

Approved March 3, 1992
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Ross Doyen at
Chairperson

8:03 a.m./~~p.m.~~ on February 26, 1992 in room 423-S of the Capitol.

All members were present except: all members were present

Committee staff present:

Pat Mah, Legislative Research Department
Raney Gilliland, Legislative Research Department
Don Hayward, Revisor of Statutes
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Howard Tice, Kansas Wheat Growers Association
Senator Roy Ehrlich
Greg Kellar, Hoisington
Jack Lacey, Secretary, Department of Wildlife and Parks
Lynn Hall, State Judge Advocate, V.F.W.
T/Sgt John R. Deles, Topeka
Darrell Montei, Department of Wildlife and Parks

The Chairman announced the continuation of the hearing on ERO 25 - reorganization of the Kansas Department of Health and Environment. He called on Howard Tice.

Mr. Tice opposed the splitting of the Department, as they thought the separate agencies would encourage an even greater degree of expansion (Attachment 1).

Committee members were asked to note written testimony opposing ERO 25 from Chris Wilson, Kansas Fertilizer and Chemical Association, Inc., (Attachment 2).

SB 664 - authorize landowners and tenants to sport hunt for predators on their lands with the aid of spotlights.

Senator Ehrlich, sponsor of the bill, stated he introduced SB 664 at the request of constituents, because some of the farmers in his district had lost livestock to coyotes. He distributed a newspaper article dated 2-19-92 in regard to this issue (Attachment 3).

Greg Kellar, Hosington farmer explained why they had requested SB 664, and urged the passage of it.

Jack Lacey opposed the bill as there is already several methods available for handling animal damage control (Attachment 4).

The hearing on SB 664 was closed.

Senator Hayden moved that the resolution to reject ERO 25 be adopted. Senator Langworthy seconded the motion. Motion carried.

SB 562 - concerning fishing and hunting by military personnel while on leave

The Chair announced Senator Vidricksen sponsored the bill at the request of the V.F.W., and he was unable to attend the meeting due to a conflict.

Lynn Hall asked the committee to endorse SB 562 (Attachment 5).

John Hall's written testimony supporting SB 562 was distributed (Attachment 6).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 423-S, Statehouse, at 8:03 a.m./~~p.m.~~ on February 26, 1992

Jack Lacey opposed SB 562 because of the lost revenue to the Department (Attachment 7).

Secretary Lacey and Darrell Montei responded to questions regarding the loss of revenue.

T/Sgt. John R. Deles supported the bill and suggested it could be amended to apply only to Kansas residents.

A motion was made by Senator Lee to amend SB 562 to be restricted to Kansas residents. Senator Frahm seconded the motion. Motion carried.

Senator Hayden moved SB 562 be recommended favorably as amended. Senator Daniels seconded the motion. Motion carried.

Senator Frahm moved SB 664 be recommended favorably. Senator Thiessen seconded the motion. Motion failed.

Committee members were asked to note information from Spencer Tomb regarding suggested definitions of terms in SB 653 (Attachment 8).

The meeting adjourned at 8:36 a.m. The next meeting will be February 27, 1992.

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date

2/26/92

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

Rick McKee
HOWARD W. TICE

KS Investment Assoc.
KAWG

Shaun McGrath
TSgt John R. Decker

KNRC
USAF - OKINAWA JAPAN

Arlan Holmes

DOB

STEVE KEANEY

PETE MCKELT ASSOC'S

Chris Wilson

KS Fertilizer & Chemical Ass'n
Home Builders Ass'n of KS

Janet Stables

CKFO

Alfred Dorn

KS Engineering Society

Bill Henry

Boach Aircraft

John Peterson



Kansas Association of Wheat Growers

ONE STRONG VOICE FOR WHEAT

P.O. Box 2349

Hutchinson, Ks 67504-2349

(316) 662-2367

TESTIMONY

EXECUTIVE REORGANIZATION ORDER # 25

Senate Committee on Energy and Natural Resources

Senator Ross Doyen, Chairman

Mr. Chairman, members of the committee, my name is Howard W. Tice, and I serve as Executive Director of the Kansas Association of Wheat Growers. I appreciate the opportunity to testify today on Executive Reorganization Order #25.

The KAWG is opposed to the idea of splitting the Department of Health and Environment into two separate agencies. While we would certainly agree that there is room for improvement in the KDHE, we do not feel this is the way to achieve it.

At a time when state government in Kansas, as in so many other states, needs to carefully evaluate its spending habits it doesn't make sense to undertake a project that will greatly increase the cost of the bureaucracy. It was our understanding that separate departments of Health and Environment were merged in 1974 to increase efficiency, which normally means giving the taxpayer more service for less cost. Now we're talking about splitting them apart again, with certain knowledge that it will increase their cost of operation.

When this committee was briefed by the Department of Health and Environment, one of the statements made was that they expected to continue to grow until they would rival SRS in size, after being split into two agencies. The question is, can the State of Kansas afford that much growth. Our opinion is that it cannot.

Government agencies do tend to expand continuously. The term bureaucratic sprawl is often used to describe this expansion. With separate agencies, we feel there would be an even greater degree of expansion.

The Department stated that the only ongoing additional cost would be \$145,000.00 to fund seven full time employees. However, that amount is far from adequate to pay salaries and fringe benefits for seven full time employees, especially if, as Secretary Young told me, at least two would be "professional level" employees. Add to that the expected bureaucratic sprawl, and it is easy to predict a much greater ongoing additional cost factor.

In conclusion, I would repeat one point. If our state is truly going to be responsive to the desire of its citizens, to spend tax dollars more wisely and to deliver adequate services for reasonable cost, ERO-25 should be denied.

E+W
2-26-92



KANSAS FERTILIZER AND CHEMICAL ASSOCIATION, INC.

816 S.W. Tyler St. P.O. Box 1517 A/C 913-234-0463 Topeka, Kansas 66601-1517

STATEMENT OF KANSAS FERTILIZER AND CHEMICAL ASSOCIATION

TO THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

SENATOR ROSS DOYEN, CHAIRMAN

REGARDING ERO 25

FEBRUARY 26, 1992

Mr. Chairman and Members of the Committee, I am Chris Wilson, Director of Public Affairs of the Kansas Fertilizer and Chemical Association. KFCA respectfully opposes ERO 25, splitting the Kansas Department of Health and Environment. The regulatory functions of KDHE which relate to our industry, such as air quality, water quality, environmental contamination prevention, and hazardous waste disposal, have both public health and environmental implications. We appreciate the good intentions of those who would heighten attention to public health and environmental issues, but believe strongly that this is the wrong approach to a worthy goal.

KDHE's responsibilities relative to our industry primarily deal with pesticides, which are crop protection chemicals used to fight crop diseases, insects and weeds to produce a more wholesome and abundant food supply. Pesticides protect public health in many ways, from disinfectants in public places, in medical facilities, and to prevent diseases in foods. Conversely, pesticides must

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be stored and applied properly to prevent contamination of water or residues in food. Thus pesticide technology and use are integrally tied to public health.

One of the KDHE programs we work with is the Community Right-to-Know program. It is currently in the Health Division, not Environment, but clearly works a great deal with the Division of Environment. A case could well be made for having this program within either division. We believe it is best to have the program within KDHE, as opposed to being in one of the proposed new departments and trying to work with a separate department instead of working with the other division within KDHE.

We believe that the integration of environmental and public health programs in a single agency can and should mean better quality programs overall. Good leadership is the key to successful interprogram coordination. Having worked for the U.S. Department of Agriculture for several years, I know firsthand how vital--and challenging--the task of interprogram coordination can be. I believe that environmental and public health disciplines are no more diverse than are some of the many disciplines involved in USDA, such as agricultural economics, veterinary medicine, forestry, nutrition and agronomy. There are 42 separate agencies within USDA and a total of about 100,000 employees. Coordination was achieved through strong leadership and a concerted plan and mechanisms for working together and sharing information and expertise.

In addition to KFCA's concern for the need for integrated public health and environmental programs, we question whether separate departments can be established and maintained for the projected costs. It is mind-boggling to think that seven new high-level positions could be maintained for around \$140,000 annually (including salaries, benefits, travel, supplies, and support services), let alone improve programs and services in the state and district offices as has been proposed. If there is a need to more effectively address health and environment problems, as proponents have indicated, we fail to see how the current structure limits KDHE officials from doing so. If anything, the combination should enhance, rather than detract from, their ability to effectively propose programs and solutions by drawing on a greater variety of expertise, since public health and environment are interrelated.

Attached to this statement is the summary of an interview Janet Bailey of our staff conducted with a recently retired KDHE employee who served the agency for 48 years. This is a succinct and we believe excellent summary of significant reasons to oppose ERO 25. We urge you to adopt a resolution rejecting ERO 25. Thank you for your consideration.

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KDHE INFO PER PHONE CALL WITH VIRGINIA LOCKHART, RETIRED KDHE EMPLOYEE
(913) 271-5804
3012 SW Arrowhead Rd.

The Kansas Department of Health and Environment was established in 1898. It's activities have always been combined into one organization. The major reason for the incorporation of the divisions was because outside of the asthetic reasons for environmental preservation, there are health reasons. It is for health reasons that people demand clean air and clean water. Contamination of air and water directly effect health. Also, there is as much health concern in dealing with water and sewage plants as there is environmental concern.

A second concern in dividing KDHE is that a vast duplication of services would result. Currently, there is one lab that runs samples of water and does tests for TB and AIDS. With the seperation of the agency, two labs would be required. Similarly, data processing and computer operations would have to be seperated. The information of the two divisions is so related, that there would be a lot of duplication between systems. One cannot search for the cause of health outbreaks without environmental input. An additional consideration related to the duplication of activities is that Environmental and Health Education programs would have to be seperated. These are very difficult to split.

A third an costly consideration in splitting KDHE is that of cost. Presently, the state department of health and environment has six district offices. Each office has one clerk and administrator. A split would result in the duplication of district offices, and would double the district-level staffs. Local health departments would also have similar consequences. The split would greatly complicate who they would work with. The division between a health and environmental problem is not always so easily drawn. Many personnel services would be duplicated because of that.

SIMPLY, to summarize, the three reasons why the division of KDHE would not be advisable are:

1. The cause/effect factor. Where do problems fall?
2. Duplication of services. A tremendous financial consideration.
3. Health Departments. Structural considerations and activities.

There is too close of a parallel to make an easy split. For example: Representative Wagnon has proposed a bill to put the inspection of puppy mills under KDHE. If KDHE were to split, who would get the inspection responsibility? There are environmental concerns with the mills pertaining to waste management and cleanliness of the facilies. As well, considerations for animal health, not to mention posed threats to human well-bëing, must be explored.

There has never been any problem with the two divisions working together. In light of that, why split KDHE?

NOTE: MS. LOCKHART WORKED FOR KDHE FOR 48 YEARS BEFORE HER RECENT RETIREMENT.

JSB

2-19-92

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Reports of livestock kills more likely work of 'renegade' coyotes

By DALE HOGG
News Editor

Reports of livestock kills by coyotes are more likely the result of a small band of renegade animals and not an overpopulation of the wily predators, state wildlife biologists say.

Unlike the bumbling Looney Tunes image of Wiley Coyote, the animals are cunning and social creatures, limiting their roaming to their home range. However, some coyotes buck this territorial tendency, said Lloyd Fox, Kansas Department of Wildlife and Parks Program Specialist.

Coyotes normally concentrate on hunting small mammals, such as rodents and jack rabbits. But, the vagabond coyotes can develop the ability and taste to tackle larger prey — including cattle.

This comes as bad news for cattle producers facing the oncoming calving season — a time of year when their pastures will be littered with vulnerable newborn calves.

"Coyotes that develop the habit of killing livestock can be a serious problem to livestock producers," Fox admitted. But, a farmer should concentrate his efforts on hunting or trapping the problem animals.

Fox explained that most coyotes stick to their home turf, an area that ranges in size from five to 30 square miles. However, there are transient animals that wander between these home ranges. With a modest increase in population, the number of these wayward coyotes grows accordingly. These are the coyotes that could cause a problem.

In other words, a farmer could kill every coyote he sees, but if he fails to get the renegades, he would fail to solve his problem.

This comes as little solace for Wayne Rusco, a stockman who owns pasture land adjacent to Cheyenne Bottoms. A coyote entered one of his pastures from the Bottoms and killed a young calf.

Rusco is calling for a concerted hunting expedition on the refuge, where he

believes the guilty coyotes hide. He said Kansas Wildlife and Parks, which oversees the Bottoms, "should themselves go out and do something about it," such as organize a hunt or call in a trapper. It is illegal for him to hunt on the state-controlled refuge.

"I haven't seen that many" coyotes on the refuge, said KWP District Biologist Charlie Swank, who is based at the Bottoms. Coyotes mostly eat small rodents and "do what coyotes are supposed to do. They're predators and they kill for a living." But, "it doesn't do any good to wipe out the population" as long as the problem animals remain at large.

The public hunting areas at the refuge are open to coyote hunting, he noted.

On a statewide basis, "the population has remained steady since the mid '70s," Fox said. These numbers have fluctuated, but remained pretty constant. Presently, the western part of Kansas has seen a marginal increase and the eastern part of the state has experienced a drop.

Eastern Kansas's decline is due in part to the spreading of sarcoptic mange, a small chigger-like mite that can lead to a skin disease and death for the animal. However, Fox said, mange is moving westward into central Kansas.

Biologists attribute increases to "an excellent prey base" and abundant food sources, Fox said.

In addition, "habitat has increased in quality and quantity." Well managed farmland enrolled in the Conservation Reserve Program provides excellent foliage cover for rodents and other small prey animals. It also offers good escape cover for the prowling coyotes.

However, Fox stressed, coyote populations will only expand so far before other natural factors begin to thin them out.

"Coyotes are excellent survivors," Fox said. They can feed on anything from watermelons to road kill. The animals have survived high pelt prices, a bounty which lasted from 1877 to 1970, drought, intensive farming and extensive hunting.

Three Great Bend youths nabbed in Hoisington break-in attempt

HOISINGTON — Three Great Bend juveniles were arrested Tuesday evening as they attempted to break into a Hoisington residence, Police Chief Dan Simpson said.

"We had received information that this was going to happen," Simpson said. Hoisington police were tipped off before the alleged burglary attempt after someone heard the youths talking about their plans. According to the tip, they were after property in the home. Surveillance was set up at the residence, 260 W Third Street. The boys, ages 14, 16 and 17, "attempted to enter (the) house and were caught in the act" shortly before 9 p.m., Simpson said. No one was in the house at the time.

Assistant Barton County Attorney Ky Ann Buck was contacted and the juveniles were released to their parents pending charges.

Hoisington police were assisted by the Barton County Sheriff's Office.

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Y FOR FIGHT — Democratic potential hopeful Paul Tsongas of Massachusetts supporters that he is for the fight ahead during an night rally in Manchester, Tuesday. Tsongas received more than a third of the Democratic primary capture the first of the nation's potential primaries.

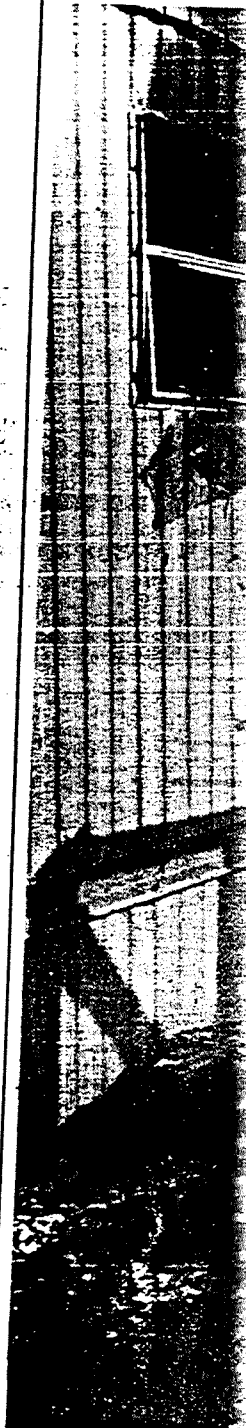


WORK — This file photo from 1988, seven months after a fell from the Sphinx's shoulder Egyptian antiquities conservers working on yet stopgap project to save the ar-old monument. Alarmed due's deterioration, Egyptian experts from four continents Feb. 29-March 3 to map out a to rescue the monument. most ambitious conservat- ct for the statue in 3,400



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S.B. 664

TESTIMONY PROVIDED TO: SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

PROVIDED BY: KANSAS DEPARTMENT OF WILDLIFE AND PARKS

DATE: FEBRUARY 26, 1992

S.B. 664 would authorize landowners and tenants to sport hunt for predators on their lands with the aid of spotlights. It would also allow predator sport hunting with the aid of spotlights by anybody having written permission from the landowners or tenant. Authority to adopt rule and regulations to govern the activity is included in S.B. 664.

Poaching is a serious problem in Kansas as is illegal commercialization of wildlife. Much of this illegal activity occurs at night. Currently, it is illegal to be in the field at night using a spotlight while in possession of any firearm. A .22 caliber firearm can be carried while pursuing furbearers with dogs. Under the present law, enforcement officers have a method to deal with poaching and wildlife commercialization. S.B. 664 will create an excuse under the guise of predator hunting that will seriously hamper enforcement efforts.

Animal damage control (i.e. coyotes and livestock) may be some of the intended reasoning for introduction of this bill. If so, the bill is unnecessary. Animal damage control is an established program in Kansas involving a cooperative effort between the Extension Specialist in Animal Damage Control at K.S.U., A.P.H.I.S. under the U.S. Department of Agriculture and K.D.W.P. The U.S. Fish and Wildlife Service is also a party when certain animals are involved.

Control programs involving lethal and nonlethal methods are available. Generally, the control method is selectively aimed at the offending animal. When removal of certain animals is required, there are several methods available of which shooting is one and including shooting at night with aid of a spotlight.

If authorizing sport hunting of predators at night with a spotlight is the main purpose of the bill, the amendments to K.S.A.

32-1003 are unnecessary. That statute already authorizes exceptions by rule and regulation. The department has chosen not to take any regulatory action on allowing night sport hunting while using spotlights.

The department opposes S.B. 664.



VETERANS OF FOREIGN WARS OF THE UNITED STATES



DEPARTMENT OF KANSAS

SENATE BILL 562

HUNTING AND FISHING LICENSES FOR ACTIVE DUTY MILITARY PERSONNEL

Prior to the 1989 Kansas Legislature, State Statutes provided that a person who was on active duty with any branch of the armed forces of the United States and who was a resident of Kansas immediately prior to entry into the armed forces, while on current military leave or furlough, could fish and hunt in this state and upon demand of any game warden, present his or her current military leave or furlough papers and every such game warden would accept such leave or furlough papers as adequate authority for such person to hunt and fish in Kansas.

The 1989 Kansas Legislature repealed this provision and former residents on active duty are now required to purchase hunting and fishing licenses while home on leave or furlough.

The members of the Veterans of Foreign Wars of Kansas support the provisions of Senate Bill 562 insofar as it applies to those persons who were residents of Kansas immediately prior to their entry into active duty in the military.

We ask that the provisions of State law that exempted former Kansas residents who are on active duty with the Armed Forces of the United States, from the requirement to purchase hunting or fishing licenses while home on leave or furlough be reinstated.

This legislation was originated as the result of a Resolution unanimously passed by the delegates attending the VFW State Convention in Dodge City, Kansas in June 1991.

It is anticipated that if this proposal is passed, the cost to the State will be minimal, however, the gratitude of our service personnel and their families will be great. We, the over 75,000 members of the Veterans of Foreign Wars and the Ladies Auxiliary in Kansas, believe that Kansas residents serving on active duty in the Army, Navy, Air Force, Coast Guard and Marines, are deserving of this special consideration. We respectfully ask this Committee to favorably endorse Senate Bill 562.

RESPECTFULLY SUBMITTED:

[Handwritten signature]

Lynn Hall, State Judge Advocate

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2-26-92
Attachment 5

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JAY RITCHIE
State Commander
1005 W. 4th St.
Coffeyville, Kansas 67337

CHARLIE STEPHENS
State Sr. Vice Commander
2316 S. Ohio
Salina, Kansas 67401



CHARLEY SHOEMAKER
State Jr. Vice Commander
P.O. Box 1794
Leavenworth, Kansas 66048

DARRELL BENCKEN
State Adjutant Quartermaster
P.O. Box 1008
Topeka, Kansas 66601



S T A T E M E N T

TO THE ENERGY AND NATURAL RESOURCES COMMITTEE

KANSAS HOUSE OF REPRESENTATIVES

February 26, 1992

The Department of Kansas, Disabled American Veterans, supports and recommends legislation to provide Kansas residents who are on active military duty with free hunting and fishing privileges while home on leave. This is a very small and inexpensive way to recognize the commitment made by Kansas Citizens to serve our country.

We would also support free hunting and fishing privileges for all active duty military personnel stationed in Kansas or for them to be licensed as residents while assigned to Kansas military installations. We ask the committee to consider all options as very little revenue to the state will be lost and such legislation will serve to recognize the commitment and accomplishments of our active duty military men and women.

I am sorry that I am unable to appear in person today but previous commitments require me to be at Fort Riley this afternoon. I will be happy to respond to any question to the address or phone number below.

STATEMENT BY

John A. Hill, Legislative Chairman

913-296-1981 (home)

4721 NE Indian Creek Road

913-296-5032 (work)

Topeka, Kansas 66617

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S.B. 562

TESTIMONY PRESENTED TO: SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

PROVIDED BY: KANSAS DEPARTMENT OF WILDLIFE AND PARKS

DATE: FEBRUARY 26, 1992

S.B. 562 provides that any person on active duty in the armed forces may hunt and fish without a hunting or fishing license while on military leave or furlough. This bill is in conflict with provision of K.S.A. 32-980. That statute allows active duty military personnel who were Kansas residents upon entry to be eligible for and purchase any department issue as a resident. Any active duty nonresident military personnel stationed in Kansas may purchase hunting and fishing licenses as a resident.

This bill is somewhat similar to H.B. 2171 which addressed only active duty military personnel who were Kansas residents upon entry into a branch of the armed forces. That bill was reported unfavorably by the Committee earlier in the 1992 session. S.B. 562 will result in an estimated \$227,000 loss to the Wildlife Fee Fund.

The department opposes S.B. 562 because of license revenue lost, erosion of the department's revenue base and reduced apportionment of federal aid funds which are based in part on the number of licenses sold.

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Division of Biology

Ackert Hall
Manhattan, Kansas 66506-4901
913 532-6615

February 25, 1992

The Honorable Ross Doyen
Kansas Senate
Kansas Statehouse
Topeka, KS 66612

Dear Senator Doyen:

If definitions like those that are enclosed were in place, they would provide a "yard stick" for the Governor and the Senate to consider applicants and measure appointees in the confirmation process.

I think this is what was in the mind of those who asked for education, training, experience and administrative ability and experience in HB 2005. I hope this is of help to you and the committee.

Sincerely,

A handwritten signature in cursive script that reads 'A. Spencer Tomb'.

A. Spencer Tomb
Associate Professor

AST:lc

enclosure

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ATTACHMENT 8
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Suggested Definitions of terms in SB 653

Education: Baccalaureate degree in wildlife, fisheries, park management or a related field or a baccalaureate degree in any field and 20 semester hours in wildlife, fisheries, park management, life sciences, or natural resource management.

Rationale: A B.S. or B.A. degree is a minimum requirement for even the entry level professional positions in the KDWP.

Training: Five years of active participation (research, in service training courses, or presentations at professional meetings) in natural resource management and certification in their professional field or a graduate degree and two years of active participation in natural resource management.

Rationale: Continued involvement as a professional after graduation is an important qualification in the leadership of a professional agency. There should be a clear sign that there is a commitment to continued professional growth.

Experience: Ten years of research or experience in wildlife, fisheries, park management or a related natural resource field.

Rationale: There is no substitute for practical experience. Comparable agency heads in neighboring states had over 20 years of professional experience before they were appointed.

Demonstrated Administrative Ability: Five years of administrative experience in a natural resource agency. This experience shall include the planning, execution and review of programs, supervision of employees and the preparation and review of budgets.

Rationale: Administrative skills and management ability are just as important as professional standing in natural resource management. Fifteen years of administrative experience is the average in comparable agency heads in neighboring states.