one agency should not decrease to pick up the slack of the other. It is our understanding that this will not happen.

There are many pro reasons for ERO 22, and they far outweigh the cons, but we must bring up a glaring con. The Secretary is appointed by the Governor along with the bi-partisan commission. It is extremely important that these individuals have a broad base of expertise. We can not allow the Secretary or Commission to be only political appointees rather than professionally-trained personel. We can not relie that the best possible applicant will be chosen. There needs to be a clearly defined avenue for the public to have input when problems arise with the Secretary or Commission. We can not allow the agency to grow, only to be eroded by the next Governor's politically appointed Secretary or Commission. With new appointments possible every four years, long term goals could become non-existent.

As I stated -- We are in support of ERO 22. It is hoped that some of the cons brought up in the testimony can be worked out before the order becomes effective. This is a workable solution to our present problems with seperate agencies!

Dean Wilson  
3509 SE Highland Ave.  
Topeka, Kansas 66605  
913-266-6591

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JIM HUFF, President  
Salina Police Department  
Salina, Kansas 67401

ROBERT SCHUMAKER, President-Elect  
Santa Fe Police  
Topeka, Kansas 66605

DELBERT FOWLER, Vice-President  
Chief of Police  
Derby, Kansas 67037

ALVIN THIMMESCH, Secretary-Treasurer  
Wichita Police Department  
Wichita, Kansas 67202

# Kansas Peace Officers' Association

INCORPORATED



February 26, 1987

## BOARD OF GOVERNORS

### GOVERNORS (At Large)

JOHN DAILY  
Sedgwick Co. Sheriff's Office  
Wichita, Ks. 67203

DENNIS TANGEMAN  
Kansas Highway Patrol  
Salina, Ks. 67401

GEORGE SCHUREMAN  
Ks. Bureau of Investigation  
Topeka, Ks. 66604

GALEN MARBLE  
Ks. Bureau of Investigation  
Dodge City, Ks. 67801

### DISTRICT 1

MIKE CHIDDIX  
Johnson Co. Sheriff's Office  
Olathe, Ks. 66202

WARREN McVEY  
Chief of Police  
Springhill, Ks. 66083

LAYNARD SHEARER  
Kansas Highway Patrol  
Olathe, Ks. 66202

### DISTRICT 2

ROGER KRAMER  
Junction City, Ks.  
Junction City, Ks. 66441

GLENN GATHERS  
Saline Co. Sheriff's Office  
Salina, Ks. 67401

NATE SPARKS  
Kansas Highway Patrol  
Junction City, Ks. 66441

### DISTRICT 3

LAWRENCE YOUNGER  
Chief of Police  
Hays, Ks. 67601

KENNETH McGLASSON  
Kansas Highway Patrol  
Wakeeney, Ks. 67672

FRANK REESE  
Ellis Co. Sheriff's Office  
Hays, Ks. 67601

### DISTRICT 4

GLENN WELSH  
Coffeyville Police Dept.  
Coffeyville, Ks. 67337

HOWARD KAHLER  
Woodson Co. Sheriff's Office  
Yates Center, Ks. 66783

DAVE MAYFIELD  
Kansas Highway Patrol  
Yates Center, Ks. 66783

### DISTRICT 5

JIM DAILY  
Great Bend Police Dept.  
Great Bend, Ks. 67530

JACK ATTEBERRY  
Pawnee Co. Sheriff's Office  
Larned, Ks. 67550

F. DUANE DUGAN  
Alcohol Beverage Control  
Great Bend, Ks. 67530

### DISTRICT 6

RANDY MAGNISON  
Garden City Police Dept.  
Garden City, Ks. 67846

LARRY MAHAN  
Kansas Highway Patrol  
Garden City, Ks. 67846

RAY MORGAN  
Kearny Co. Sheriff's Office  
Lakin, Ks. 67860

### DISTRICT 7

DOUG MURPHY  
Chief of Police  
Maize, Ks. 67101

ED PAVEY  
Sedgwick Co. Sheriff's Office  
Wichita, Ks. 67203

LARRY WELCH  
Ks. Law Enforcement Training Cen.  
Hutchinson, Ks. 67504

### DISTRICT 8

ROBERT HUDSON  
Riley Co. Police Dept.  
Manhattan, Ks. 66502

CLIFFORD HACKER  
Lyon Co. Sheriff's Office  
Emporia, Ks. 66801

HOWARD DOCKER  
Kansas Highway Patrol  
Topeka, Ks. 66603

SERGEANT-AT-ARMS  
DALE HOLSEY  
Kansas Highway Patrol  
Sedgwick, Ks. 67135

Dear Legislator:

Enclosed is a summary of bill numbers pertaining to law enforcement in general, which have been introduced in this legislative session as of February 13, 1987.

The following organizations participated in a Joint Law Enforcement meeting held February 15-16, at which time these bills were discussed:

Kansas Peace Officers' Association (KPOA)  
Kansas Sheriff's Association (KSA)  
Kansas Association of Chiefs of Police (KACP)  
Kansas State Trooper's Association (KSTA)  
Kansas Bureau of Investigation Agent's Association (KBI-AO)  
Kansas County and District Attorney's Association (KCDA)  
Kansas District Magistrate Judge's Association (KDMJA)

We are providing this bill summary to each legislator so that you will consider this group's opposition or support for a particular bill, which was based upon a group consensus of what we felt was the legislative intent of the bill. As you well know, particular details come to light in hearings which might cause a reverse decision. "No Action" (NA) by a group merely means that this bill had no special impact on that association, or perhaps a copy of the bill was not available to study, or it was felt more information was needed to clearly oppose or support the bill.

We appreciate your support of law enforcement issues and would ask that you call on us if we can be of assistance on any criminal justice concerns.

Thank you.

Sincerely,

*Mary Lou McPhail*  
Mary Lou McPhail (K.B.I.)

Legislative Committee Chairman  
Kansas Peace Officers' Association  
Work Phone: 232-6000, ext. 311

*In Unity There Is Strength*

Attachment 13 3/3/87  
Standing Committee  
House Energy and NR



## GROUP CONSENSUS OF LAW ENFORCEMENT BILLS

## SENATE BILLS

BILL NO.	KPOA			KSA			KACP			KCDA			KSTA			KBI-AO			KDMJA		
	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA
129			X			X			X			X			X			X			X
141			X			X			X			X			X			X			X
147			X			X			X			X			X			X			X
163			X			X			X			X			X			X			X
173			X			X			X			X			X			X			X
174	X					X	X					X	X			X			X		
181		X				X		X				X		X			X			X	
192		X		X			X					X	X					X			X
193		X			X			X				X		X			X			X	
202			X			X			X			X			X			X			X
203		X				X		X				X		X			X			X	
217		X				X		X				X		X			X			X	
223	X			X			X					X	X			X			X		
226		X			X			X				X		X			X			X	
230			X	X					X			X			X	X					
235	X			X			X					X	X			X			X		
236	X			X			X					X	X			X			X		



## GROUP CONSENSUS OF LAW ENFORCEMENT BILLS

BILL NO.	KPOA			KSA			KACP			KCDAA			KSTA			KBI-AO			KDMJA		
	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA
HB 2044			X			X			X			X			X			X			X
2057			X	X					X	X					X	X					X
2062		X			X			X		X				X			X				X
2080		X				X		X				X		X			X			X	
2081		X				X		X				X		X			X			X	
2082		X				X		X				X		X			X			X	
2091		X			X			X				X		X			X			X	
2094		X			X			X						X			X			X	
2095			X			X			X			X			X			X			X
2105		X				X		X				X		X			X			X	
2121			X			X			X			X			X			X			X
2125	X					X	X					X	X			X			X		
2135			X			X			X			X			X			X			X
2136			X			X			X			X			X			X			X
2140		X			X			X				X		X			X			X	
2148		X			X			X				X		X			X			X	
2143		X			X			X				X		X			X			X	

## GROUP CONSENSUS OF LAW ENFORCEMENT BILLS

BILL NO.	KPOA			KSA			KACP			KCDA			KSTA			KBI-AO			KDMJA		
	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA
2149	X				X		X				X		X			X			X		
2170			X		X				X		X				X			X			X
2172		X			X			X		X				X			X			X	
2173		X			X			X		X				X			X			X	
2174			X		X				X		X				X			X			X
2176			X		X				X		X				X			X			X
2186	X				X		X			X			X			X			X		
2187		X			X			X		X				X			X			X	
2191			X		X				X		X				X			X			X
2192			X		X				X		X				X			X			X
2193		X			X			X		X				X			X			X	
2217		X			X			X		X				X			X			X	
2218		X			X			X		X				X			X			X	
2223		X			X			X		X				X			X			X	
2230			X		X				X		X				X			X			X
2231		X			X			X		X				X			X			X	
2232	X				X		X			X			X			X			X		

GROUP CONSENSUS OF LAW ENFORCEMENT BILLS

BILL NO.	KPOA			KSA			KACP			KCDA			KSTA			KBI-AO			KDMJA		
	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA	OPP	SUPP	NA
2233		X				X		X				X		X			X			X	
2234		X				X		X				X		X			X			X	
2236	X				X				X	X			X					X			X
2240		X			X			X			X			X			X			X	
2242		X			X			X				X		X			X			X	
2244	X					X	X					X	X			X			X		
2247		X			X			X				X		X			X			X	
2252		X			X			X			X			X			X			X	
2257		X				X			X		X			X			X			X	
2260		X			X			X		X				X			X				X
2265		X				X		X				X		X			X			X	
2276		X			X			X			X			X			X			X	
2277			X			X			X			X			X			X			X
2281			X			X			X			X			X			X			X
2288			X			X			X			X			X			X			X
2291		X				X			X			X		X			X			X	
2292	X			X			X					X	X			X			X		



