

Approved: April 9, 1999
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:05 a.m. on March 24, 1999 in Room 254-E of the Capitol.

All members were present:

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Judy Glasgow, Committee Secretary

Conferees appearing before the committee:

Donald Rathbone, State Board of Technical Professions
Trudy Aron, American Institute of Architects
Ron Gaches, Kansas Society of Professional Engineers
George Barbee, Kansas Consulting Engineers
Representative Peggy Long
Steve Williams, Secretary of Wildlife and Parks
Pat Stevenson, Olpe High School Teacher
Jerritt Turner, Olpe Student
Michelle Stueve, Olpe Student
Will Estes, Olpe Student
Kori Berhardt, Olpe Student
Ryan Johnson, Blue Valley Northwest High School Teacher
Ed May, Olathe South High School Teacher
Professor Harold Klaassen, K-State Professor of Biology
Jon Shik, Blue Valley Northwest Student
Jimmy Brann, Blue Valley Northwest Student
Lindsey Gold, Blue valley Northwest Student

Others attending: See Attached List

Chairman Oleen opened the hearing on **HB 2427- State board of technical professions, clarifying exemptions from regulation and licensure**

Chairman Oleen recognized Donald Rathbone, State Board of Technical Professions as a proponent to **HB 2427**. Mr. Rathbone stated that this bill is being proposed for minor clarification of the statutes. (Attachment 1). The Board is proposing a minor adjustment to the exemptions for the requirement of a professional engineering license. The intent of this bill is to assure that licensed individuals are designing facilities used by the public. Mr. Rathbone stated that the bill continues to allow industrial and manufactured products to be produced without requiring licensed professionals in their development and production. Mr. Rathbone requested the committee favorably report **HB 2427**.

Chairman Oleen called upon Trudy Aron, Executive Director, AIA Kansas. Ms. Aron stated that the changes made in **HB 2427** are necessary to protect the occupants of buildings used as places of employment and/or those open to the public. (Attachment 2). She stated that the bill will require that licensed engineers design the engineering systems that are used in these buildings. She asked for the committee to take favorable action on **HB 2427**.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:05 a.m. on March 24, 1999.

Ron Gaches, Executive Vice President of the Kansas Society of Professional Engineers was recognized by Chairman Oleen. Mr. Gaches spoke as a proponent to **HB 2427**. (Attachment 3). Mr. Gaches stated that the bill is needed because of a recent Kansas District Court case that broadly interpreted an exemption to the current Kansas licensing law in a way that was not consistent with the original intent. The decision could allow Kansans to work in or visit a public structure that had not been certified as safe by a licensed Professional Engineer. Mr. Gaches stated the Kansas Society of Professional Engineers supports the proposed amendments and encouraged the committee's favorable action on the bill.

Chairman Oleen called on George Barbee, on behalf of the Kansas Consulting Engineers. Mr. Barbee stated that Kansas Consulting Engineers support **HB 2427** and that this bill would clarify any future question in regard to definitions to safeguard the health and welfare of the public. (Attachment 4) He asked for the committee's support of this bill.

Chairman Oleen noted that written testimony in support of **HB 2427** had been received from Deborah S. Van Deun, American Society of Landscape Architect (Attachment 5). Anne Marie Kinerk, International Conference of Building Officials, Metropolitan Kansas City, (Attachment 6) Jim Hendershot, City of Arkansas City, (Attachment 7), Rich Sternadori, Johnson County Building Officials Association (Attachment 8) Jim Yonally, Kansas Society of Land Surveyors (Attachment 9).

Chairman Oleen called for discussion of the bill and there being none closed the hearing on **SB 2427** and called for action on the bill. Senator Becker moved that the bill be favorably reported to the full Senate. Senator Biggs seconded the motion. The motion carried.

Chairman Oleen opened the hearing on **HB 2031 - State fish**

Chairman Oleen recognized Representative Peggy Long, sponsor of **HB 2031**. Representative Long stated that the entire student body in Olpe, Kansas was involved in getting messages out urging the support of HB 2031. (Attachment 10). Representative Long asked the committee to see the significance of this bill. She stated that it is a legitimate bill, that is well supported throughout the state. She stated that no other fish has done as much for Kansas as the channel catfish.

Steve Williams, Secretary of the Kansas Department of Wildlife and Parks was recognized by Chairman Oleen. Secretary Williams stated that the channel catfish are native to most rivers and streams in Kansas. (Attachment 11). Kansas was the first state to successfully propagate channel catfish in a hatchery system. He stated that there is an analogy between the characteristics of the channel catfish and the spirit of Kansas. Channel cats are extremely adaptable and able to thrive in a variety of tough environmental conditions much like the early settlers of Kansas did.

Chairman Oleen recognized Pat Stevenson, 7th grade history teacher, Olpe, Kansas and five students of the 7th grade class. Mr. Stevenson stated that the 7th grade history class found that the state did not have a state fish while studying about Kansas (Attachment 12). The class debated what the appropriate state fish should be and discussed what would have to be done to designate a state fish. Kori Bernhardt a 7th grade student stated that Representative Long was contacted to talk to the students about what the process involved in electing a state fish. Jerritt Turner, Michelle Stueve, Anna Trear, and Will Estes 7th grade students at Olpe addressed the committee explaining the criteria used to find a fish that would represent the entire state. The students came up with two finalists, the Largemouth Bass and the Channel Catfish. The students stated that they discovered many similarities in the traits of the Channel Catfish and the traits of Kansas pioneers.

Chairman Oleen recognized Dr. Harold Klaassen, Division of Biology, Kansas State University. Dr. Klaassen stated that in considering the adoption of a symbol of Kansas, several criteria need to be evaluated. There are 1) the entity should possess some unique feature that represents Kansas 2) the entity should be reasonably common in the state 3) The typical Kansas citizen should at least have some knowledge about it 4) it should portray a; positive emotion when viewed and 5) it should generate a feeling of pride in Kansans when viewed by visitors to the state. (Attachment 13). By adopting the channel catfish as the state fish, Kansans can identify with it since it is so abundant and wide spread. Dr. Klaassen stated that this bill is supported by the Kansas Chapter of the American Fishers Association.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS , Room 254-E
Statehouse, at 11:05 a.m. on March 24, 1999.

Chairman Oleen noted that written testimony was submitted by Charles W. Wallace, owner and operator of Wallace Fish Farm and president of the Kansas Aquaculture Association, as a proponent to **HB 2031**.

Chairman Oleen recognized opponents to **HB 2031**

Mr. Ed May, Environmentalist and Science Instructor at Olathe South High School presented testimony as an opponent to **HB 2031**. (Attachment 14). Mr. May stated that the overall characteristics of the Channel Catfish do not represent the profile of a Kansan. They do not require clean, fresh water to exist, and they feed on the bottom. Mr. May stated that the State Fish should be one that all positive qualities, not just an economic impact on our state. He stated that the Topeka Shiner would be more suitable for the honor of our State Fish.

Chairman Oleen recognized Mr. Ryan Johnson, Natural Science Teacher, Blue Valley Northwest High School, Overland Park, Kansas. (Attachment 15) Mr. Johnson testified in opposition of the Channel Catfish as the State Fish. He stated that Kansans would want a state fish to be a species that requires a clean and healthy aquatic environment and he believed that a species of fish could be found that would benefit all of Kansas's inhabitants. Mr. Johnson issued an invitation to the teacher and students from Olpe to work together to do research to select a fish other than the Channel Catfish to represent the state of Kansas as the State fish.

Senator Vratil encouraged the students and teacher from Olpe to meet with the students and teachers that are present from Blue Valley Northwest High School and Olathe South High School to work together to see if they could come up with a fish that both side could agree upon that would appropriately represent the state of Kansas.

Lindsey Gold, Jon Shik and Jimmy Brann, students of Blue Valley Northwest High School addressed the committee in opposition to the Channel Catfish as the state fish. They pointed out that the Channel Catfish eats other fish, are bottom feeders and can live in sewer water. The state fish should not be selected on popularity alone. This should be looked at as an environmental issue also.

Chairman Oleen closed the hearing on **HB 2031**.

Chairman Oleen asked for committee action on minutes of the regular committee meeting for March 16 and for rail meeting on March 17. Senator Gooch moved to approve the minutes for March 16 and 17. Senator Vratil seconded the motion. The motion carried.

Chairman Oleen noted that Senator Becker is working on some language for **HCR 5021-Gulf War** and would bring it back to the committee for its consideration.

The meeting adjourned at 12:10 p.m. The next meeting of the committee will be March 25, 1999.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: MARCH 25, 1999

NAME	REPRESENTING
Joanne Roudelush	self
Mar Roudelush	Boy Scout Troop 175
Harold E. Klaassen	Fisheries Professionals
Esther Klaassen	self
K.L. Rogers	self
Robby Muter	self
Marcella Rogers	self
Susan Estes	self
ERIC LINDER	BUNW
Alex Kobyanitz	Self (Eng. Geologist)
Annie Watson	Self
Jessie Turner	Olpe Jr High
Will Estes	Olpe Jr. High
Maureen Helkust	Kansas Smokers kids initiative
Patricia Stevenson	Olpe KS Jr. High
Anna Trear	Olpe Jr. High
Michelle Stuerwe	Olpe Jr. High
Kori Bernhardt	Olpe Jr. High
STEVE WILLIAMS	KDWP



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(785) 296-3053

<http://www.ink.org/public/ksbtp/>

Suite 507, Landon State Office Building 900 S.W. Jackson Street Topeka, Kansas 66612-1257

**STATEMENT TO THE
FEDERAL AND STATE AFFAIRS COMMITTEE
BY THE
KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
11:00 A.M., WEDNESDAY MARCH 24, 1999
ROOM 254-E**

RE: House Bill 2427 - Proposed Amendments to the Kansas State Board of Technical Professions' Statutes

I am Donald Rathbone, Professional Engineer and Public Member of the Board of Technical Professions. I am testifying as the Legislative Chairperson of the Board. The Board appreciates the opportunity to testify before the Committee.

As you know, the Board of Technical Professions is the licensing and regulatory agency for architects, professional engineers, land surveyors, landscape architects, and geologists.

The bill you have before you today is being proposed by the Board of Technical Professions for minor clarification of the statutes. Specifically, the Board is proposing a minor adjustment to the exemptions for the requirement of a professional engineering license.

Currently, the act which regulates the practice of engineering specifically exempts owners of property who design or erect a structure on their own property for their own use. The Board's concern is when the owner's structure becomes open to the public, or its employees, or a place for human habitation, that structure or work must be safeguarded, and not exempted. The Board believes the Legislature intended this exemption to provide that a building or work could be exempt from the statute if it was for the owner's own personal use, and not for use by the public or the

Sen. Federal & State Affairs Comm

Date: 3-24-99

Attachment: # 1-1

owner's employees. Therefore, to clarify any misunderstandings, the Board is proposing to get the language back to what the Board believes the Legislature originally intended.

The removal of Section K.S.A. 74-7035 (c) is intended to strengthen and clarify the existing exemption, which has been loosely called the "industrial exemption", located in Section K.S.A. 74-7033 (c). This exemption continues to allow industrial and manufactured products to be produced without requiring licensed professionals in their development and production.

Additionally, the amendment to K.S.A. 74-7033(b) is made for consistency and clarification to include in the engineering side of the law, the same definition contained in the architectural section of K.S.A. 74-7031(f)(2).

The Board has met with representatives of the Kansas Society for Professional Engineers, Kansas Consulting Engineers, AIA Kansas, Kansas Society for Land Surveyors, and the Kansas Society of Landscape Architects, to work out these proposed changes, and has their support.

In conclusion, the Board would request your favorable passage of H.B.2427 to assist the Board in fulfilling the requirements established by the Legislature by assuring that licensed individuals are designing facilities used by the public. Thank you. I stand for questions.

BOARD OF TECHNICAL PROFESSIONS H.B. 2427

PARTIES IN SUPPORT

1. Kansas Society of Professional Engineers
2. Kansas Consulting Engineers
3. American Institute of Architects
4. Prairie Gateway Chapter of the American Society of Landscape Architects
5. The Kansas Society of Land Surveyors
6. Boeing Aircraft
7. International Conference of Building Officials, Heart of America Chapter
8. Johnson County Building Officials Association
9. The Metropolitan Kansas City Chapter of the International Conference of Building Officials

AIA Kansas

A Chapter of The American Institute of Architects

March 24, 1999



TO: Senator Oleen and Members of the Senate Federal & State Affairs
Committee

FROM: Trudy Aron, Executive Director

RE: Support of HB 2427

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Wichita
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Westwood
Alan M. Stecklein, AIA
Hays
Andrew D. Steffes, AIA
McPherson
Robert Westberg, AIA
Manhattan

Executive Director
Trudy Aron, Hon. AIA, CAE

Good Morning, Madam Chair, and members of the Committee, I am Trudy Aron, Executive Director, of the American Institute of Architects in Kansas (AIA Kansas.) Thank you for the opportunity to testify in support of HB 2427.

AIA Kansas is a statewide association of architects and intern architects. Most of our 700 members work in over 100 private practice architectural firms designing a variety of project types for both public and private clients including justice facilities, schools, hospitals and other health facilities, industrial buildings, offices, recreational facilities, housing, and much more. The rest of our members work in industry, government and education where many manage the facilities of their employers and hire private practice firms to design new buildings and to renovate or remodel existing buildings.

HB 2427 is a bill requested by the Kansas State Board of Technical Professions which is the agency that regulates the practice of architecture, engineering, landscape architecture, land surveying, and geology. The changes made in this bill are necessary to protect the occupants of buildings used as places of employment and/or those open to the public. The bill will require that licensed engineers design the engineering systems that are used in these buildings.

This change is similar to the ones currently in place in the architectural exemptions.

We request the Committee take favorable action on HB 2427.

Thank you.

700 SW Jackson, Suite 209
Topeka, Kansas 66603-3757
Telephone: 785-357-5308
800-444-9853
Facsimile: 785-357-6450

Sen. Federal & State Affairs Comm
Date: 3-24-99
Attachment: # 2-1



Kansas Society of Professional Engineers

A state society of the National Society of Professional Engineers

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**STATEMENT TO THE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
PRESENTED BY
RON GACHES, EXECUTIVE VICE PRESIDENT
KANSAS SOCIETY OF PROFESSIONAL ENGINEERS
11:00 A.M., WEDNESDAY, MARCH 24, 1999**

RE: HB 2427 - Proposed Amendments to the Kansas State Board of Technical Professions' Licensing Law

I am Ron Gaches, Executive Vice President of the Kansas Society of Professional Engineers. KSPE is a professional society of nearly 1000 members from across the state of Kansas representing Kansas' licensed Professional Engineers. Our members are employed throughout Kansas in a wide variety of public and private sectors engineering positions including city, county and state government, as consulting engineers, as employees of Kansas public utilities, major manufacturers, our major universities and a wide variety of other roles.

Notwithstanding the diverse makeup of the Society, our members share a commitment to ensuring the public safety, health and welfare by encouraging licensure of Professional Engineers.

The passage of HB 2427 will promote public safety by ensuring that all structures constructed in Kansas that might be used for any public use will be subject to the rigorous professional standards of a licensed Professional Engineer.

This bill is needed because of a recent Kansas District Court case that broadly interpreted an exemption to the current Kansas licensing law in a way that was not consistent with the original intent of the Legislature. The decision provides a significant loophole to our Kansas licensing statutes and could allow Kansans to work in or visit a public structure that had not been certified as safe by a licensed Professional Engineer.

Earlier this year, I had the opportunity to work with the Board of Technical Professions' committee that developed the changes contained in this bill. The committee examined the legislative history of the Kansas licensing law and the findings of the District Court. The committee was unanimous in its support of clarifying the licensing exemption to protect the public from poorly engineered structures. The Kansas Society of Professional Engineers supports the proposed amendments and encourages your favorable action on the bill.

Sen. Federal & State Affairs Com
Date: 3-24-99
Attachment: # 3-1



Affiliated with:

American Consulting Engineers Council
Kansas Society of Professional Engineers
National Society of Professional Engineers
Professional Engineers in Private Practice

Statement to
Senate Federal and State Affairs Committee
on House Bill 2427
Wednesday, March 24, 1999

Mr. Chairman and members of the Committee, my name is George Barbee, and I am appearing today on behalf the Kansas Consulting Engineers. KCE has been a Kansas organization for 43 years. Its membership of 56 engineering firms employs over 4,000 people and offers design services to the public throughout the world.

The engineers of these firms are required by Kansas statute to be licensed to provide professional engineering services for the design and construction of roads, bridges, highways, water and sewer plants and systems, and buildings. To obtain their license, the engineers must have an appropriate degree, plus four years of experience and successfully complete 16 hours of exams. This is done to meet the requirements of the Kansas State Board of Technical Professions, which is statutorily charged to "establish and maintain the highest standard of integrity, skills and practice in the technical professions and to safeguard the life, health, property and welfare of the public..."

The engineering community has, for decades, been going about their business under the impression that the lengthy statutes and rules and regulations were protecting the public until a 1998 court decision. That decision established that engineering components for electrical and mechanical systems for a building could be designed by a person that has not met the minimum requirements of licensure, because the person was an employee of the owner.

The case was relative to a 160,000 square foot building occupied by approximately 110 employees, with a portion of the building dedicated to public access as a showroom. A building designed by a non-licensed employee.

The Board received a complaint, held hearings, and ruled that the non-licensed designer had violated the statutes. A District Court judge overturned that ruling last fall. KCE is not taking issue with the judge because the ruling was by the letter of the law. The law just did not do what we thought it did. The court felt it did not prevent unlicensed practice by an employee of an owner. The statutes simply were not as specific as they should have been when defining owner, corporation, and persons.

House Bill 2427 would clarify any future question in regard to these definitions and allow the Board to meet its statutory charge "...to safeguard the life, health, property and welfare of the public." Therefore, on behalf of the members of the Kansas Consulting Engineers, I urge you to act favorably on House Bill 2427 as amended.

I thank you for the opportunity to speak to this issue today, and I would be pleased to stand for any questions.

George Barbee, Executive Director

700 SW Jackson, Suite 702 • Topeka, KS 66603-3758 • 785/357-1824 • Fax 785/357-6629 •

Sen. Federal & State Affairs Com:

Date: 3-24-99

Attachment: # 4-1



**American
Society of
Landscape
Architects
Prairie
Gateway
Chapter**

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March 3, 1999

Business, Commerce and Labor Committee
State of Kansas

Re: House Bill 2427 – Proposed Amendments to the Kansas State Board of
Technical Professions' Statutes

To Whom It May Concern:

On behalf of the Prairie Gateway Chapter of American Society of Landscape Architects (ASLA), I am writing in support of the proposed H. B. 2427 referenced above. As an officer of the Chapter, I have met with the Kansas State Board of Technical Professions to review the proposed changes to the Statutes. The changes to the Statutes are intended to clarify the exemptions for the requirement of a professional engineering license. This will ensure that licensed individuals are designing facilities used by the public.

I have discussed the proposed changes with members of my Chapter. It is with their encouragement and support that I write this letter. Our Chapter believes these changes will safeguard the welfare of the citizens of Kansas.

In conclusion, the Prairie Gateway Chapter of ASLA requests your favorable passage of H.B. 2427. Thank you for your thoughtful consideration of this important legislation.

Sincerely,

Deborah S. Van Deun, ASLA
President-Elect

Cc: Betty Rose

1. Sen. Federal & State Affairs Com
Date: 3-24-99
Attachment: # 5-1-99



Metropolitan Kansas City Chapter

International Conference of Building Officials
12350 W. 87th St. Pkwy. • Lenexa, KS 66215

March 3, 1999

Ms. Betty Rose, Executive Director
Kansas State Board of Technical Professions
900 SW Jackson Street, Ste 507
Topeka, Kansas 66612-1257

Re: House Bill #2427

Dear Ms. Rose:

I am providing this letter of support for your amendment to KSA #74-7033 in the form of House Bill #2427. The Metropolitan Kansas City Chapter of the International Conference of Building Officials is composed of Building Officials and other code enforcement and design professionals from both sides of the state line. Our major concern is for insuring that the buildings and structures occupied and used by the citizens of the jurisdictions we represent meet minimum standards of life and fire safety. We rely heavily on the fact that licensed, design professionals are applying their judgement and expertise to insure the safety of these buildings.

As an Architect licensed in the State of Kansas and as a code enforcement official I feel strongly that this amendment is a necessary improvement to KSA #74-7033 which will enhance public safety.

Sincerely,

Anne Marie Kinerk, President
Metropolitan Kansas City ICBO

l. Sen. Federal & State Affairs Com
Date: 3-24-99
Attachment: # 6-1



CITY OF ARKANSAS CITY

BOARD OF COMMISSIONERS

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March 3, 1999

Kansas State Board of Technical Professions
Betty Rose, Executive Director
900 SW Jackson Street
Topeka, KS 66612-1257

Re: Proposed amendment to KSA #74-7033, House Bill #2427

Dear Ms. Rose,

I received a phone call from Mr. Rich Sternadori, as well as information describing the amendment noted above included in House Bill #2427. On behalf of the Heart of America Chapter, International Conference of Building Officials, I offer the support of my office and our chapter to the proposal.

If I can be of further assistance, please feel to contact my office at 316-441-4420. Thank you for your hard work and efforts to regulate our industry in a progressive and positive manner.

Respectfully Submitted,

Jim Hendershot
President, Heart of America Chapter, ICBO

cc: file

Sen. Federal & State Affairs Com
Date: 3-24-99
Attachment: # 7-1



THE CITY OF PRAIRIE VILLAGE *Star of Kansas*

March 3, 1999

Ms Betty Rose, Executive Director
Kansas State Board of Technical Professions
900 SW Jackson St, Ste 507
Topeka KS 66612-1257



RE: House Bill #2427

Dear Ms Rose:

I am providing this letter of support for your amendment to KSA #74-7033 in the form of House Bill #2427. I speak here, in part, as a representative for the jurisdictions within Johnson County. I currently serve as an officer of the Johnson County Building Officials Association, which serves 19 municipalities within the County.

In my service as Building Official with the City of Prairie Village Kansas, and my three years as a member of the State Board of Technical Professions, my experience tells me that this amendment is necessary and will further serve public safety without over regulating construction.

Should you or the legislators have any questions, please feel free to contact me at (913) 381-6464.

Yours very truly,

Rich Sternadori, CBO
Secretary, Johnson County Building Officials Assn

l:cd/bldg/w/hsebill2.doc

MEMO

TO: Betty Rose, Board of Technical Professions
FROM: Jim Yonally, Lobbyist, Kansas Society of Land Surveyors
RE: House Bill 2427

Betty, I am sorry that I will not be able to appear at the hearing on March 4 on House Bill 2427. I have discussed this bill with the leadership of KSLs and we are in complete agreement with the intent of the bill.

Please use this memo as our unqualified endorsement of HB 2427 and feel free to copy and distribute same to the committee if you determine that to be helpful.

Again, I am sorry that I cannot be present, but I know you will "carry the ball" for us in fine fashion.

If anyone would like to discuss this matter with me, please ask them to contact me at the lobbyist message center, 234-5500.

Thanks.





TOPEKA

 HOUSE OF
 REPRESENTATIVES

 COMMITTEE ASSIGNMENTS
 BUSINESS, COMMERCE & LABOR
 HEALTH & HUMAN SERVICES
 JUDICIARY

 PEGGY LONG
 REPRESENTATIVE, 76TH DISTRICT
 HC-1, BOX 58
 HAMILTON, KANSAS 66853
 (316) 673-3826
 ROOM 427-S CAPITOL BLDG.
 TOPEKA, KANSAS 66612
 (785) 296-7671

Thank you for the opportunity to come before you today to represent the desires of my constituents as well as myself. The Channel Catfish bill has been the topic of many news articles and conversations since being introduced this session. This is not the first time that it has been attempted. As a matter of fact, history tells us that this fish has been chosen for this title at least five other times. It's been said that having a state fish is unnecessary and a waste of time. Yes, I'll agree it's not critical to the solvency of the state, but it is not a waste of time. The entire student body in Olpe, Kansas was involved in getting messages out to every Representative in the Kansas House to urge them to support the bill. I have received messages from well over 200 residents of the State. A far greater amount of time has been spent by the media on this issue than the legislature. And I have to state that a great deal of effort has been made to make sure that I do have a genuine sense of humor about this. The channel catfish stigma has kept me humble this year. There have been indignant comments made about wasting precious State time, and anyone that has spent much time in the Capitol knows that accusation to be almost humorous. I went through a March 10, 1999 Subject Index Report and found that, by then, we already had 19 Commendations or Congratulations drafted, 6 memorials made, three designated highway stretches as a memorial and a couple of bridges. Only two days ago, we had almost endless debate on dedicating two statues. If we want to end the time that it takes to work bills regarding a State Fish, we must pass out a designation like forty other states have done, and be finished with it, because I can guarantee that other students are going to see the void in our state and attempt to address it.

The channel catfish, *Ictalurus punctatus*, has played a significant role in the history and development of Kansas even to the present day. I won't make comments on this because there are people far better qualified than I to speak on that issue. The Channel Catfish is a well-known and popular sport fish. Kansans of all ages have

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enjoyed fishing since the dawn of time. In fact, you might say that fishing is the unofficial state pastime. We all have memories of going down to the river or out to the watershed on a bright summer day to see if we could “catch a few”. The channel catfish has provided for the financial well being and survival of many Kansans. Catfish farms have sprouted up all over the state, and have become a secondary revenue to many people. This in turn provides revenue to the state.

On the other hand we must ask; what revenue has the Topeka Shiner brought to the state? They can't be eaten, and are often considered a nuisance. Most farmers and ranchers have no love for the “shiner” either. Due to the Topeka Shiner's endangerment, the species' habitat is protected; therefore, watersheds are often not built because that might be considered a threat to the shiner. These watersheds are used to provide precious water in times of drought and prevention of flooding in times of too much rain. The Topeka Shiner has a place in Kansas and should be protected; but because it has an adverse affect on Kansas industry, agriculture and human habitat; it should not be designated the state fish. I suggest that it belongs in a zoo where it can be viewed and encouraged to thrive.

I hope you can see the significance of this bill. It's a legitimate bill, that is well supported throughout the state. No other fish has done as much for Kansas as the channel catfish. Thanks again for taking the time to give this bill a fair hearing.

A handwritten signature in black ink that reads "Peggy Long". The signature is written in a cursive, flowing style.



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



MEMORANDUM

To: Senate Federal and State Affairs Committee
From: Steve Williams, Secretary
Date: March 24, 1999
Subject: Testimony on H.B. 2031 - State Fish

It is my pleasure, on behalf of the Department of Wildlife and Parks, to support H.B. 2031 designating the channel catfish (*Ictalurus punctatus*) as the "state fish".

Channel catfish are native to most rivers and streams in Kansas. They currently are present in nearly all streams, rivers, ponds, and reservoirs. Channel cats have always ranked number one or two in popularity with Kansas anglers. Channel catfish can grow to weights over 50 pounds. The Kansas state record was set in 1993 with a catch of 34 pounds, 11 ounces, caught from the Kansas River. Undoubtedly larger channel cats lurk in this river and in the many ponds and reservoirs in the state.

Kansas was the first state to successfully propagate channel catfish in a hatchery system. The 1925 pamphlet entitled, "Barbed Trout of Kansas" described the husbandry techniques developed at the department's Pratt Fish Hatchery. This hatchery has raised and released approximately 3.5 million channel catfish young each year for the last 15 years. Auburn University has identified the genetic strain of channel catfish produced at Pratt as the "Kansas Strain", known for their high food conservation, rapid growth, and disease resistance. Our efforts to improve and produce these fish is in response to the tremendous angler demand for catfishing. Channel catfish provide hundreds of thousands of hours of fishing fun for the more than 200,000 licensed anglers in the state.

In closing, I would like to draw an analogy between the characteristics of the channel catfish and the spirit of Kansans. Channel cats are extremely adaptable and able to thrive in a variety of tough environmental conditions - much like the early settlers of Kansas who faced the difficulties of life on the plains. They are a humble fish, not flashy or brightly colored but they survive and take good care of their young - just like true Kansans. Even though they are known for their fighting ability and good taste, the rest of the country does not fully appreciate them - a view of Kansas from those who have never visited this great state. They provide healthy food for our residents - just as Kansas provides healthy food for the world.

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7/12

This document is the testimony to the Kansas Senate's Federal State Affairs Committee concerning the adoption of the Channel Catfish as the Kansas State Fish. This testimony is being provided by Mr. Stevenson's 7th grade Kansas History class from Olpe, KS USD #252 on March 24th, 1999.

Miss Kori Bernhardt

Miss Shelly Schwalm

Miss Tiffany Webb

Mr. Will Estes

Miss Anna Trear

Miss Michelle Stueve

Mr. Jerritt Turner

Mr. Dustin Williams

Teacher

Mr. Patrick F. Stevenson

Our 7th grade Kansas History class had been on a typical pace during the fall 1998 semester until Mr. Stevenson planned a collage project. The students were instructed to display what they had learned about Kansas by drawing concepts on a large outline of the state. After working on the project for a length of time a student asked Mr. Stevenson, "What is the state fish?" Mr. Stevenson responded, "We do not have one."

This question sparked an interesting discussion in our classroom. The class debated about what the appropriate state fish should be if the state did have one; and openly discussed our thoughts about what someone would have to do to elect a state fish. The students seemed very dissatisfied with the lack of a state fish. Because their dissatisfaction appeared sincere, Mr. Stevenson decided to call the district State Representative, Peggy Long. Mr. Stevenson contacted Representative Long and scheduled her to speak to the class concerning the process involved in electing a state fish. While the class waited for the scheduled engagement with Representative Long, they initiated research to determine the best choice of fish to represent all of Kansas. The students were required to provide support for their choice of a state fish.

Our school library contained the book, Fishes in Kansas, by Frank B. Cross and Joseph T. Collins. (C. Museum of Natural History University of Kansas, July 3rd, 1975.) The class researched the book for ideas and discovered that many fish that are native to Kansas can only be found in certain regions of the state. As mentioned earlier, their goal was to find a fish that would represent the **entire** state well.

In the classroom, the finalists were the Largemouth Bass (*Micropterus salmoides*) and the Channel Catfish (*Ictalurus punctatus*). These were popular for two reasons: they were fun to catch, and they were abundant. Through this research the students discovered many similarities in the traits of the Channel Catfish and the traits of Kansans. These similarities could not be

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found with the Largemouth Bass and the people of Kansas. Research provided the class with the following analogy of the Channel Catfish to the people of Kansas.

* **Channel Catfish vary in size and color** / Through Kansas History studies the students learned of the various immigrants which came to Kansas from all over the world. Kansas has a wide variety of cultures and ethnic backgrounds in this great state. This is one of the characteristics which make the state *great!*

* **Channel Catfish are proven survivors; doing better than most game fish in turbid lakes and ponds** / Kansans are known as survivors and hard workers because of the labor it took to rid slavery from the state - to survive the great Depression - to pioneer the beef industry - to build a railroad system so the state's population and economic system could grow - to till up uncultivated land and lead the country in wheat production - to place a Kansan on the moon and in the White House.

* **Channel Catfish inhabit all large streams in Kansas** / Selection is based on a fish that all Kansans can relate to. This fish is not just on the eastern side nor the western side of the state. It is the **most prevalent** fish in the state. The book, Fishes in Kansas, was printed in 1975. At that time the Channel Catfish was found in **all but 8-10** counties. It is now 1999 and we are sure you would agree that since the Channel Catfish is the **#1** seller of all Kansas commercial fish farms, this fish can probably be found in almost every body of water in our state.

* **The commercial production of Channel Catfish originated in the State of Kansas** / Pratt, Kansas in the 1930's. Kansas is the leader here! All those catfish farms in Mississippi and other states learned how to do it from **KANSANS!**

* **The Channel Catfish has great defense mechanisms which keep it at the top of the food chain in its environment** / Kansans too are tough individuals who are full of pride for their state and would rather die than give in to a battle they believe in. (that's why we are here today)

Several students searched on the Internet and found that forty of the fifty states have adopted a fish as a state symbol. None of these states chose the Channel Catfish as their state fish.

Financial gains would be made by the Kansas commercial industry if the state adopted a state fish. Out-of-state and in-state anglers already prefer to catch the Channel Catfish because of the tough fight it puts forth. Having it as the state fish may attract more anglers to stop in Kansas and fish with a temporary permit. Anglers may even spend an extra night in a Kansas motel because the Channel Catfish is so fun to catch. The arts and crafts industry would benefit by creating knick knacks modeling the new state symbol. These symbols can be seen frequently

in stores throughout the state. Post card makers would have a new product to sell. Finally, restaurant owners can proudly label catfish on the menu, "State Fish Special" to promote a delicious meal and fond memory of an enjoyable visit to Kansas.

Thousands of years ago Israel was prisoner in Egypt for 400 years. Moses, under God's anointing, leads Israel out of Egypt into the promised land. The only problem was that it took 40 years of wandering around in the wilderness to get there. However, during the wandering God provided manna for his people. Little sweet wafers provided by God lie on the ground every morning so the Israelites could survive the day. Not long ago our Kansas fathers wandered in a wilderness full of dust clouds and a jobless future - The Great Depression. God also provided for our fathers. It wasn't manna. **It was a catfish!** When there wasn't a chicken to butcher or a rabbit to shoot there was always a Channel Catfish in the local stream just waiting to bite on a hook and provide the family with a meal.

One other thing God told Moses was to collect some of the manna and save it for future generations so they could see how God delivered them from starvation in the wilderness. If the Channel Catfish was the state fish of Kansas, future generations could see one of the ways God provided for our forefathers during difficult times.

In closing, there has recently been cloud of trivialism hanging over the channel catfish bill. This bill was not initiated to teach students about the legislative process. Nor was it initiated to add another charming little symbol to the Kansas banner. We would have gladly bowed out of this process long ago if these were our reasons. The channel catfish plays an extremely significant role in Kansas history. To name any other fish but the channel catfish as the official fish of Kansas would be like having the starling as our state bird or the opossum as our state animal - not because of their aesthetic value but their historic value.

Mr. Patrick Stevenson's 7th Grade Kansas History Class

PROPOSAL TO DECLARE THE CHANNEL CATFISH THE STATE FISH OF KANSAS

by
Dr. Harold E. Klaassen

Work:
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I have taught the Fisheries related courses at Kansas State University for the past 32 years. During this time I was involved in a variety of Fisheries Biology research projects including the management and culture of channel catfish. I am also a member of the Board of Directors of the Kansas Aquaculture Association and a member of the American Fisheries Society. I am testifying as a professional Fisheries Biologist and not as a representative of Kansas State University.

The **Channel Catfish**, *Ictalurus punctatus*, is a worthy candidate for the state fish of Kansas. In considering the adoption of an animal, plant, or object as a symbol of our state, several criteria need to be critically evaluated. Among these criteria are:

- The entity should possess some unique feature that is representative of Kansas.
- This entity should be reasonably common (now or in the past) in the state.
- The typical Kansas citizen should at least have some knowledge about it.
- It should portray a positive emotion when viewed or thought of.
- It should generate a feeling of pride in Kansans when viewed by out of staters as a symbol of our state.

There are about 135 species of fishes in Kansas and of these, 116 species are native to the state. The channel catfish is a common native fish of Kansas that is found in all counties. Originally a stream fish, it is also found in most of our ponds, lakes, and reservoirs. It is an attractive fish with smooth, streamlined contours and a forked tail. It is one of the most popular sport fish and a favorite food fish of many Kansans. It is now widely managed in most Kansas waters. It is also highly respected outside of Kansas. Nation-wide it is among the top five most popular fishes sought in recreational fishing.

The channel catfish has historical significance in Kansas. It was in Kansas where the technical management of the channel catfish had its beginning. During the early 1920s Mr. John Murphree, the fish culturist of the Kansas Department of Wildlife and Parks (then known as the

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Kansas Forestry, Fish and Game Commission), was the first person to get channel catfish to spawn in a hatchery setting. He did this by putting paired catfish together in pens in a pond. During the late 1920s and 30s, his successor, Mr. Seth Way of the Fish and Game Commission, refined the spawning techniques and worked out the controlled hatching procedures and care of the channel catfish. Mr. Way is generally credited with developing the techniques of channel catfish propagation which are basically still used today. During those early times some of the first catfish farms were developed in Kansas. During the 1940s Mr. William (Bus) Hartley together with Mr. Seth Way established a private catfish farm near Kingman, KS. This was the first large-scale commercial catfish farm in the country. Mr. Vernon Krehbiel of Pretty Prairie, KS, also developed a large catfish farm during that time. Then during the 1950s and 60s, Dr. Frank Cross and his associates at the University of Kansas worked out the basic management methods for effectively raising channel catfish in ponds. During the 1960s and 70s, Dr. Otto Tiemeier and Dr. Charles Deyoe, both at Kansas State University, conducted early fish nutrition research with channel catfish using formulated feeds. Also in the 1960s the Kansas Commercial Fish Growers Association (now the Kansas Aquaculture Association) was formed to serve this growing industry. Those pioneering activities formed the foundation for the present day advanced technologies used in the culture and management of the channel catfish in Kansas and in much of the United States. In Kansas private aquaculture is a small, but significant industry. Presently the channel catfish is the main species of fish that is produced in this state industry. Nationally most catfish aquaculture occurs in the southern U.S. due to the more favorable climatic conditions. Because of this most people think that the industry originated in the South. The channel catfish accounts for over half of the nation's aquaculture production.

There is no doubt that the channel catfish meets the criteria to be a symbol of Kansas. Kansans can identify with it since it is so abundant and wide spread. It is one of the most highly favored fish by many for both sport and food. The wide spread present day culture and management of this fish have their historical roots in Kansas. By adopting the channel catfish as our state fish, we will establish the claim to this significant part of our history. This is a species that we Kansans can be proud of to have as a symbol of our state.

I thank the Committee for allowing me to testify on this important issue.

March 24, 1999



Olathe South High School

Olathe Unified School District #233

Commitment to Excellence

1990-91 National Excellence in Education Award Winner --- U.S. Department of Education

TO: Members of the Federal and State Affairs Committee
RE: Testimony on House Bill #2031
FR: Ed May Environmentalist, Olathe South High School

I would like to extend my gratitude to this committee for allowing me time to give testimony against House Bill #2031. Since information about this Bill appeared in the media January 21, 1999, I have been trying to be heard by someone close to this Bill.

I finally have the opportunity to air some concerns. I want to extend my congratulations to the seventh graders of Olpe, Kansas and to their teachers for all of their hard work and research that went into this proposal, and for seeing firsthand, how the legislative process works. Both the teachers and students have a mission.

I know that the newspapers have entered this arena to oppose the whole Bill. Their primary concern is that you are wasting taxpayers money by working on such a trival thing. According to the media we would be better off - money wise - leaving this Bill in committee. However, this particular Bill must not be passed the way it reads.

The Channel Catfish is up for being adopted as our State Fish. Myself, as well as other biologists throughout the state oppose this action. It's the wrong choice for several reasons. For one thing the Channel Catfish is the State Fish for Texas, Missouri, Nebraska, Iowa and Tennessee. I hope as a Kansan you would not want to follow our neighboring states. The Channel Catfish would be a good symbol to use to represent money for our state because it is raised for profit.

The overall characteristics of the Channel Catfish do not represent the profile of a Kansan. Channel Catfish feed on the bottom, they are scum suckers. They do not require clean, fresh water to exist. It has been known to reproduce in sewer tiles. Most Channel Catfish are fed pellets

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when young to gain weight in order to be sold for various reasons. Channel Catfish are fed two to three pounds of pellets for each 100 pounds of fish at each feeding. The amount of supplemental food will more than double the normal production of pond from about 150 pounds of catfish per acre to 300-500 pounds of catfish per acre. Which in turn will increase the oxygen depletion of that pond and eventually kill the smaller fish in that aquatic environment.

It's true that the sport of fishing for Channel Catfish is growing, but at the cost of other fish? Which is what we are not about!!

What person in Kansas wants to be compared to the characteristics of the Channel Catfish. Based on its characteristics I would be hard pressed to find anyone who would want that honor.

The State Fish should be one that has all positive qualities, not just an economic impact on our state.

There is one fish that comes to mind that would best represent our state and our state's capitol. The Topeka Shiner would be more suitable for the honor of our State Fish. The Topeka Shiner is a threatened species in Kansas. Due to our poor agriculture and urban land use, the Topeka Shiner has decreased in population. Only to be found in the Kansas River around Topeka. Thus, its name. If adopted as a state symbol, its existing population would be protected and its future would be ongoing. (See attached sheet)

As a society we need to preserve our natural resources so our future generations can enjoy what we worked so hard to protect. By naming the Channel **Catfish** as our State Fish we would be defeating our ideals and would **deprive** our children of what we have today.

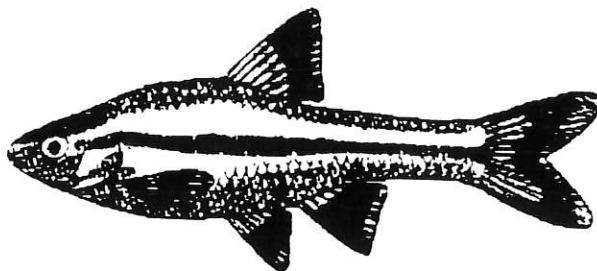
Please **reconsider** this nomination for the well being of Kansas.

Respectfully,



Ed May-Environmental
Science Instructor

TOPEKA SHINER FACT SHEET



WHAT IS IT?

The Topeka shiner (Notropis topeka) is a small minnow, less than three inches in total length. It is an overall silvery color, with a well-defined dark stripe along its side, and a dark wedge-shaped spot at the base of the tail fin. Males develop additional dark coloration in other fins during the breeding season.

WHAT IS ITS HABITAT?

The Topeka shiner occurs primarily in small prairie streams in pools containing clear, clean water. Most Topeka shiner streams are perennial (flow year-round), but some are small enough to partially stop flowing during dry summer months. In these circumstances, water levels must be maintained by groundwater seepage for the fish to survive. Topeka shiner streams generally have clean gravel, rock, or sand bottoms.

WHERE DOES IT OCCUR?

The historic distribution of the Topeka shiner included portions of Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota. The species occurs commonly now only in a few tributaries to the Missouri River in Missouri and South Dakota, and in the Flint Hills region in Kansas (Figure 1). Many populations have become very reduced in numbers, and are now isolated geographically from the next nearest population, eliminating the possibility for genetic transfer between populations.

WHY IS IT DECLINING?

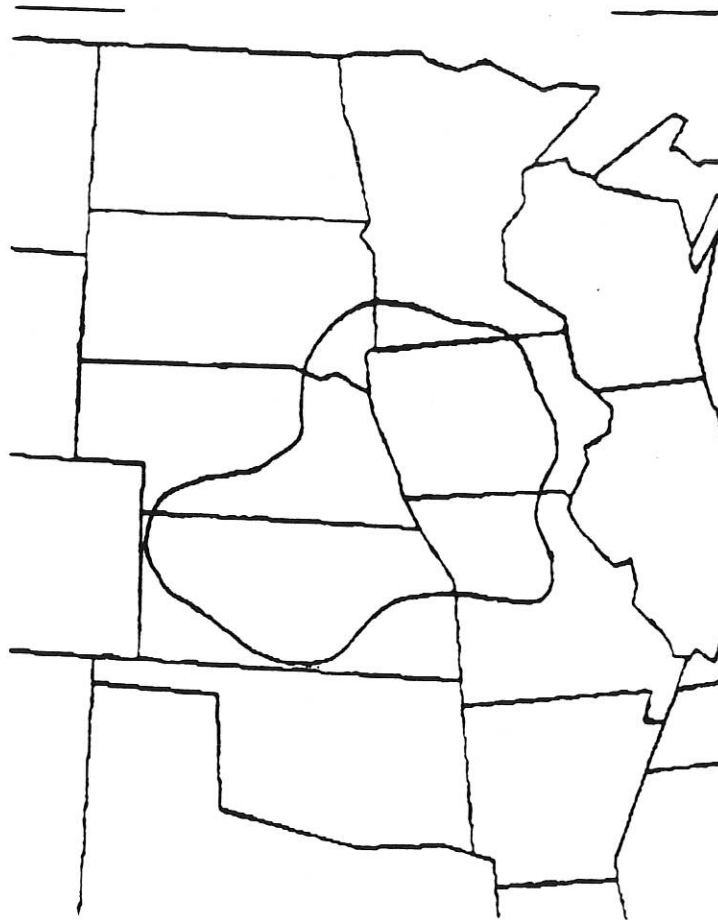
The Topeka shiner is very susceptible to water quality impacts within its habitat, and has disappeared from several sites because of increased sedimentation resulting from accelerated soil runoff. Any activity which removes the natural protective vegetation covering within a stream's watershed basin may contribute to this factor, including agricultural cropping, urban development, and highway construction. Additionally, construction of stock watering ponds and watershed impoundments on streams containing Topeka shiners has been shown to eliminate this species from those stream reaches. This is a widespread practice in some areas of Topeka shiner occurrence.

WHY IS IT IMPORTANT?

The Topeka shiner is adapted to prairie streams with high water quality, most often in association with spring or seep flows. Due to its characteristic dependence on high quality aquatic habitats, this species serves as an indicator of the general health of the aquatic ecosystems within which it occurs, which, of course, carries implications for the quality of water available for human use and consumption. Additionally, topeka shiner streams provide habitat for other species which are commercially important in the bait fish industry, including red shiner, common shiner, and bluntnose minnow.

HOW WOULD A LISTING AFFECT PRIVATE CITIZENS?

If the Topeka shiner becomes officially listed under the Endangered Species Act, it would result in little, if any, impact to most private citizens. Any action which is funded, authorized, or otherwise permitted by any Federal agency would be subject to review and consultation by the Fish and Wildlife Service, if that action may affect the Topeka shiner. Private actions by individual citizens on their own property would not be subject to such requirements unless they require the above-mentioned Federal funding, authorization, or permitting. The only way a strictly private action could be affected by the Endangered Species Act is if that action could be shown to result in killing or other harm to a Topeka shiner or other listed species.



← don't get hung up on this map; this is just a sample to give an idea... where it used to be found!

Figure 1. Historic and present distribution of the Topeka shiner.



#5
3-24-99

Blue Valley Northwest High School

TO: Members of the Federal and State Affairs Committee
RE: Testimony on House Bill #2031
FR: Ryan T. Johnson: Natural Sciences Teacher, Blue Valley Northwest High School

My name is Ryan Johnson and I teach Natural Sciences at Blue Valley Northwest High School in Overland Park, Kansas. I consider myself to be an avid outdoorsman and naturalist in the state of Kansas. I care deeply about the welfare of Kansas's environment and natural resources so that all living organisms can prosper. This is why I am extremely thankful for the opportunity to give testimony against House Bill # 2031.

This Bill has implications that go well beyond just the adoption of a fish to symbolize Kansas. Fish live in one of our most valuable natural resources which is water. Every living organism's well being depends on water. Ranging from simple organisms to human beings the quality of our state's water has profound effects on everything.

We, as Kansans, already have several organisms that represent Kansas as state symbols. The Barred Tiger Salamander is our state amphibian. This salamander is considered to be an "indicator species." An indicator species is sensitive to its surrounding environment, therefore its population success is a good indication of the quality of our environment. The Honeybee is Kansas's state insect. It is also an ecologically valuable state symbol. Honeybees play a vital role in the pollination of native and commercially produced plants. There are several other state symbols that represent Kansas from an ecologically sound basis.

The Channel Catfish is proposed to represent Kansas as our state fish. The Channel Catfish would not represent the pristine Kansas environment that would benefit us all. The catfish can survive in water that would not sustain the biodiversity necessary for a healthy environment. The catfish can be massed produced, unnaturally stocked, and flourish while many other forms of life struggle for survival due to our damaged natural resource: water.

I would think that people would want our state fish to be a species that requires a clean and healthy aquatic environment. This would lead to efforts that would sustain or even improve Kansas's ecosystems. This would allow future generations to enjoy all that our great state's natural resources have to offer.

I would like to send an invitation to the teachers and students from Olpe, Kansas to help us pick a different state fish. I do feel that we could find a species of fish that would benefit all of Kansas's inhabitants. Thank you.

Sincerely,

Ryan T. Johnson