

Approved March 30, 1989
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:09 a.m. ~~p.m.~~ on March 28, 1989 in room 423-S of the Capitol.

All members were present except: Senator Frahm (excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Lynne Holt, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Don Jacka, Assistant Secretary, State Board of
Agriculture
Bill Fuller, Kansas Farm Bureau
Brenda Manske, Southeast Kansas Tourism Region
Jerry Hazlett, Kansas Wildlife Federation
Margaret Ahrens, Kansas Chapter of Sierra Club
Kansas Natural Resource Council
Joyce Wolf, Kansas Audubon Council
Mike Beam, Kansas Livestock Association
Robert L. Meinen, Secretary, Department of
Wildlife and Parks Department

Senator Allen called the committee to order and attention to SB 375 for the continued hearing for the bill; he then called on Don Jacka and the following to testify.

Don Jacka explained that, in his absence, he was presenting the testimony of Sam Brownback who was out of town. Mr. Jacka gave the committee copies of the testimony (attachment 1) in support of SB 375.

Bill Fuller explained that because Paul Fleener was out of town that he would review the testimony given the committee on March 27 by Mr. Fleener (attachment 5 filed with the March 27 minutes). Mr. Fuller expressed special support for the New Section 8 of SB 375 and support for the leasing program as long as it remains a voluntary program.

Brenda Manske gave the committee copies of her testimony (attachment 2) and expressed support and encouraged passage of SB 375.

Jerry Hazlett provided the committee with copies of testimony (attachment 3) and encouraged the committee to recommend passage of SB 375. Mr. Hazlett requested the committee amend SB 375 so that \$5 would be added to the recreational user fee to be used by the state for long term wildlife habitat improvement and so the state could acquire wildlife habitat lands.

Margaret Ahrens provided copies of her testimony (attachment 4) and expressed support for SB 375.

Joyce Wolf gave the committee copies of her testimony (attachment 5) and requested the committee recommend passage of SB 375.

Mike Beam provided copies of his testimony for the committee (attachment 6) and expressed concern for problems that might arise for landowners that would not participate in a recreational access program but that live adjacent to property participating in the program. Mr. Beam requested the committee give the proposed leasing program further study and pledged support for the Wildlife and Parks Department and cooperation in working on the concerns expressed about SB 375.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:09 a.m. ~~p.m.~~ on March 28, 1989

Some of the committee discussion and answers with Bob Meinen included:

Liability suits would be financed by the state but that landowners are always responsible for some liability in case of unsafe situations on their land like an uncovered well.

A landowner will be able to negotiate for any special requests that he would have when he makes his lease agreement. Also the landowner would be able to cancel his agreement in case a situation came along when his land was not able to be used for the leased purposes.

If an adjacent landowner received damage from someone on a leased area that the landowner would have to be able to prove how the damage was done.

The state would accept one year leases on land but would like leases to be for a longer time especially in cases where the state would be helping improve wildlife habitat.

The Chairman declared the hearing closed for SB 375 and called for committee action on committee minutes.

Senator Karr made a motion the committee minutes of March 22 and March 27 be approved. Senator McClure seconded the motion. Motion carried.

The Chairman adjourned the committee at 11:01 a.m.

TESTIMONY

to the

SENATE COMMITTEE ON AGRICULTURE

on

SENATE BILL 375

by

Sam Brownback
Kansas Secretary of Agriculture

27 March 1989

Good morning, my name is Sam Brownback. I am the Secretary of the Board of Agriculture.

Today, I would like to provide you with some background regarding the concepts involved in Senate Bill 375. I would like to convey to you the role of the Board of Agriculture in developing these concepts and the proposed Senate Bill 375.

In 1987 the Kansas State Board of Agriculture received the report of the Commission on the Future of Kansas Agriculture. The Commission report contained a number of suggestions to improve Kansas agriculture. One suggestion was to encourage farmers to diversify their income by leasing their land to recreationists. Landowners are generally hesitant to lease their land for recreational purposes because of the fear of being sued if someone is injured on the property.

Last year the Kansas Legislature, as many of you will remember, passed amendments to the recreational use statute K.S.A. 1988 Supp. 58-3201 et. seq., that allow landowners to lease their lands for a fee without assuming a higher level of duty to protect the recreationist from injury.

If you will recall, several bills were introduced last year that dealt with the ever increasing deer populations in this state. During and after the session, Governor Hayden and several legislators asked the Board of Agriculture to work with the Department of Wildlife and Parks to study and develop a program to address the issues of the deer population, increasing the income landowners can realize from recreational access, limited areas of access for recreationists, and the age-old difficulties between sportsmen and landowners.

*Senate agriculture
3-28-89
attachment 1*

Throughout the summer of 1988 the Board's staff worked closely with the Department of Wildlife and Parks to assure the landowners' concerns were addressed. We met with several farm organization leaders to get their input as to what landowners would prefer to have in any program proposed. During these meetings it became obvious that the basic concerns of landowners were liability, some compensation in exchange for opening the land to recreationists, a method to compensate landowners whose crops are destroyed by deer, and that any program be VOLUNTARY! Throughout our discussion with the Department of Wildlife and Parks we sought to assure that any proposal addressed these concerns.

The proposal drafted between the staff of the Board of Agriculture and the Department of Wildlife and Parks is similar to Senate Bill 375 before you. The proposed program basically included three sections. Section one would allow the Secretary of the Department of Wildlife and Parks to enter into recreational leasing contracts with landowners. This general leasing program is purely voluntary. Landowners could participate as much or as little as they wished. Landowners would be provided with a payment in exchange for opening their lands to recreationists and would not incur more responsibility for entrants to their property. Recreationists would purchase permits to access the lands.

Secondly, the proposed program would allow the Secretary of the Department of Wildlife and Parks to establish Community Wildlife Associations. Again, the state would lease lands for recreational purposes but the local community in the area would act as the promoter of the area. A portion of the permit fees would be given to the local community to develop and advertise the area.

Finally, the proposed program would allow the Secretary of Wildlife and Parks to issue leftover regular season deer permits by management unit to program participants or non-participant landowners. The landowners could then, with the approval of the Department of Wildlife and Parks, make those permits available to resident or non-resident hunters. Landowners could earn additional income by providing access for a fee to their land, ancillary services such as a bed and breakfast to the sportsmen and other possible revenue generators.

The concepts that I have outlined were submitted to both the delegate body of the Board of Agriculture and to the Board itself. Neither of these entities took any action on the proposal.

Thank you for allowing me to appear before you today.

PRESENTATION

to

SENATE COMMITTEE
ON AGRICULTURE

by

BRENDA M. MANSKE
Executive Director
Southeast Kansas Tourism Region, Inc.

March 27, 1989

*Senate agriculture
3-28-89
attachment 2*

SOUTHEAST KANSAS TOURISM REGION

SUPPORTS SENATE BILL 375

Southeast Kansas Tourism Region supports the Recreational Access Program proposed in Senate Bill 375. Our support is based on the potential this program offers for increased tourism opportunities in rural Kansas. More specifically, we believe the proposed program addresses the three major, existing obstacles to expanded marketing of Kansas outdoor recreation.

By way of background, we wish to point out that even though it is not associated with traditional "smokestack" industries, tourism is economic development in Kansas, and in Southeast Kansas, tourism means big business. According to the U.S. Travel Data Center in Washington, D.C., travelers spent \$58.2 million in Southeast Kansas in 1985, generating more than \$10 million in payroll and 1,300 jobs for the region in that year. What may be more important, tourism expenditures raised more than \$2 million in state taxes and \$736,000 in local tax revenue during 1985.

A large portion of this travel-generated revenue is directly related to outdoor recreation, which currently plays a major role in tourism not only in Southeast Kansas, but throughout the state (see Exhibit 1 attached hereto). Outdoor recreation attractions in Southeast Kansas include some of the best quail hunting in the nation, in addition to fine bass fishing at state parks and lakes, Corps of Engineers Reservoirs and on private-access creeks, strip pits and farm ponds. Outdoor sports enthusiasts in Southeast Kansas also enjoy such water sports as boating, canoeing and swimming, as well as camping,

hiking, photography and bird-watching.

Kansas obviously has the resources to meet a growing demand for outdoor recreation facilities. Based on statistics gathered by the United States Travel and Tourism Administration, we know that national and international travel agents and tour operators are looking for new outdoor recreation destinations (see attached USTTA graphs). The tourism region's 1988 experience with a West German tour wholesaler, Canada Reise Dienst, demonstrated both the potential for and the problems associated with a program of expanded marketing for outdoor recreation in Kansas.

In order to package our resources for Horst Gennert of Canada Reise Dienst, Southeast Kansas Tourism Region initiated the first phase of a plan to identify farmers and rural landowners in the region who would be willing to permit fee-based public hunting on their lands. A second aspect of this plan involved locating guides and outfitters for tourist hunting/fishing/hiking and camping trips.

Initial response to this effort was positive. At a July 1988 tourism region board meeting in Coffeyville, 36 people turned out to learn more about our need for recreational land. Nine of these people were landowners who were interested in how they could benefit economically from our marketing effort. Others attending that meeting included one outfitter, a lakefront resort owner, a motel owner, a county commissioner, the coordinator of the regional resource conservation and development district, a county economic development director, one city

manager and a city council member. We later contacted several rural landowners throughout the region who expressed interest in this effort.

Based on this response, the tourism region developed a hunting and fishing tour package that was presented to the West German tour wholesaler at a meeting in Oklahoma in August of 1988. As a result of this experience, we identified three major obstacles to further packaging and marketing of outdoor recreation in Southeast Kansas. First, landowners told us they could not afford to bear the full cost of liability insurance to cover accidental injury to fee-paying users of private land. We suggested the use of public land to overcome the liability problem and learned that the existing public lands available for hunting and fishing are inadequate to meet the needs of increased marketing. We were told that public land in Kansas is now overhunted at current levels of use; that is, we already have too many hunters and not enough game on public land. Finally, our marketing efforts were hampered by the lack of an existing outfitter/guide program in Kansas.

Southeast Kansas Tourism Region believes that the Recreational Access Program proposed by Senate Bill 375 addresses the tourism marketing needs that have been identified in the area of outdoor recreation. Tour package buyers need assurance of safety, assurance of ample game and assurance of quality guides and outfitters. Likewise, tour package providers need liability protection, game and habitat conservation assistance and access

to quality guides and outfitters.

In conclusion, Southeast Kansas Tourism Region believes that the effective marketing of Kansas outdoor recreation will require widespread cooperation. To that end, we encourage the Kansas Legislature to endorse the Recreational Access Program outlined in Senate Bill 375. We likewise encourage implementation of the following recommendations in this regard:

- 1) Establish a comprehensive marketing plan for the proposed Recreational Access Program;
- 2) Officially recognize the major role outdoor recreation plays in Kansas tourism and
- 3) Increase coordination and cooperation between the Kansas Department of Commerce Division of Travel and Tourism Development and the Kansas Department of Wildlife and Parks to effectively package and market outdoor recreation.

SENATE AGRICULTURE COMMITTEE
March 27, 1989

SOUTHEAST KANSAS TOURISM REGION

SUPPORTS SENATE BILL 375

EXHIBIT I

SPORTS/ENTERTAINMENT REVENUE IN KANSAS, 1986

- * The State of Kansas sold nearly \$2 MILLION worth of out-of-state hunting and fishing permits in 1986

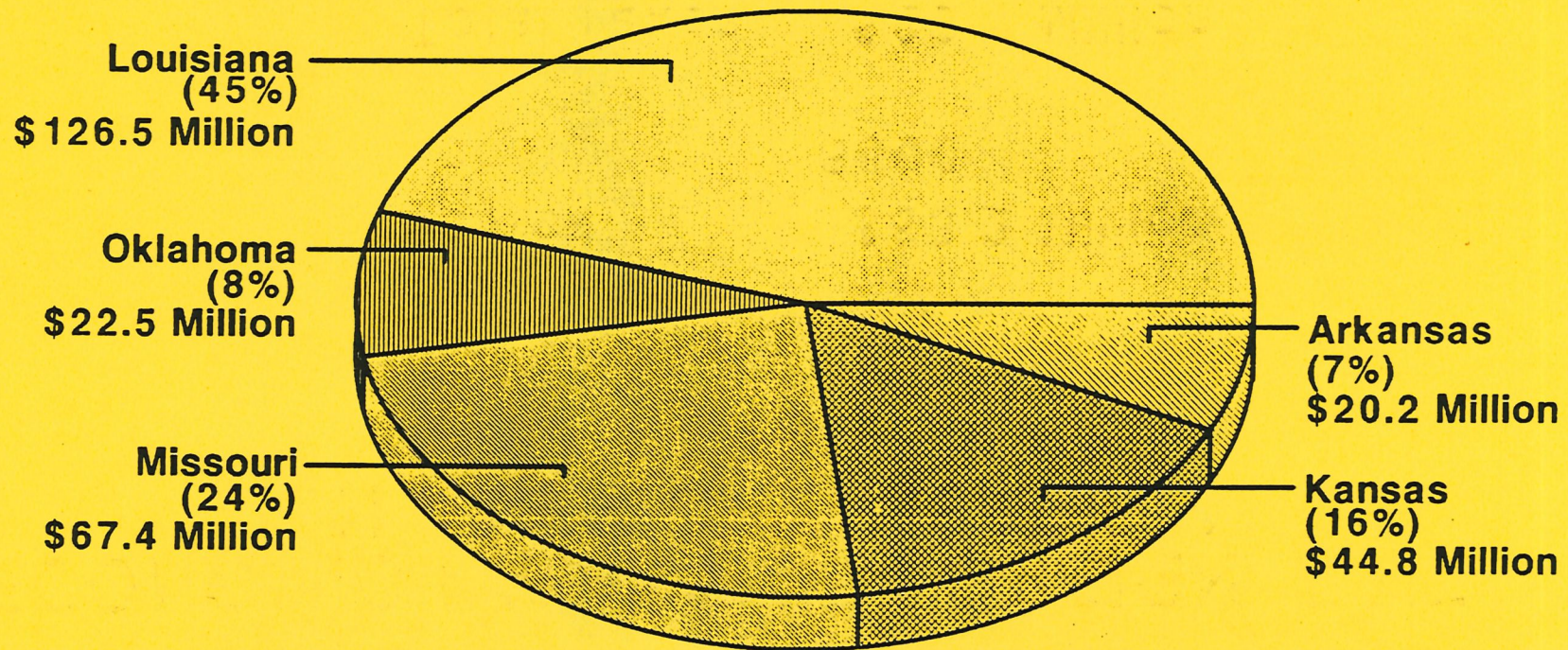
BARTON COUNTY SPORT HUNTING REVENUE, 1986

- * Barton County hosted an estimated 516 out-of-state hunters during 1986
- * Each hunter spent an average of 2.5 days in Barton County per hunting trip
- * Each hunter spent approximately \$55 per day in Barton County
- * Out-of-state hunters contributed an estimated \$71,000 in direct revenue to Barton County in 1986
- * Above figures do not reflect sales of 48-hour water fowl permits
- * Above figures do not reflect indirect economic impact of out-of-state hunting in Barton County for 1986

(Barton County figures provided by Kris Collier, Great Bend CVB)

FOREIGN VISITOR SPENDING IN AMERICA'S HEARTLAND BY STATE 1986

\$281.4 Million
Total Spending



CHARACTERISTICS OF KEY OVERSEAS POTENTIAL PLEASURE MARKETS TO AMERICA'S HEARTLAND

(Top Products, Services, Amenities, Cont'd.)

	<u>West Germany</u>
Interesting / Friendly Local People	94%
Manageable Size / Able to See Everything	88%
Outstanding Scenery	87%
Variety of Sightseeing Excursions	86%
Warm, Sunny Climate	84%
Wilderness & Undisturbed Nature	83%

- * Percent Saying This Item Is Important to Them
- + Percent Is Significantly Higher than Average on That Item
- Percent Is Significantly Lower than Average on That Item
- Not in Top 6 Statements

PRODUCTS WANTS / NEEDS SEGMENTATION (High Potential Travelers to America's Heartland)

	<u>United Kingdom</u>	<u>West Germany</u>
Sports & Entertainment	12%	23%
Developed Resort	11%	7%
Culture & Comfort	18%	*
Culture & Nature	14%	15%
Rural Beach	*	22%
Beach	18% ⁻	*
Big City	14%	21%
Outdoor Sports	13%	12%

* Segment Not Present

+ Percent Significantly Higher than Average for Segment

- Percent Significantly Lower than Average for Segment

Kansas Wildlife Federation, Inc.

200 S.W. 30th, Suite 101 • P.O. Box 5715 • Topeka, KS 66605

TESTIMONY SB 375

SENATE AGRICULTURE, COMMITTEE
PRESENTED BY Jerry R. Hazlett, Executive Manager
March 27, 1989

The Kansas Wildlife Federation is a not-for profit, wildlife and natural resource conservation and education organization. Our 8000 volunteer members join with the 10,000 Kansas members of our affiliate organization, The National Wildlife Federation to support the sound use, management and enjoyment of our vital air, water, soil and wildlife resources.

I am here to speak for Senate Bill 375 for the Kansas Wildlife Federation.

Most studies about the future of Kansas identify the need for Kansas to provide broad-based recreational opportunities. Such recreational opportunities go hand-in-hand with attracting new industry, tourism development and providing leisure time activities for Kansas residents.

In short, well planned programs providing more quality recreational opportunities within the State are vital to the social and economic well being of future Kansas.

SB375, before you today, is an attempt toward such a program. It provides the opportunity for landowners, recreational users and state government to voluntarily work together to provide public recreational access.

This bill provides more than hunting and fishing. It is a broad-based bill that includes private land access for any outdoor recreational interest such as camping, canoeing or bird watching.

All involved are voluntary participants, landowners and recreational users. Those choosing to enroll their land in this program and those who choose to use those lands are mutually benefitted and in turn the state is benefitted.

KWF has one concern with this bill as written. Because habitat is vital to the well being of wildlife, we would like \$5 added to the recreational user fee to be used by the State for long term wildlife habitat improvement and for State acquisition of critical wildlife habitat lands.

Senate Agriculture

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attachment 3



SIERRA CLUB

Kansas Chapter

SB 375: Recreational Access

Testimony Before Senate Committee on Agriculture

March 27, 1989

I am Margaret Ahrens, lobbyist for the Kansas Chapter of the Sierra Club. I am here today also testifying on behalf of the Kansas Natural Resource Council. Both organizations work to protect our natural resources. I speak today in support of SB 375 because of its potential to enhance our appreciation for our state's natural heritage, our land, our wildlife and our water.

Less than 3% of the land of the State of Kansas is available for public outdoor recreation use. That amount includes Federal, state, local public and private school properties, and commercial ventures. .5% of Kansas land is owned and managed by the State of Kansas for public outdoor recreation. Compared with the rest of the nation, we have less state park land than 44 states. Only Mississippi, North Dakota, Rhode Island, Delaware and Hawaii have less state park acreage available for their citizens and out-of-state travelers. In 1988 5 million visitors came to our 27,000 acres of state parks, an increase of approximately 20% in 5 years.

Department of Wildlife and Parks figures show that 84% of Kansans over 6 years of age participate in non-consumptive uses of public outdoor recreation facilities in Kansas. Obviously, demand, use and appreciation of the outdoors in Kansas is not reserved to the elite. Nor is it reserved to the 12% who hunt and the 31% who fish.

When I moved to Kansas 7 years ago a radio ad was hailing Kansas as a place with as much water as Minnesota. I was moving here from Minnesota. When the ad was later retracted because it was inaccurate, I was not happy. I felt sad that a state needed to compare itself with another state to be recognized for what the other state had, naturally. It occurred to me that Kansans might not know what they have.

SB 375 embodies an ingenious method for Kansans to better get to know their state. It proposes a voluntary program by which landowners under state leasing agreements, could share the use of their property with members of the public. It offers people like myself the opportunity for more participation in nature. It recognizes the status of Kansas' land and water as more than resources to "use", acknowledging them as gifts to appreciate and care for.

I have spoken with numerous members of the agricultural community in this Legislature about problems they encounter now with both permitted and illegal use of their lands. The "friendly agreements" between owners and users do not appear to be that friendly. This

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attachment 4*

bill allows the state to assist the landowner in his/her dealings with the public, to respond to the enthusiasm of an increasingly outdoor-minded public and to celebrate what is Kansas, naturally.

Sources:

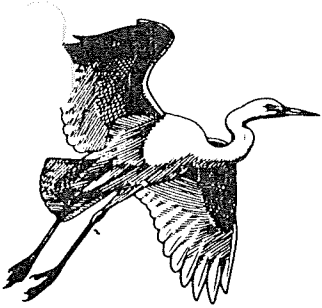
Wichita State University Survey, "Attitudes Toward Non-Game Wildlife", 1985.

A Plan for Kansas Wildlife and Parks, Strategic Plan, 5th ed, 1988.

Kansas State Comprehensive Outdoor Recreation Plan, 1985.

1988 Statistical Abstract of the United States.

Kansas Statistical Abstract, 1987-88.



Kansas Audubon Council

Senate Bill 375

March 27, 1989

Senate Agriculture & Small Business Committee

My name is Joyce Wolf and I represent the 5000 Kansas members of the National Audubon Society who support the wise use and protection of our natural resources.

When first presented, in October 1988, with the very broad concept of this bill, the Kansas Audubon Council responded with two primary concerns: 1) that the rights of landowners be protected, and 2) that the integrity of the habitat enrolled in the program also be protected. As the concept of the Recreational Access Program has been refined since then, we believe those concerns have been addressed.

Concerns for landowner rights have been addressed by the voluntary nature of the program, the right of the landowner to choose the type activities permitted on his/her land and the question of liability is addressed by sections 10, 11, and 12 of the bill. We believe the strategy of paying a higher rate for better habitat will be an incentive for landowners to improve or maintain the quality of the habitat on their property. Additionally, as department representatives evaluate the lands bid into the program, they will be able to advise landowners on habitat-improvement suggestions and techniques.

The Kansas Audubon Council believes the Recreational Access Program takes an important step in providing added opportunities for a wide variety of recreational needs for both Kansans and visitors to our state. Statistics for Kansas' parks for 1988 show that there were nearly 5,000,000 visitations. With increasing amounts of leisure time, Kansans and tourists from outside the state will put increasing pressures on our limited recreational resources in the state. Why should we provide added resources to meet those demands?

Data from the U.S. Department of Commerce clearly document the beneficial effects of providing additional tourism opportunities. As the attached sheet shows, the tourist industry imports new dollars into a community, creates jobs, expands the tax base, promotes economic diversification, creates an identity and image for the area, and last but certainly not least adds to the quality of life of the recipient areas.

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attachment 5*

For just one potential group of visitors - birders - there are approximately 35,000 National Audubon Society members (in addition to the 5000 in Kansas) in the surrounding states of Colorado, Nebraska, Iowa, Missouri, Arkansas and Oklahoma. A survey conducted by the National Audubon Society during 1988 of 2000 of its members randomly selected from the total membership of 500,000 (69% response) reported an average household income of \$63,000 and they took an average of 8 vacations per year. One of every nine of the respondents reported having an investment portfolio valued at greater than \$500,000.

With the combination of having Cheyenne Bottoms, one of the best birding attractions in the country, plus other opportunities that the Recreational Access Program could provide, we could begin to tap an incredible source of economic development potential while changing the mistaken perception that Kansas is just a spot to pass through on the way to a better place. We believe that the Recreational Access Program could help remake the image of Kansas as being "that better place to go."

THE VISITOR INDUSTRY IMPORTS NEW DOLLARS

THE VISITOR INDUSTRY CREATES JOBS

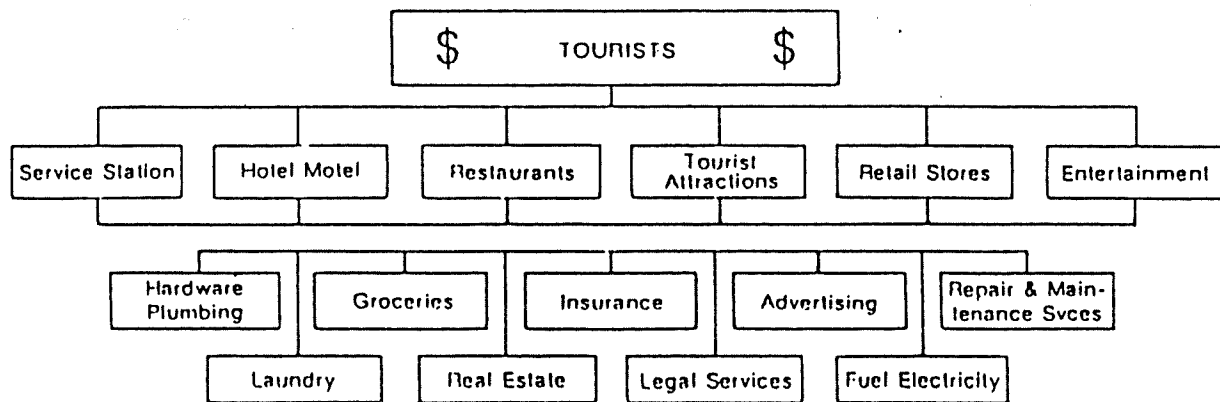
EXPANDS THE TAX BASE

ECONOMIC DIVERSIFICATION

CREATES AN IDENTITY AND IMAGE

THE VISITOR INDUSTRY ADDS QUALITY OF LIFE

Distribution of the Tourist Dollar



100 New Manufacturing Jobs

- Increase in population of 360
- 100 new households
- 91 more school children
- \$410,000 increase in personal income
- \$229,000 increase in bank deposits
- \$331,000 in retail sales
- 3 more retail outlets
- 65 industry-related jobs

100 New Tourists Per Day

- Increase in population of 459
- 140 new households
- \$78,000 in tax receipts or enough to support 156 school children
- \$777,000 increase in personal income
- \$144,000 increase in bank deposits
- \$1,120,000 in retail sales
- 7 more retail outlets
- 111 new industry-related jobs

The impact of tourists on a community is often underestimated. The above chart reflects the importance of a visitor on a community.
Information compiled by U.S. Department of Commerce



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358
Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

TO: Senate Agriculture Committee
Senator Jim Allen, Chairman

FROM: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

RE: SB 375

Mr. Chairman and committee members, I am Mike Beam representing the Kansas Livestock Association. We're here today as an opponent of SB 375 which establishes a recreational access program in Kansas. Before I voice our concerns with the bill, I'd like to briefly explain to the committee our involvement with the issue and what eventually led us to take a position to oppose the legislation.

Our members have discussed this concept on many occasions in the past year. I was first aware of this idea last spring when the Kansas State Board of Agriculture briefed us on the discussions and workings between the Board of Ag and the Wildlife and Parks Department. In August, the Wildlife and Parks Department attended our Cow-Calf/Stocker Council meeting and spent considerable time visiting with the group and receiving input from our members. We chose not to take a position and wanted to give the proposal some "soaking time". It's a bold new approach for Kansas and landowners are naturally scared of any legislative plan to give the public more access to private property.

At this point I would like to applaud the Wildlife and Parks Department and the Governor's office for the way they've handled this

*Senate agriculture
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attachment 6*

issue. The program was formally announced last October that both made it clear they wanted to float this plan and see how sportsmen/landowners and others reacted to such a proposal. They have been very receptive to comments and suggestions and they're not trying to push any new program down anybody's throats.

Yes, this is a voluntary program, but there are two basic concerns that has eventually led our group to oppose this legislation.

Our primary concern is for adjoining landowners or residents who occupy land adjacent or near land that may be enrolled in this access program. It's my understanding that maps will be published and distributed to those who have purchased a special access stamp or permit. A landowner may enter into a contract on a voluntary basis, but may be subjecting his neighbors to problems they are not willing to accept.

For instance, an absentee landowner may own a quarter section of prime hunting ground that's enrolled in the CRP program. Next to him could easily be a confined livestock facility, elderly rural residents, or families with children who may not appreciate a great influx of sportsmen on the opening day of quail season. These sportsmen, with all good intentions, could flock out in droves to hunt the prime 160 acre habitat which they have bought access to. They may have to stop and ask directions to the leased area, or for assistance in pulling their vehicle from the ditch off a muddy county road. The livestock operator next door may become very frustrated if 20 or 30 hunters come out in a day and scare his newly purchased calves by firing shotguns in the pursuit of game. Although the program is voluntary for the participating landowners those that are adjacent may not appreciate the added problems it could cause them and their families.

Like I mentioned earlier, we have discussed on several occasions this program and had a lot of good debate. On several occasions a member has asked "what's in this program that we can't do today on our own". In other words, can't we participate in a fee or lease hunting/fishing venture without this plan? The answer of course is yes. Many people feel the leasing of private land for recreational purposes may occur in the future as the public increasingly seeks the outdoors for their recreation. When that happens, landowners feel they will be able to capitalize to a greater extent by leasing directly to the participants and not to a third party, the state, as proposed in SB 375.

Mr. Chairman, these are a few of our thoughts and concerns about the measure. As I said earlier this is a bold new approach for Kansas and we pledge that we'll continue to involve the Wildlife and Parks Department in our policy discussions if this bill or the house version (HB 2367) remains alive for consideration next year. In the meantime, we wish to oppose the measure and hope the committee will consider our thoughts when working the bill. Thank you.