

Approved 4/4/88
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at
Chairperson

8:00 a.m./pm on March 24, 1988 in room 123-S of the Capitol.

All members were present except:
Senator Yost - Absent
Senator Gordon - Absent

Committee staff present:

Don Hayward - Revisor
Nancy Jones - Secretary
Laura Howard - Research
Raney Gilliland - Research

Conferees appearing before the committee:

Leland Rolfs, Division of Water Resources
Robert Meinen, Secretary, Wildlife & Parks
Wilbur Leonard, Kansas Farm Organizations Committee
Richard Malm, Jefferson County Commission
Beverly Bradley, Kansas Association of Counties
Paul Fleener, Kansas Farm Bureau
Mike Beam, Kansas Livestock Association

Hearing and discussion on:

Substitute HB 3007 - Concerning the use of water

Leland Rolfs stated this bill came from the House Committee on Energy during discussion of the Chemigation Act notarization requirements.

HB 3007 requires each water user to file an annual water use report on or before March 1 of each year. A civil penalty not to exceed \$500 would be assessed upon failure to file the report. Fabrication of the report will subject a person to a criminal penalty. Presently the law does not require the filing of the water use report, merely authorizes the Chief Engineer to request it, which has been done since 1957. The Water Resources agency feels this will be an effective incentive to water users to file accurate and complete information. (Attachment I)

During discussion Mr. Rolfs stated more information will be acquired on chemigation with this mandate and the percentage of under reporting could be lowered. Presently water users are not required to report future water or chemigation plans, but this is under consideration to achieve more effective ground water protection. No fiscal impact is anticipated. Concerns were expressed by committee members regarding the civil penalty imposed and the implementation of additional bureaucratic controls on water users.

A motion was made by Senator Vidricksen to recommend HB 3007 favorably; seconded by Senator Langworthy.

A substitute motion was made by Senator Kerr to strike "\$500" in line 26 and add "\$100" after exceed in line 26; seconded by Senator Hayden. Motion carried.

A motion was made by Senator Vidricksen to recommend favorably HB 3007 as amended; seconded by Senator Langworthy. Motion carried.

SB 743 - Concerning fish & game

Robert Meinen testified this legislation was proposed to address the issue of due process for negotiations to proceed on the Hillsdale project. The Department feels present law is no longer needed and public hearings to be held in the future regarding land acquisition should be under the authority of the Wildlife & Parks. Problems of the past regarding lost tax revenues and land management are not issues being addressed in this legislation. The Department will work on management techniques in problem areas and the

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 123-S, Statehouse, at 8:00 a.m./~~p.m.~~ on March 24, 1988.

economical impact of entering into new contracts will be evaluated carefully.

During discussion it was noted that county tax revenues from land could be altered when the Department leases land from the Corp of Engineers, as no revenue is returned by the Department. The intent of this legislation is to refine acquisition procedures. Mr. Meinen also stated that federal money is already being spent in the Hillsdale area and the Department needs authority to proceed. (Attachment II)

Senator Kerr expressed concern that passage of this legislation could have adverse effects on all Department projects and problems with the Hillsdale project should be addressed separately.

A conceptual motion was made by Senator Kerr to draft language exempting the Hillsdale project from procedures of KSA 3308a and 3308b, to be effective upon the date of publication in the Kansas State Register; seconded by Senator Hayden. Motion carried.

Conferees Paul Fleener, Mike Beam (Attachment III), Wilbur Leonard, Beverly Bradley (Attachment IV) and Richard Malm declined presentation of their testimony as the committee acted in response to their concerns.

A motion was made by Senator Kerr to recommend favorably SB 743 as amended; seconded by Senator Martin. Motion carried.

HB 2870 - Concerning hazardous waste

Chairman Werts requested the Committee to give attention to an amendment proposed by Representative Heinemann. (Attachment V)

Senator Vidricksen proposed that KDHE be given the authority to assess a fee for the collection and disposal of household waste as the willingness to do so has been expressed. Collection of a fee could be one condition for determining a grant recipient.

A conceptual motion was made by Senator Vidricksen that the KDHE shall adopt rules and regulations which shall require reasonable fees to be charged by those individuals utilizing the program.

Due to time limitation discussion could not be held on HB 2870. The motion remains before the Committee.

Meeting adjourned. The next meeting will be March 25, 1988.

3-24-88
Quest List

Richard Malm	Jefferson Co. Commission	
Leonard Ersele	FARM Service Corp. inc - Valley Falls, KS	
BOB BRADLEY	KS Association of Counties	Topeka
Mark Trent	Leg.	
Don Ryan	Leg.	
Carrell Monte	K W & P.	
Bob Nigam	" " "	Topeka
John E. Rolf	DWR - KSBA	Topeka
Wayland J. Anderson	DWR - KSBA	Topeka
William Leonard	Comm. KS Farm Org.	Topeka
MIKE BEAM	Ks. LUSTK. ASSN.	TOPEKA
Paul E. Fleener	Kansas Farm Bureau	Manhattan

STATEMENT OF LELAND E. ROLFS
LEGAL COUNSEL
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE
BEFORE THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON
SUBSTITUTE FOR HOUSE BILL NO. 3007

March 24, 1988

Thank you, Chairman Werts, and members of the Committee, for this opportunity to appear here today in support of Substitute for House Bill No. 3007.

This bill was spawned in the House Committee on Energy and Natural Resources during discussions concerning enforcement of the Chemigation Act. The original discussion focused on requiring each water user to report information about chemigation on the annual water use report form required by the Division of Water Resources, Kansas State Board of Agriculture, and mandating that such chemigation information should be notarized.

Substitute for House Bill No. 3007 was an alternative to the notarization requirement. Before I get into a discussion of the merits of Substitute for House Bill No. 3007, perhaps a little background information would be useful.

The Division of Water Resources currently includes a space on the water use report form requesting that the water user provide the Division of Water Resources with the file number of any water right or permit that is used in connection with chemigation. The Division of Water Resources now provides that information to the Plant Health Division of the Kansas State Board of Agriculture for its use in cross checking compliance with the Kansas Chemigation Act.

ATTACH I
3/24/88

The annual water use report form is required by the Chief Engineer pursuant to the authority of K.S.A. 82a-705a, which provides in pertinent part, "...The chief engineer, however, may require any person using water for any purpose to furnish information with regard to such use thereof."

The law does not specifically require the filing of an annual water use report. The law merely authorizes the Chief Engineer to request water use information. The Chief Engineer has administratively required annual water use reports since 1957. In January 1988, the Division of Water Resources mailed out approximately 13,500 water use report forms, representing almost 30,000 active water rights in the state.

In response to the concerns expressed in the House Committee about the need for a more definite way to determine compliance with the Chemigation Act requirements, we suggested the concept provided by this bill because we feel it will allow us to provide better information on both chemigation requirements and strengthen the reporting requirements for water use in general. This bill would for the first time, make annual water use reporting mandatory by statute and provide for a civil penalty so that we can administratively enforce the reporting requirements in a much more efficient and effective way. This bill also creates a criminal penalty for falsifying information on a water use report.

The Division of Water Resources supports Substitute for House Bill No. 3007. We feel it will be an effective and workable incentive to water users to promptly file accurate and complete water use information. Better water use data should improve the data we use for certification of water rights and help with the administration and enforcement of water rights by the Division of Water Resources. Better water use information will also provide better information

for groundwater management districts and other agencies who use the information for planning, management and research.

Thank you very much. I would be happy to answer any questions that you may have.

act, in the conduct of its department, and in acquiring title to lands and rights therein or thereon, or waters or water rights, and for keeping, improving and maintaining the same for the uses as provided by law, shall be defrayed out of the said forestry, fish and game commission fund: *Provided, however,* That in no event shall said commission create any indebtedness or obligation of any nature whatsoever exceeding the surplus in said fund over and above the amount budgeted by the said commission for the proper conduct of its department: *Provided,* That no funds or moneys derived from sale of said licenses hereinbefore mentioned, or from any other source, shall be used for any other purpose than the administration of the forestry, fish and game commission as provided in this act.

History: L. 1927, ch. 221, § 11; L. 1938, ch. 67, § 2; March 4.

Source or prior law:
L. 1925, ch. 257, § 5.

74-3305. Same; how payments made. Said forestry, fish and game commission fund shall be available for and shall be used only on written requisition of the director of the forestry, fish and game commission, approved in writing by the chairman of the forestry, fish and game commission. Said requisition shall be addressed to the director of accounts and reports, and when by the director of accounts and reports received, he (the said director of accounts and reports) is hereby authorized and directed to draw his warrants on the state treasurer in conformity to said requisitions. The said requisition of the director of the forestry, fish and game commission, approved by said chairman of said forestry, fish and game commission, shall be duly itemized and verified, and shall set forth the purposes for which the funds are required.

History: L. 1927, ch. 221, § 12; March 7.

Source or prior law:
L. 1925, ch. 257, § 6.

74-3306.

History: L. 1927, ch. 221, § 13; Repealed, L. 1951, ch. 434, § 1; June 30.

74-3307. Expenses of commissioners. Said commission shall be allowed and paid out of the said forestry, fish and game commission fund in the manner prescribed herein, their actual traveling expenses and

hotel expenses necessarily incurred in the discharge of their duties as commissioners.

History: L. 1927, ch. 221, § 14; March 7.

74-3308. Duties as to federal aid projects. The state forestry, fish and game commission is hereby designated as the agency of the state of Kansas (for the purpose of making application for and procuring aid from the federal government in all matters pertaining to the development of natural resources insofar as it pertains to the control and utilization of waters, prevention of soil erosion, and flood control) and is authorized and empowered to act for and represent the state of Kansas in making application for and securing civilian conservation corps camps, transient unemployment camps and labor, and such other labor, aid and projects as may be offered, designated, required or made available by the federal government.

And further, the forestry, fish and game commission shall have authority, control and jurisdiction over all matters pertaining to the development of conservation of the natural resources of the state, insofar as the same pertains to forests, woodlands, public lands, submarginal lands, prevention of soil erosion, game reserves, nesting grounds, and the control and utilization of waters, including all lakes, streams, reservoirs and dams; and further, the forestry, fish and game commission shall have charge of all funds which may be procured for the purposes herein specified and shall have charge of all projects constructed therewith: *Provided,* That nothing in this act shall prohibit any political subdivision of the state of Kansas now qualified to obtain loans and/or grants from the federal government from making applications for and receiving such loans and/or grants: *Provided further,* That nothing in this act shall prohibit any political subdivision of the state of Kansas or private corporation from having full control of any lake now constructed and owned by them.

History: L. 1933, ch. 108, § 1 (Special Session); L. 1935, ch. 268, § 1; March 19.

Revisor's Note:

Words in parentheses evidently intended to be omitted in L. 1935, ch. 268, § 1.

Cross References to Related Sections:

State agency reports to director of the budget, see 75-3049 et seq.

74-3308a. Acquisition of land under

fish and wildlife coordination act; notice; hearing. (a) Prior to acquiring land under a license with the United States Army Corps of Engineers pursuant to the fish and wildlife coordination act, the director of the fish and game commission shall give notice of the proposed acquisition to the board of commissioners of every county in which such land is located. The board of county commissioners shall call and hold a public hearing on the proposed acquisition. If the land is located in two or more counties, a joint public hearing may be held if approved by a majority of the boards of county commissioners of such counties. Notice of the time, date and location of such hearing shall be published once each week for two consecutive weeks in the official county newspaper. The second publication shall be no sooner than 10 days prior to the public hearing. At such hearing, the director of the fish and game commission or the director's designee shall give a description of the land proposed to be acquired and the reasons for such acquisition. After the public hearing, the director may enter into the license to acquire the land.

(b) The provisions of this section shall not apply to land acquired pursuant to the wildtrust program.

History: L. 1984, ch. 275, § 1; July 1.

74-3308b. Same; approval of license by legislature. On or before the 30th calendar day of each regular legislative session, the director of the fish and game commission shall transmit to the house of representatives and the senate of this state, and to the secretary of state, copies of each license entered into with the United States Army Corps of Engineers pursuant to the fish and wildlife coordination act, since the 30th day of the next preceding regular legislative session. The copies transmitted to the secretary of state shall be available for public inspection during regular business hours. At any time after the 30th calendar day of the regular legislative session when a license is transmitted as provided in this section, the legislature may disapprove and revoke such license by adoption of a concurrent resolution so providing. No such license shall be subject to revocation by the legislature after the 90th calendar day of such regular legislative session.

History: L. 1984, ch. 275, § 2; July 1.

74-3309 to 74-3313.

History: L. 1933, ch. 107, §§ 1 to 5 (Special Session); Repealed, L. 1951, ch. 434, § 1; June 30.

CASE ANNOTATIONS

1. Act held unconstitutional, violative of sections 6 and 9 of article 11 of Kansas constitution. *The State, ex rel. v. Atherton*, 139 K. 197, 203, 205, 30 P.2d 291.

74-3314. Consent given to federal wild life restoration act (50 Stat. 917 to 919; 16 U.S.C.A. §§ 669 to 669j). The state of Kansas hereby assents to the provisions of the act of congress entitled "An act to provide that the United States shall aid the states in wild life restoration projects, and for other purposes." approved September 2, 1937 (Public, No. 415, 75th Congress), and the forestry, fish and game commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wild life restoration projects, as defined in said act of congress, in compliance with said act and with rules and regulations promulgated by the secretary of agriculture thereunder. The treasurer of state is hereby authorized and empowered to receive and disburse all money apportioned to the state in accordance with the provisions of the aforesaid act of congress.

History: L. 1938, ch. 67, § 1; March 4.

Cross References to Related Sections:

State agency reports to director of the budget, see 75-3049 et seq.

74-3315. Lease of lands for oil and gas and other minerals. The state forestry, fish and game commission is hereby authorized to lease any of the lands under its control, the title of which is vested in the state of Kansas, for the production of oil, gas or other minerals, which the commission may deem valuable for that purpose. All such leases shall be on such terms and conditions as the forestry, fish and game commission may prescribe: *Provided, however,* That such leases shall not be for a period of more than ten years, and so long as oil, gas or other minerals are produced in paying quantities thereon.

History: L. 1945, ch. 313, § 1; March 28.

74-3316. Same; notice; bids; execution and attestation. Before entering into any such oil, gas or other mineral lease upon such land, the fish and game commission



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STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
IN OPPOSITION OF
SB 743
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SENATOR MERRILL WERTS, CHAIRMAN
PRESENTED BY
MIKE BEAM
EXECUTIVE SECRETARY, COW-CALF/STOCKER DIVISION
MARCH 24, 1988

The Kansas Livestock Association (KLA) is a trade organization made up of nearly 10,000 members located in all of the 105 counties. KLA, founded in 1894, has members who are actively involved in numerous aspects of livestock production that include cow-calf/stocker producers, feeders, sheep producers, swine operators, and general farming and ranching enterprises.

Mr. Chairman and committee members, I'm Mike Beam with the Kansas Livestock Association. We oppose SB 743 because it repeals two sections of law, K.S.A. 74-3308 a. and 74-3308 b., which we supported during the 1984 session. They were adopted with the passage of HB 2642. This legislation was recommended by the Energy and Natural Resources Interim Committee after studying proposal number 24, "Land Around Federal Reservoirs and Other Recreational Areas". The bill passed the House 121-0 and the Senate 39-1. I've attached a copy of the Interim Committee report which includes an overview of the issue, and the committee recommendations.

ATTACH III
324-88

At that time, it was reported the Army Corp of Engineers owns over 340,000 acres of land in Kansas. In 1984, the Kansas Fish and Game Commission licensed (leased) over 100,000 acres of this land.

You'll find in the Interim Committee Report there was a lot of complaints from landowners, local units of government, and farm groups about the negative impact caused by the Fish and Game managed area.

Farmers and ranchers who operated near this land experienced numerous problems with wildlife damage to crops and livestock facilities. These farmers and ranchers also worked diligently to control highly spreadable noxious weeds and were upset when the Fish and Game managed land in their area harbored such weeds. Our members near the public hunting areas also experienced difficulties controlling trespassing by hunters on their private land.

The leased or licensed land also has a negative impact to local units of government. In many cases, the Army Corp of Engineer's land is leased directly to farmers/ranchers, marinas or other entities. In this case, the Corp remits approximately 75% of this lease revenue to counties where the land is located. Many feel this is very appropriate because local units of government experience increased costs for road maintenance, law enforcement, and other necessary services.

Once the Fish and Game Commission licenses the Army Corp of Engineer's land, they are prohibited by Federal law to pay the counties the revenue

which was previously remitted by the Corp of Engineers.

You can see that K.S.A. 74-3308 a. sets up four steps that the Wildlife and Parks Commission must take before licensing further land with the Army Corp of Engineers. These steps include:

- 1) The Commission must first notify the board of county commissioners of the county(s) in which the land is located giving notice that they plan to acquire certain land in their county(s).
- 2) The County Commissioners shall call and hold a public hearing on the proposed acquisition.
- 3) During the hearing, the Fish and Game Commission shall give a description of the land proposed to be acquired and the reason for acquisition.
- 4) After the hearing, the Commission may enter into the license agreement.

K.S.A. 74-3308 b. gives you, the legislature, the authority to disapprove such acquisition. You'll note this section says that during the first 30 days of the next legislative session, the Fish and Game Commission must submit to the full legislature and Secretary of State copies of each pending license. If the legislature fails to pass a concurrent resolution disapproving the acquisition, the license will become valid.

We view this step as a way to inform local citizens of the Commission's intentions to acquire land which may cause potential problems to landowners and local units of government. This law also provides an opportunity for the legislature to block a license agreement if they deem necessary.

Mr. Chairman and committee members, we feel that HB 2642, passed in 1984, was a sound and appropriate step to take for addressing the concerns of Kansas citizens about future land acquisition by the Wildlife and Parks Commission. We hope these sections of the law will continue to remain intact and that this committee not pass Senate Bill 743. Thank you.

RE: PROPOSAL NO. 24 — LAND AROUND FEDERAL
RESERVOIRS AND OTHER RECREATIONAL
AREAS*

Proposal No. 24 directed the Special Committee on Energy and Natural Resources to study and make recommendations concerning the impact on local governments and adjacent landowners of Kansas Fish and Game Commission, Federal Fish and Wildlife Service, and Corps of Engineers' ownership of land around federal reservoirs and other recreational areas and consider options to the state to mitigate those effects.

Background

The impacts on local governments, particularly counties, of Army Corps of Engineers' ownership and of Fish and Game Commission's management of lands around federal reservoirs mainly center around the loss of property tax revenue to counties. The federal government first addressed this situation in 1976 by the passage of P.L. 94-565. The Act, commonly referred to as the "Payments in Lieu of Taxes Act," provides moneys to counties in Kansas for lands owned by federal agencies such as the Army Corps of Engineers, the Bureau of Land Management, the National Park Service, the National Forest Service, and the Bureau of Reclamation. The Bureau of Land Management administers the Act with payments on a per-acre basis. According to officials at the Bureau of Land Management, payments are made to Kansas counties on 541,517 acres for a total of \$331,418 in federal fiscal year 1982.

In Kansas, the majority of these payments is for land held by two federal agencies, the Corps of Engineers and the Bureau of Reclamation. The other large tract is held by the National Forest Service, which is the area known as the Cimarron National Grasslands in Morton County.

* H.B. 2642 and S.C.R. 1644 accompany this report.

Additional funds are distributed to counties through the Fish and Wildlife Coordination Act of 1934, as amended. This Act permits the granting of a license to a state for fish and wildlife management in accordance with an approved general plan. The Fish and Wildlife Coordination Act does not contain authority for the planting and harvesting of crops for food and habitat for wildlife. However, a license for fish and wildlife management purposes may authorize the state by service contract or by sharecrop agreements with local farmers to use project lands to provide food and habitat for wildlife.

The plan for fish and wildlife management includes activities to be performed, areas to be designated for various species of fish and wildlife propagation, areas to be subleased by agricultural agreement or sharecropped, areas proposed for wildlife cover and type of cover to be cultivated, and all structures and improvements proposed. Money accrued by the licensee, (in Kansas it is the Kansas Fish and Game Commission or the Park and Resources Authority), is generated from the sale of surplus crops rather than lease rent and no percentage of these funds can be paid to the state for the benefit of the county. However, if federal agencies, such as the Corps of Engineers, lease directly to farmers, marinas, or other entities, the counties receive approximately 75 percent of the lease value. In federal fiscal year 1982, Kansas counties received \$533,312 through Army Corps of Engineers' lease agreements.

In 1972, H.B. 1790 was introduced which would have required the payment of in-lieu-of taxes by the Forestry, Fish, and Game Commission to school districts, counties, and cities on lands owned or controlled by the Commission. The bill authorized annual transfers from the Commission's Fee Fund to the local units of government in whose jurisdiction Commission land was located. The bill passed both houses of the Legislature, but was vetoed by Governor Robert Docking. The House voted to override the veto, but the Senate vote sustained the veto.

Committee Activities

The Committee held hearings on Proposal No. 24 at the July 11-12 meeting. Representative Robin Leach and representatives of the Fish and Game Commission, the Kansas City District of the Army Corps of Engineers, the Jefferson County Commission, the Douglas County Commission, Kansas Outdoors Unlimited, the National Wildlife Federation, the Kansas Association of Counties, Congressman Jim Slattery's Office, the Kansas Wildlife Federation, the National Audubon Society, the Kansas Farm Bureau, the Kansas Livestock Association, and farmers from Jefferson County, presented testimony on this proposal. The Committee was taken on a tour of the Fish and Game Commission managed lands around Perry Reservoir by the Jefferson County Commissioners.

The representative of the Army Corps of Engineers told the Committee that federal policy is to authorize the state wildlife agency to manage fish and wildlife lands on federal projects. He emphasized that agriculture is not an authorized project purpose but only a management tool in the management of lands licensed to the Fish and Game Commission for fish and wildlife management. The Fish and Game Commission cannot take any revenue from Corps-licensed land which is leased to farmers and reimburse the counties for taxes, Corps officials told the Committee.

The conferees for the Fish and Game Commission described to the Committee the procedure for the leasing of lands around federal reservoirs to local farmers. It is pointed out that many of the early leases gave the original owner of that land priority in leasing the land. However, in recent years, the Commission requires the competitive bidding on new leases. The bids are on a percentage basis with a certain percentage of the crop being left in the field for wildlife.

A Jefferson County commissioner described to the Committee the many problems resulting from the presence of the federal reservoir in the county. He mentioned the large number of hunters that came to the area during hunting seasons, the reduction in the county valuation resulting from the land around and under the reservoir being taken off county

tax rolls, the people who moved away from the area when the reservoir was built, the need for the county to maintain the roads around the reservoir, the added costs of law enforcement and increased medical services required because of the presence of the reservoir, and the poor management of Fish and Game Commission lands resulting in the proliferation of noxious weeds.

Farmers from the Jefferson County area criticized the Commission's leasing practices, the trespassing by hunters on private lands in the area, and the propagation of habitat such as marshes that provide breeding grounds for the blackbirds which damage crops.

The representative of Kansas Outdoors Unlimited told the Committee that the purpose for the Commission's leasing of land is not for intensive agricultural purposes, but rather it is to manage land for developing wildlife resources. It was pointed out to the Committee that the development of recreational resources around a reservoir provide increased revenues to retailers and increased revenues from improvements in the area which offset any loss of property taxes. The representative additionally pointed out that if the counties are to receive any revenues, it should come from people throughout the state who benefit from the recreation and wildlife areas of Kansas and not the hunters and fishermen who provide the funding for the Fish and Game Commission. Kansas Outdoors Unlimited suggested that revenues from a beverage tax could be used for payment to counties in cases where Fish and Game owns land which is not producing crops.

The National Audubon Society representative told the Committee that the marshes should be maintained, because acreage in marshes nationally is much reduced from the area of marshes that existed prior to industrial development. He indicated that the increasing economic pressures on the national land base have put great pressure on our wildlife population, and decreased funding of federal recreational and wildlife development will put even greater stress on public lands.

The Jefferson County Commission recommended to the Committee that the state of Kansas or the Kansas Fish and Game Commission remit \$40,000 per. year for all years since the land around Perry was licensed by the Corps to the Fish and Game Commission. Such payments would continue until a procedure is developed to address the policy on a statewide basis. The County Commission also recommended that all annual operation plans (and any other plans) of the Fish and Game Commission or changes in those plans be submitted for review and approval by the county zoning authority before implementation.

Concerning the management of Corps lands by the Fish and Game Commission, the Jefferson County Commission recommended that agricultural practices be emphasized which are the highest and best agricultural uses prevailing in the community. It was also recommended that the Fish and Game Commission be staffed with capable personnel with agricultural expertise to ensure that there is proper stewardship of the agricultural leases.

The County Commission made recommendations concerning protection of lands adjacent to Fish and Game Commission lands during hunting seasons and also enforcement and penalties for trespass on private property.

The Kansas Farm Bureau has a position in support of the Fish and Game Commission paying property taxes like any other owner of real property or making an in-lieu-of payment equal to the ad valorem taxes on such property. The Kansas Livestock Association expressed concern about the Fish and Game Commission's management of land around Lake Perry, particularly the lack of control of noxious weeds on Fish and Game Commission managed land.

Committee Recommendations

Because the acquisition of land under license from the Army Corps of Engineers by the Fish and Game Commission results in the reduction in revenues to the counties, any further acquisition of Corps' lands by the Commission is a

matter of legislative concern. To provide greater review of any future Commission acquisitions of land, the Committee recommends enactment of H.B. 2642. The bill provides a procedure to void a license between the Corps and the Commission for any additional land acquisition. This bill will require the disapproval of the Legislature in the form of a concurrent resolution passed by both houses.

In addition, the Committee recommends in H.B. 2642 that the Fish and Game Commission notify county commissioners in the county in which it proposes to acquire land. Further, the Commission must hold a public hearing in that county before acquiring any land or securing land under license from the Corps. This requirement will not apply to any land acquired by the Commission under the Wildtrust Program.

The Committee recommends the introduction of S.C.R. 1644 memorializing Congress to amend the procedures by which the Army Corps of Engineers licenses land to the Kansas Fish and Game Commission. The resolution urges Congress to allow the Corps to permit the Fish and Game Commission to pay local units of government a portion of the proceeds derived from agricultural production on land owned by the Corps and leased to local farmers by the Fish and Game Commission.

The Committee recommends that the Fish and Game Commission include agricultural objectives in the lease with local farmers on licensed Corps' lands, and these agricultural objectives should be made compatible with the overall management plan for the reservoir. It is also recommended that the Commission work with the area Soil Conservation Service and county extension agents to insure good agricultural practices on Fish and Game Commission managed lands.

The Committee is concerned about the problem of public safety during hunting season in areas adjacent to Fish and Game Commission hunting areas. The Committee recommends that the Fish and Game Commission clearly and legibly mark the boundaries of private lands adjoining Fish and Game Commission lands, and that safety zones for buildings, residences, and concentrated livestock areas be maintained

and enforced. It also recommends that the Fish and Game Commission provide an update to the standing Energy and Natural Resources Committees on its efforts to protect the life and property of those living next to Commission hunting areas.

Finally, the Committee is concerned about the continued problem of hunters trespassing on private property. The Committee requests that the Fish and Game Commission make recommendations to the 1984 Legislature on ways to alleviate this problem.

Respectfully submitted,

November 7, 1983

Sen. Charlie Angell,
Chairperson
Special Committee on Energy
and Natural Resources

Rep. Ron Fox,
Vice-Chairperson
Sen. Richard Gannon
Sen. Francis Gordon
Sen. Tom Rehorn
Sen. Ed Roitz

Rep. Ginger Barr
Rep. Ken Grotewiel
Rep. Don Rezac
Rep. Susan Roenbaugh

Kansas Association of Counties

Serving Kansas Counties

212 S.W. Seventh Street, Topeka, Kansas 66603

Phone (913) 233-2271

March 24, 1988

To: Senator Merrill Werts, Chairman
Members Senate Energy and Natural Resources Committee

From: Bev Bradley, Legislative Coordinator
Kansas Association of Counties

Re: SB-743

Thank you Mr. Chairman. Members of the Committee, the Kansas Association of Counties has some concern with SB 743. We believe that the concept of a public hearing is always important to the constituents. The statutes addressed in this bill do not give the County governing board any authority to stop the acquisition of land under the fish and wildlife coordination act, only the obligation to hold a hearing. We have no position on who should schedule or pay for the hearing, only that one be held to keep the area residents informed. We understand that this bill has limited scope and this is not a well used statute. There are some segments of communities, however, that fear change without public input. Whether or not the fears are well founded, we believe the public hearing concept is a good one.

ATTACH IV
3-24-88

Proposed Amendment to HB 2870

On page 1, in line 33, after the period by inserting "Participation in such collection programs by small businesses shall be limited to 25 kilograms of hazardous waste for each such business."