

Approved 3/6/87
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at
Chairperson

8:00 a.m. ~~PM~~ ^{XX} on March 4, 19⁸⁷ in room 123-S of the Capitol.

All members were present except:
Senator Eric Yost

Committee staff present:
Ramon Powers - Research
Don Hayward - Revisor
Nancy Jones - Secretary

Conferees appearing before the committee:
John Epler - Columbus, KS

Chairman Werts directed the attention of Committee members to testimony from Mike Theurer who appeared as an opponent to SB 276 on February 24, 1987. This written testimony was requested by the Chairman at that meeting for study by committee members.

Executive Reorganization Order No. 22

John Epler testified he is not opposed to reorganization but feels there are "holes" as the order is written and these should be addressed now. Guidelines for spending federal funds should be more specific to assure their use as intended. The Secretary of Wildlife & Parks has been granted too much authority to buy, sell or hold any property held by the agency. Mr. Epler feels the seven man commission should be given this authority. Powers given the Secretary for organizing the Department is an issue needing attention as sportsmen could be ignored in future years with a change of administration. A grave concern among hunters and fishermen is that license fee money will be transferred to the Park fund or General Fund sometime in the future, perhaps resulting in higher fees. (Attachment A)

The checks and balances regarding funds in an agency were clarified for Mr. Epler. Senator Feleciano stated the point made by Mr. Elder regarding authority granted the Secretary to buy, sell or hold any property is well taken. Present statutes grant this authority to the Fish & Game Commission. Senator Feleciano suggested an amendment to ERO No. 22 might be in order.

Discussion was held regarding the legal mechanics and proper procedure to amend ERO No. 22. This could be accomplished by introducing a bill amending sections to be altered.

Senator Feleciano made a conceptual motion to draft a bill restoring authority to the seven man commission to buy, sell or hold property as cited in K.S.A. 74-8302, seconded by Senator Martin. After discussing options available to the Committee, the motion and second were withdrawn.

Don Hayward was requested to research current statutes and necessary procedures to follow for committee action to amend ERO No. 22.

Committee members were asked to note written testimony from the Kansas Sheriffs Association in support of ERO No. 22. (Attachment B)

Jan Garton requested written testimony be entered in the record. (Attachment C)

Meeting adjourned. The next meeting will be March 5, 1987.

Senate Energy Quest List

3-4-87

John M Epler
John Strickler
Donald L. Meiter
Paul R West
Robert Enshy
Bill Hanzlicks
Jake Boenlyng
Gue Peterson
Charles D...
Kenneth P Law
Tom L...
STEVE HAWKS
John Hanna

Manhattan
Topeka
Legislative Research
Ks Park Authority
Ks Fish & Game
Pratt
Levin
Topeka
Topeka
Paula
K APE
Mi Co. Court
Govs Office
TOPEKA Ks FIG
Topeka
AP

100
90

John M. Epler
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Hallowell, KS 66744
phone 316-597-2941

Concerning Executive Reorganization
Order No. 22, Dept. of Wildlife and Parks

1. In the opening statement of the Executive Order, the Governor assures us that no federal funds will be jeopardized. This administration may have a very good intent, but future governors might not have such good intent. There should be some guidelines for spending federal funds exactly as they are supposed to be spent.

2. The secretary of Wildlife and Parks will have the authority to buy, sell or hold any property belonging to the agency. It seems that giving so much authority to one man should be a concern to all of us. If the secretary chose to do so, he could sell any portion of the public lands in Kansas, and still be within his authority. It would seem only prudent to create a system of checks that would prevent one man from possibly dismantling the public lands of our state.

3. In section 6 of the order, it states that the secretary will have the authority to organize the department any way he wishes, with only the governor having any veto power over his actions. Under this administration, there may never be any problems. However, future governors may not be sympathetic to hunters and fishermen.

4. If the order is enacted, current Fish and Game funds will be spent where they are intended at this time. However, the order does not specify how future funds will be spent. Many of the hunters and fishermen of Kansas are concerned that license fee money will be transferred to the park system or to the general fund. The resident hunting and fishing fees in Kansas are now higher than resident fees in many other states. Sportsmen are concerned that if funds are tight, they will be hit with even higher fees--which could be spent by another branch of state government.

A
Energy
3-4-87



Kansas Sheriffs Association

3601 S.W. 29th St. #125
Topeka, Kansas 66614

913-273-5959

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February 18, 1987

The Honorable Mike Hayden
Governor of Kansas
State House
Topeka, KS 66612

Dear Governor Hayden:

At a meeting of the **Kansas Sheriffs Association** on February 15, 1987 the Association members in attendance voted unanimously to support Executive Reorganization Order Number 22.

The sheriffs of the State of Kansas have a close working relationship with the officers of both the Fish and Game Commission and the Park Authority. Our Association was a leader in supporting legislation to grant full law enforcement powers to their enforcement officers.

It appears that the reorganization would allow for a much more efficient use of the law enforcement manpower.

If you need further testimony in support of Order Number 22 please advise.

Sincerely,

Harris G. Terry
Harris G. Terry
President
Kansas Sheriffs Association

HGT:slc

B
Emergency
3-4-87

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.

C
Elser
3-4-87

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;

J. S. Garton

** 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.

J. S. Garton
3-3-1987