

Approved 3/12/87
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. ~~xxx~~ on March 5, 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:

Clark Duffy - Assistant Director, Kansas Water Office

Discussion and action on bills in Committee.

SB 325 - Relating to Kansas Water Authority

Clark Duffy stated the purpose of this bill is to clean up existing statutes regarding approval by the Kansas Water Authority of guidelines for conservation plans and practices before adoption by the Kansas Water Office.

Motion was made to recommend SB 325 favorably by Senator Kerr, seconded by Senator Thiessen. Motion carried.

SB 131 - Relating to the Chief Engineer, Division of Water Resources

Chairman Werts stated the Committee will not have a hearing on the bill as it is to be amended into SB 39 by the House.

SB 195 - Relating to water craft

No action will be taken by the Committee as the bill has been re-referred to Assessment & Taxation Committee.

SB 201 - Establishing the Fish & Game Commission

The bill will be held in Committee per request of the sponsor as ERO No.22 addresses reorganization of the Fish & Game Commission.

SB 276 - Concerning Fish & Game Commission fish stocking

Motion was made to recommend SB 276 adversely, by Senator Daniels, seconded by Senator Thiessen. Motion carried. Senator Martin wished his no vote to be recorded.

HB 2058 - Concerning migratory waterfowl habitat stamp

Senator Gordon and Senator Martin strongly favor the selection of a Kansas artist for the first stamp issued to exhibit pride in the state. Senator Langworthy is in favor of the selection of a nationally recognized artist for the first issue as more revenue would be realized through sale of the stamp and prints. Discussion was held regarding commissions to be received by the artists and language clarification of "Kansas" artist to ensure actual residency.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES
room 123-S, Statehouse, at 8:00 a.m. ~~7:00~~ ^{XXX} on March 5, 1987

Motion was made to amend HB 2058 in line 64 by changing 1988 to 1987, and in line 63 by striking "a Kansas artist" and inserting "an artist whose primary domicile is Kansas", by Senator Martin, seconded by Senator Gordon. Motion carried.

Motion was made to select a domiciled Kansas artist each year by Senator Kerr, seconded by Senator Feleciano. Motion carried.

Motion was made to favorably recommend HB 2058, as amended, by Senator Feleciano, seconded by Senator Hayden. Motion carried.

Executive Reorganization Order No. 22

Chairman Werts presented Bill Draft 7RS 1227 which would amend existing statute to require approval of the legislature for all acquisition or disposition of real property by the Kansas Fish and Game Commission. (Attachment A)

Senator Feleciano presented Bill Draft 7RS 1230 which would amend ERO No.22 to require approval of the Commission for all acquisition or disposition of real property by the proposed new Department. (Attachment B)

Discussion was held regarding retention of authority over gifts of property to be received by the Commission.

Motion was made to request introduction by the Ways & Means Committee of Bill Draft 7RS 1227 by Senator Kerr, seconded by Senator Gordon. Motion carried.

Motion was made to request introduction by the Ways and Means of Bill Draft 7RS 1230 by Senator Feleciano, seconded by Senator Martin. Motion failed. (Tie vote)

Written testimony on ERO No. 22 by Nile Fowler submitted. (Attachment C)

Meeting adjourned. The next meeting will be March 6, 1987.

Sewer Energy - Guest List
3-5-87

Clark Duffy
Rich McKee

Ks Water Office
KLA

Topeka
Topeka

SENATE BILL NO. _____

By Committee on Ways and Means

AN ACT concerning the Kansas fish and game commission; concerning the authority to purchase and sell land; amending K.S.A. 74-3302 and repealing the existing section.

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

Section 1. K.S.A. 74-3302 is hereby amended to read as follows: 74-3302. (a) The Kansas fish and game commission shall appoint and employ a director of the fish and game commission who shall continue in office at the pleasure of the commission, shall be in the unclassified service and shall receive an annual salary to be fixed by the governor, payable monthly, and necessary and actual travel expenses. The director shall be selected on the basis of training, experience, fitness and knowledge of the duties to be performed by the director, and the director shall have education or training in fish and wildlife biology or equivalent experience. The director, with the approval of the commission, shall appoint such assistants and employees as may be necessary to carry out the provisions of this act or of any laws of the state affecting the powers and duties of the commission, all of whom, with the exception of the chief legal counsel, shall be in the classified service under the Kansas civil service act. Each employee in each classified position shall attain permanent status in a classified position without examination and without a probationary period. Civil service classification procedure shall be followed in allocating positions to classes. Classes of positions and salary ranges shall be established as provided in the Kansas civil service act. The number thereof shall be subject to the approval of the commission.

(b) The commission hereby created shall adopt such rules and regulations not inconsistent with the laws governing its

organization and procedure and the administration of the provisions of this act as may be deemed expedient. The commission also may adopt and enforce reasonable rules and regulations concerning the use and occupancy of land and property under its control, may provide and develop facilities for outdoor recreation, may conduct such investigations as it deems necessary for the proper administration of this act, and on behalf of the people of the state the commission may accept gifts and grants of land and other property and shall have the authority to buy, sell and exchange or condemn land or other property for any of the purposes contemplated by this act. Except as otherwise more specifically provided by law, the authority to accept gifts and grants of land and to buy, sell, exchange or condemn land shall be subject to the approval of the legislature. The commission shall adopt such rules and regulations for the protection of lands and property under its control against wrongful use or occupancy as will insure the carrying out of the intent of this act or to protect the same from depredation or to preserve such lands and property from molestations, spoliation, destruction or any other improper use thereof.

(c) The director, by and with the consent and approval of the commission, shall organize a wildlife conservation service and employ wildlife conservation officers. The director, with the approval of the commission, may appoint permanent officers and employees of the commission as deputy wildlife conservation officers to assist the wildlife conservation service in a manner determined by the director. All deputy wildlife conservation officer appointments shall be on a voluntary basis and shall expire on December 31 following the date of any such appointment. The commission shall provide a minimum of 40 hours' internal law enforcement training prior to certification of deputy wild life conservation officers. State wildlife conservation officers, deputy wildlife conservation officers, sheriffs and deputy sheriffs shall have the power and authority: (1) To enforce all the laws of the state relating to state parks, recreational and

game management areas, game, fish, furbearers, wild birds and wild animals and the rules and regulations of the Kansas fish and game commission relative thereto. In addition, any wildlife conservation officer who has completed the required course of instruction for law enforcement officers approved by the law enforcement training center and upon display of proper credentials may assist an officer of a law enforcement agency in the making of an arrest at the request of the agency. Such a wildlife conservation officer may arrest a person when (A) the wildlife conservation officer has a warrant commanding that the person be arrested, (B) the wildlife conservation officer has probable cause to believe the person is committing or has committed a felony, (C) the wildlife conservation officer has probable cause to believe that the person is committing or has committed a misdemeanor under the circumstances specified in K.S.A. 22-2401 and amendments thereto, or (D) a felony or misdemeanor is being committed by the person in the wildlife conservation officer's view. If the wildlife conservation officer makes an arrest without the presence of an officer of a law enforcement agency, the wildlife conservation officer shall cause the person arrested to be delivered to the sheriff, chief of police or their designee in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest and shall be available as a witness. A wildlife conservation officer acting under authority of this subsection shall be considered an employee of the Kansas fish and game commission and shall be subject to its direction, benefits and legal protection; (2) to serve warrants and subpoenas issued for the examination, investigation or trial of all offenses against the laws and regulations relating to game, fish, furbearers, wild birds and animals; and (3) to carry firearms or weapons concealed or otherwise, in the performance of their duties but only if the person has completed the required course of instruction for law enforcement officers at the law enforcement training center.

Sec. 2. K.S.A. 74-3302 is hereby repealed.

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

SENATE BILL NO. _____

By

AN ACT concerning the Kansas department of wildlife and parks;
amending section 5 of Executive Reorganization Order No. 22
and repealing the existing section.

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

Section 1. Section 5 of Executive Reorganization Order No. 22 is hereby amended to read as follows: (a) There is hereby created within and as a part of the Kansas department of wildlife and parks created by this order the Kansas wildlife and parks commission which shall be composed of seven members. The governor shall appoint seven residents of this state to be members of the commission. In the appointment of members of the commission, the governor shall give consideration to the appointment of licensed hunters, fishermen and furharvesters, park users, nonconsumptive users of wildlife and park resources and to geographic balance among commission members. No more than four members shall be of the same political party. Each member of the commission shall hold office for a term of four years and until a successor is appointed and qualified, except that in appointing the original commission members, the governor shall designate one member for a term ending July 1, 1988, one member for a term ending July 1, 1989, and two members for terms ending July 1, 1990.

(b) The commission shall have such powers, duties and functions as prescribed by this order or as otherwise prescribed by law. Other than rules and regulations pertaining to personnel matters of the department, the secretary shall submit to the commission all proposed rules and regulations. The commission shall either approve, modify and approve, or reject such proposed rules and regulations. The secretary shall adopt such rules and

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regulations so approved or so modified and approved. Fees established for licenses and permits issued by the department shall be subject to the approval of the commission. All acquisitions or dispositions of land, whether by gift, bequest, purchase, sale, exchange or condemnation, shall be subject to the approval of the commission. It also shall be the duty of the commission to serve in an advisory capacity to the governor and the secretary of wildlife and parks in the formulation of policies and plans relating to the Kansas department of wildlife and parks.

(c) The governor shall designate one commission member to serve as chairperson of the commission. Members of the commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. Four members of the commission shall constitute a quorum for the transaction of business. Meetings may be called by the chairperson and shall be called on the request of a majority of the members of the commission.

Sec. 2. K.S.A. Section 5 of Executive Reorganization Order No. 22 is hereby repealed.

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

3421 SW Hodges Rd
Topeka, KS 66614
March 3, 1987

Energy and Natural Resources
Senate Committee Members
State Capital
Room 123-S
Topeka, KS 66612

Mr. Chairman and Honorable Senators:

I am sorry that I cannot stand before you, today, in person, to state my views and opinions concerning "Executive Reorganization Order No. 22." I hope that this will not have any ill effects toward what I find necessary to say.

I have been over ERO No.22 many times and have spoken to many people concerning it. I have attended the Kansas Fish and Game public meetings and one wildlife organization's meeting to listened to the words that many sportsman have had to say about it. After each encounter, I felt that I needed to know more about what pertains to this new agency. So I spent some time investigating in the State Library to find the answers that have eluded many people.

As I see it, there are three main concerns that I and others have that cloud this order. First, the appointment of the secretary and his appointments down to the classified personnel was not clear till I researched the statues that clarify this issue. I talked briefly with Senator Merrill Werts about this and he assured me that the intent of the law would be upheld. This gave me the comfort of knowing that we the sportsmen of Kansas do have the means of checks and balances to have someone as secretary of our wildlife and parks.

Next, the governor's appointments for the seven member commission panel. I feel that more emphasis needs to be placed on the criteria of these individuals. I see the possiblity of an imbalance favoring one particular sector, either the users or non-consumptive users of the wildlife and parks.

Last is the problem of monies. Governor Hayden is quoted as saying by placing this reorganization before you people, the legislators, "that the integrity of Federal funds associated with these two agencies will be maintained so that Kansas is not in jeopardy of losing federal dollars" (New Release, page 3, 2/9/87). This is all fine and well, but, what about the money that is raised by the seperate departments. I understand that federal money is protected, the state money

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is the question here. If some clarification concerning this issue was made clearer, I and many others might feel at ease.

All in all, I don't have any regrets in what I am about to say. I feel as a voter, taxpayer, and most of all a person deeply concerned about our wildlife and parks in Kansas that I am in favor of Governor Hayden's Order No. 22. I urge you, as representatives of my voice, to vote for the success of ERO No. 22. I also urge you to carry forward my concerns for the three issues mentioned and to iron out any problems that might occur.

I see this as a new beginning for all of us in Kansas by recognizing the need for this agency. Our state wildlife and parks have for years been an economical boast to many people. It is an industry that needs full development and support from the people and government. Most of all the funding that government can give to right this agency and once again place Kansas on the top of the list of states to visit. Recreational needs of many people can once again be fulfilled by a well funded agency.

Respectfully yours,



Nile Fowler
Sportsman