

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Robert Tyson at 8:36 a.m. on March 4, 2004 in Room 423-S of the Capitol.

Members present:

Senator Christine Downey  
Senator David Corbin  
Senator Derek Schmidt  
Senator Dwayne Umbarger  
Senator Janis Lee  
Senator Mark Taddiken  
Senator Phil Journey  
Senator Robert Tyson  
Senator Tim Huelskamp

Committee staff present:

Raney Gilliland, Legislative Research Department  
Lisa Montgomery, Office of Revisor of Statutes  
Linda Bradley, Committee Secretary

Conferees appearing before the committee:

Roy W. Menninger M.D., Psychiatrist and Chairman Emeritus of Menninger  
Mike Hayden, Secretary of Wildlife and Parks  
Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks

Others attending:

See Attached List.

Chairman Tyson called the meeting to order.

**Hearing on House Bill 2557**  
**HB 2557 is concerning state parks.**

The Chairman asked Raney Gilliland, Staff, to explain the bill. Mr. Gilliland stated **HB 2557** amends a section of the statute that provides for state parks and it would add the Free State State Park in Shawnee County to the list of parks designated as part of the state park system. The park would be open to the public except the hours for prescheduled events.

Dr. Menninger spoke as a proponent for the bill. Dr. Menninger stated he was in support of **HB 2557**, setting forth a plan to create a state park from land recently purchased from Menninger. He would like the park to retain the Menninger name. (Attachment 1)

The Committee was asked by Chairman Tyson if they had any questions. Various questions were asked by Senators Lee, Tyson, Downey and Huelskamp regarding naming the park, Menninger Memorial State Park, would there be legal problems and copyright problems? Dr. Menninger will get an answer to the Committee on those questions. Also, questions were asked on who owned the property for the park and who purchased the land surrounding the park.

Secretary Mike Hayden spoke as a proponent for the bill. Secretary Hayden stated he would be most appreciative to have the state park retain the name Menninger. He would like to have the bill restored to show the land would be called Menninger Memorial State Park. (Attachment 2)

The Committee were asked by the Chairman if they had questions for Secretary Hayden. Senators Huelskamp, Taddiken, Downey, Lee and Tyson ask a range of question including is this going to be a high end development around park, land owners of development, will the park be in the city someday, property taxes, was the 81 acres for the park given away for free, is there access to the river and is hunting allowed.

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:36 a.m. on March 4, 2004 in Room 423-S of the Capitol.

The hearing on **HB 2557** was not closed.

**Hearing on House Bill 2621**

**HB 2621 is concerning inflicting harm, disability or death to certain dogs.**

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, a proponent for **HB 2621** stated the bill would amend current statutory protections for inflicting, harm, disability or death to certain dogs to include game warden dogs. (Attachment 3)

There was no discussion on the bill.

The hearing on **HB 2621** was closed.

Chairman Tyson announced to the Committee that they were invited to Ravenwood on the evening of March 18, 2004. Details will be presented to the Committee later.

**Adjournment**

The meeting adjourned at 9:24 a.m.

The next scheduled meeting will be Friday, March 5, 2004.

SENATE NATURAL RESOURCES COMMITTEE

GUEST LIST

DATE: Thursday, March 4, 2004

NAME	REPRESENTING
Dale Lambly	KDA
Chris Tymeson	KDWP
Jason Sawyers	KDWP
Mike Hayden	KDWP
LeAnn Schmitt	KDWP
Dick Koerth	KDWP
Roy Muenninger	Muenninger
George Petersen	Ks Taxpayers Network
Steve Swaffar	Ks Farm Bureau
Dick Carter Jr.	TIAC

**TESTIMONY in SUPPORT of HOUSE BILL 2557  
ESTABLISHING the MENNINGER MEMORIAL PARK**

Roy W. Menninger MD

March 4, 2004

I am Roy W. Menninger MD, a psychiatrist and Chairman Emeritus of Menninger. I served as president and CEO for more than a quarter of a century until 1993. I am here to speak in support of House Bill 2557, setting forth a plan to create a state park from land recently purchased from Menninger. Thank you for this opportunity to share several thoughts with you.

The idea of Menninger land becoming a park, with the attendant idea of protecting the indigenous trees and plants and encouraging native wildlife by providing a protective setting, yet offering it for public use, is a concept that would have had enormous appeal to my grandfather, Dr. Charles F. Menninger. An inveterate naturalist, mineralogist, arborist and horticulturist, he was an active grower of peonies and iris of many kinds, and a promoter of new species of roses. He was in fact one of the original founders of the Reinisch Rose Garden in Gage Park.

In the course of his years as senior Menninger physician and the institution's paterfamilias, he emphasized the therapeutic value of encouraging an intimate connection between man and nature. He imported a great number of trees not native to Kansas, which he personally planted on the old Menninger East Campus. In the 1930s, he introduced the annual celebration Arbor Day at Menninger, planting a different variety each year. Many of them survive to this day. A tireless teacher, he proudly escorted small groups of students and patients on naturalist walks, teaching about the trees and flowers they passed. As a young boy, I remember being taken on one of his favorite walks along the tree-lined drive into the old Topeka state hospital grounds, as he told me in turn about the hackberry and sycamore and cottonwood and elm trees there, many of which continue to grace that road way.

His dedication to the natural environment generated a lifelong interest in birds, insects, trees and flowers in his sons. His youngest son, my father, Dr. Will, became a compulsive collector of insects of all kinds—flies, bees, wasps, beetles, moths, and butterflies, creating dozens of mounted specimen cases that lined the walls of his study. He was an assiduous birder, regularly transporting his family around the county each Spring, looking for the newest avian arrivals, urging us to learn the Latin name of each!

C.F.'s middle son, Edwin, a proto-physician blocked from that career by a chemical explosion while he was at Washburn, went on to become an internationally known expert on flowering trees of the world. He grew more than 100,000 tropical trees from seed and gave them to people everywhere. Indeed, most of the flowering trees in Florida today are the result of Edwin's efforts. In a stroke of poetic justice, he was subsequently awarded an honorary doctorate, finally matching his brothers Dr. Karl and Dr. Will.

Dr. Karl retained the same, if more militant dedication, to the trees on the Menninger grounds. No tree could be removed or even trimmed without his express, difficult-to-obtain permission. He regarded trees as marvelous symbolic metaphors for the vicissitudes of human life: resilience, endurance, beauty, growth, reproduction, and he actively used this imagery in his teaching of residents, staff and patients. The

*Senate Natural Resources Committee*  
*Date: 3-04-04 Attachment 1*

development of a pastoral landscape on the East Campus in the 1930's, 40's and 50's and on the West Campus in later years was the consequence of Dr. C. F.'s and Dr. Karl's conviction that a beautiful, serene and undemanding park-like campus was powerfully healing. This view was repeatedly confirmed by patients and their families, who gave significant credit for their recovery to this supportive pastoral environment.

His belief in the close connection between the land and the morale and mental health of people motivated Dr. Karl to persuade some influential Menninger trustees in 1961 to purchase the old SBA buildings and land on a hill west of town—a.k.a. Martin's Hill in the 'teens and 1920's. This property, the Menninger West Campus, originally extended from 10<sup>th</sup> Street to the Kansas River and from the Governor's Mansion to Urish Road, and included the property we are discussing today.

I doubt Dr. Karl had any such future as this <sup>in</sup>mind, but I think he'd be very pleased—assuming you will cut down no trees, however old and decrepit. He did have ideas, though. His expansive vision of ways to utilize that varied landscape in treating illness and promoting mental health were far ahead of his time. They regularly stimulated a mixture of disbelief and awe. He planned therapeutic farms for mentally retarded and persons with chronic mentally illness, a residence for recovering patients, a golf course, and even a country club. To the astonishment of most, he even talked of developing a marina in the river at the foot of the hill—an idea that seemed absurd at the time, but one that makes a great deal of sense now, given the very few points of public access to the river in this part of Kansas.

It is therefore with great pleasure and a sense of pride and historical destiny that I urge you to proceed with the steps that will establish this contribution of old Menninger land as a state park.

But I must qualify that very positive recommendation with one adverse comment in regard to the amendment that proposes the Menninger name be dropped in favor of some more prosaic label. I sensed that this recommendation might have reflected an understandable bitterness about the fact that Menninger has left Topeka, so why should the name remain?

At the risk of seeming immodest (if I haven't done so already), I would suggest that it is precisely because the organization is no longer here that the name should be retained. In spite of the disappointment, distress, and anger generated by the unfortunately necessary departure of Menninger, the organization was a vital part of this community and the state of Kansas for more than 75 years. In this environment, spurred by the special nurturing qualities of the rural Midwest, and the generous assistance of so many people in this community and this state, Menninger grew, developed, and profoundly influenced the treatment of the mentally ill everywhere. Indeed, based here in Topeka, it was a great source of local pride as it became the foremost institution of its kind in the nation, and indeed the world.

I think it is both fitting and essential that its origin, its growth, its worldwide reputation, its professional and human significance, and its presence here for so many years be remembered and memorialized by retaining the Menninger name.

I urge you to reject the amendment and retain the letter and the spirit of the original legislative proposal. Thank you for this opportunity.

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2557 Relating to Menninger Memorial State Park  
To  
The Senate Natural Resources Committee**

**By J. Michael Hayden  
Secretary  
Kansas Department of Wildlife and Parks**

**March 4, 2004**

Originally HB 2557 sought the designation of a Menninger Memorial State Park on land that was part of the Menninger campus. While in the House Tourism and Parks Committee the bill was amended to change the name of the park to Free State State Park. The KDWP respectfully requests that the Senate Natural Resources Committee restore this bill to its original language.

In May 2003 Secretary Howard Fricke, Department of Administration, discussed with Governor Sebelius and Secretary Hayden the potential for a donation, by the private developer who will be developing a portion of the Menninger campus, to create a Menninger Memorial State Park. The proposed state park would be approximately 70-80 acres in size and would adjoin the Cedar Crest property. It would provide an access point to the Kansas River, as well as picnic areas, hiking and biking trails. An existing pond on the property is well suited to become a children's fishing pond. Because of security concerns given the close proximity to Cedar Crest, the park would be limited to day-use only. The Governor has supported the proposal and her FY 2005 Budget Recommendation includes \$100,000 from the Park Fee Fund to fund the initial design costs for the development.

KDWP has also been in discussion with private landowners and Washburn University about accessing or acquiring additional parcels of land that would connect the proposed state park area with the State History Center property, creating a trail system from the History Center to Cedar Crest. Part of these adjoining properties contains a floodplain area, which is of great interest to both the KDWP and the City of Topeka. The City of Topeka is interested in a joint development with the department to create wetlands in this floodplain, which would assist the city in controlling storm runoff from

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*Date: 3-04-04*

*Attachment 2*

areas south of the proposed area. The wetlands would be a great educational and conservation resource for the department.

In addition to the benefits to the KDWP and the City of Topeka, the proposed Menninger Memorial State Park is attractive to the Menninger Board of Directors and the OPUS development company for several reasons. The Board would appreciate the opportunity to use a portion of the former facility for public use. OPUS and the developer appreciate the value of KDWP developing a day use state park north of the proposed development area and providing a lasting buffer against any future development.

Many of the benefits that would be gained from the development of the Menninger Memorial State Park would help meet the needs cited in the *2003 Statewide Comprehensive Outdoor Recreation Plan*, which identified a heavy demand for additional open space, children's fishing areas, river access, and hiking/biking trails near urban areas, particularly the Topeka area. By helping to meet these demands, the development of the park would improve the quality of life for Topeka's citizens, as well as all Kansans.

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2621 related to Game Warden Dogs  
To  
Senate Natural Resources**

**By Christopher J. Tymeson  
Chief Legal Counsel  
Kansas Department of Wildlife and Parks**

**March 4, 2004**

HB 2621 would amend current statutory protections for inflicting harm, disability or death to certain dogs to include game warden dogs. The provisions of this bill would take effect on July 1, 2004. HB 2621 is one of the Department's legislative initiatives and the Department encourages favorable passage of the bill.

The Department's canine program is relatively new and began in 2003 to assist Conservation Officers in the enforcement of wildlife conservation laws. Utilizing working canines in conservation enforcement law is not a new concept. Utah and Colorado both began using canines with respect to their conservation programs in the early 1980's. The use of those dogs centered on more traditional law enforcement roles, including defensive tactics.

The Department's canine program focuses on search and recovery in the wildlife arena rather than defensive/aggressive tactics or narcotics discovery as used in traditional law enforcement. The canines and their handlers have all undergone intensive training in the areas of locating persons, identifying game and recovery of evidence related to wildlife crimes. In addition, the canines are used in a variety of public programs to promote conservation ethics.

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*Date: 3-04-04 Attachment 3*