

Approved: Carl Dean Holmes  
Date 2-14-94

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:30 p.m. on February 7, 1994 in Room 526-S of the Capitol.

All members were present except: Representative Betty Jo Charlton - Excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Shirley Wilds, Committee Secretary

Conferees appearing before the committee: Ted Ensley, KS Dept of Wildlife and Parks  
Darrel Montai, KS Dept of Wildlife and Parks  
Paul Willis, KS Audubon Council  
Terry DeWeese, KS Dept of Wildlife & Parks-Manhattan  
Marv McCown, Travel Industry Assn of Kansas  
Brent Doane, Cheney Lake Assn

Others attending: See attached list

Chairperson Holmes opened the meeting requesting any new proposals or amendments from Committee members and if any are anticipated to meet with staff and draft the legislation. He also announced he will be away from the Capitol on February 14 and 15, and reviewed the schedule for next week.

The Chair said the meeting for Thursday is currently pending, in anticipation of possible lengthy debate on the House Floor that day.

**Hearing on HB 2797: Proponents**

**Ted Ensley.** In his position of Secretary of the Kansas Department of Wildlife and Parks, Mr. Ensley told the Committee he seeks their support in the Department's endeavor to meet the current demands placed upon their facilities and properties. He then deferred to Darrel Montai to elaborate on the particulars of **HB 2797** proposals.

**Darrel Montai.** (See Attachments #1 and #2) Mr. Montai began his testimony by stating **HB 2797** is a funding proposal by the Department to address and help solve three serious problems. They are: 1) decreasing funding base; 2) increasing number of participants; and 3) increasing operations and maintenance costs. He maintained the Department cannot meet current demands placed upon them. Moreover, he added, the state is unable to realize its full economic benefit from these assets because of these limitations.

Mr. Montai reported there is a growing number of individuals who participate and enjoy outdoor activities and wildlife, but make no financial contribution to the Department's protection and management of wildlife, natural resources and facilities available. Presently, state parks receive about 40% of their funding from a vehicle permit and fees associated with camping. There are costs associated with vehicles, such as roads and parking areas, but the largest proportion of their expenses are associated with people and providing for their enjoyment while using a state park.

Mr. Montai stated without the benefit of new and aggressive funding initiatives, the Kansas state parks system cannot provide the services and facilities demanded by current and potential users. The result will be millions of dollars in lost economic activity and further deterioration of the system. In addition those with special needs (i.e. physically challenged) will continue to experience inadequate facilities access. He proposes a first step in addressing these needs would be three basic initiatives: 1) Discontinue the state park motor vehicle permit system and establish an annual and daily state park use license, which would be required of all park users age 16 years and older; 2) create a lifetime state park use license; and 3) establish a statutory provision allowing courts to assess a penalty against persons who violate state park regulations, rules or laws.

In reviewing **HB 2797**, Mr. Montai commented on each section of the bill regarding the funding initiatives proposed.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on February 7, 1994. CONTINUATION SHEET

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Sections 1 through 4 - The penalty assessment proposal would provide for a 35% to 75% surcharge which would become available for use by the Department. This system will provide for individuals to become more responsible for the financial burdens if they have committed a violation (currently carried by all).

Section 5 - Would remove the requirement for a vehicle permit to use state parks, replacing the system with state park use license requirements for state parks, with a stipulation that persons under 16 years of age would not be required to obtain the license. Provisions would allow for a short-term license as well.

Section 6 - Establishes a license for use of Department lands and waters (exempting state parks and rail trails). Those persons 16 years of age, and those with valid hunting, fishing and furharvesting licenses would not have to secure the use license. Again, short-term license are included. Mr. Montai said most of the lands and waters were secured for wildlife conservation purposes and hunting and fishing are primary activities within those purposes. He emphasized it is the position of the Department that those lands and waters will be managed for fish and wildlife purposes and will continue to provide hunting and fishing recreation. Multiple use will be encouraged to the extent that those uses are compatible with and contributory to the purposes for which the lands and water were originally secured.

Section 7 - Provides for lifetime state park and/or public land use licenses, being administered the same as is currently being done.

Section 8 - A 24-hour resident fishing license has resulted in an estimated \$230,000 annual lost revenue to the Department. Mr. Montai said it is recommended that the 24-hour fishing license be made specific to nonresidents.

Section 9 - Due to the low number of 48-Hour waterfowl licenses sold and administrative costs involved, it is recommended that the license be discontinued.

Section 10 - This section amends the current fee structure to include the several license and permit proposals in **HB 2797**. Among the amendment items: state park and public land use licenses; nonresident 24-hour fishing license; and deletion of the 48-hour waterfowl hunting license.

Section 11 - This section amends current law to specify that receipts from the sale of public land use licenses are to be deposited in the Wildlife Fee Fund.

Section 12 - Amends current law specifying receipts from the sale of state park use licenses are to be deposited in the Park Fee Fund. (Deletes reference to motor vehicle permits.)

Section 13 - Amends current law specifying how receipts from lifetime public land use licenses are deposited.

Section 14 - Creates a Park Conservation Fund specifying how receipts are to be deposited into the Park Fee and Park Conversation Funds.

Section 15 - Specifies how lifetime state park and public land use receipts are to be deposited.

Section 16 - Amends law to include penalty assessment figures into court reports.

Section 17 - In concert with the effective publication date, this section will provide time to inform the public and prepare administratively to accommodate changes.

Mr. Montai said the increasing demand for wildlife-associated recreation is well documented, with Kansas offering some of the nation's most unique opportunities for such experiences. Ultimately, this reaps significant quality-of-life and economic benefits.

In conclusion, Mr. Montai provided the Committee a summary of Department revenue impacts with regard to state park system funding and wildlife programs funding initiatives.

**Paul Willis.** (See Attachment #3) Mr. Willis reported delegates of the Audubon Council met on February 5 and it was the consensus that they support the establishment of a public land-use fee. He said the Audubon members believe that those persons who use state-owned lands should be expected to help finance the costs and proper maintenance and protection of those lands. In addition, they should also be expected to help finance costs associated with the protection and management of the state's wildlife. He said his Council also support Section 11, Page 13 of **HB 2797**, adding they do have suggestions regarding the structure and use of these funds. He explained there appears to be a built-in bias toward the purchase of hunting and fishing licenses, rather than purchase of public land-use licenses based upon the maximum fees set for annual and lifetime licenses. He reported they believe it would be appropriate to set the maximum fees for hunting, fishing and public land-use licenses at the same amount, recognizing

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on February 7, 1994. CONTINUATION SHEET

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that additional personnel will be supported partially with matching federal monies. He further suggested that a certain percentage of receipts from the sale of public land-use licenses be allocated for habitat enhancement for nongame species. Stating the decline in recent times of our bird population, he said there are clearly specific requirements for game vs nongame animals and the Council hopes that funds for habitat enhancement for watchable wildlife will be a high priority.

The Council also supports the establishment of the new system of financial support for parks and rail trails as delineated in Section 5, page 4 of **HB 2797**.

In closing Mr. Willis proposed that a system be adopted wherein senior citizens qualifying for low-income assistance have the park and public land-use fees either partially or completely waived (perhaps using an identification process that may already be in use). Upon amending the fee schedule, Mr. Willis urged the Committee to vote favorably for this bill.

**Terry DeWeese.** (See Attachment #4) Being a lifetime resident of Manhattan, Kansas and utilizing the various resources managed by the Department of Wildlife and Parks, Mr. DeWeese presented his views on behalf of himself, his family and future generations of Kansans. He stated that through his use of various park facilities, he has witnessed serious deterioration of infrastructures and said they are at the end of their normal service life. With the addition of aging equipment, deferred maintenance and the 1993 flood, the park system has become inadequate. He maintains by working together to develop a funding initiative package, the return on the investment will bring in economic dollars, make the facilities available for the physically-challenged and improve the facilities, lands, and programs that are used by many Kansans today and that will be needed for the future.

**Marv McCown:** (See Attachment #5) With the Travel Industry Association of Kansas representing members from all communities across the state (and in the business of selling Kansas), Mr. McCown said his Organization, perhaps better than other consumer groups, understand the needs being addressed today for the state's park systems. He reported there is a growing awareness in the tourism industry that user fees is the only way affording the kind of facilities that are needed in this country for recreational purposes.

**Brent Doane.** (See Attachment #6) Speaking on behalf of the Cheney Lake Association, Mr. Doane reported they feel that provisions in **HB 2797** are long overdue. His Association feels that the creation of a new and separate fund within the Department of Wildlife and Parks (into which fines levied against violators of park rules will be placed) is both fair and equitable. These monies can be used to help alleviate the deteriorating conditions and flood damage found in many of the state parks.

Mr. Doane said the Association also supports the new user fee schedule proposed, wherein the cost of providing park services to the user of the park services will be more equitable. He mentioned in closing that the state parks and wildlife areas are not only a source of recreation, but serve a valuable economic function, provide jobs and enhance travel and tourism within the state.

Chairperson Holmes referred to the two following items that arrived by Fax prior to meeting time today:

Letter from Cheney Lake Association (See Attachment #7)

News article from Todd Catlin, Beloit (See Attachment #8). Representative McClure told the Committee Mr. Catlin is a Beloit merchant and is very active within the community, including the Glen Elder and Waconda Lake Associations. She reported Mr. Catlin let her know these Associations are in favor of the fee changes. Referring to the news article, she stated it depicts the importance of supporting the needed funds as is proposed in **HB 2797**.

Following conferees' testimony Committee members and conferees held a lengthy debate on **HB 2797**. Among points of interest to some:

Wildlife and Parks Department owns approximately 37-40,000 acres of park facilities, and manage approximately 200,000 acres.

To bring the wildlife and park facilities to acceptable standards the initial cost would be approximately \$15 million; an additional \$1 1/2 to \$2 million is needed for appropriate ongoing upkeep. There are presently 32 fishing lakes in the state needing repair. It was suggested more funds were needed for this purpose as opposed to funds for parks. (It is estimated the cost to repair the fishing lake dams is \$30 million.)

There was mention to delete the lifetime license, and accept credit cards instead.

Department fees for various activities compare favorably with surrounding states (averaging somewhere in the middle range of fees).

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Representative Hendrix made the announcement, via information from a newsperson, that the Special Master appointed by the United States Supreme Court in the law suit between Kansas and Colorado made a preliminary ruling in favor of the State of Kansas. He said it is subject to additional argument before the Special Master to convince him that his preliminary determination is wrong, but it appears to be initially successful.

Upon completion of its business, the meeting adjourned at 5:25 p.m.

The next meeting is scheduled for February 8, 1994.



Date: 2/7/94

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STATE OF KANSAS



Joan Finney  
Governor

DEPARTMENT OF WILDLIFE & PARKS

Theodore D. Ensley  
Secretary

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H.B. 2797

Testimony Presented To: House Energy & Natural Resources Committee  
Provided By: Kansas Department of Wildlife and Parks

**H.B. 2797 is a funding proposal by the Department to address and help solve three serious problems:**

- 1. decreasing funding base**
- 2. increasing number of participants**
- 3. increasing operations and maintenance costs.**

Wildlife and outdoor recreation are important economic and quality of life assets in Kansas, but the Department cannot meet current demands placed upon its facilities and properties. Moreover, the state is unable to realize its full economic benefit from these assets because of these limitations.

The Department of Wildlife and Parks is built on a user pay concept. This is particularly true on the fish and wildlife side. Users, through license purchases and related fees and expenditures, support virtually all fish and wildlife management efforts and have since the early part of this century. Many projects and expenditures are for the benefit of all wildlife, not just for the benefit of hunters and anglers. This type of financial support by hunters and anglers will continue, but the number of license buyer is remaining steady or slightly decreasing. There is a growing number of individuals who participate and enjoy outdoor activities and wildlife, but make no financial contribution to the Departments protection and management of wildlife and natural resources and facilities available for enjoyment of these resources.

*Energy & Natural Resources  
attachment #1  
2/7/94*

State parks receive about 40% of their funding from a vehicle permit and fees associated with camping. There are costs associated with vehicles such as roads and parking areas, but the largest proportion of our expenses are associated with people and providing for their enjoyment while using a state park. Because of the type of permitting system in place and because of exemptions, revenues are not adequate to properly meet our responsibilities and provide services demanded by park users.

**The funding initiatives proposed in H.B. 2797 are as follows:**

**Penalty Assessment (Sections 1 through 4)**

Violations of Department laws and regulations cost all users through law enforcement expenses and through repairs, replacements and management efforts. No portion of any levied fines or penalties are available to this Department to help defray those costs. The penalty assessment proposal would provide for a 25% to 75% surcharge which would become available for use by the Department. Through this system, individuals who have committed a violation will become more responsible for the financial burdens of their actions which are currently carried by all.

**State Park Use License (Section 5)**

This section would remove the requirement for a vehicle permit to use state parks and replace that system with state park use license requirement for state parks. Persons under 16 years of age would not be required to obtain the license. Such a license would also be required to use rail-trails. Provisions which would allow for a short term license, such as a daily, are included.

**Public Lands Use License (Section 6)**

This section establishes a public lands use license required of each individual using Department lands and waters (other than state parks and rail trails). Persons under 16 years of age and persons with valid hunting, fishing or furharvesting licenses would

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not have to secure the use license. Provisions which would allow for a short term license, such as a daily, are included.

This approach is partially in response to requests from individuals and organizations to implement a procedure whereby they would assist financially with costs of operation for wildlife areas and state fishing lakes. It also recognizes the fact that about 42% of the users currently do not contribute financially to operation and maintenance costs of these areas.

One approach which was considered, but not recommended, would have required all users to purchase a hunting, fishing or furharvester license. This is not readily acceptable to many who are not engaged in consumptive wildlife activities. That approach may increase the number of licenses sold and as a result, yield additional federal aid revenues to the state. But, it would also place limitations on the type of expenditures that could be made on wildlife areas and state lakes- - -limitations that may not allow for meeting the needs of other users.

Most of the lands and waters were secured for wildlife conservation purposes, and hunting and fishing are primary activities within those purposes. It is the position of the Department that those lands and waters will be managed for fish and wildlife purposes and will continue to provide hunting and fishing recreation. Multiple use will be encouraged to the extent that those uses are compatible with and contributory to the purposes for which the lands and waters were originally secured.

#### **Lifetime State Park and Public Lands Use Licenses (Section 7)**

This section provides for lifetime state park and/or public land use licenses. These new lifetime licenses would be administered the same as is currently being done for lifetime hunting and fishing licenses.

#### **24-Hour Resident Fishing Licenses (Section 8)**

This license, although convenient to some residents, has resulted in an estimated \$230,000 annual lost revenue to the Department, as many who once bought an annual fishing license are

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now purchasing 24 hour fishing licenses. The 24-hour license is primarily for nonresidents and perhaps to encourage some residents to take up fishing. However, it has resulted in a loss of annual license buyers and revenue. It is recommended that the 24-hour fishing license be made specific to nonresidents.

#### **48-Hour Waterfowl Hunting License (Section 9)**

This license was established to encourage nonresidents to hunt waterfowl in Kansas through a lower cost hunting license that was valid only for waterfowl hunting. Individuals still need all appropriate stamps. The Department only sells about 81 of these licenses per year. Due to the low number sold and the administrative costs associated with these licenses, it is recommended that the license be discontinued. It is anticipated that enough individuals will elect to purchase a regular nonresident hunting license to offset any revenue losses.

#### **Fee Structure (Section 10)**

This section amends the current fee structure of the Department to include the several license and permit proposals in H.B. 2797. Amendment items involve: state park and public land use licenses (including lifetime licenses and combinations); a nonresident 24-hour fishing license; and deletion of the 48 hour waterfowl hunting license. For several of the items, the minimum figure is deleted leaving the maximum in place.

#### **Deposit of Public Land Use License Receipts (Section 11)**

This section amends current law to specify that receipts from the sale of public land use licenses are to be deposited in the Wildlife Fee Fund.

#### **Deposit of State Park Use License Receipts (Section 12)**

This section amends current law to specify that receipts from the sale of state park use licenses are to be deposited in the Park Fee Fund. It deletes the reference to motor vehicle permits. The

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limitations on authorized uses of the Park Fees Fund are amended to include rail trails.

**Deposit of Lifetime Public Land Use License Receipts (Section 13)**

This section amends current law to specify how receipts from the sale of lifetime public land use licenses are to be deposited into the Wildlife Fee Fund and the Wildlife Conservation Fund.

**Deposit of Lifetime State Park Use License Receipts (Section 14)**

This section creates a Park Conservation Fund and specifies how receipts from the sale of lifetime state park use licenses are to be deposited into the Park Fee Fund and the Park Conservation Fund.

**Deposit of Combination and Combination Lifetime State Park and Public Land Use License Receipts (Section 15)**

This section specifies how receipts from the sale of combination and combination lifetime state park and public land use license Receipts are to be deposited in the several involved funds.

**Reporting of Penalty Assessment (Section 16)**

This section amends current law to include penalty assessment figures into reports submitted to the Department by the courts.

**Rule and Regulation Authority (Section 17)**

The bill is recommended to be effective upon publication in the statute book. However, the various license requirements would not take effect until January 1, 1995. This will provide ample time to inform the public and prepare administratively to accommodate the changes. Most of the changes will require development of regulations to implement procedures and fees. This section will make it clear that authority to adopt regulations prior to January 1, 1985 exists. However, the regulations could not be effective until January 1, 1995.

The Department is charged with management of the state's fish, wildlife and parks resources and with providing associated

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recreational opportunities to our people and visitors to our state. These are important missions for quality of life in Kansas. They will become even more important in years to come. Kansas must address funding issues and develop secure funding sources if we are to meet current and future demands. We are asking the Legislature for help and support in this effort.

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**KANSAS DEPARTMENT OF WILDLIFE AND PARKS**  
**FUNDING INITIATIVES**

**(Supplement to Testimony on H.B. 2797)**  
**2-7-94**

**INTRODUCTION AND NEED**

The lands, facilities, and wildlife resources managed by the Kansas Department of Wildlife and Parks are among the state's most important quality-of-life features. Kansas' 24 state parks host more than 4.3 million visits by residents and non-residents annually, and the department's 71 wildlife areas and 37 state fishing lakes (termed "public lands") receive approximately 1.2 million visits each year. The department is charged with management of these areas, as well as the wildlife resources of Kansas' 82,000 square miles of private lands. Wildlife-related activities account for more than 10 million recreation days in Kansas each year, with an estimated direct economic benefit of \$142 million to the state, even without the application of standard multipliers. Growth in the demand for these opportunities is well documented nationally.

In Kansas, however, many of these features and the associated recreation and economic benefits are in jeopardy. Meager beginnings, aging equipment, recent floods, and years of deferred maintenance have yielded public lands facilities that fail to meet existing needs. They fall short of satisfying both current and potential user demands.

Wildlife resources and department programs to protect and manage them face severe threats as well. Demands for outdoor recreation are increasing markedly, while many important wildlife habitats continue to suffer losses. In Kansas, the lack of public recreation lands limits many types of outdoor activities, especially those associated with wildlife and natural areas.

This package of proposals contains two general types of initiatives -- those pertaining to state parks and those pertaining primarily to wildlife lands and resources. Each initiative addresses fiscal challenges facing the department and its constituents. Importantly, they are uniformly based on a user-pay concept. Together these initiatives present a short-term and a somewhat longer-range approach to funding issues; they are, however, independently viable. In total, they would generate an estimated additional \$1.41 million annually for state parks operations and maintenance, and as much as \$2.64 million annually for wildlife management programs, including the operation and maintenance of state fishing lakes and wildlife areas.

Following are summaries of the proposed initiatives. Further detail is provided in latter pages. The initiatives for state parks are separated from those for wildlife lands and resources in order to reflect the need to maintain resulting revenues separately in the Park Fee Fund (PFF) and the Wildlife Fee Fund (WFF), respectively.

## STATE PARK SYSTEM FUNDING INITIATIVES

The development of the Kansas state park system began almost 40 years ago with Kanopolis State Park. Many park facilities are nearing the end of their normal usable service lives; and those unfortunate circumstances are exacerbated by sub-standard initial development in many cases and a long history of inadequate funding for maintenance. As a result, many parks in the system have seriously deteriorated infrastructures that are near failure. Public demand for parks remains intense, however, and evidence of increasing demand is documented. A quality state park system, which includes rails-trails in Kansas, could host an estimated 10 million visitors each year, bringing major quality-of-life and economic benefits to the state.

Presently, about 40 percent of the funding for state park operations and maintenance is generated by park user fees, with the balance appropriated annually from the State General Fund. Current user fees include daily and annual vehicle entrance permits, daily and annual camping permits, utility service fees and less significant fees for special event services and concession contracts.

Without the benefit of new and aggressive funding initiatives, the Kansas state parks system cannot provide the services and facilities demanded by current and potential users. This will result in millions of dollars in lost economic activity to the state and further deterioration of the system, unless future General Fund appropriations are substantially increased. People with special needs, such as those who are physically challenged, will continue to experience Kansas park facilities which are inadequate and inaccessible for their use. As a first step in addressing these needs, the department proposes the following initiatives:

- 1) Discontinue the state park motor vehicle permit system and establish an annual and daily state park use license, which would be required of all park users age 16 years and older.
- 2) Create a lifetime state park use license.
- 3) Establish a statutory provision allowing courts to assess a penalty against persons who violate state park regulations, rules or laws.

## PUBLIC LANDS AND RESOURCES MANAGEMENT FUNDING INITIATIVES

The increasing demand for wildlife-associated recreation is well documented. Kansas offers some of the nation's most unique opportunities for such experiences and reaps significant quality-of-life and economic benefits as a result.

More than 200,000 resident hunters and 39,000 non-resident hunters, for example, directly spend more than \$44 million each year in the state; and non-harvest wildlife users spend an estimated 2.25 million recreation days and more than \$22 million annually in Kansas.

With only about one percent of Kansas' land area open for public outdoor recreation, department-managed wildlife areas and state fishing lakes (public lands) receive intensive use. These areas are critical to wildlife and outdoor recreation in the state. Without them, many residents and visitors would not have opportunities to experience wild Kansas.

Kansas ranks among the top four pheasant and quail hunting states and first in the nation for prairie chicken hunting and viewing opportunities. Demands for non-harvest wildlife use and environmental education opportunities also are documented to be increasing. No corresponding new funding initiatives have been available in recent years, however. As a result, many basic and essential wildlife management programs are jeopardized, and constituent opportunities are decreasing correspondingly.

Funding for wildlife area and state fishing lake operations and maintenance is generated primarily by user fees -- sales of hunting and fishing licenses, associated federal aid reimbursements, and revenues from agricultural leases on department lands. It is important to note that people who do not hunt, fish, or harvest furbearers do not contribute financially to the management of these land and waters; yet recent survey information documents that as much as 42 percent of the use of these areas is by non-hunters and non-anglers.

Many of Kansas' public wildlife areas and especially state fishing lakes are in sub-standard condition. Most of the 37 state fishing lakes were constructed 30 to 60 years ago and many have failing dams and water control structures. Several require immediate and extensive repairs. Many state lakes and some wildlife areas are characterized by deteriorated roads, boat ramps, camp sites, day-use facilities, docks, and other basic infrastructure features. Without proper maintenance of these facilities, users will experience significant losses of service and recreational opportunities. The scarcity of public lands in the state demands that existing facilities be well-managed.

In addition, losses of wildlife habitats grow more severe, with urban sprawl, pollution, changing land uses, and widespread development as leading threats. This package contains the following proposed initiatives to address these critical issues:

- 1) **Require an annual and daily license for use of department wildlife lands and waters, exempting persons less than 16 years old and those who hold valid hunting, fishing and furharvesting licenses.**

- 2) Create a lifetime license for use of all department wildlife lands and waters.
- 3) Eliminate the 24-hour resident fishing license and 48-hour waterfowl hunting license.
- 4) Establish a statutory provision allowing courts to assess a penalty against anyone who violates a state wildlife regulation, rule, or law.

#### DETAILED DISCUSSION: STATE PARKS SYSTEM FUNDING INITIATIVES

##### INDIVIDUAL PARK USER LICENSE

The individual park use license system would entail the elimination of the current vehicle permitting system, which currently offers both annual and daily permits. Under the proposed system, annual, daily and lifetime state park use licenses would be offered.

Park revenue increases are critical for operation and maintenance of the state park system, which is in extreme disrepair due to facility aging, deferred maintenance, historical underfunding, and recent flood damages. Funding for rails-to-trails is included in the state park use license system. Without immediate increased funding, state parks will experience major facility failures and complete loss of services in certain locations. More widespread facility dysfunction, occurring over time, will be inevitable. Most Kansas state parks are in serious need of repairs to such facilities as shelter houses, shower houses, sanitary facilities, beaches, and camping areas.

The implementation of the individual park licensing system would generate an estimated \$1.41 million in additional PFF revenues annually. It would entail the elimination of the current annual and daily vehicle permits. An annual license price of \$10.00 and a daily price of \$4.00 is used for this estimate of revenue potential.

The replacement of the state park vehicle permit requirement with a state park use license would also remove the exemption for persons age 65 years and older and would generate additional estimated PFF revenues of \$261,000 per year. This licensing system alteration is important, because everyone must share the operational and maintenance expense for state parks, including upper-aged persons, who currently pay no entrance fees. This revenue estimate is based on the assumption that all park users age 65 years or greater (except about 30 percent of those affected who will decline to participate in any park programs) will purchase the annual state park use license. The number of affected park users who would purchase the lifetime license is not expected to significantly alter income projections.

##### LIFETIME PARK ENTRANCE LICENSE

Under this initiative, a lifetime park entrance license (mentioned above) would be available to all park users. As stated above, sales of these lifetime licenses are not expected to significantly affect income projections.

#### PENALTY ASSESSMENT FOR PARK VIOLATIONS

This initiative would establish legislation authorizing Kansas courts to assess a penalty fee against persons who violate state park laws, rules, and regulations. The penalty would be determined by the court at any amount not less than 25 percent and not more than 75 percent of the associated fines, court costs, and forfeitures. The presiding judge would consider the violator's ability to pay and other circumstances in establishing the penalty. Resulting funds would be applied directly to those facilities and resources that specifically benefit park users. Based on an estimated 486 convictions of park violations annually, an average fine of \$83, and an average penalty assessment of 50 percent of the fine, this initiative would generate annual revenues of approximately \$20,000, which would be deposited into a penalty assessment fund.

#### DETAILED DISCUSSION: WILDLIFE LANDS AND RESOURCES MANAGEMENT FUNDING INITIATIVES

##### PUBLIC LANDS USE LICENSE

The proposed public land user licensing system would exempt from the new requirement anyone who holds a hunting, fishing, or furharvesting license, as well as anyone less than 16 years of age.

The resulting annual revenue, estimated at \$2.24 million, would provide for wildlife habitat management and for essential repairs of failing state fishing lake dams and water control structures, deteriorated wildlife area roads, fences, trails, restrooms and other facilities.

The new funds would also allow needed development of these properties, including habitat, improved parking areas, wildlife viewing sites, and other public-use facilities. These revenue projections are based on an annual license fee of \$10 and a daily license fee of \$4.00. It assumes 30 percent of the people who currently use these lands and waters will decline to do so under this requirement.

##### ELIMINATION OF THE RESIDENT 24-HOUR FISHING LICENSE AND 48-HOUR WATERFOWL HUNTING LICENSE

Since the 24-hour fishing license was first offered in 1985, annual fishing license sales have decreased, while the total number of all fishing license sales has increased significantly. Most of this increase, however, is attributed to sales of 24-hour licenses, which are available for only \$3.00. The Department currently offers a five-day non-resident fishing license for \$13 (the same price as the annual resident license), which would still be

available, as well as the non-resident 24-hour license, under this initiative. The resident 24-hour license, however, represents a significant source of revenue loss. Its elimination would recoup an estimated \$230,000 in annual WFF revenue. This estimate does not consider those persons who presently buy several 24 hour licenses, nor does it allow for those who will chose not to participate due to the change. The resulting funds would be used for renovation of state lake dams, fish stocking, boat ramps, docks, and other angler-benefitting facilities and programs. This revenue estimate is based on the current resident license price of \$13.

Since its inception, sales of the 48-hour waterfowl hunting license have been insignificant (average 81 per year), so direct fiscal benefits from its elimination would be slight (some of the former purchasers of this license would purchase regular non-resident hunting licenses). The license represents an administrative inefficiency, however, and offers no important service to constituents.

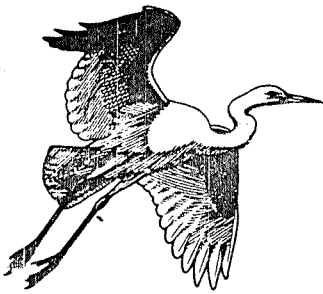
#### PENALTY ASSESSMENT FOR WILDLIFE VIOLATIONS

This initiative would authorize Kansas courts to assess a penalty fee against persons who violate state wildlife laws, regulations, and rules. The penalty, set at the court's discretion, would be not less than 25 percent and not more than 75 percent of the associated fines, court costs and forfeitures. Presiding judges would be able to consider violators' ability to pay, as well as other circumstances, in determining the penalty amount. The resulting funds would be applied directly to those facilities and programs that specifically benefit wildlife and wildlife resource users. Based on an average fine of \$83, and an average assessment of 50 percent of the fine, this initiative would generate annual revenues of approximately \$169,000, which would be deposited into a penalty assessment fund.

#### SUMMARY OF DEPARTMENT REVENUE IMPACTS

<u>STATE PARK SYSTEM FUNDING INITIATIVES</u>	<u>Annual Revenue Enhancement</u>
Individual Park User License	1,391,000
Lifetime Park Entrance License	(not significant initially)
<u>Penalty Assessment</u>	<u>20,000</u>
TOTAL	\$1,411,000

<u>WILDLIFE PROGRAMS FUNDING INITIATIVES</u>	<u>Annual Revenue Enhancement</u>
Public Lands Use License	2,240,000
Eliminate 24-hour Fishing & 48-hour Waterfowl Lic.	230,000
<u>Penalty Assessment</u>	<u>169,000</u>
TOTAL	\$2,639,000



# Kansas Audubon Council

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February 7, 1994

House Energy and Natural Resources Committee

Testimony on HB 2797

Thank you Chairman Holmes and members of the committee for giving me the opportunity to appear before you today on behalf of the Kansas Audubon Council. My name is Paul Willis; I am a member of the Topeka Audubon Society.

Just this past Saturday, February 5th, Council delegates met and once again reaffirmed their support for establishment of a public-lands-use fee. This concept is one which the Council has actively advocated since it first began to follow legislative issues and work on funding issues that concern the Kansas Department of Wildlife and Parks. The testimony presented to you today primarily focuses on those sections of HB 2797 that deal with parks and public lands.

Our members believe that those persons who use state-owned lands should be expected to help finance the costs associated with properly maintaining, and protecting those lands, as well as the costs associated with protecting and managing the wildlife of the state. For that reason, the Council supports New Sections 6 and 7, pages 7 and 8. We also support the inclusion of the money that will be generated by the sale of public-lands-use licenses into the wildlife fee fund (Section 11, page 13); however, we want to offer some comments regarding the structure and use of those funds.

We want to commend the department for bringing forward this proposal. We do, however, want to point out that there appears to be a built-in bias toward the purchase of hunting and fishing licenses rather than purchase of public-land-use licenses based upon the maximum fees set for annual and lifetime licenses. We assume that this was done because of federal matching money for hunting and fishing licenses. We believe it would be more appropriate to set the maximum fees for hunting, fishing and public-land-use licenses at the same amount, recognizing that the additional personnel and other resources required to enforce and administer programs for game species than for nongame species will be borne at least in part by the federal matching money.

Furthermore, we would like to suggest that a certain percentage of receipts from the sale of public-lands-use licenses be allocated for habitat enhancement for nongame species. There have been significant declines in bird populations recently; habitat needs for some of these species can be far different than for game animals (sandy nesting mounds for least terns, shallow mud flats for shorebirds, dead tree limbs for woodpeckers, nest boxes for bluebirds etc.).

In the past, we have been told that enhancement of habitat for game species helps nongame species as well, and often that is indeed the case. As mentioned above, however, clearly there are specific requirements for nongame animals that do not overlap with those for game animals. The Council hopes that habitat enhancement for watchable wildlife will be a high priority for funds generated by the new public-lands-use license sales.

The Council also supports the establishment of the new system of financial support for parks and rail trails as delineated in Section 5, page 4. Because most of our state parks are associated with flood-control reservoirs, flood damage to parks during 1993 demonstrated how vulnerable our park system is to severe weather conditions. The operation and maintenance of Kansas' parks has regularly been subsidized through the use of State General Funds. As you know, these funds are nearly always subject to heavy demands. The Council believes that our state park system has been seriously underfunded for a long time; hopefully this new system will generate enough money to provide adequate supplementary funds to the General Funds, so that necessary improvements and ongoing maintenance of our park system can be implemented more fully.

In closing the Council would make one other suggestion. If withdrawal of the over-65 exemption for park permits and public-lands-use licenses appears too controversial, we would like to propose that a system be adopted that would permit senior citizens who qualify for low-income public assistance programs (food stamps etc.) have the park and public-lands-use fees either partially or completely waived. While the Council wants to see HB 2797 adopted (with the above modifications), we do not want to create a hardship for those who are truly impoverished and deserve consideration of their financial situation. We also are cognizant of the administrative problems that such a system of identification could cause and therefore suggest using one that already may be in place to identify citizens with low incomes.

I thank you for this opportunity to bring the Kansas Audubon Council's position to your attention and the Council urges you to amend the fee schedule and then vote favorably for HB 2797.

Testimony Before The  
Kansas House of Representatives  
Energy and Natural Resources Committee  
Monday, February 7, 1994  
RE: Kansas Department of Wildlife and Parks  
Funding Initiative

Mr. Chair, Members of the Committee:

I am Terry DeWeese, a life-time resident of Kansas living in Manhattan, and I utilize the lands, facilities, and wildlife resources managed by the Kansas Department of Wildlife and Parks. Today, I represent me, my family, and future generations of Kansans. I appreciate the opportunity to testify before you today on the Kansas Department of Wildlife and Parks Funding Initiatives.

Today in Kansas, we are at a crossroads with our state parks, wildlife resources, and department programs. Many of the park facilities I have used have seriously deteriorated infrastructures and are at the end of their normal service life. Compound that with aging equipment, deferred maintenance, and the flood of 1993 and our state park system falls short of satisfying both current and potential user demands. With only about one percent of the Kansas land area open for public outdoor recreation our managed wildlife areas and state fishing lakes are being jeopardized and opportunities are being lost because of insufficient funding. It is also important to remember that there is a large percentage of people who use these facilities who do not hunt, fish, or harvest furs that do not contribute financially to the management of these lands and waters.

*Energy & Natural Resources  
Attachment #4  
2/7/94*

The State of Kansas is at a critical point in the management of its state parks, wildlife resources, and department programs. We need to work together in developing a package of funding initiatives pertaining to state parks and those pertaining to wildlife lands and resources for now and future generations. Our return on our investment will bring in economic dollars, make our facilities available for the physically challenged and improve the facilities, lands, and programs that are used by many Kansans today and that will be needed for the future.

Again, thank you for the opportunity to appear before you today.

4-2  
2/7/94



Travel  
Industry  
Association of  
Kansas

Jayhawk Tower  
700 S.W. Jackson St., Suite 702  
Topeka, Kansas 66603-3740  
913/233-9465 FAX 913/357-6629

#### TESTIMONY

DATE: February 7, 1993  
TO: House Energy & Natural Resources Committee  
FROM: Marv McCown, Past President  
Travel Industry Association of Kansas and  
Executive Director, El Dorado Chamber of Commerce  
RE: Park and Land Use Fees (HB-2797)

Chairman Holmes and members of the committee, my name is Marv McCown. I am Past President of the Travel Industry Association of Kansas and Director of the El Dorado Chamber of Commerce and the El Dorado Convention & Visitors Bureau.

You are probably aware that the Travel Industry Association of Kansas (TIAK) represents members from all communities across the state who are in the business of selling Kansas as a tourist destination. Of the 60+ convention and visitor bureaus in the state, we in El Dorado probably coordinate as much of our visitor activity with outdoor recreation as any other CVB in the state.

You have probably heard of the annual one-shot turkey shoot we hold in El Dorado. You may not know that we also host 4th of July fireworks, a Prairie Port Festival and an occasional fishing tournament. El Dorado Lake annual visitors currently number close to 1,000,000.

I appear before you today to support House Bill 2797. Several weeks ago a committee of travel industry representatives met with a representative of the Department of Wildlife and Parks. At that time the game plan of Wildlife and Parks -- to incorporate user fees into the state parks and lands system -- was laid out for the travel industry. Sec 5:6

Basically, we understand these needs -- possibly better than other consumer groups. In Kansas one of our major tourism markets is the group tour market -- that's motor coach group tours. Group tour operators are already dealing with user fees at the federal level for federal parks and lands. There is a growing awareness in the tourism industry that user fees is the only way we're going to be able to afford to have the kind of facilities that we need in this country for recreational purposes.

Energy: Natural Resources  
Attachment # 5  
2/7/94

LAW OFFICES OF  
ALAN E. COBB

Alan E. Cobb  
532 North Broadway  
Wichita, Kansas 67214-3585  
Telephone (316) 267-9992  
Fax (316) 267-1448

Brent A. Doane  
1610 Southwest Topeka Blvd.  
Topeka, Kansas 66612-1840  
Telephone (913) 357-4020  
Fax (913) 233-4908

Testimony before the House Committee on Energy and Natural Resources  
Monday, February 7, 1994

Chairman Holmes, members of the House Committee on Energy and Natural Resources, I am Brent Doane and appear today on behalf of the Cheney Lake Association to offer our support of HB 2797.

In the Summer of 1990, a group of concerned Cheney Lake patrons organized the Cheney Lake Association (CLA). The CLA was formed to address the deteriorating conditions at Cheney Lake. Today, the CLA continues to flourish. While boasting a diversified membership of over 300 individuals, families, and corporations; the CLA has continued to focus its efforts on making Cheney Lake one of Kansas' most outstanding recreational attractions.

The Cheney Lake Association feels that the provisions in HB 2797 are long overdue. Presently, personnel of the Department of Wildlife and Parks are responsible for enforcing the laws, rules and regulations which govern the patrons of Cheney Lake. However, the fines which are levied against violators are not allocated to the Dept. of Wildlife and Parks, but rather to the tax fund within the county where the violation occurred.

The Cheney Lake Association feels that the creation of a new and separate fund within the Dept. of Wildlife and Parks into which fines levied against violators of park rules will be placed is both fair and equitable. The monies placed in the fund can be used to help alleviate the deteriorating conditions and flood damage found in many of our state parks.

The Cheney Lake Association also supports the new user fee schedule proposed in HB 2797. The fee schedule proposed in HB 2797 will help to allocate more equitably the costs of providing park services to the user of the park services.

The state parks and wildlife areas located throughout Kansas serve not only as sources of recreation, but they also serve a valuable economic function. These areas provide jobs, revenue, and help attract travel and tourism to the State of Kansas. It is the intent of the Cheney Lake Association to do whatever is possible to make sure that Cheney Lake, State Park, and Wildlife Area maintain not only their recreation value, but also their economic value.

*Energy & Natural Resources  
Attachment # 6  
2/7/94*



# CHENEY LAKE ASSOCIATION

1236 North Mosley—Wichita, Kansas 67214

**PRESIDENT**

Bob Winkler  
1236 N. Mosley  
Wichita, KS 67214  
Res.: 684-8005  
Bus.: 265-0603

To: Rep. Carl Holmes  
Ken Grotewiel  
Ted Powers  
Don Myers

Date: February 7, 1994

Via fax: 913-296-1153

As President of the Cheney Lake Association, Inc. I have been ask by pur Board of Directors to convey the Association's support for the long needed changes incorporated in House Bill #2797. We view this proposal as a more equitable way to support needed services in the Wildlife and Park areas in this State. The provisions as stated in House Bill #2797 are long overdue, and without reservation support these much needed change.

**VICE PRESIDENT**

E. J. Jinks  
25210 S. Cedarview Dr  
R. R. 1,  
Mt. Hope, KS 67208  
Res.: 1-445-2588

**SECRETARY**

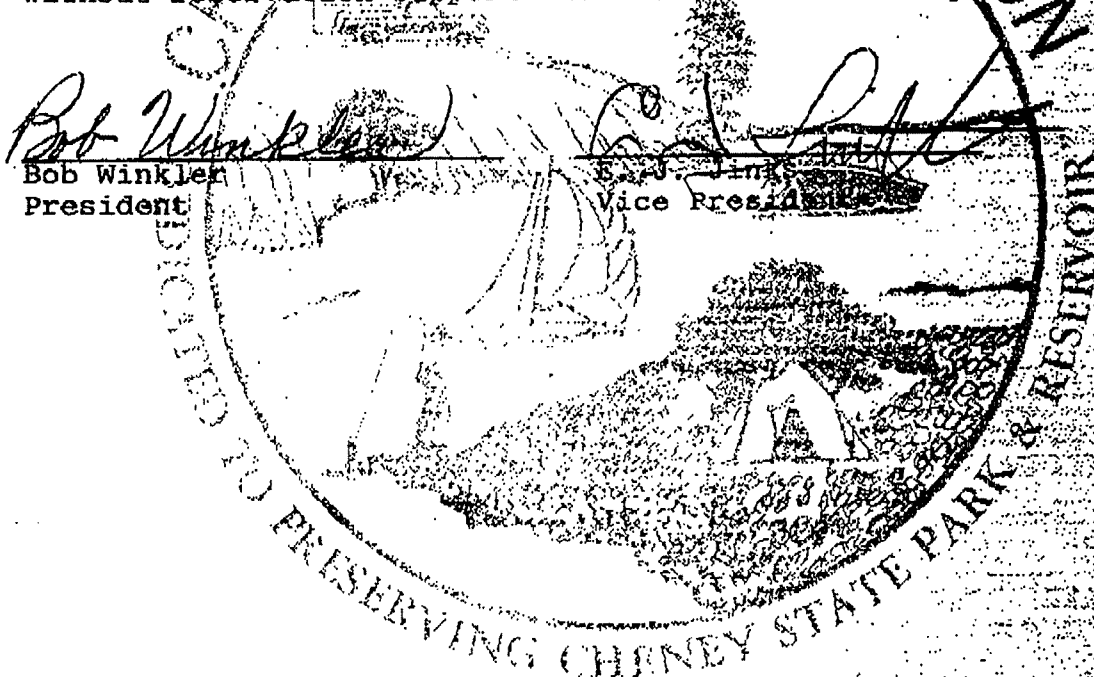
Karen John  
1233 Pecanwood  
Colwich, KS 67030  
Res.: 796-0636  
Bus.: 263-6189

**TREASURER**

Steve Boivin  
2345 S. Vine  
Wichita, KS 67213  
Res.: 262-7761

**LEGISLATIVE REPRESENTATIVE**

Mary Ellen Conlee  
532 N. Broadway  
Wichita, KS 67214  
Ph. 316-267-9984



*Energy & Natural Resources*  
"Dedicated to Preserving Cheney State Park & Reservoir"

*attachment 7*

*2/7/94*

STICK LICK...

ly \$524,000 on the wildlife

Glen Elder reservoir alone received over one third of the total statewide damages while steadfastly holding destruction back from those below.

At the Nov. 18, meeting of the Kansas Wildlife and Parks commission in Beloit, Secretary Theodore Ensley reported that with the proposed cuts in budget and devastation caused by the flooding, it was likely that four parks will be closed down. That estimate has risen to six parks.

With repair estimated at \$5.3 million for all parks in Kansas, it is very unlikely that money will be forthcoming to bring them all back to par.

Outdoor enthusiasts will have a rude awakening next summer when they arrive at their favorite spot for boating, fishing, and camping and find out only primitive conditions are available. There may not be electrical hookups for campers. The expense to reinstall electricity will be born by both West Plains Energy and the Park. WestPlains is responsible for bringing in the service and the Park must provide service from there. There will be no water and sewage hookups, and the trip to the bathroom may be a visit to a nearby sugar bush.

"No specific parks have been targeted for closure," said Mike Nyhoff, Glen Elder State Park Unit Supervisor. "No one has said Glen Elder is going to close... we are operating on the hope, that it will be rebuilt."

The problem is that it is very unlikely that it will be rebuilt quickly.

"If only \$200,000 is allocated we will have to prioritize what can be done first," Nyhoff said. "We will discuss the priorities with the Glen Elder Task Force to get their input." Certainly the park will not be closed or barricaded, but the facilities that draw the tourists, campers, fishermen and hunters to this area will be severely lacking.

Not only are the facilities gone, but the natural beauty has been razed. The grass has been washed away, trees stand bare with debris hanging on dead branches, the wildlife too has lost a refuge.

But the ones most affected by the devastation of the parks is the nearby communities that rely on the lake trade business to keep going. Glen Elder State Park received thousands of visitors into the surrounding communities of Glen Elder, Downs, Cawker City and Beloit. Without that incoming money, many businesses will be forced to close their doors. Some entire towns will become ghost towns with the business for restaurants, convenience stores, grocery stores, gas stations, motels and almost any other type of business.

The population in a 50 mile radius of Glen Elder Lake is 72,000, with an additional 325,000 to 350,000 people using the Park annually. On an average the tourists spend \$100 person. At a low

that is \$32,500,000 which according to a governmental study turns over nine times in a community for a grand economic impact of \$292,500,000. We're not talking pocket change, this could have a tremendous impact on this areas economy. These figures are for use of the Park only... it does take into account the additional visitors using the lake. Together the figure could go as high as 600,000 people! It is almost unfathomable.

The approximate salary loss of Glen Elder State Park employees alone would be \$96,000, again multiplied times the nine time turnover factor equals \$864,000.

The Kansas Wildlife and Parks, Chief of Staff, Tom Kirker, is frustrated over the fact that the general public is not taking the situation seriously. Many may have a nasty surprise next spring.

"No Parks have been targeted for closure," said Kirker. "We are forming groups to analyze the use of 'friends' groups and volunteers."

According to Kirker, there are two things happening. 1) This year is an extraordinary tight budget with cutbacks. 2) The flood has only added to the problem.

"Without the flood, some of the State fishing lakes and parks were slated for severe cutbacks," Kirker said. "The flood damage is additional expense to be met."

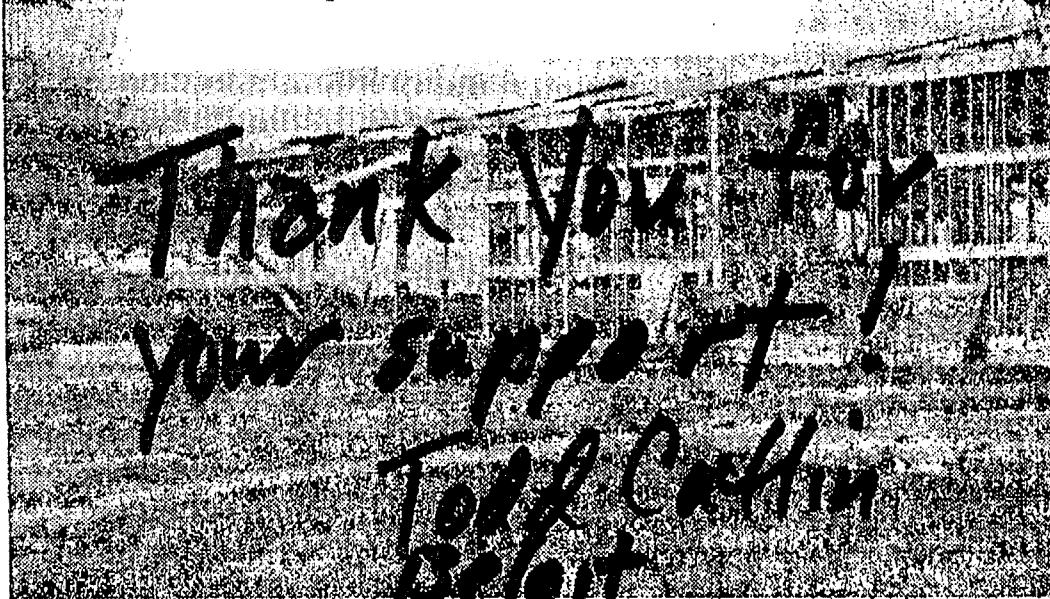
Kirker explained that for many years some of the smaller fishing lakes and parks have been held together basically by the "band-aid" effect. The facilities are old and in need of repair, but will probably be put on the back burner for many more years to come.

#### HOW CAN I HELP?

"So, what can I do?" you ask. Don't be silent. This is the time to let yourself be heard. Gov. Joan Finney will recommend her

Attention:

Carl Holmes



#### STICKS AND STONES DID BREAK THESE BONES

The Marina located at Glen Elder State Park was totally destroyed by a shattered framework. Owner Frank Bulthaupt is seeking flood aid floating freely on the lake. Photo by Linda Wellman

or call her at 913-296-3232. Let her know how this will affect you.

Once her budget goes to the Legislature, they will review it to go into effect July 1, 1994. Write to the legislators, all legislators. This is important to you. Don't wait until the doors on your business are closed for good.

Once the Legislature appropriates monies, the Kansas Department of Wildlife and Parks decides where the money will go. Write to the Secretary, Ted Ensley, of the Kansas Department of Wildlife and Parks.

Contact the Waconda Lake Association and the Glen Elder State Park Office to volunteer your services for any amount of time

you can spare and to funds for the restoration fund raising activities your park. If we show willing to lend a hand store our once beautiful vital lake area, state however modest, will likely.

Without a show, Glen Elder may be left altogether.

Next season may of the same of 1993 be facing a new set of but for the moment v hands full with the or of wet destruction has us.

## WRITE OR CALL TO REBUILD GLEN ELDER STATE PARK

Dept. of Wildlife and Parks  
Rt 2, Box 54A  
Pratt, KS 67124-9599  
Theodore Ensley, Secretary  
(316) 672-5911

Senator Nancy K...  
302 Russell Build  
Washing, D.C. 20  
(202) 224-4774

Glen Elder State Park  
Glen Elder, KS 67446  
Mike Nyhoff, Unit Supervisor  
(913) 545-3345

Representative Pa...  
1110 Longworth  
Washington, D.C.  
(202) 225-2715

Waconda Lake Association  
408 N. Center  
Glen Elder, KS 67446  
(913) 545-3545  
Kathy Scott

Senator Janis Lee...  
Statehouse, Room  
Topeka, KS 6661...  
(913) 296-7366

Governor Joan Finney  
2nd floor, State Capitol  
Topeka, KS 66612  
(913) 296-3232  
(800) 432-2487

Rep. Laura McCl...  
Statehouse, Room  
Topeka, KS 6661...  
(913) 296-07680

Senator Bob Dole  
141 Hart Building  
Washington, D.C. 20510  
(202) 224-6521

Rep. Keith Roe, 1...  
Statehouse, Room  
Topeka, KS 6661...  
(913) 296-7659

Gregory: National Resources  
attachment #8  
2/7/94