

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on March 17, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Johnson - Excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes - Excused

Daniel Yoza, Office of the Revisor of Statutes

Corey Carnahan, Kansas Legislative Research Department

Raney Gilliland, Kansas Legislative Research Department

Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

Doug Phelps, an individual

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks

Shawn Stratton, Supervisory Fish & Wildlife Biologist, Department of the Army

Representative Scott Schwab

Ron Klataske, Audubon of Kansas

John Strickler, an individual

Spencer Tomb, Administrative Vice President, Kansas Wildlife Federation

Others attending:

See attached list.

Chairman Powell opened the meeting with introduction of the new Livestock Commissioner, Bill Brown, D.V.M.

Chairman Powell then opened the hearing on **HB 2646** - Clothing requirements while hunting deer or elk.

**Hearing on HB 2646:**

**PROPONENTS:**

Doug Phelps, an individual, presented testimony in favor of **HB 2646** (Attachment 1), stating Ft. Riley has determined that the mandate for the wearing of hunter orange by bow hunters in a big game firearms season is an unnecessary burden due to their unique season structure. Mr. Phelps further stated removing an impediment to bow hunter success could increase deer harvest at a time when some believe more deer need to be removed from the population.

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks (Department) (Attachment 2), spoke as a proponent of **HB 2646**, advising the bill would amend K.S.A. 32-1015 to clarify when hunter orange is required for hunting elk or deer during elk or deer firearms seasons. Mr. Tymeson further commented that the firearms elk seasons and archery deer seasons now overlap completely in some areas of the state and as a result, large numbers of archery deer hunters are required to wear hunter orange in those areas for a very small number of firearm elk hunters annually. While many other seasons for other species overlap with either firearm elk or firearm deer seasons, hunters hunting the other seasons and species are not required to wear hunter orange and the Department feels that removing this restriction deer and elk is in line with the rest of the hunting seasons across the state.

**Written Testimony:**

Stephen Scanlon, DoD Regional Environmental Coordinator, Region VII, Department of the Army (Attachment 3)

Mark Dombrowski, Fort Riley Outdoorsmen Group (Attachment 4)

John Vermeesch, Lieutenant Colonel, Department of the Army (Attachment 5)

## CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on March 17, 2010, in Room 783 of the Docking State Office Building.

### NEUTRAL:

Shawn Stratton, Supervisory Fish & Wildlife Biologist, Department of the Army, spoke in favor of **HB 2646** (Attachment 6), stating that the Department of the Army believes the current statute requiring archery deer hunters on Fort Riley to wear blaze orange during the Kansas firearms elk season outside of when it coincides with the Kansas firearms deer season is unnecessary for the conduct of a safe hunt on the installation. Soldiers and others who hunt on Fort Riley have indicated their enjoyment of the hunt would be severely impacted were they required to wear blaze orange while archery deer hunting during the Kansas firearms elk season.

Representative Sydney Carlin also provided comments in favor of **HB 2646** (no testimony provided).

After questions and comments by members of the Committee, the hearing was closed on **HB 2646**.

### Hearing on HB 2738:

Raney Gilliland, Kansas Legislative Research Department, stated the current law requires the Secretary of Wildlife and Parks to be qualified by education, training, and experience in wildlife, parks, or natural resources or a related field, and to have demonstrated executive and administrative abilities. This bill would remove these requirements.

### PROPONENTS:

Representative Scott Schwab, appeared as a proponent of **HB 2738** (Attachment 7), advising the current restrictions to this bill are extremely narrow and only allow for a certain individual to serve in the role of the Secretary of Wildlife and Parks. Representative Schwab further commented that since the Governor is a state-wide position and the administrative arm of the government, he should be allowed to appoint someone in a manner that helps best govern and administrate the duties of the Secretary of Wildlife and Parks.

Representative John Faber also spoke in favor of **HB 2738** (no testimony provided).

### OPPONENTS:

Ron Klataske, Audubon of Kansas, presented testimony in opposition of **HB 2738** (Attachment 8), stating the Audubon of Kansas strongly supports the statutes in place because most residents want to know that professional management is observed in this state. Further, it would be a major step backward if the State of Kansas dropped professional requirements as we venture into the 21<sup>st</sup> Century.

Doug Phelps, an individual, spoke in opposition of **HB 2738** (Attachment 9), commenting that proper administration of Kansas Wildlife and Parks requires the ability to integrate biology, sociology, business principles, and political realities.

John Strickler, an individual, testified in opposition to **HB 2738** (Attachment 10), advising he sees no reason why this proposed change in the Secretary of Wildlife and Parks' qualifications is needed, and to eliminate them would constitute a breach of faith with the constituents of the Department that was made at the time the Department was created.

Spencer Tomb, Administrative Vice President, Kansas Wildlife Federation, spoke in opposition of **HB 2738** (Attachment 11), testifying that hunters and anglers recognized that having basic qualifications of education, training and experience in resource conservation and management would be needed for the Secretary of Wildlife and Parks to be an effective leader of a complex agency, and the concern is that if the qualifications are removed, severe politicization of the Secretary's position would follow.

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, appeared in opposition of **HB 2738** (Attachment 12), advising the Department feels very strongly that any scientific or biologically based government agency requires the professional management of a scientist or biologist who is trained and educated in the area they are chosen to lead.



HB2646

I am here in support of HB2646, Ft Riley has determined that mandate for the wearing of hunter orange by bowhunters in a big game firearms season is an unnecessary burden due to their unique season structure. Ft Riley has a low hunter density and restricted access. I believe safety will not be an issue. Removing an impediment to bowhunter success could increase deer harvest at a time when some believe more deer need to be removed from the population.



Ag & Natural Resources Committee

Date 3-29-10

Attachment 1

**Testimony on HB 2646 regarding Hunter (Blaze) Orange Requirements  
To  
The House Committee on Agriculture and Natural Resources**

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

**March 17, 2010**

HB 2646 seeks to amend one statute related to hunter orange requirements. The provisions of the bill would be effective on publication in the statute book. **The Department supports the provisions contained in HB 2646 and requested introduction of the bill.**

HB 2646 would amend K.S.A. 32-1015 to clarify when hunter orange is required for hunting elk or deer during elk or deer firearms seasons. Fort Riley conservation officials first approached the Department in regard to this topic in the fall of 2008. As elk and deer seasons have expanded, the statutes have not kept pace with the expanded seasons. Firearms elk seasons and archery deer seasons now overlap completely in some areas of the state and as a result, large numbers of archery deer hunters are required to wear hunter orange in those areas for a very, very small number of firearm elk hunters annually. While many other seasons for other species overlap with either firearm elk or firearm deer seasons, hunters hunting the other seasons and species are not required to wear hunter orange and the Department feels that removing this restriction on deer and elk is in line with the rest of the hunting seasons across the state.

**The Department appreciates the opportunity to address the bill and the support of the Committee in making these modifications to the statute.**



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
INSTALLATIONS AND ENVIRONMENT  
CENTRAL REGION ENVIRONMENTAL & GOVERNMENT AFFAIRS  
601 EAST 12<sup>TH</sup> STREET, SUITE 0417  
KANSAS CITY, MO 64106-2896

March 12, 2019

The Honorable Larry Powell  
Chairman, House Committee on Agriculture and Natural Resources  
Room 149-S  
Kansas State Capitol  
300 SW 10<sup>th</sup> Street  
Topeka, KS 66612

Dear Chairman Powell,

I am writing to you concerning the proposed legislation contained in House Bill 2646, which is currently before the Agriculture and Natural Resources Committee. As the Department of Defense, Regional Environmental Coordinator for Standard Federal Region VII, which includes the State of Kansas, I appreciate the opportunity to support this legislation.

Not only is hunting a Quality of Life issue for the sportsmen and women in our ranks that can directly affect their morale and make them more "fit to fight," it is a time honored service tradition enjoyed by many that can provide invaluable stress relief from duty commitments. This bill will allow safe accommodation of the numerous archery deer hunters without infringement because of the few firearm elk permits issued annually.

I welcome the opportunity to work with you and your committee on this and any future matter that may affect Defense installations and agencies in the state of Kansas. If you have any questions, please feel free to contact me by telephone at (816) 389-3445, or e-mail at [stephen.c.scanlon@us.army.mil](mailto:stephen.c.scanlon@us.army.mil). I thank you for the opportunity to comment on House Bill 2646 and would appreciate it if you would share this letter with members of your committee.

Sincerely,

Stephen C. Scanlon  
DoD Regional Environmental Coordinator, Region VII

Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 3



## FORT RILEY OUTDOORSMEN GROUP

407 Pershing Court  
FORT RILEY, KANSAS 66442-5000

March 17, 2010

Written Testimony Regarding House Bill 2646, before the House Agriculture and Natural Resources Committee

Offered by Mark Dombrowski, Fort Riley Outdoorsmen Group Executive Council Member, Fort Riley, Kansas

Chairman Powell, members of the Committee, thank you for the opportunity to provide written testimony regarding House Bill 2646.

Fort Riley appreciates the committee's consideration of this bill and their continued support of Fort Riley's military mission. The Fort Riley Outdoorsmen Group that represents well over 600 members believes that the current statute requiring archery deer hunters to wear 200 square inches of blaze orange during the Kansas elk season is unnecessary.

Fort Riley has a large tract of public hunting acres available for the general public to use. Over the last several seasons the Kansas Department of Wildlife & Parks has issued approximately 20-25 elk permits to hunt on Fort Riley. The valid firearms season for elk hunting on Fort Riley exists from September 1 through December 31. This equates to an extremely low density of elk hunters in the field at one time. Similar numbers of coyote hunters are in the field during the same time period using center-fire rifles that do not wear the blaze orange and there have been no accidents.

In addition, small game hunters may also be in the field during this same time period without the requirement of wearing the blaze orange. There have been no accidents reported with these users. The current statute in place inhibits the archery deer hunters by making them wear the blaze orange on Fort Riley.

This bill will make hunter orange requirements uniform across the state and alleviate the undue requirement for Fort Riley's archery deer hunters to wear blaze orange. I am providing this written testimony on behalf of myself and the Fort Riley Outdoorsmen Group.

Thank you.

Mark Dombrowski

Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 4



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 1<sup>ST</sup> COMBINED ARMS BATTALION, 18<sup>TH</sup> INFANTRY REGIMENT  
7638 SHANKS STREET  
FORT RILEY, KANSAS 66442-5000

March 17, 2010

Testimony Regarding House Bill 2646, before the House Agriculture and Natural Resources Committee

Offered by Lieutenant Colonel John A. Vermeesch, United States Army, Board Member of the Fort Riley Outdoorsman Group (FROG) Fort Riley, Kansas

Chairman Powell, members of the Committee, thank you for the opportunity to testify today regarding House Bill 2646.

Fort Riley appreciates the committee's consideration of this bill and your continued support of our installation and, most importantly, of our Soldiers.

I am presenting this testimony to you as a member of the Fort Riley Outdoorsmen's Group, and as concerned citizen of the Fort Riley Community. I have been an infantryman in the U.S. Army for nearly 20 years, and I have been stationed at Fort Riley for the past seven years. During that entire time my four sons and I have been avid outdoorsmen every autumn. In particular we enjoy archery deer hunting, and during two of my years here at Fort Riley, I was fortunate enough to draw a coveted Kansas elk tag. I can say without equivocation that during my hundreds of hours spent in the field archery hunting, I was never once concerned about my safety, or that of my children. In fact, during my countless times afield pursuing both deer with archery tackle and elk with a firearm, I can only recall a handful of instances in which I encountered another hunter in the same area where I was hunting. While I do agree that we should require anyone hunting with a firearm to wear a minimum of 200 square inches of blaze orange, I think that same requirement for archery hunters is unnecessary, and does not significantly contribute to their well being. I base this assessment on my 30 years of archery hunting experience in seven different states, where I have always hunted in camouflage, and it was almost always in proximity to other hunters pursuing other species with a firearm.

I truly believe that the current statute requiring archery deer hunters on Fort Riley to wear blaze orange during the Kansas firearms elk season outside of when it coincides with the Kansas firearms deer season is unnecessary for the conduct of a safe hunt on the installation. I am willing to stake my own welfare, as well as that of my sons' and my Soldiers', on this belief as we archery hunt for whitetail deer in full camouflage attire.

Thank you for your consideration in this matter.

  
John Vermeesch

Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 3





**DEPARTMENT OF THE ARMY**  
INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT RILEY  
500 HUEBNER ROAD  
FORT RILEY, KANSAS 66442-5000

March 17, 2010

Testimony Regarding House Bill 2646, before the House Agriculture and Natural Resources Committee

Offered by Shawn Stratton, Supervisory Fish & Wildlife Biologist, Directorate of Public Works, Fort Riley, Kansas

Chairman Powell, members of the Committee, thank you for the opportunity to testify today regarding House Bill 2646.

Fort Riley appreciates the committee's consideration of this bill and your continued support of Fort Riley's military mission and the well-being of the fort's Soldiers.

In the past few years Fort Riley has issued permission to approximately 350 archery deer hunters each year to hunt on over 66,000 available hunting acres on Fort Riley.

About half of these are active duty military and military dependants. The remaining half consists of Kansas residents and non-residents. Approximately 25 elk permits are issued each year.

Currently, a valid firearms season for elk hunting on Fort Riley exists from September 1 through December 31. Archery deer hunting is allowed by Kansas Regulation from October 1 through December 31 each year. Under current statute, those 350 archery deer hunters must wear 200 square inches of blaze orange while hunting during the entire archery deer season.

We believe that the current statute requiring archery deer hunters on Fort Riley to wear blaze orange during the Kansas firearms elk season outside of when it coincides with the Kansas firearms deer season is unnecessary for the conduct of a safe hunt on the installation. Soldiers and others who hunt on Fort Riley tell us that their enjoyment of the hunt would be severely impacted were they to be required to wear blaze orange while archery deer hunting during the Kansas firearms elk season.

I will stand for questions at the appropriate time.

Thank you.

Shawn Stratton

Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 6

STATE OF KANSAS

**SCOTT SCHWAB**  
REPRESENTATIVE, 49RD DISTRICT  
P.O. BOX 2672  
OLATHE, KANSAS 66063

—  
CAPITOL BUILDING  
TOPEKA, KANSAS 66612  
(785) 296-7655



—  
TOPEKA

—  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

VICE CHAIRMAN: ELECTIONS

MEMBER: AGING AND LONG TERM CARE  
COMMERCE AND LABOR  
HEALTH AND HUMAN SERVICES

3/16/10

Mr. Chairman and Honorable (and I do mean that) Members of the Ag Committee:

HB 2738 changes the requirements for a Secretary of Wildlife and Parks. The current restrictions are extremely narrow and only allow for certain individuals....well an individual... to serve in that role.

No other of our Cabinet level appointees has such restrictions. Since the Governor is a state-wide position and the administrative arm of the government, we have followed the Thoughts on Government from John Adams. He advocated a strong administrative branch allowing that person to appoint in a manner that helps best govern and administrate without the handcuffs of the policy-making arm hindering that role.

Therefore I ask your support of this legislation.

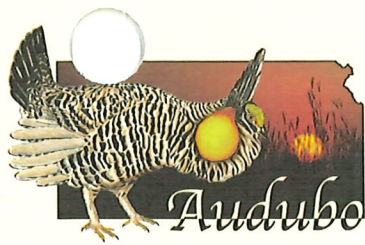
Sincerely,

Rep. Scott Schwab  
Dist. 49

Ag & Natural Resources Committee

Date 3-29-10

Attachment 7



Audubon of Kansas

ST. OFFICE

Ron Klutaske, Executive Director  
Mike Hudson, Director of Development  
Dan Pace, Special Projects Coordinator  
Lana Micheel, On-site Sanctuary Coordinator

210 Southwind Place, Manhattan, KS 66503  
TEL: (785) 537-4385 FAX: (785) 537-4395  
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Harrisonville, MO

Donald Wissman  
Manhattan

Charles E. Wright  
Lincoln, NE

Wednesday, March 17, 2010

Statement to the  
Kansas House of Representatives  
Committee on Agriculture and Natural Resources  
By Ron Klutaske, Executive Director, Audubon of Kansas  
Regarding House Bill No. 2738

We appreciate the opportunity to share our perspective on this subject. Audubon of Kansas is a statewide membership organization devoted to wildlife and habitat conservation, prairie stewardship, nature appreciation, outdoor education and environmental protection.

Our members represent a broad cross section of Kansas residents and our Board of Trustees includes ranchers and farmers, professionals in education, medicine, law, biological sciences, publishing, construction and many other fields.

Audubon of Kansas strongly supports the statutes in place that include the requirement that the Secretary of the Kansas Department of Wildlife and Parks "be fully qualified by education, training and experience in wildlife, parks or natural resources, or a related field, and shall have a demonstrated executive and administrative ability to discharge the duties of the office of secretary."

With the above position in mind, Audubon of Kansas strongly opposed House Bill No. 2738, and urges this committee to table or kill it once and hopefully "for all."

Conservation and professional management of wildlife and parks, and opportunities for residents and visitors to enjoy these natural resources is an important element of this state's economy and the quality of life offered. Most residents enjoy, or benefit from, some element closely related to the responsibilities of the Kansas Department of Wildlife and Parks. Outdoor enjoyment includes wildlife viewing and photography, hunting and trapping, fishing and boating, camping and hiking on KDWP-managed public lands, Walk-In partnerships with landowners, and associated small and big businesses. More importantly, most residents want to know that professional management is observed in this state.

It would be a major step backward if the State of Kansas dropped professional requirements as we venture into the 21<sup>st</sup> Century. We do not want to revert to barber-shop or bartender biology, whereby the urban legends on such things as the reasons for quail declines is blamed on Wild Turkeys, or the answer to having more Pheasants is to release pen-raised birds that are not equipped to live in the wild.

CITIZENS COMMITTED TO CONSERVATION

Audubon of Kansas is a nonprofit membership organization devoted to wildlife and prairie conservation in Kansas and America's heartland. Audubon chapters in Kansas include: Burroughs A.S. - Kansas City; Jayhawk A. S. - Lawrence; Kanza A. S. - Emporia; Leavenworth A. S.; Northern Flint Hills A. S. - Manhattan; Smoky Hills A. S. - Salina; Sperry-Galligar A. S. - Pittsburg; Southeast Kansas A. S. - Parsons; Topeka A. S.; and Wichita A. S.

Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 8

HB2738

Proper administration of Kansas Wildlife & Parks requires the ability to integrate biology, sociology, business principles, and political realities. It also requires the Secretary to conduct the agency in compliance with the Pittman-Robertson, Dingell-Johnson , and Endangered Species acts. Statutory job requirements or not, the scope and difficulty of the job is beyond the capability of a non-professional. We learned that lesson decades ago. I ask that the committee show the wisdom to not repeat past mistakes. Please reject this bill.



Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 9

**JOHN K. STRICKLER**  
**1523 University Drive**  
**Manhattan, KS 66502-3447**  
**Phone: 785/565-9731**  
**Fax: 785/532-3305**  
**[jstrickl@oznet.ksu.edu](mailto:jstrickl@oznet.ksu.edu)**

March 17, 2010

TO: House Committee on Agriculture and Natural Resources  
Representative Larry Powell, Chair

SUBJECT: House Bill No. 2738

I am testifying in opposition to HB 2738 which would eliminate any qualifications for the position of Secretary of Wildlife and Parks.

By way of background, I served as Acting Secretary in 1987 when the Department of Wildlife and Parks was created by Governor Mike Hayden through an Executive Reorganization Order that combined the Kansas Fish and Game Commission and the Kansas Park Resources Authority and raised it to cabinet level status. One of my responsibilities was to lead a national search for a permanent Secretary. After a permanent Secretary was hired, I served as the Governor's Special Assistant on Environment and Natural Resources for two years. In that capacity, I was involved with the process of total recodification of statutes related to the new Department.

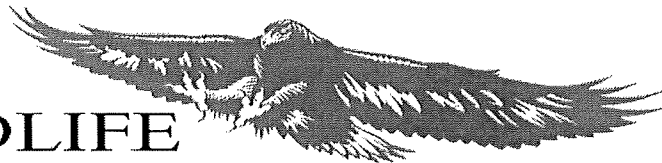
A great deal of thought went into the statement of qualifications for the Secretary. While there were some concerns among the constituency of the old Kansas Fish and Game Commission about the possible "politicization" of the agency by moving it to the Cabinet level, there was general acceptance of the change because of problems that had developed with the Fish and Game Commission and the Director that led to general dissatisfaction with the organizational situation at that time. The intent with the qualifications statement for the Secretary addressed some of these concerns because it assured that there would be some basic requirements for the agency head. The qualifications statement was written to be broad enough to allow flexibility to the Governor in filling the position while still assuring the Department's constituency that some reasonable basic requirements would be met.

At the request of Governor Bill Graves, I again served as Acting Secretary of Wildlife and Parks and again led a national search for a permanent Secretary that resulted in hiring Steve Williams who later moved on to serve as Director of the U.S. Fish and Wildlife Service. In both searches I was involved in, the only instructions I received from Governors Hayden and Graves were to do as broad a search as possible and find the best individual we could who met the basic qualifications. At no time was I ever asked about any individual's political affiliation by either Governor. Using the broad qualifications requirements, we were able to recruit an outstanding group of candidates from within and outside the state in both searches.

I see no reason why this proposed change in the Secretary qualifications is needed, and to eliminate them would constitute a breach of faith with the constituents of the Department that was made at the time the Department was created. Thank you for the opportunity to express my views on this proposed legislation, and I would be glad to respond to any questions.

Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 10

# KANSAS WILDLIFE FEDERATION



*The voice of outdoor Kansas*

March 17, 2010

TO: House Committee on Agriculture and Natural Resources  
Representative Larry Powell, Chair

FROM: Spencer Tomb, Administrative Vice President, Kansas Wildlife Federation, 5321  
Thompson Rd. Manhattan, KS 66503 Phone: 785/527-8265 astomb@ksu.edu

SUBJECT: House Bill No. 2738

Representative Powell and members of the committee, my name is Spencer Tomb. I am from Manhattan and I am here in opposition to House Bill 2738 which would strike out the qualifications for the Secretary of Wildlife and Parks. I currently serve as the Administrative Vice President of the board of directors of the Kansas Wildlife Federation. I am an ardent hunter and serious angler. I have been a volunteer instructor for Wildlife and Parks for about 30 years.

Over twenty years ago, as a Board member of the Kansas Wildlife Federation I was asked to review and prepare testimony on a document that later became House Bill 2005. That document was almost an inch thick. It was the recodification of all of the statutes that dealt with the new Kansas Department of Wildlife and Parks that had been established by an executive order.

Much of HB 2005 was housekeeping. It changed names from Park Resource Authority and Kansas Fish and Game Commission to the Kansas Department of Wildlife and Parks, but several very important issues surfaced as the two entities were combined and elevated to a modern Cabinet agency. The top issue for anglers and hunters was the potential "politicization" of the new agency as it moved from Pratt to Topeka. Hunters and anglers strongly supported the basic qualifications for the Secretary of Wildlife and Parks and asked for the language to be the clear and straightforward language that is being questioned today.

Hunters and anglers recognized that having basic qualifications of education, training and experience in resource conservation and management would be needed for the Secretary to be an effective leader of a complex agency from their very first day in office. Hunters and anglers want and expect professional and scientifically based management of KDWP. Our concern is that if the qualifications are removed, severe politicization of the Secretary's position will follow.

We think that this bill is the wrong direction to take the Kansas Department of Wildlife and Parks. The Kansas Wildlife Federation urges you to let this bill die in the Committee.

I would be glad to respond to questions. Thank you.

Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 11

**Testimony on HB 2738 relating to the Educational Requirements of the Secretary  
To  
House Committee on Agriculture and Natural Resources**

**By Christopher J. Tymeson  
Chief Legal Counsel  
Kansas Department of Wildlife and Parks  
March 17, 2010**

House Bill 2738 would amend K.S.A. 32-805 to strike any educational, training, and experience requirements for the Secretary of Wildlife and Parks. The provisions of this bill would be effective on July 1, 2010. **The Department is opposed to the provisions contained in this bill.**

Since the statutory merger of the old Fish and Game Commission and the Parks Authority in the late 1980's, K.S.A. 32-805 required the Secretary of the then newly created Department of Wildlife and Parks be required to have educational, training and experience in parks and wildlife management prior to any confirmation process by the Senate. Although that was the first time the requirements were statutorily in place, the Director of the Fish and Game Commission met those same standards for a number of years prior to the creation of the KDWP.

The Department feels very strongly that any scientific or biologically based government agency requires the professional management of a scientist or biologist who is trained and educated in the area they are chosen to lead. **The Department appreciates the opposition of the committee to the bill.**

**POSITION STATEMENT: OPPOSITION TO HOUSE BILL 2738**

**Kansas Chapter of The Wildlife Society  
24 March 2010**

The Kansas Chapter of the Wildlife Society (KCTWS) opposes House Bill 2738, and strongly recommends the current educational and experience qualifications for the Secretary of the Kansas Department of Wildlife and Parks (KDWP) be maintained in K.S.A. 32-801.

KCTWS is a state-level chapter of The Wildlife Society, which is the primary scientific organization of wildlife professionals in North America. KCTWS membership includes a diverse group of professional wildlife biologists, ecologists, and natural resource managers employed in Kansas by state and federal agencies, NGOs, private industry, and colleges and universities, as well as students and private citizens.

We believe the Secretary of KDWP must possess a background in wildlife, parks, or natural resources. Requiring this of the top level employee of the KDWP is the only way to ensure that decisions concerning natural resources in the state are based on the principles, concepts, and science of natural resource management – and that the best interest of the public is at the forefront of all such decisions. Eliminating this background jeopardizes the future of the natural resources in Kansas.

This bill is also financially unsound. In 2006, according to a study by the International Association of Fish and Wildlife Agencies, an estimated \$839 million was spent on wildlife recreation in Kansas. Much of this money is directly linked to the programs and services provided by KDWP. From an economic perspective, eliminating or even reducing the qualifications of the individual most responsible to the public for oversight of the state's natural resources should not be considered. Too many jobs and too much quality-of-life is at stake.

No nearly billion dollar private sector business would consider eliminating the qualifications of their top employee, and this decision will erode public's confidence in government as well. The Secretary, as the leader of KDWP, represents the agency to the public. Weakening the Secretary's qualifications will erode the public's confidence in KDWP and will hinder the Department's ability to effectively manage the natural resources so important to Kansans.

In summary, KCTWS believes the current educational and experience requirements for the Secretary of KDWP should be maintained, and that possessing such skills better equips a Secretary to ensure that natural resources are protected into the future. Consequently, House Bill 2738 should not be passed.

Ag & Natural Resources Committee  
Date 3-29-10  
Attachment 13



SESSION OF 2009

**SUPPLEMENTAL NOTE ON  
SUBSTITUTE FOR SENATE BILL NO. 214**

As Recommended by Senate Committee on  
Natural Resources

**Brief\***

Sub. for SB 214 would amend existing law relating to grants awarded under the Kansas Department of Health and Environment's (KDHE) Waste Tire Management Program. The bill would add clarifying language stating that both public and private schools, in addition to local units of government, are eligible for grants to be used for the purpose of purchasing products made from recycled tires. The bill also would revoke the sunset clause on the grant program. Under current law, the program will expire on June 30, 2009.

**Background**

The Senate Committee on Natural Resources recommended the introduction of a substitute bill. The substitute bill incorporates the provisions of HB 2080. The original bill was introduced by the Senate Committee on Natural Resources, and related to the disposal of certain types of waste. The fiscal note on HB 2080 indicates that KDHE expects to award grants in the amount of \$600,000 in FY 2010 through FY 2012. The figure listed above mirrors the amount of grant funds currently being awarded under the program.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note

SESSION OF 2010

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2471**

As Amended by House Committee on  
Local Government

**Brief\***

HB 2471 would prohibit a city from annexing unilaterally, or by consent, a narrow corridor of land to gain access to noncontiguous land. The bill further would require the corridor of land to have a tangible value and purpose other than for enhancing future annexations.

**Background**

Representative Vincent Wetta and Representative Peter DeGraff testified in favor of the bill. Also providing supporting testimony were the Wellington city manager, a representative of the Kansas Farm Bureau, and several private citizens. Opponents providing testimony included representatives of the League of Kansas Municipalities; the cities of Topeka, Overland Park and Mulvane, and the Overland Park Chamber of Commerce.

The House Committee on Local Government amended the bill to remove a provision that would have prohibited a city from annexing a portion of an individual's tract of land pursuant to the unilateral and consent annexation statute.

According to the fiscal note, passage of the bill would have no effect on the state budget. The League of Kansas Municipalities and the Kansas Association of Counties indicated the bill could have an inestimable fiscal effect on municipalities and counties.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note

Substitute for SENATE BILL No. 214

By Committee on Natural Resources

3-12

9 AN ACT concerning solid waste; relating to the waste tire management
10 fund; amending K.S.A. 2008 Supp. 65-3424g and repealing the existing
11 section.

12
13 Be it enacted by the Legislature of the State of Kansas:

14 Section 1. K.S.A. 2008 Supp. 65-3424g is hereby amended to read
15 as follows: 65-3424g. (a) There is hereby established in the state treasury
16 the waste tire management fund.

17 (b) Money from the following sources shall be credited to the waste
18 tire management fund:

19 (1) Revenue collected from the excise tax by K.S.A. 65-3424d, and
20 amendments thereto;

21 (2) permit application and renewal fees provided for by K.S.A. 65-
22 3424b, and amendments thereto;

23 (3) interest provided for by subsection (f);

24 (4) additional sources of funding such as reimbursements and appro-
25 priations intended to be used for the purposes of the fund;

26 (5) any recoveries from abatement and enforcement actions provided
27 for by K.S.A. 65-3424k, and amendments thereto; and

28 (6) any other moneys provided by law.

29 (c) Moneys in the waste tire management fund shall be used only for
30 the purpose of:

31 (1) Paying compensation and other expenses of employing personnel
32 to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through
33 65-3424h, and amendments thereto, but not more than \$250,000;

34 (2) action by the department to implement interim measures to min-
35 imize nuisances or risks to public health or the environment that are or
36 could be created by waste tire accumulations, until the responsible party
37 can fully abate the site or until a state clean-up occurs pursuant to K.S.A.
38 65-3424k, and amendments thereto;

39 (3) action by the department to pay for the removal and disposal or
40 on-site stabilization of waste tires which have been illegally accumulated
41 or illegally managed, when the responsible party is unknown or unwilling
42 or unable to perform the necessary corrective action;

43 (4) the costs of using contractors to provide: (A) Public education

HOUSE BILL No. 2471

By Committee on Local Government

1-19

10 AN ACT concerning cities; relating to annexation of territory; amending
11 K.S.A. 2009 Supp. 12-520 and repealing the existing section.

12
13 Be it enacted by the Legislature of the State of Kansas:

14 Section 1. K.S.A. 2009 Supp. 12-520 is hereby amended to read as
15 follows: 12-520. (a) Except as hereinafter provided, the governing body
16 of any city, by ordinance, may annex land to such city if any one or more
17 of the following conditions exist:

18 (1) The land is platted, and some part of the land adjoins the city.

19 (2) The land is owned by or held in trust for the city or any agency
20 thereof.

21 (3) The land adjoins the city and is owned by or held in trust for any
22 governmental unit other than another city except that no city may annex
23 land owned by a county without the express permission of the board of
24 county commissioners of the county other than as provided in subsection
25 (f).

26 (4) The land lies within or mainly within the city and has a common
27 perimeter with the city boundary line of more than 50%.

28 (5) The land if annexed will make the city boundary line straight or
29 harmonious and some part thereof adjoins the city, except no land in
30 excess of 21 acres shall be annexed for this purpose.

31 (6) The tract is so situated that 2/3 of any boundary line adjoins the
32 city, except no tract in excess of 21 acres shall be annexed under this
33 condition.

34 (7) The land adjoins the city and a written petition for or consent to
35 annexation is filed with the city by the owner. ~~This subsection may not~~
36 ~~be utilized by a city to annex a portion of an individual's tract of land.~~

37 (b) No portion of any unplatted tract of land devoted to agricultural
38 use of 21 acres or more shall be annexed by any city under the authority
39 of this section without the written consent of the owner thereof.

40 (c) No city may annex, pursuant to this section, any improvement
41 district incorporated and organized pursuant to K.S.A 19-2753 et seq.,
42 and amendments thereto, or any land within such improvement district.

43 The provisions of this subsection shall apply to such improvement districts

2-7-11

1 for which the petition for incorporation and organization was presented  
2 on or before January 1, 1987.

3 (d) Subject to the provisions of this section and subsection (e) of  
4 K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to  
5 this section, any fire district or any land within such fire district.

6 (e) Whenever any city annexes any land under the authority of para-  
7 graph 2 of subsection (a) which does not adjoin the city, tracts of land  
8 adjoining the land so annexed shall not be deemed to be adjoining the  
9 city for the purpose of annexation under the authority of this section until  
10 the adjoining land or the land so annexed adjoins the remainder of the  
11 city by reason of the annexation of the intervening territory.

12 (f) No city may annex the right-of-way of any highway under the au-  
13 thority of this section unless at the time of the annexation the abutting  
14 property upon one or both sides thereof is already within the city or is  
15 annexed to the city in the same proceeding. The board of county com-  
16 missioners may notify the city of the existence of any highway which has  
17 not become part of the city by annexation and which has a common  
18 boundary with the city. The notification shall include a legal description  
19 and a map identifying the location of the highway. The governing body  
20 of the city shall certify by ordinance that the certification is correct and  
21 declare the highway, or portion of the highway extending to the center  
22 line where another city boundary line abuts the opposing side of the  
23 highway, annexed to the city as of the date of the publication of the  
24 ordinance.

25 (g) The governing body of any city by one ordinance may annex one  
26 or more separate tracts or lands each of which conforms to any one or  
27 more of the foregoing conditions. The invalidity of the annexation of any  
28 tract or land in one ordinance shall not affect the validity of the remaining  
29 tracts or lands which are annexed by the ordinance and which conform  
30 to any one or more of the foregoing conditions.

31 (h) *No city may utilize any provision of this section to annex a narrow*  
32 *corridor of land to gain access to noncontiguous tracts of land. The cor-*  
33 *ridor of land must have a tangible value and purpose other than for en-*  
34 *hancing future annexations of land by the city.*

35 Sec. 2. K.S.A. 2009 Supp. 12-520 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its  
37 publication in the Kansas register.

1 regarding proper management of waste tires; (B) technical training of  
2 persons on the requirements of solid waste laws and rules and regulations  
3 relating to waste tires; and (C) services described in subsection (i) of  
4 K.S.A. 65-3424k, and amendments thereto;

5 (5) grants to public or private entities for up to 50% of the cost to  
6 start-up or enhance projects to recycle waste tires or recover energy  
7 through waste tire combustion; and

8 (6) grants to local units of government *and any public or private*  
9 *school for grades kindergarten through twelve* to pay up to 50% of the  
10 costs to purchase tire derived products made from recycled waste tires.  
11 As used in this section, "tire derived products" means athletic field sur-  
12 facing, playground cover, horticulture products and molded or extruded  
13 rubber products made from recycled waste tires. ~~The provisions of this~~  
14 ~~paragraph shall expire on June 30, 2010.~~

15 (d) All grant applications received for waste tire recycling grants shall  
16 be reviewed by the solid waste grants advisory committee established  
17 pursuant to K.S.A. 65-3426, and amendments thereto. Waste tire recy-  
18 cling grants shall be subject to the requirements set forth in subsection  
19 (g) of K.S.A. 65-3415, and amendments thereto, related to the misuse of  
20 grant funds with the exception that any grant funds recovered by the  
21 secretary shall be deposited to the waste tire management fund. Waste  
22 tire management funds shall be used only for waste tire recycling grants.  
23 Waste tire grants shall not be awarded, nor shall waste tire funds be  
24 disbursed to a grant recipient, if the department determines that the grant  
25 applicant or recipient is operating in substantial violation of applicable  
26 environmental laws or regulations administered by the department.

27 (e) All expenditures from the waste tire management fund shall be  
28 made in accordance with appropriations acts upon warrants of the direc-  
29 tor of accounts and reports issued pursuant to vouchers approved by the  
30 secretary.

31 (f) On or before the 10th of each month, the director of accounts and  
32 reports shall transfer from the state general fund to the waste tire man-  
33 agement fund interest earnings based on: (1) The average daily balance  
34 of moneys in the waste tire management fund for the preceding month;  
35 and (2) the net earnings rate for the pooled money investment portfolio  
36 for the preceding month.

37 Sec. 2. K.S.A. 2008 Supp. 65-3424g is hereby repealed.

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

14-3