

**MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES BUDGET  
COMMITTEE**

The meeting was called to order by Chair Sharon Schwartz at 1:30 p.m. on February 17, 2011, in Room 142-S of the Capitol.

All members were present.

Committee staff present:

Christina Allen, Legislative Research Department  
Tamara Lawrence, Office of Revisor of Statutes  
Pat Bisel, Substitute Committee Assistant

Conferees appearing before the Committee:

Robin Jennison, Secretary, Department of Wildlife and Parks (KDWP)  
Linda Craghead, KDWP  
John Spurgeon, KDWP

Others attending:

See attached list.

**Briefing on Funding Issues with KDWP**

Robin Jennison, Secretary, Department of Wildlife and Parks, presented a briefing on federal and state restrictions that KDWP must adhere to in order to utilize federal aid received from the U.S. Fish and Wildlife Service (USFWS), Department of the Interior and a brief discussion on the status of the Park Fee Fund regarding revenue and expenditures (Attachment 1). The Secretary was accompanied by Linda Craghead and John Spurgeon, both from KDWP.

Responding to questions from the Committee, Secretary Jennison noted that the Park Fee Fund has been one of the most challenging. Because of the reduction in funds from the State General Fund (SGF), the agency has relied on the Park Fee Fund to supplement funding. Secretary Jennison noted that the removal of SGF would be devastating.

- KDWP will provide copies of brochures listing the various fees.

**Hearing on HB 2149 – Amending the procedures for the Department of Wildlife and Parks to purchase land.**

Tamara Lawrence, Office of the Revisor of Statutes, provided an overview of **HB 2149** (Attachment 2).

A chart showing land acquisitions by KDWP was distributed to the Committee (Attachment 3).

Proponents:

Steve M. Swaffar, Director of Natural Resources, Kansas Farm Bureau, presented written testimony in support of **HB 2149** (Attachment 4).

Opponents:

Robin Jennison, Secretary, KDWP, presented testimony in opposition to **HB 2149** (Attachment 5). Secretary Jennison reported that KDWP's greatest challenge is creating the next generation of outdoor enthusiasts. The receipt of federal dollars is contingent on the number of people who visit the parks. Secretary Jennison indicated that KDWP does not object to the intent of **HB 2149**; however, has a concern that the provisions of the legislation do not allow the Department to address situations that may occur in a timely manner. KDWP is requesting that the legislation be amended to allow the State Finance Council to approve land acquisitions during the times the Legislature is not in session.

Responding to questions from the Committee, Secretary Jennison felt that adding a dollar limit as opposed to an acreage limit would be more programmatic. The Secretary indicated that the legislation could create obstacles if required to take larger land purchases to the Legislature, noting that politics could cause issues.

The Committee voiced some concern with authorizing decisions to the State Finance Council. The Committee also voiced concern that the issue of control and management of noxious weeds is not being

## CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Budget Committee at 1:30 p.m. on February 17, 2011, in Room 142-S.  
addressed in the legislation.

There were no other conferees to testify before the Committee.

**The hearing on HB 2149 was closed.**

Representative Collins moved to recommend **HB 2149** favorable for passage. The motion was seconded by Representative Powell.

The Committee voiced a concern with the 160 acreage in the legislation noting that some land is sold minus the acreage set aside for easements or roads and would not be a full 160 acres.

Representative Powell made a substitute motion to amend **HB 2149** by reducing the acreage from 160 acres to 155 acres and allow the State Finance Council to approve land purchases when the legislature is not in session. The motion was seconded by Representative Sloan.

The Committee requested that the motion be divided. This action was accepted by the maker of the motion and the second on the motion.

Representative Powell renewed the first part of the motion to amend **HB 2149** by revising the acreage from 160 acres to 155 acres. Motion failed on a vote of 3 yes, 6 no.

Representative Powell renewed the second part of the motion to amend **HB 2149** to allow the State Finance Council (SFC) to approve land acquisitions during the times the Legislature is not in session. Motion carried on a voice vote.

Representative Collins moved to recommend **HB 2149** as amended favorable for passage. The motion was seconded by Representative Sloan. Motion carried on a vote of 5-yes; 4-no.

### **Adjournment**

The next meeting is scheduled for February 21, 2011.

The meeting was adjourned at 2:40 p.m.

## GUEST LIST

DATE: Aug. 17, 2011

[illegible]



February 17, 2011

Representative Sharon Schwartz, Chairperson  
House Budget Committee for Agriculture and Natural Resources  
Room 142-S, State Capitol Building  
Topeka, KS 66612

Dear Chairperson Schwartz:

Pursuant to the request of the Committee, the Kansas Department of Wildlife and Parks (KDWP) is providing the following information on two topics. One topic explains the federal and state restrictions that the KDWP must adhere to in order to utilize federal aid received from the U.S. Fish and Wildlife Service (USFWS), Department of the Interior. The other topic will be a brief discussion on the status of the Park Fee Fund regarding revenue and expenditures.

The KDWP utilizes federal aid received from the USFWS for operation and development of fishing and hunting programs within the State. For FY 2012 the Department is recommended in the Governor's Budget Report to expend \$5,235,058 in federal fund expenditures for the Dingell-Johnson Sport fish Restoration program and \$6,344,640 for the Pittman-Robertson Wildlife Restoration program. These funds compose 17.5 percent of the total recommended budget for the KDWP in FY 2012.

The use of these funds is directed by both federal and state law. Attached is a packet of information pertaining to requirements that the State of Kansas has adopted in order to utilize federal aid from the USFWS. Included in the packet are the federal regulations requiring license fees to be used only for the administration of the State fish and game department and the state laws whereby the State assents to the federal provisions. Also included in the packet is the state law (KSA 32-990) restricting the use of the Wildlife Fee Fund to wildlife related expenditures under the control of the Secretary of Wildlife and Parks. The last item in the packet is the results of not complying with federal aid requirements.

As can be noted, the KDWP was found to be diversion of protected wildlife funds for other purposes than wildlife related expenditures. The State had to replace the diverted funds with appropriations of State General Fund equal to the amounts determined by federal auditors to have been diverted for inappropriate uses. For reference, the diverted funds were used for indirect cost expenditures that should have been financed primarily with Park Fee Fund or Boating Fee Fund revenue.

The USFWS has determined that revenue generated from property obtained or managed with wildlife funds is also protected from other uses. The KDWP leases property to agricultural users and the revenue from those leases is considered to be protected funds.

House Agriculture & Natural  
Resources Budget Committee  
Date 2-17-2011  
Attachment 1

The KDWP has not had an unresolved diversion issue since 1993. The Department has created internal safeguards to assure appropriate use of wildlife funds.

The second topic to be discussed is the status of the Park Fee Fund. The Park Fee Fund is authorized by KSA 32-991. This statute provides that all moneys received from state park permit fees and related charges shall be deposited to the Park Fee Fund to be used only for expenses related to administration of state parks under the control of the Secretary of Wildlife and Parks. Attached is a copy of the referenced state law.

For FY 2012, the Governor's Budget Report recommends expenditures of \$6,882,035 for state park operations. There are no funds recommended for capital improvement projects. Estimated revenue to the Park Fee Fund for FY 2012 is \$6,343,800. Expenditures from the Fund will exceed revenue by \$538,235 resulting in an FY 2012 ending balance of \$136,476. For FY 2010 actual revenue to the fund was \$5,745,148 with expenditures of \$5,814,764 resulting in an ending balance of \$1,322,986. Expenditures from the fund have been exceeding revenue resulting in decreased balance in the fund. This cannot continue and KDWP will take action to correct the imbalance. The attached table for the Park Fee Fund indicates the changing fund status for the four year period FY 2009 – 2012.

The KDWP will monitor the changing status of the Park Fee Fund to assure that obligations are financed. However, the decreasing fund balance in the fund may require delay in payments due an inadequate fund balance during the middle portion of the fiscal year. It should be noted that the revenue to the fund is very weather oriented and revenue estimates can vary significantly.

If you or members of the Committee have any questions, please advise. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robin Jennison", written in a cursive style.

Robin Jennison, Acting Secretary of Wildlife and Parks

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FISH AND WILDLIFE SERVICE  
STATE GRANT PROGRAMS

State Grant Programs

Part 521 Federal Aid Program Eligibility

Chapter 1 Federal Aid In Wildlife Restoration

521 FW 1.1

**1.1 Purpose.** The purpose of this chapter is to provide eligibility standards for the Federal Aid in Wildlife Restoration program.

**1.2 Authority.** The Federal Aid in Wildlife Restoration program is authorized by the Federal Aid in Wildlife Restoration Act of 1937, as amended, (16 U.S.C. 669-669i) and is often referred to as the Pittman-Robertson or P-R Act. The Federal Aid in Wildlife Restoration Act (Act) authorizes the Secretary of the Interior "...to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter set forth...". The Secretary has delegated to the Director the responsibility for carrying out the purposes of the Act, except for the apportionment of funds to the States. Regulations for execution of the Act are contained in Title 50 CFR Part 80.

**1.3 Responsibility.** Regional Directors are responsible for administration of the Federal Aid in Wildlife Restoration program within their Regions, to include the approval of proposals, monitoring performance of approved projects, and monitoring compliance with applicable Federal laws and regulations. The Assistant Director-Fish and Wildlife Enhancement provides oversight for the Federal Aid in Wildlife Restoration program.

**1.4 Eligible Participants.** State fish and wildlife agencies are authorized to participate. Also authorized to participate are the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

**1.5 Prerequisite Requirements.** To be eligible to participate, States must have "...assented to the provisions of this Act and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department...".

**1.6 Eligible Purposes.** The following are eligible purposes under the Federal Aid in Wildlife Restoration program. Additional information on eligible project purposes is in 522 FW.

A. The restoration, conservation, management, and enhancement of wild birds and wild mammals, and the provision for public use of and benefits from these resources.

B. The education of hunters and archers in the skills, knowledge, and attitudes necessary to be responsible hunters or archers.

**1.7 Ineligible Activities.** The Federal Aid in Wildlife Restoration Act contains prohibitions on the use of Federal Aid funds for certain purposes. In addition, the rules and policies specify certain other purposes or activities that are not consistent with the grant program purposes and are,

therefore, ineligible. The following is a summary of those activities that are ineligible under the Federal Aid in Wildlife Restoration program.

A. Public relations activities for the purpose of promoting organizations or agencies, including publication of agency magazines, displays, exhibits, etc. This prohibition does not apply to educational or technical guidance activities specifically related to accomplishment of Federal Aid projects.

B. Activities for the purpose of producing revenue. Includes all processes and procedures directly related to the sale of licenses, permits, etc., which are imposed by law or regulation. It also includes the acquisition of real or personal property for the purpose of rental, lease, sale, or other commercial purposes. The production of income which results from otherwise eligible activities, incidental to these activities, is not prohibited. Examples are sale of surplus commodities, collection of user fees, etc.

C. Providing services or property of material value to individuals or groups for commercial purposes or to benefit such individuals or groups. This does not prohibit providing technical assistance to a private landowner or operator.

D. Enforcement of game and fish laws and regulations. This includes routine patrol, investigations, and law enforcement training. This does not prohibit activities necessary to accomplish Federal Aid project purposes or to protect Federal Aid assets, such as control of public entry, and does not prohibit activities to ensure public health and safety on Federal Aid areas.

E. Establishment, publication, and dissemination of regulations issued by a State pertaining to the protection and utilization of fish and wildlife resources. Includes laws, orders, seasonal regulations, bag limits, creel limits, license fees, etc. This does not prohibit the scientific collection of information needed to support management recommendations.

F. Stocking of game animals for the purpose of providing hunting of the animals stocked without objectives for restoration or establishment of self-sustaining populations.

G. Furnishing public facilities, equipment, or services in excess of the minimum required to meet project purposes or health and safety standards.

**1.8 Compliance.** Grantees are required to comply with all applicable Federal laws and regulations, as a condition of acceptance of Federal funds. In addition to the laws and regulations specific to the grant program, there are numerous other compliance requirements to Federal grant programs. Those generally applicable to all Federal grant programs are listed as Assurances, since grantees must provide assurance that they will comply with applicable provisions. (See 523 FW 1 for a summary of the compliance

**Kansas Legislature**[Home](#) > [Statutes](#) > Statute[Previous](#)[Next](#)**32-828****Chapter 32.--WILDLIFE, PARKS AND RECREATION****Article 8.--DEPARTMENT OF WILDLIFE AND PARKS**

**32-828. Assent to wildlife restoration act; use of fees.** (a) The state of Kansas hereby assents to the provisions of the wildlife restoration act (16 U.S.C. 669 *et seq.*), as amended. The secretary is hereby authorized and directed to perform such acts as necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in such act, in compliance with such act and with rules and regulations promulgated by the secretary of the interior thereunder. The state treasurer is hereby authorized to receive and disburse all money apportioned to the state in accordance with the provisions of such act.

(b) No moneys accruing to the state of Kansas from fees paid for hunting or furharvester licenses, permits or stamps shall be used for any purpose other than the administration of the department and the protection, propagation, preservation, management and investigation of wildlife.

**History:** L. 1938, ch. 67, § 1; L. 1989, ch. 118, § 15; July 1.

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FISH AND WILDLIFE SERVICE  
STATE GRANT PROGRAMS

State Grant Programs

Part 521 Federal Aid Program Eligibility

Chapter 2 Federal Aid in Sport Fish Restoration

521 FW 2.1

**2.1 Purpose.** The purpose of this chapter is to provide eligibility standards for the Federal Aid in Sport Fish Restoration program.

**2.2 Authority.** The Federal Aid in Sport Fish Restoration program is authorized by the Federal Aid in Sport Fish Restoration Act of 1950, as amended, (16 U.S.C. 777-777k). The Federal Aid in Sport Fish Restoration Act (Act) authorizes the Secretary of the Interior "...to cooperate with the States, through their respective State fish and game departments, in fish restoration and management projects as hereinafter set forth...". The Secretary has delegated to the Director the responsibility for carrying out the purposes of the Act, except for the apportionment of funds to the States. Regulations for execution of the Act are contained in Title 50 CFR Part 80.

**2.3 Responsibility.** Regional Directors are responsible for administration of the Federal Aid in Sport Fish Restoration program within their Regions, to include the approval of proposals, monitoring performance of approved projects, and monitoring compliance with applicable Federal laws and regulations. The Assistant Director-Fish and Wildlife Enhancement provides oversight for the Federal Aid in Sport Fish Restoration program.

**2.4 Eligible Participants.** State fish and wildlife agencies are authorized to participate. Also authorized to participate are the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the District of Columbia.

**2.5 Prerequisite Requirements.** To be eligible to participate, States must have "...assented to the provisions of this Act and shall have passed laws for the conservation of fish, which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said State fish and game department...".

**2.6 Eligible Purposes.** The following are eligible purposes under the Federal Aid in Sport Fish Restoration program. Additional information on eligible project purposes is in 522 FW.

A. The restoration, conservation, management, and enhancement of sport fish, and the provision for public use of and benefits from these resources. Sport fish are limited to aquatic, gill breathing, vertebrate animals bearing paired fins, and having material value for sport or recreation.

B. The enhancement of the public's understanding of water resources and aquatic life forms, and the development of responsible attitudes towards the aquatic environment.

**2.7 Ineligible Activities.** The rules implementing the Federal Aid in Sport Fish Restoration Act contain prohibitions on the use of Federal Aid funds for certain purposes. In addition, policies specify certain other

purposes or activities that are not consistent with grant program purposes and are, therefore, ineligible. The following is a summary of those activities that are ineligible under the Federal Aid in Sport Fish Restoration program.

A. Public relations activities for the purpose of promoting organizations or agencies, including publication of agency magazines, displays, exhibits, etc. This prohibition does not apply to educational or technical guidance activities specifically related to accomplishment of Federal Aid projects.

B. Activities for the purpose of producing revenue. Includes all processes and procedures directly related to the sale of licenses, permits, etc., which are imposed by law or regulation. It also includes the acquisition of real or personal property for the purpose of rental, lease, sale, or other commercial purposes. The production of income which results from otherwise eligible activities, incidental to these activities, is not prohibited. Examples are sale of surplus commodities, collection of user fees, etc.

C. Providing services or property of material value to individuals or groups for commercial purposes or to benefit such individuals or groups. This does not prohibit providing technical assistance to a private landowner or operator.

D. Enforcement of game and fish laws and regulations. This includes routine patrol, investigations, and law enforcement training. This does not prohibit activities necessary to accomplish Federal Aid project purposes or to protect Federal Aid assets, such as control of public entry, and does not prohibit activities to ensure public health and safety on Federal Aid areas.

E. Establishment, publication, and dissemination of regulations issued by a State pertaining to the protection and utilization of fish and wildlife resources. Includes laws, orders, seasonal regulations, bag limits, creel limits, license fees, etc. This does not prohibit the scientific collection of information needed to support management recommendations.

F. Furnishing public facilities, equipment, or services in excess of the minimum required to meet project purposes or health and safety standards.

**2.8 Compliance.** Grantees are required to comply with all applicable Federal laws and regulations, as a condition of acceptance of Federal funds. In addition to the laws and regulations specific to the grant program, there are numerous other compliance requirements to Federal grant programs. Those generally applicable to all Federal grant programs are listed as Assurances, since grantees must provide assurance that they will comply with applicable provisions. (See 523 FW 1 for a summary of the compliance requirements normally associated with Federal Aid programs.)

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**32-829****Chapter 32.--WILDLIFE, PARKS AND RECREATION****Article 8.--DEPARTMENT OF WILDLIFE AND PARKS****32-829. Assent to fish restoration and management projects act; use of fees. (a)**

The state of Kansas hereby assents to the provisions of the fish restoration and management projects act (16 U.S.C. 777 *et seq.*), as amended. The secretary is hereby authorized and directed to perform such acts as necessary to the conduct and establishment of cooperative fish restoration projects, as defined in such act, in compliance with such act and rules and regulations promulgated by the secretary of the interior thereunder. The state treasurer is hereby authorized to receive and disburse all moneys apportioned to the state in accordance with the provisions of such act.

(b) No moneys accruing to the state of Kansas from fees paid for fishing licenses, permits or stamps shall be used for any purpose other than the administration of the department and the protection, propagation, preservation, management and investigation of wildlife.

**History:** L. 1951, ch. 284, § 1; L. 1989, ch. 118, § 16; July 1.

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## 32-990

### Chapter 32.--WILDLIFE, PARKS AND RECREATION

#### Article 9.--LICENSES, PERMITS, STAMPS AND OTHER ISSUES

**32-990. Wildlife fee fund.** (a) Unless otherwise directed by law, all moneys received from licenses, permits, stamps and other issues of the department, and duplicates thereof, to take, propagate, rehabilitate, collect, possess, sell, import, export, transport or deal in wildlife, or parts thereof, and all moneys from sources related thereto or allied recreational pursuits, shall be remitted in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit it to the wildlife fee fund, which is hereby created.

(b) All costs and expenses incurred by the department for the following purposes shall be paid from the wildlife fee fund:

(1) Administering, implementing and enforcing the laws of this state relating to wildlife and its protection, propagation, preservation, management, investigation and recreational use; and

(2) acquiring title to lands and rights therein or thereon, waters or water rights, and keeping, improving and maintaining the same for the purposes described in subsection (b) (1).

(c) No moneys derived from sources described in subsections (a) or (d) shall be used for any purpose other than the administration of matters which relate to wildlife and which are under the control, authorities and duties of the secretary and department as provided by law.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the wildlife fee fund interest earnings based on:

(1) The average daily balance of moneys in the wildlife fee fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) All expenditures from the wildlife fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

**History:** L. 1927, ch. 221, § 11; L. 1938, ch. 67, § 2; L. 1989, ch. 118, § 107; L. 1992, ch. 17, § 1; L. 1996, ch. 253, § 2; May 23.

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SUMMARY OF FINANCIAL OBLIGATIONS BY KANSAS DEPARTMENT OF WILDLIFE  
AND PARKS (KDWP) TO COMPLY WITH FEDERAL AID AUDIT ISSUES

SGF 3,340,305

21-Oct-97

AMOUNT OF DIVERSION FOR FY 1989 - FY 1992 WAS DETERMINED TO BE \$1,900,109

FY 1995	802,786	Transfer from State General Fund to Wildlife Fee Fund
FY 1996	432,710	Transfer from State General Fund to Wildlife Fee Fund
	115,952	State General Fund appropriation to KDWP
FY 1997	548,661	Transfer from State General Fund to Wildlife Fee Fund
	1,900,109	Total amount of Diversion for FY 1989 - FY 1992

AMOUNT OF DIVERSION FOR FY 1993 - FY 1994 WAS DETERMINED TO BE \$1,669,396

FY 1997	720,123	Transfer from State General Fund to Wildlife Fee Fund
	114,625	Transfer from Boating Fee Fund to the Wildlife Fee Fund
FY 1998	720,073	State General Fund appropriation to KDWP
	114,675	Transfer from Boating Fee Fund to the Wildlife Fee Fund
	1,669,496	Total Amount of Diversion payments for FY 1993 - FY 1994

THE KDWP MADE INADEQUATE EXPENDITURES TO COMPLY WITH BASE FISHERIES  
EXPENDITURES FOR FY 1986 - FY 1992. THE KDWP WAS REQUIRED TO MAKE  
ADDITIONAL EXPENDITURES OF \$3,541,526 FOR FISHERIES PROGRAMS.

FY 1995	1,180,509	Amount authorized by 1994 Legislature from Wildlife Fee Fund for fisheries programs. First year payment.
FY 1996	1,187,650	Amount authorized by 1995 Legislature from Wildlife Fee Fund for fisheries programs. Second year payment.
FY 1997	1,173,367	Amount authorized by 1996 Legislature from Wildlife Fee Fund for fisheries programs. Third year payment.
	3,541,526	Total amount for fisheries programs.

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## 32-991

### Chapter 32.--WILDLIFE, PARKS AND RECREATION

#### Article 9.--LICENSES, PERMITS, STAMPS AND OTHER ISSUES

**32-991. Parks fee fund.** (a) Unless otherwise directed by law and except for revenues pledged to payment of revenue bonds issued in connection with specific projects, all moneys received from state park permit fees, tolls, rentals and charges derived from the use, lease or operation of state parks, or any portion thereof or facility therein, including receipts from the park and recreation motor vehicle permit and from fees for duplicate permits and other issues of the department, all moneys derived from the sale of bonds and all moneys from sources related thereto or allied recreational pursuits shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the parks fee fund, which is hereby created.

(b) All costs and expenses incurred by the department for the following purposes shall be paid from the parks fee fund:

(1) Administering, implementing and enforcing the laws of this state relating to state parks and state park facilities and their management and use; and

(2) acquiring title to lands and rights therein or thereon, waters or water rights, and keeping, improving and maintaining the same for the purposes described in subsection (b) (1).

(c) No moneys derived from sources described in subsection (a) shall be used for any purpose other than the administration of matters which relate to state parks and which are under the control, authorities and duties of the secretary and the department as provided by law.

(d) All expenditures from the parks fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

**History:** L. 1955, ch. 355, § 14; L. 1963, ch. 409, § 6; L. 1989, ch. 118, § 108; L. 2001, ch. 5, § 101; July 1.

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PARK FEE FUND FY 2009 -FY 2012

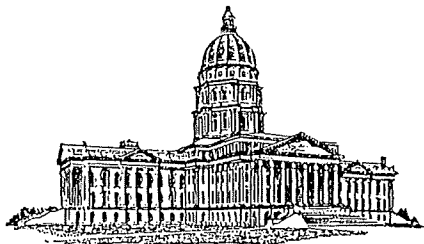
	FY 2009	FY 2010	FY 2011	FY 2012
Beginning Balance	\$ 1,248,489	\$ 1,392,602	\$ 1,322,986	\$ 674,711
Revenue	\$ 5,079,883	\$ 5,745,148	\$ 6,053,800	\$ 6,343,800
Expenditures	\$ 5,012,085	\$ 5,814,764	\$ 6,702,075	\$ 6,882,035
Ending Balance	\$ 1,316,287	\$ 1,322,986	\$ 674,711	\$ 136,476

e/x/pff happ sub 121711

MARY ANN TORRENCE, ATTORNEY  
REVISOR OF STATUTES

JAMES A. WILSON III, ATTORNEY  
FIRST ASSISTANT REVISOR

GORDON L. SELF, ATTORNEY  
FIRST ASSISTANT REVISOR



OFFICE OF REVISOR OF STATUTES  
KANSAS LEGISLATURE

Legal Consultation—  
Legislative Committees and Legislators  
Legislative Bill Drafting  
Legislative Committee Staff  
Secretary—  
Legislative Coordinating Council  
Kansas Commission on  
Interstate Cooperation  
Kansas Statutes Annotated  
Editing and Publication  
Legislative Information System

To: Committee on Agriculture and Natural Resources Budget

From: Tamera Lawrence, Assistant Revisor of Statutes

Date: February 17, 2011

Subject: HB 2149

Currently, under K.S.A. 2010 Supp. 32-833, when the secretary of wildlife and parks seeks to purchase a tract or tracts of land greater than 640 acres in the aggregate, the legislature must approve that purchase. However, the secretary of wildlife and parks does not need legislative approval if the land is owned by a private individual and the purchase price is less than the appraised value of the land.

HB 2149 lowers the aggregate acreage threshold amount that would require approval by act of the legislature from 640 to 160 acres. The bill also removes the exception that allows for a purchase of land without such legislative approval from a private individual if the purchase price is less than the appraised value of the land.

Therefor, when the secretary of wildlife and parks seeks to purchase any tract or tracts of land, regardless of current owner or appraised value, and such tract or tracts is greater than 160 acres in the aggregate, the secretary would be required to get approval from the legislature to purchase such land.

House Agriculture & Natural  
Resources Budget Committee  
Date 2-17-2011

Attachment 2

Land Acquisition

YEAR	ACRES PURCHASED	ACRES DONATED	OTHER
2006	97	445	
2007	580.3	324	Sold in December to Shawnee County: 14.42 acres
2008	473	0	Leased 1 acre overlooking Cheyenne Bottoms Wildlife for \$1.00 for 30 years Purchased option to purchase approx. 3000 acres formerly known as Parson's Ammunition Plant
2009	28	220	
2010	2384	123	
2011			Will purchase approx. 2015 acres in Labette County; Formerly part of KS Army ammunition plant in Parsons
<b>TOTALS</b>	<b>3562.3</b>	<b>1112</b>	
<b>COMBINED TOTAL</b>	<b>4674.3</b>		

House Agriculture & Natural  
Resources Budget Committee  
Date 2-17-2011  
Attachment 3



**Kansas Farm Bureau  
WRITTEN POLICY STATEMENT**

**House Agriculture and Natural Resources  
Budget Committee**

**Re:HB 2149 concerning the Department of Wildlife and Parks**

**February 17, 2011**

**Submitted by:**

**Steve M. Swaffar**

**Director of Natural Resources**

Chairperson Schwartz and members of the committee, thank you for the opportunity to provide written testimony today on House Bill 2149. Kansas Farm Bureau (KFB) has general policy that opposes increasing the number of acres owned by the state or federal government in Kansas. Additionally, KFB policy encourages, leasing of land (Walk-In Hunting/Fishing Areas), rather than purchase, by the Kansas Department of Wildlife and Parks (KDWP) for hunting and fishing activities.

Although HB 2149 does not prevent acquisition of publicly owned land by KDWP, it does reduce the acreage allowable without Legislative oversight and approval. Therefore we see this as an appropriate action to take. We encourage the committee to act favorably on HB 2149. I would be happy to address questions about our position or policy at your convenience.



Office of the Secretary  
1020 S Kansas Ave., Suite 200  
Topeka, KS 66612-1327



phone: 785-296-2281  
fax: 785-296-6953  
www.kdwp.state.ks.us

Robin Jennison, Acting Secretary

Department of Wildlife and Parks

Sam Brownback, Governor

February 17, 2011

Representative Sharon Schwartz, Chairperson  
House Budget Committee for Agriculture and Natural Resources  
Room 142-S, State Capitol Building  
Topeka, KS 66612

Dear Chairperson Schwartz:

Thank you for the opportunity to comment on the provisions of House Bill No. 2149. The Kansas Department of Wildlife and Parks (KDWP) has been for a number of years acquiring property for use by the public to pursue outdoor recreation activities. I would comment to the Committee that the amount of land acquisition in my administration will be reduced. I have testified to the Senate Ways and Means Sub-Committee on Capital Improvements and the Joint Committee on State Building Construction requesting that the FY 2012 Governors recommendation for land acquisition be amended to direct the majority of the funds to other uses.

The provisions of House Bill No. 2149 amend existing state (KSA 32-833) to reduce the amount of land that KDWP can purchase without legislative approval from 640 acres to 160 acres. In addition, the bill would delete a provision that exempts KDWP from obtaining legislative approval if the acquisition is from a private individual at less than the appraised value for the land.

The KDWP does not object to the intent of HB 2149. However, I do have a concern that the provisions of the bill do not allow the Department to address situations that may occur in which it would be to the benefit of the State to acquire property in a timely manner which would not allow for Legislative approval during the regular session. I would request that the Committee amend the bill to allow the State Finance Council to approve land acquisitions during the times the Legislature is not in Session. Your consideration of this request would be appreciated. Thank you.

Sincerely,

Robin Jennison, Acting Secretary of Wildlife and Parks  
Kansas Department of Wildlife and Parks

House Agriculture & Natural  
Resources Budget Committee  
Date 2-17-2011  
Attachment 5