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Robin Jennison, Secretary

Sam Brownback, Governor

April 26, 2012

Representative Sharon Schwartz, 106th District
Chairperson House Budget Committee on Appropriations
Room 149- S, State Capitol,
Topeka Kansas

Dear Chairperson Schwartz:

Thank you for the opportunity to discuss an issue of concern to the Kansas Department of Wildlife, Parks and Tourism (KDWP). The Department has a need to include a proviso in both the FY 2012 supplemental appropriation bill and the FY 2013 appropriation bill. The proviso will allow the KDWP to adjust for federal aid program expenditures at the close of a fiscal year. This proviso will address the program expenditures associated with the Travel and Tourism program.

In the mid-1990's, the KDWP addressed an issue related to the diversion of wildlife federal aid funds for inappropriate uses associated with non-federal aid programs. One component of the settlement with the U.S Fish and Wildlife Service (USFWS) was that the KDWP would have the ability to adjust expenditures between programs (Wildlife, Parks, Boating) to assure that wildlife funds were only used for expenditures for wildlife programs. Since the 1996 Legislative Session, the appropriation bills for the KDWP have included language allowing the Department to adjust program expenditures at the end of a fiscal as necessary in order to comply with requirements established by the USFWS. This language has been attached to the Wildlife Fee Fund, Parks Fee Fund, and the Boating Fee Fund (see attached language).

The KDWP now has a need to include such language to a fund used for the Travel and Tourism Program. The FY 2013 appropriation bill (SB 194 as amended by HCOW) included the requested language on the EDIF fund appropriation for travel and tourism operation expenditures. The Department of Administration has reviewed the approved language and considers it inappropriate and requested the Division of the Budget to have the language stricken from the bill. The use of the EDIF fund, which is not used solely by the KDWP, as the source to correct program expenditures cannot be done.

Therefore, the KDWP is requesting that the FY 2012 supplemental appropriation language and the FY 2013 appropriation language to be included in HB 2768 for the KDWP be amended to delete the current language as attached to the EDIF travel and tourism operating expenditures account, as included in SB 294 as amended by the HCOW, and utilize the attached language. This language will allow the Department to use the Publication and other sales fund in lieu of the EDIF fund for the purpose of correcting program expenditures in order to comply with federal aid program requirements. If you or members of the Committee have any questions, please advise.

Thank you,

Richard E. Koerth

A handwritten signature in black ink, appearing to read "Richard E. Koerth".

Budget Liaison
Kansas Department of Wildlife Parks and Tourism

Attachments (2)

1 2013, to provide for the Kansas water office to lead database coordination
2 of water quality and quantity data for all state water agencies and
3 cooperating federal agencies to facilitate policy-making and such other
4 matters relating thereto.

5 Sec. 118.

6 KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

7 (a) Any unencumbered balance in the state parks operating
8 expenditures account of the state general fund in excess of \$100 as of June
9 30, 2012, is hereby reappropriated for fiscal year 2013.

10 (b) There is appropriated for the above agency from the state
11 economic development initiatives fund for the fiscal year ending June 30,
12 2013, the following:

13 Operating expenditures.....\$3,446,884

14 *Provided*, That any unencumbered balance in the operating
15 expenditures account in excess of \$100 as of June 30, 2012, is hereby
16 reappropriated for fiscal year 2013: *Provided, however*, That expenditures
17 from this account for official hospitality shall not exceed \$1,000: *provided*
18 *further*, That, in addition to the other purposes for which expenditures may
19 be made by the above agency from the operating expenditures account for
20 fiscal year 2013, expenditures shall be made by the above agency from the
21 operating expenditures account for fiscal year 2013 to include a provision
22 on the calendar year 2013 applications for hunting licenses, fishing
23 licenses and annual park permits for the applicant to make a voluntary
24 contribution of \$2 or more to support the annual licenses issued to Kansas
25 disabled veterans, annual licenses issued to Kansas national guard
26 members, and annual park permits issued to Kansas national guard
27 members: *And provided further*, That all moneys received as voluntary
28 contributions to support the annual licenses issued to Kansas disabled
29 veterans, annual licenses issued to Kansas national guard members, and
30 annual park permits issued to Kansas national guard members shall be
31 deposited in the state treasury in accordance with the provisions of K.S.A.
32 75-4215, and amendments thereto, to the credit of the free licenses and
33 permits fund.

34 State parks operating expenditures.....\$2,300,871

35 *Provided*, That any unencumbered balance in the state parks operating
36 expenditures account in excess of \$100 as of June 30, 2012, is hereby
37 reappropriated for fiscal year 2013.

38 Travel and tourism operating expenditures.....\$1,858,634

39 *Provided*, That additional expenditures may be made from the travel
40 and tourism operating expenditures account for fiscal year 2013 for the
41 purposes of compensating federal aid program expenditures if necessary in
42 order to comply with requirements established by the United States fish
43 and wildlife service for the utilization of federal aid funds: *provided*

1 *further*, That all such expenditures shall be in addition to any expenditure
2 limitation imposed upon the travel and tourism operating expenditures
3 account for fiscal year 2013: *And provided further*, That the secretary of
4 wildlife, parks and tourism shall report all such expenditures to the
5 governor and the legislature as appropriate: *And provided further*, That
6 expenditures from this fund for official hospitality shall not exceed \$1,000.
7 Reimbursement for annual licenses issued to national guard
8 members.....\$36,342
9 *Provided*, That all moneys in the reimbursement for annual licenses
10 issued to national guard members account shall be expended to pay the
11 wildlife fee fund for the cost of fees for annual hunting and annual fishing
12 licenses issued for the calendar year 2013 to Kansas army or air national
13 guard members, which licenses are hereby authorized to be issued without
14 charge to such members in accordance with policies and procedures
15 prescribed by the secretary of wildlife, parks and tourism therefor and
16 subject to the limitation of the moneys appropriated and available in the
17 reimbursement for annual licenses issued to national guard members
18 account to pay the wildlife fee fund for such licenses: *Provided, however*,
19 That no other hunting or fishing licenses or permits shall be eligible to be
20 paid from this account: *provided further*, That any unencumbered balance
21 in the reimbursement for annual licenses issued to national guard members
22 account in excess of \$100 as of June 30, 2012, is hereby reappropriated for
23 fiscal year 2013.
24 Reimbursement for annual park permits issued to national
25 guard members.....\$17,922
26 *Provided*, That all moneys in the reimbursement for annual park
27 permits issued to national guard members account shall be expended to
28 pay the parks fee fund for the cost of fees for annual park vehicle permits
29 issued for the calendar year 2013 to Kansas army or air national guard
30 members, which annual park vehicle permits are hereby authorized to be
31 issued without charge to such members in accordance with policies and
32 procedures prescribed by the secretary of wildlife, parks and tourism
33 therefor and subject to the limitation of the moneys appropriated and
34 available in the reimbursement for annual park permits issued to national
35 guard members account to pay the parks fee fund for such permits:
36 *Provided, however*, That not more than one annual park vehicle permit per
37 family shall be eligible to be paid from this account: *provided further*, That
38 any unencumbered balance in the reimbursement for annual park permits
39 issued to national guard members account in excess of \$100 as of June 30,
40 2012, is hereby reappropriated for fiscal year 2013.
41 Reimbursement for annual licenses issued to Kansas
42 disabled veterans.....\$39,827
43 *Provided*, That all moneys in the reimbursement for annual licenses

1 issued to Kansas disabled veterans account shall be expended to pay the
 2 wildlife fee fund for the cost of fees for annual hunting and annual fishing
 3 licenses issued for the calendar year 2013 to Kansas disabled veterans,
 4 which licenses are hereby authorized to be issued without charge to such
 5 veterans in accordance with policies and procedures prescribed by the
 6 secretary of wildlife, parks and tourism therefor and subject to the
 7 limitation of the moneys appropriated and available in the reimbursement
 8 for annual licenses issued to Kansas disabled veterans account to pay the
 9 wildlife fee fund for such licenses: *Provided, however,* That to qualify for
 10 such license without charge, the resident disabled veteran shall have been
 11 separated from the armed services under honorable conditions, have a
 12 disability certified by the Kansas commission on veterans affairs as being
 13 service connected and such service connected disability is equal to or
 14 greater than 30%: *provided further,* That no other hunting or fishing
 15 licenses or permits shall be eligible to be paid from this account: *And*
 16 *provided further,* That any unencumbered balance in the reimbursement for
 17 annual licenses issued to Kansas disabled veterans account in excess of
 18 \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013.

19 (c) There is appropriated for the above agency from the expanded
 20 lottery act revenues fund for the fiscal year ending June 30, 2013, the
 21 following:

22 Cabin loan payoff.....\$1,785,473

23 (d) There is appropriated for the above agency from the following
 24 special revenue fund or funds for the fiscal year ending June 30, 2013, all
 25 moneys now or hereafter lawfully credited to and available in such fund or
 26 funds, except that expenditures other than refunds authorized by law shall
 27 not exceed the following:

28 Wildlife fee fund.....\$24,176,067

29 *Provided,* That additional expenditures may be made from the wildlife
 30 fee fund for fiscal year 2013 for the purposes of compensating federal aid
 31 program expenditures if necessary in order to comply with requirements
 32 established by the United States fish and wildlife service for the utilization
 33 of federal aid funds: *provided further,* That all such expenditures shall be
 34 in addition to any expenditure limitation imposed upon the wildlife fee
 35 fund for fiscal year 2013: *And provided further,* That the secretary of
 36 wildlife, parks and tourism shall report all such expenditures to the
 37 governor and the legislature as appropriate: *And provided further,* That
 38 expenditures from this fund for official hospitality shall not exceed \$1,000.

39 Parks fee fund.....\$5,625,197

40 *Provided,* That additional expenditures may be made from the parks fee
 41 fund for fiscal year 2013 for the purposes of compensating federal aid
 42 program expenditures if necessary in order to comply with requirements
 43 established by the United States fish and wildlife service for the utilization

1 of federal aid funds: *provided further*, That all such expenditures shall be
2 in addition to any expenditure limitation imposed upon the parks fee fund
3 for fiscal year 2013: *And provided further*, That the secretary of wildlife,
4 parks and tourism shall report all such expenditures to the governor and
5 the legislature as appropriate.

6 Boating fee fund.....\$956,460
7 *Provided*, That additional expenditures may be made from the boating
8 fee fund for fiscal year 2013 for the purposes of compensating federal aid
9 program expenditures if necessary in order to comply with requirements
10 established by the United States fish and wildlife service for the utilization
11 of federal aid funds: *provided further*, That all such expenditures shall be
12 in addition to any expenditure limitation imposed upon the boating fee
13 fund for fiscal year 2013: *And provided further*, That the secretary of
14 wildlife, parks and tourism shall report all such expenditures to the
15 governor and the legislature as appropriate: *And provided further*, That
16 expenditures from this fund for official hospitality shall not exceed \$1,000.
17 Central aircraft fund.....No limit
18 *Provided*, That expenditures may be made by the above agency from
19 the central aircraft fund for aircraft operating expenditures, for aircraft
20 maintenance and repair, to provide aircraft services to other state agencies,
21 and for the purchase of state aircraft insurance: *provided further*, That the
22 secretary of wildlife, parks and tourism is hereby authorized to fix, charge
23 and collect fees for the provision of aircraft services to other state
24 agencies: *And provided further*, That such fees shall be fixed to recover all
25 or part of the operating expenditures incurred in providing such services:
26 *And provided further*, That all fees received for such services shall be
27 credited to the central aircraft fund.

28 Department access roads fund.....\$1,095,398
29 Wildlife and parks nonrestricted fund.....No limit
30 Prairie spirit rails-to-trails fee fund.....No limit
31 Nongame wildlife improvement fund.....No limit
32 Nongame wildlife improvement fund – federal.....No limit
33 Wildlife conservation fund.....No limit
34 Federally licensed wildlife areas fund.....No limit
35 State agricultural production fund.....No limit
36 Land and water conservation fund – state.....No limit
37 Land and water conservation fund – local.....No limit
38 Development and promotions fund.....No limit
39 Department of wildlife and parks private gifts and donations fund. No limit
40 Fish and wildlife restitution fund.....No limit
41 Parks restitution fund.....No limit
42 Nonfederal grants fund.....No limit
43 Disaster grants – public assistance fund.....No limit

1	Soil/water conservation fund	No limit
2	Navigation projects fund.....	No limit
3	Recreation resource management fund.....	No limit
4	Cooperative endangered species conservation fund.....	No limit
5	Landowner incentive program fund.....	No limit
6	Bulletproof vest partnership fund.....	No limit
7	Recreational trails program fund.....	No limit
8	Highway planning/construction fund.....	No limit
9	Plant/animal disease and pest control fund.....	No limit
10	Americorps – ARRA fund	No limit
11	Cooperative forestry assistance fund.....	No limit
12	North America wetland conservation fund.....	No limit
13	Wildlife services fund.....	No limit
14	Fish/wildlife management assistance fund.....	No limit
15	Fish/wildlife core act fund	No limit
16	Watershed protection/flood prevention fund.....	No limit
17	Suspense fund.....	No limit
18	Employee maintenance deduction clearing fund.....	No limit
19	Cabin revenue fund.....	No limit
20	Boating fund – federal.....	No limit
21	Wildlife fund – federal.....	No limit
22	Wildlife conservation fund – federal.....	No limit
23	Feed the hungry fund.....	No limit
24	State wildlife grants fund	No limit
25	Boating safety financial assistance fund.....	No limit
26	Wildlife restoration fund.....	No limit
27	Sportfish restoration fund.....	No limit
28	Outdoor recreation acquisition, development and planning fund.....	No limit
29	Publication and other sales fund.....	No limit
30	Free licenses and permits fund	No limit
31	Enforce underage drinking law fund.....	No limit
32	Migratory bird monitoring.....	No limit
33	Voluntary public access.....	No limit
34	(e) In addition to other purposes for which expenditures may be made	
35	by the Kansas department of wildlife, parks and tourism from moneys	
36	appropriated from the state general fund or any special revenue fund or	
37	funds for fiscal year 2013 by this or other appropriation act of the 2012	
38	regular session of the legislature, expenditures may be made by the Kansas	
39	department of wildlife, parks and tourism from moneys appropriated from	
40	the state general fund or from any special revenue fund or funds for fiscal	
41	year 2013 to negotiate and enter into contracts for promotional advertising	
42	services for the performance of the powers, duties and functions of the	
43	Kansas department of wildlife, parks and tourism: <i>Provided</i> , That all such	

1 contracts shall not be subject to the competitive bidding requirements of
 2 K.S.A. 75-3739, and amendments thereto.

3 Sec. 119.

4 DEPARTMENT OF TRANSPORTATION

5 (a) There is appropriated for the above agency from the following
 6 special revenue fund or funds for the fiscal year ending June 30, 2013, all
 7 moneys now or hereafter lawfully credited to and available in such fund or
 8 funds, except that expenditures shall not exceed the following:

- 9 State highway fund.....No limit
- 10 *Provided*, That no expenditures may be made from the state highway
 11 fund other than for the purposes specifically authorized by this or other
 12 appropriation act.
- 13 Special city and county highway fund.....No limit
- 14 County equalization and adjustment fund.....\$2,500,000
- 15 Highway special permits fund.....No limit
- 16 Highway bond debt service fund.....No limit
- 17 Rail service improvement fund.....No limit
- 18 Transportation revolving fund.....No limit
- 19 Rail service assistance program loan guarantee fund.....No limit
- 20 Railroad rehabilitation loan guarantee fundNo limit

21 *Provided*, That expenditures from the railroad rehabilitation loan
 22 guarantee fund shall not exceed the amount which the secretary of
 23 transportation is obligated to pay during the fiscal year ending June 30,
 24 2013, in satisfaction of liabilities arising from the unconditional guarantee
 25 of payment which was entered into by the secretary of transportation in
 26 connection with the mid-states port authority federally taxable revenue
 27 refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A.
 28 12-3420, and amendments thereto, and guaranteed pursuant to K.S.A. 75-
 29 5031, and amendments thereto.

30 Interagency motor vehicle fuel sales fund.....No limit

31 *Provided*, That expenditures may be made from the interagency motor
 32 vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas
 33 highway patrol: *provided further*, That the secretary of transportation is
 34 hereby authorized to fix, charge and collect fees for motor vehicle fuel
 35 sold to the Kansas highway patrol: *And provided further*, That such fees
 36 shall be fixed in order to recover all or part of the expenses incurred in
 37 providing motor vehicle fuel to the Kansas highway patrol: *And provided*
 38 *further*, That all fees received for such sales of motor vehicle fuel shall be
 39 credited to the interagency motor vehicle fuel sales fund.

- 40 Coordinated public transportation assistance fund.....No limit
- 41 Public use general aviation airport development fund.....No limit
- 42 Highway bond proceeds fund.....No limit
- 43 Communication system revolving fund.....No limit

SB 294 as amended by HCOW

Sec. 118

(f) In addition to other purposes for which expenditures may be made by the Kansas Department of Wildlife, Parks and Tourism from moneys appropriated from the publication and other sales fund for fiscal year FY 2013, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures if necessary in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: *Provided:* that all such expenditures shall be in addition to any expenditures made from publication and other sales fund for fiscal year 2013: *And provided further:* That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and legislature as appropriate.