

Approved: 2-5-97  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:03 a.m. on January 23, 1997 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
Linda Bradley, Committee Secretary

Conferees appearing before the committee: Clark Duffy, Kansas Petroleum Council  
Steve A. Williams, Secretary, Kansas Department of Wildlife and Parks

Others attending: See attached list

Chairperson Don Sallee called the meeting to order and opened the meeting to bill requests.

Clark Duffy, of Kansas Petroleum Council requested one bill and three concurrent resolutions. The first bill is legislation providing for oversight for a group called the Ozone Transport Assessment Group, OTAG. The first resolution involves a group called OTEC and provider for various activities by regulatory air quality. The second resolution would provide support for the Mid-American Regional Council in Kansas City, Kansas and Kansas City, Missouri. The resolution is designed to aid in the improved air quality in the Kansas City area. The third resolution deals with the changes in the EPA national ambient standards on particulates and ozone. No change in Kansas City until study. Particulates matters (dust), no change until promised information on that standard.

Senator Schraad, with a second from Senator Karr moved to introduce the bill and concurrent resolutions. The motion carried.

Senator Sallee made a few remarks regarding the Endangered Species Task Force Report. Senator Sallee asked for introduction of the legislation as a result of their report.

Senator Biggs, with a second from Senator Harrington moved to introduce the legislation. The motion carried.

Steve Williams, Secretary, Kansas Department of Wildlife and Parks introduced Rob Manes, Assistant Secretary of Operations; Amelia McIntyre, Legal Council; Clint Riley; and Dick Carter, Public Relations. He then presented an overview of the Kansas Department of Wildlife and Parks.

The Kansas Department of Wildlife and Parks (KDWP) was created by Executive Reorganization Order (ERO) 22 which was approved by the 1987 Legislature. The KDWP is a cabinet level agency administered by a Secretary, appointed by the Governor, with confirmation by the Senate. The KDWP is required by state statute to maintain an administrative facility in Topeka and an operations facility in Pratt.

In order to accomplish its mission, the KDWP operates numerous programs for the benefit of the public. The Department maintains 24 state parks, 41 state fishing lakes, and numerous wildlife areas. The KDWP also is developing the Prairie Spirit Rail Trail between Ottawa and Iola. In addition, the KDWP recently initiated the Walk-in Hunting Access (WIHA) program to increase opportunities for public hunting. Other Programs utilized by the KDWP to serve the public include the Community Lake Assistance Program (CLAP), the distribution of federal aid for local parks developments, Hunter Education, and Becoming an Outdoor Woman.

Material was given to the Committee by officials from KDWP regarding the FY 1998 Governor's Budget recommendations and information on proposed 1997 legislation was provided. (See Attachment 1).

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for January 24, 1997.





STATE OF KANSAS

DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary  
900 SW Jackson, Suite 502  
Topeka, KS 66612  
913/296-2281 FAX 913/296-6953



TO: The Honorable Don Sallee, Committee on Energy and Natural Resources

FROM: Steve A. Williams, Secretary, Kansas Department of Wildlife and Parks

SUBJECT: Overview of the Kansas Department of Wildlife and Parks

DATE: January 23, 1997

The Kansas Department of Wildlife and Parks (KDWP) was created by ERO 22 which was approved by the 1987 Legislature. The KDWP became effective on July 1, 1987 and merged the Kansas Fish and Game Commission with the Kansas Park and Resources Authority. The state statutes that pertain to organization and powers of the KDWP are contained in KSA 1997 supp. 32-801 et. seq. The mission of the KDWP is to conserve and enhance Kansas' natural heritage, its wildlife and its habitats to ensure future generations the benefits of the State's diverse, living, resources; to provide the public with opportunities for use and appreciation of the natural resources of Kansas, consistent with the conservation of those resources; and to inform the public of the status of the natural resources of Kansas.

The KDWP is a cabinet level agency administered by a Secretary appointed by the Governor with approval by the Senate. A seven member Commission on Wildlife and Parks is appointed by the Governor and performs an advisory role in assisting the Secretary. In addition, the Commission governs the establishment of Department regulations.

The KDWP is required by State Statute to maintain an administrative facility in Topeka and an operations facility in Pratt. The Topeka office is the location of the Office of the Secretary, the Assistant Secretary for Administration, and the engineering, budget, planning, and federal grants functions. The Pratt office is the location for the Assistant Secretary for Operations, division directors, and the support staff for the Divisions of Administrative Services, Law Enforcement, Parks, and Fisheries and Wildlife. In addition, the KDWP maintains five regional offices located in Hays, Topeka, Dodge City, Wichita, and Chanute.

In order to accomplish its mission, the KDWP operates numerous programs for the benefit of the public. The Department maintains 24 state parks, 41 state fishing lakes, and numerous wildlife areas. The KDWP is also developing the Prairie Spirit Rail Trail between Ottawa and Iola. In addition, the KDWP recently initiated the Walk-in Hunting Access (WIHA) program to increase opportunities for public hunting. Other programs utilized by the KDWP to serve the public include the Community Lake Assistance Program (CLAP), the distribution of federal aid for local parks developments, Hunter Education, and Becoming an Outdoor Woman.

*Energy & Natural Resources*  
1-23-97

*Attachment 1-1*

The KDWP has provided to each of you a packet of material that will assist in further understanding the Department. In addition, material regarding the FY 1998 Governor's Budget Recommendations and proposed 1997 legislation is provided.

Attachments

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MEMORANDUM

**TO:** Members of the Senate Committee on Energy & Natural Resources  
Members of the House Committee on Environment

**FROM:** Secretary Steve Williams

**DATE:** January 23, 1997

**SUBJECT: Proposed 1997 Legislation Summary**

**Statutory Authorization for the KDWP to Exceed Established Expenditure Limitations**

**Summary:** The proposed legislation would create a permanent statute to allow the KDWP to exceed expenditure limitations established by an annual appropriation bill for the Wildlife Fee Fund, Park Fee Fund, or the Boating Fee Fund. This authority is necessary for the KDWP to comply with requirements established by the USFWS for the use of federal aid. The authority requested in the proposed legislation would allow KDWP to adjust expenditures between the three funds listed above in order to balance program expenditures with the appropriate funding source.

**Creation of Wildlife and Parks Nonrestricted Fund**

**Summary:** The request of the KDWP is to establish a special revenue fund entitled "Wildlife and Parks Nonrestricted Fund." This fund would be used to deposit monies which are not subject to USFWS restrictions. Creation of the fund was recommended by the Legislative Post Auditor (audit 94-44) as a method of allowing the KDWP to comply with federal aid requirements.

**Prairie Spirit Rail Trail State Park**

**Summary:** The Prairie Spirit Rail Trail is a 52 mile linear corridor that has been established through the rail banking and conversion process. Eighteen miles of the trail have been fully developed and opened to the public in 1996. The second phase of an additional 18 miles is currently under construction and expected to be opened to public use in 1997. The trail is

currently operated and maintained by the State Parks Division of the KDWP. The designation of this property into the state park system would allow the Prairie Spirit Rail Trail to be funded through the Park Fee Fund rather than through State General Funds.

### **Boating Under the Influence**

**Summary:** KDWP proposes to amend existing BUI statutes 32-1131, (crime); and 32-1134, (use of evidence to mirror current Kansas DUI laws). In addition, KDWP proposes the inclusion of a new statute, 32-1138, (preliminary screening test for breath alcohol concentration; request by officer, grounds; notice required; refusal to take test is a class C misdemeanor; use of results of test; additional tests), to mirror current Kansas DUI laws.

### **Boating Safety Education Certification**

**Summary:** The KDWP is pursuing legislative options for creating a more complete boating safety program. The desired initiative would require that all boat operators born on or after January 1, 1986 possess a card certifying that they have successfully completed a boating safety course and have passed a proficiency test. Such certification cards would be required in order to operate a boat on all public waters of Kansas, and would be subject to suspension or revocation.

### **Permitting the Use of Crossbows to Take Wild Turkey**

**Summary:** The KDWP proposes to amend existing KSA 32-932, Physical Disability, Crossbow Permits, to include the taking of wild turkey.

### **Elimination of Art Component of Migratory Waterfowl Habitat Stamp Program**

**Summary:** The department and DU recognize that the art production and collector sale component of the waterfowl stamp program is no longer financially beneficial; though the sale of stamps to waterfowl hunters remains an important source of State funds that are used to match DU contributions for waterfowl conservation. As a result, the department is proposing, with DU support, the elimination of the art production and collector sale component of this program. All other statutes associated with the migratory waterfowl stamp would remain intact. Non-artistic stamps would continue to be required of waterfowl hunters, and the sale proceeds would continue to accrue to the Migratory Waterfowl Propagation and Protection Fund.

### **Deer Permits for Nonresident Students and Military Personnel**

**Summary:** The Department of Wildlife and Parks propose to change existing Kansas Statute Annotated 32-980, Form, contact; resident, nonresident; armed forces personnel, to allow the

issuance of resident big game permits and other department issues to nonresident, active duty military stationed in Kansas and nonresident, full-time students attending college in Kansas.

K.S.A. 32-980, Section (2) allows a person who is on active duty in the armed forces of the United States to purchase licenses, permits, stamps and other issues of the department as a Kansas resident.

Section (1) allows nonresident active duty military stationed in Kansas, to purchase resident hunting and fishing license only. Section (3) allows nonresident full-time students attending college in Kansas, to purchase resident hunting and fishing license only.

The wording of Sections (1) and (2) would indicate that active duty military personnel stationed in Kansas and full-time students attending college in Kansas, would not be allowed to purchase resident big game permits or other department issues. Historically any person with a valid resident hunting license has been issued resident big game permits upon application. To discontinue this practice would cause confusion for the persons affected, require a new and more complicated big game application form, impose violations on persons affected or and adversely affect established M.O.U.s with Fort Riley Military Reservation regarding elk and deer hunting permits.

The following change would allow the department to continue to sell big game permits and other department issues to persons eligible for resident hunting and fishing licenses.

### **Nonresident Deer Hunting Permits**

**Summary:** The Kansas Department of Wildlife and Parks administers a deer permitting system which has allowed non-resident hunters to apply for and receive permits to hunt in Kansas. K.S.A. 32-937 was enacted in the 1993 session of the Kansas legislature and Kansas implemented it's first non-resident deer hunt in 1994. Major provisions of this statute are:

1. Provides authority for the Secretary to establish permit numbers within certain constraints:
  - a. total number of nonresident deer firearm permits issued for a season, in a management unit, shall not exceed 5% of the total number of resident deer permits authorized for that unit.
  - b. total number of nonresident deer archery permits issued for a season, in a management unit, shall not exceed 5% of the total number of resident permits of the same type and unit.
  - c. if unlimited for season or management unit , then the percentage limitations (5%) apply based on the total number of resident firearm permits and the total number of archery permits, respectively, issued in the management unit during the preceding similar season.
  - d. permits may only be issued in units if resident firearm permits of such type remained unissued after the close of the previous year's first permit selection

process in that management unit.

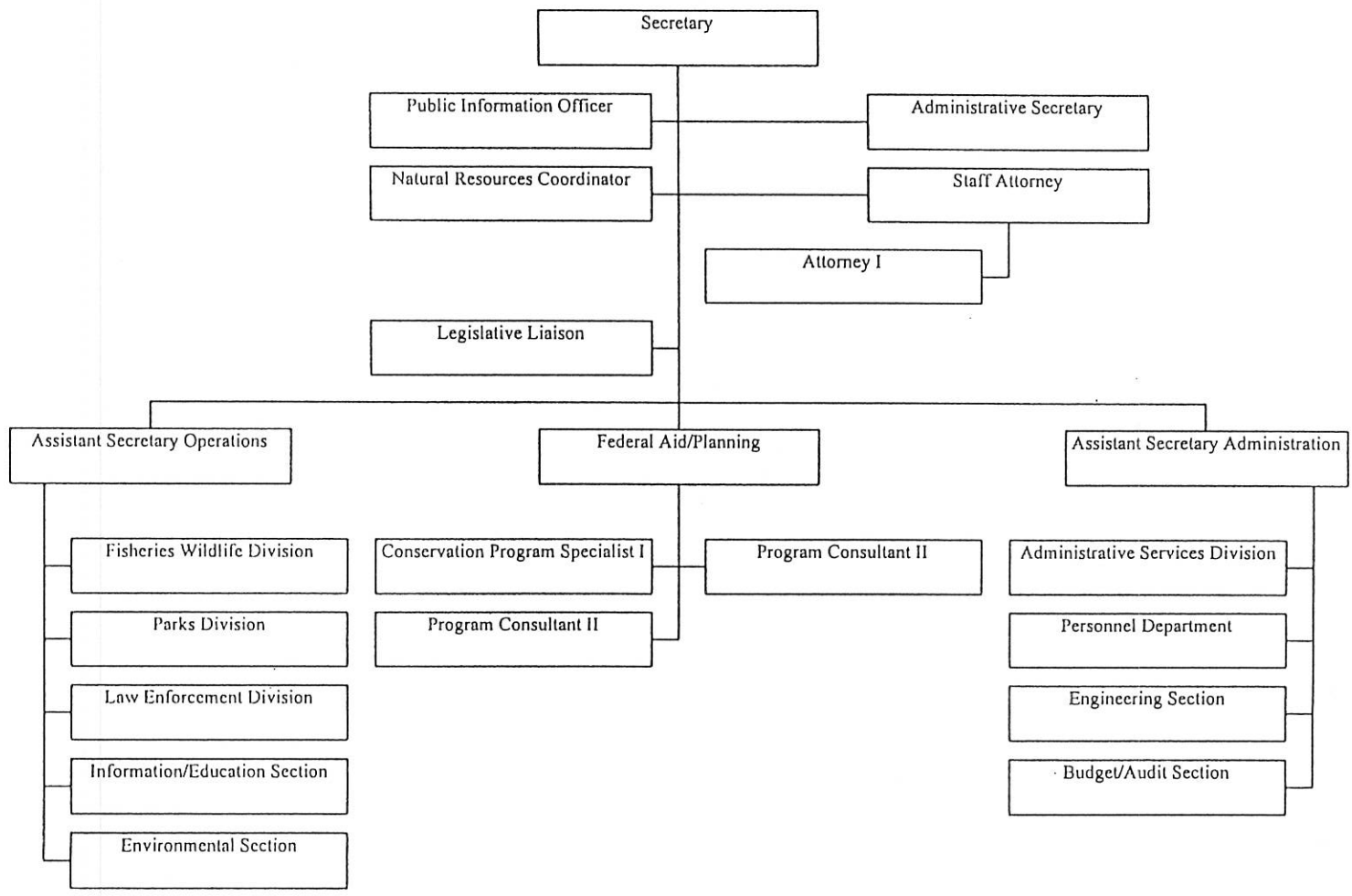
e. if a nonresident is successful one year, then they are ineligible the following year.

### **Clarification of Law Enforcement Authority for Conservation Officers**

**Summary:** KDWP seeks to amend KSA 32-808; and 32-1048, relative to enforcement and arrest authorities of department conservation officers. The proposed amendment would clarify the jurisdictional authorities. The department seeks to establish language that would provide enforcement authority to conservation officers anywhere in the state, rather than restricted to department lands only. This action is necessitated by recent Attorney General's opinion.



# Department of Wildlife and Parks



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# BUDGET SUMMARY

13-Jan-97

	FY 1996 Actual	FY 1997 Gov Rec	FY 1998 Gov Rec
Administrative Services	2,153,764	1,945,465	2,020,977
Grants-in-Aid	287,506	300,000	300,000
Executive Services	4,161,301	4,403,331	4,461,045
Law Enforcement	3,575,013	4,084,259	4,005,479
Parks	5,659,847	6,268,136	6,515,020
Fish and Wildlife	10,122,526	10,934,248	11,090,360
Capital Improvements	8,279,522	22,210,567	4,443,833
<b>Total</b>	<b>34,239,479</b>	<b>50,146,006</b>	<b>32,836,714</b>
Salaries and Wages	16,178,722	16,447,186	17,138,562
Contractual Services	4,601,160	5,241,117	5,929,312
Commodities	2,825,875	3,120,562	3,290,686
Capital Outlay	1,373,604	2,155,433	1,409,321
<b>Subtotal - Operations</b>	<b>24,979,361</b>	<b>26,964,298</b>	<b>27,767,881</b>
Aid/Other Assistance	980,596	971,141	625,000
Capital Improvements	8,279,522	22,210,567	4,443,833
<b>Total</b>	<b>34,239,479</b>	<b>50,146,006</b>	<b>32,836,714</b>
State General Fund	4,234,696	3,832,112	4,628,771
Wildlife Fee Fund	15,489,735	17,353,123	17,107,639
Park Fee Fund	2,384,991	3,166,804	3,734,441
Boat Fee Fund	865,416	1,128,074	1,046,146
Water Plan Fund	128,154	184,532	50,000
Nongame Fund	160,203	111,000	132,324
W/P Nonrestricted Fund	223,475	225,000	150,000
Others	1,492,691	963,653	918,560
<b>Subtotal - Operations</b>	<b>24,979,361</b>	<b>26,964,298</b>	<b>27,767,881</b>
LWCF - Aid	287,506	300,000	300,000
EDIF - Other Assistance	40,000	0	
Wildlife Fee Fund - Aid	371,615	311,670	225,000
Federal Grants Fund	6,000	259,471	
Private Gifts & Donations	10,000	0	
Wildlife Conservation Fund	200,000	50,000	50,000
Nongame Fund - Aid	58,500	50,000	50,000
Other	6,975	0	
<b>Subtotal - Aid/Other Assist</b>	<b>980,596</b>	<b>971,141</b>	<b>625,000</b>
Capital Improvements:			
State General Fund	211,434	9,517,349	280,700
Wildlife Fee Fund	1,109,146	4,416,278	2,346,700
Park Fee Fund	120,948	371,039	0
Boat Fee Fund	57,279	636,388	80,600
Water Plan Fund	1,799,139	482,772	55,833
Nongame Fund	20,000	135,000	0
EDIF	104,898	65,657	0
Federal Funds	1,742,746	2,391,825	30,000
Road Fund	1,359,187	2,245,102	1,350,000
Wildlife Conservation Fund	717,014	1,272,236	0
Other Funds	1,037,731	676,921	300,000
<b>Subtotal - Capital Imp.</b>	<b>8,279,522</b>	<b>22,210,567</b>	<b>4,443,833</b>
<b>Total</b>	<b>34,239,479</b>	<b>50,146,006</b>	<b>32,836,714</b>

Positions	FTE	404.75	402.75	402.75
	Spec Projects	11.0	11.0	3.0

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# FY 1998 CAPITAL IMPROVEMENTS - GOV REC

PN*	Level	Description	State General Fund	Wildlife Fee Fund	Boating Fee Fund	Water Plan Fund	Roads Fund	Fed Grant Funds	Migratory Waterfowl Fund	TOTAL
				150,000						265,000
1		ADA Renovation	115,000							312,500
2		Major Maintenance	135,700	176,800						0
3		Flood Damage (a)	0				1,350,000			1,350,000
4		Roads Maintenance				0				700,000
5		Repair - Miami SL Dike		700,000						421,200
6		Repair - McPherson SL Dam		421,200						0
7		Repair - Wilson SL Dam		0						54,000
8		St Fishing Lakes Outlet Study		54,000						94,700
9		Fisheries Enhancements		94,700						250,000
10		Shooting Range Development		250,000					300,000	300,000
11		Acquisition of Wetlands								C
12		El Dorado Payment (b)	0							80,600
13		Boating Improvmts at St Parks			80,600					500,000
14		Land Acquisition		500,000						0
15		Playa Lake Acquisition/Dev		0				30,000		60,000
16		Cheney SP Match + BOR Funds <i>River Recreation (c)</i>	30,000			55,833				55,833
		TOTAL	280,700	2,346,700	80,600	55,833	1,350,000	30,000	300,000	4,443,833

\* priority  
 (a) FY 1998 request of \$385,000 shifted to FY 1997 as supplemental  
 (b) FY 1997 supplemental of \$8,170,756 recommended  
 (c) New initiative for FY 1997. Projected carryover funds from FY 1997.

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