

Approved: Carl Dean Holmes
Date 1-25-96

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:30 p.m. on January 18, 1996, in Room 526-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Bill Fuller, Kansas Farm Bureau
Representative Joe Kejr
Karl Peterjohn, Kansas Taxpayers Network
Bill Craven, Kansas Natural Resource Council
Darrell Montei, Division of Wildlife and Parks

Others attending: See attached list

The meeting opened with a hearing on HB 2574.

Hearing on HB 2574: Department of Wildlife and Parks, acquisition of real estate, guidelines and limitations

Bill Fuller. Mr. Fuller testified in support of HB 2574. (Attachment #1)

Joe Kejr. Representative Kejr testified in support of HB 2574. (Attachment #2)

Karl Peterjohn. Mr. Peterjohn gave a brief statement in support of HB 2574. (Attachment #3)

Bill Craven. Mr. Craven spoke in opposition of HB 2574. (Attachment #4) Mr. Craven referred to written testimony that was faxed to the committee by Christopher Cokinos, president of the Kansas Audubon Council. (Attachment #5)

Darrell Montei. Mr. Montei testified in opposition of HB 2574. (Attachment #6)

Committee questions and discussion followed. The Chair closed the hearing.

Derenda Mitchell, Legislative Counsel to the Governor, invited the members of the committee to attend the Water Quality Initiatives meeting tomorrow at 1:00 in the Old Supreme Court Chambers Room in the Capitol.

Darrell Montei invited members to the Commission meeting next Thursday, January 25, at the Ramada Inn downtown. He will furnish copies of the agenda to the committee.

Chairperson Holmes announced we would not work HB 2615 today due to the late hour but would like to work SCR 1610 if there were no amendments to it. He distributed maps of Kansas water-related agency offices that the Water Permitting Study Team provided as requested yesterday. (Attachment #7)

Action on SCR 1610: Expressing the legislature's appreciation to the Environmental Water Permitting Study Team for submitting initiatives to improve water permitting agencies service

Representative Don Myers moved that SCR 1610 be passed out favorably. Representative Vaughn Flora seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m.. on January 18, 1996.

Representative Clay Aurand announced that the sub-committee on **HB 2613** and **2614** would be meeting tomorrow at 7:30 a.m in 527-S.

The meeting adjourned at 5:30 p.m.

The next meeting is scheduled for January 22, 1996.

ENERGY AND NATURAL RESOURCES COMMITTEE
COMMITTEE GUEST LIST

DATE: January 18, 1996

NAME	REPRESENTING
Joe Kyr Rep 67 th	
BILL R. FULLER	Kansas Farm Bureau
Leslie J. Kaufman	Kansas Farm Bureau
Duane Waterworth	Division of the Budget
Leland E. Rolfs	Div. Water Resources, KDA
Mike Shields	Harris News
Karl Peterjohn	KS Taxpayers Network
Dave Holthaus	Western Resources
Amelia McIntyre	Ks Dept. of Wildlife & Parks
Steve Adams	KDWP
Mike Beam	Ks. LUSTK. Assn.
DARRELL MONTEI	KDWP
JOHN STRICKLER	CITIZEN
STEVE WILLIAMS	KDWP
TINA BROWN	John Peterson John Peterson
Michelle Peterson	Peterson Public Affairs Group



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

RE: Limiting Acquisition of Real Estate by the Department of Wildlife and Parks.

January 18, 1996
Topeka, Kansas

Presented by:
Bill Fuller, Associate Director
Public Affairs Division
Kansas Farm Bureau

Chairman Holmes and members of the Committee:

The farm and ranch members of Farm Bureau in Kansas have a long-standing philosophy and slogan that says: "PRIVATE LANDS IN PRIVATE HANDS."

My name is Bill Fuller. I am the Associate Director of the Public Affairs Division at Kansas Farm Bureau. I am here to testify on behalf of the members of the 105 county Farm Bureaus.

Current Farm Bureau policy adopted by the 411 Voting Delegates at the 77th Annual Meeting of Kansas Farm Bureau includes this language concerning land acquisition by the Kansas Department of Wildlife and Parks:

*"We encourage the Wildlife and Parks
Department to fully explore the option of leasing
land rather than purchasing any land.*

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We oppose the use of tax and fee revenues for the acquisition of any private land. An economic impact study, a public hearing within the county where acquisition is proposed, and approval by the Kansas Legislature should be required before the Wildlife and Parks Department is allowed to assume ownership of any land. Any acquired property should remain on the property tax rolls. We are opposed to the Wildlife and Parks Department having the authority to use the power of eminent domain."

H.B. 2574 prohibits the KDWP from acquiring any land until the agency disposes of an equal acreage. While H.B. 2574 may be somewhat more restrictive than KFB policy, we support this proposal that is intended to halt the increasing government ownership of private lands.

The statutory requirement (K.S.A. 32-844) that requires the KDWP to submit a land acquisition report to the Legislature at the beginning of each session is a refreshing disclosure. It allows you, the legislature, and the public to have the facts. Frankly, we are concerned about the size of the 1713 acre acquisition in 1995. Is this acquisition high or low compared to other years? What are the total acres held by the agency?

We do credit the KDWP for keeping, and in one case adding, the property to the local property tax rolls. This "good-neighbor" policy avoids lost revenues for schools and local governments.

We appreciate this opportunity to support an initiative to keep "PRIVATE LANDS IN PRIVATE HANDS." We will respond to any questions you may have. Thank you!

JOE KEJR
REPRESENTATIVE, 67TH DISTRICT
DICKINSON, ELLSWORTH, SALINE
AND MCPHERSON COUNTIES
10143 W. STIMMEL RD.
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: APPROPRIATIONS
CHAIR: SUBCOMMITTEE FOR AGRICULTURE
AND NATURAL RESOURCES
CHAIRMAN: JOINT COMMITTEE ON
SPECIAL CLAIMS AGAINST THE STATE

January 18, 1996

Mr. Chairman & Members of the Committee:

I want to thank you for having Hearings on HB 2574.

First, I want to explain the House bill 2574. If you look at the first page, lines 14-19, it states on or after July 1, 1995, you will notice the need for a change in the date that it takes affect. No amount of real estate shall be acquired by the Department of Wildlife & Parks until the Department of Wildlife & Parks has sold, transferred or otherwise disposed of an equal or greater amount of real estate, or on an acre for acre basis, that is owned by the Department of Wildlife and Parks. The other changes reference back to the new section.

There are three reasons why I believe this is an important bill to consider:

First, after looking at the budget of Wildlife & Parks and talking to citizens of Kansas, I feel like the property that the agency owns at the time is not being handled properly. There is not enough oversight, there is not enough upkeep, all of this is affecting landowners next to the department's land. The bottom line is--they are not taking care of the property they already own.

Secondly, the department likes to proudly say this property or that property stays on the county tax roll. Well, that might be fine and dandy but who pays the taxes--and what about the revenue that formerly went into private hands and gets mutiplied through the community.

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And third, you will hear that Kansas has one of the lowest percentages of government owned property of any state. We should be congratulated for that achievement not thinking how we can take more property away from private owners. Contrary to what some say , if we want to take care of the environment, we need to leave the land to the hands of the Kansas citizen.

Thank you Mr. Chairman. If you have any questions call me at extension 6-7664.



Joe Kejr

Representative 67th District

JK:jld

KANSAS TAXPAYERS NETWORK

P. O. BOX 20050

WICHITA, KS. 67208

18 JANUARY 1996

TO: COMMITTEE MEMBERS

FROM: KARL PETERJOHN, EXECUTIVE DIRECTOR

SUBJECT: HB 2574

The Kansas Taxpayers Network mission statement supports limits on government growth, private property and strengthening our free enterprise system. As the Executive Director of this taxpayers group I had the privilege of serving on the Kansas Privatization Council in 1994.

I mention this since this is the first time I have spoken to the House Energy & Natural Resource Committee. Today I am here to speak on support of HB 2574. Unfortunately, I only found out about this bill yesterday and my ability to provide detailed data in support of this legislation is limited.

However, the position of KTN's mission statement mention above are similar to this bill's goals. For this reason I am pleased to have the opportunity to speak as proponent this afternoon.

I would like to thank the committee for this opportunity to testify and I will stand for questions.

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Kansas Natural Resource Council

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Vice President

Joan Vibert, Ottawa

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Testimony of Bill Craven
Kansas Natural Resource Council and Kansas Sierra Club
House Energy and Natural Resources Committee
H.B. 2574 (Wildlife and Parks)
January 18, 1996

Despite the fact that the Department of Wildlife and Parks has incurred the anger of some legislators and some members of the public in recent years because of fiscal irregularities, the provisions of this bill are an overreaction, and are too punitive. My perspective is that it is not a wise public policy to enact the two provisions of this bill: One provision requires the department to dispose of an acre of land for each newly acquired acre. The second provision is related but more specific, and would subject the acquisition of El Dorado and Hillsdale reservoirs to the same acre-for-acre restriction.

The bill overlooks the fact that Kansas may well desire to add to its public recreational opportunities in the future. The bill would lock Kansas in to its current ranking at or near the bottom of all states in terms of public recreational opportunities on public lands. The bill won't do a thing to help Kansas recover from the recent survey which pegged our state as the nation's least common tourist destination.

The Department has estimated that each state park visitor spends an average of \$135 annually, with a turnover of 8 times/dollar. With 700,000 visits, the parks generate about \$100 million in revenue through taxes, fees, licenses, and purchases. That translates to \$800 million with the multiplier.

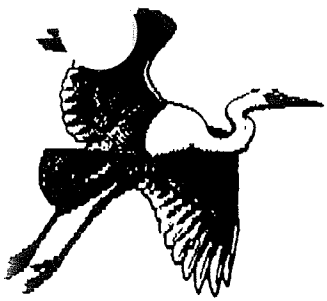
Everything involved with expanded outdoor recreational opportunities for Kansans and travelers is at stake here. It could impact the successful and developing rails-to-trails programs, it could hinder development of a recreational corridor along the Kansas River, and it would stifle the opportunities for small businesses to take advantage of still-unplanned acquisitions by the Department. It ignores the opportunities for land sales from willing sellers.

This bill ignores the environmental benefits of open spaces, where urban sprawl isn't allowed and where natural ecosystems are allowed to flourish. In urban areas, property values decline the further the property is located from greenbelts or open spaces. I've brought with me several studies on the economic values of parks, of open spaces, and related topics. I would be pleased to make them available to any member. There simply isn't a dispute that parks and recreation is a net contributor to a state both in terms of finances and in terms of other benefits.

Tourism is one of the state's targeted industries for growth. This bill wouldn't receive a good hearing if subjected to an economic development analysis, and I hope it doesn't fare well here.

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Kansas Audubon Council

TO: Rep. Carl Dean Holmes
Chair, House Energy & Natural Resources Committee
fax number 913-368-6365

FR: Christopher Cokinos
President, Kansas Audubon Council
home phone 913-537-4143

18 Jan. 1996

**Kansas Audubon Council Statement of Position
on House Bill 2574
for the Kansas House Energy & Natural Resources Committee**

The Executive Committee of the Kansas Audubon Council--the statewide coordinating council of our 10 chapters, representing nearly 6,000 members--has authorized me to state our strong opposition to House Bill 2574, which would prevent the Kansas Department of Wildlife and Parks from acquiring any new acreage unless it "sold, transferred, or otherwise disposed of an equal or greater amount of real estate, on an acre for acre basis..." The Kansas Audubon Council urges the House Committee on Energy and Natural Resources to reject this bill or any similar legislation.

HB 2574 represents capricious public policy that would so severely restrict KDWP as to make it nearly impossible not only for KDWP to obtain new acreage for public use but also threaten federal assistance for wetlands and Playa Lakes acquisition and management.

HB 2574 is a slap in the face of Kansans who use and enjoy the public lands managed by KDWP and who wish to see new and enhanced recreation opportunities for hunting, fishing, birding, wildlife viewing, hiking, camping, boating, etc. These activities themselves are generators of revenue for private businesses and public agencies.

For example, in 1991, the state of Kansas enjoyed \$33.1 million of combined retail sales related to migratory bird hunting and non-consumptive bird viewing transactions (equipment, services, etc.),

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according to the report, "The Economic Contributions of Bird and Waterfowl Recreation in the United States During 1991." This report, from the International Association of Fish and Wildlife Agencies, stresses the positive economic impact of bird-related recreational activities. In contrast to Kansas, the state of Missouri saw \$187.5 million in bird-related retail sales while Colorado saw \$208.7 million. These higher figures are related to the greater investment in public lands in those states, and, again, the point is clear: investment in public lands translates to increased economic activity.

As this report stresses, "Investing in birds and their habitats pays off." HB 2574 is an example of short-sighted legislation that seeks to prevent the management of a variety of land acquisition tools (purchase from willing sellers, donations, conservation easements) for parks and wildlife habitat. HB 2574 is anti-recreation, anti-wildlife, anti-habitat, and anti-business. Kansans need more chances to protect and enjoy our natural heritage for the present and the future. Kansans need to diversify the economy of the state: increasing park holdings is one way to promote more recreation and therefore recreation-related businesses. (We note that the KDWP presently acquires new land from donations and willing sellers only.)

Perhaps some members of the legislature feel that HB 2574 is appropriate punishment for the fiscal misdeeds of KDWP. While KAC is certainly disappointed with the budgetary management problems KDWP has inflicted on itself--and urges that agency at every turn to rectify the situation--we hardly feel that a bill of this sort does any good whatsoever for the agency. In crippling KDWP's flexibility to manage park lands and recreational opportunities, this bill would harm all Kansans. If we need reminding about the importance of public lands and recreation, we need look no further than the recent proposal to sell federally-owned public lands to irrigators at unscrupulously low prices. That proposal met with a firestorm of opposition.

We again urge the committee to reject this bill. Thank you for your consideration and for sharing this memo with the entire House Committee on Energy and Natural Resources.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
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H.B.2574

Testimony Presented To: House Energy & Natural Resources Committee

Provided By: Kansas Department of Wildlife and Parks

January 18, 1996

H.B. 2574 would prohibit the Department from acquiring any real estate unless the Department first sold, transferred or otherwise disposed of an equal or greater amount of real estate owned by the Department. In addition to fee title, the bill's impacts would extend to other forms of acquisition such as donations, leases, licenses and easements.

The availability of public lands in Kansas, on a per person basis, is the lowest among the surrounding states and is one of the lowest throughout the nation. Land, and the ability to manage land are two of the most critical tools at our disposal for wildlife management purposes and for providing public recreation.

Surveys repeatedly verify the importance of those lands to our citizens and to our visitors. And the fact that public lands in Kansas are in short supply ranks consistently high as a reason why some individuals have reduced or ceased some activities such as hunting.

Outdoor recreation involving parks, wildlife areas, reservoirs, state lakes and other areas is important and those type of areas managed by the Department fulfill a demonstrated public need. Over 4 million days of fishing and about one-half

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million days of hunting occur annually on those areas and Kansas park visitations approach 5 million each year. In addition, it is estimated that 800,000 Kansans are involved in boating. It is also noted that other wildlife related recreation such as viewing result in a high number of visitor days on our areas. Fishing and hunting in Kansas consistently rank as leading reasons for visits to our state by non-residents. These figures are of great importance to the many communities and businesses that benefit from the visitations.

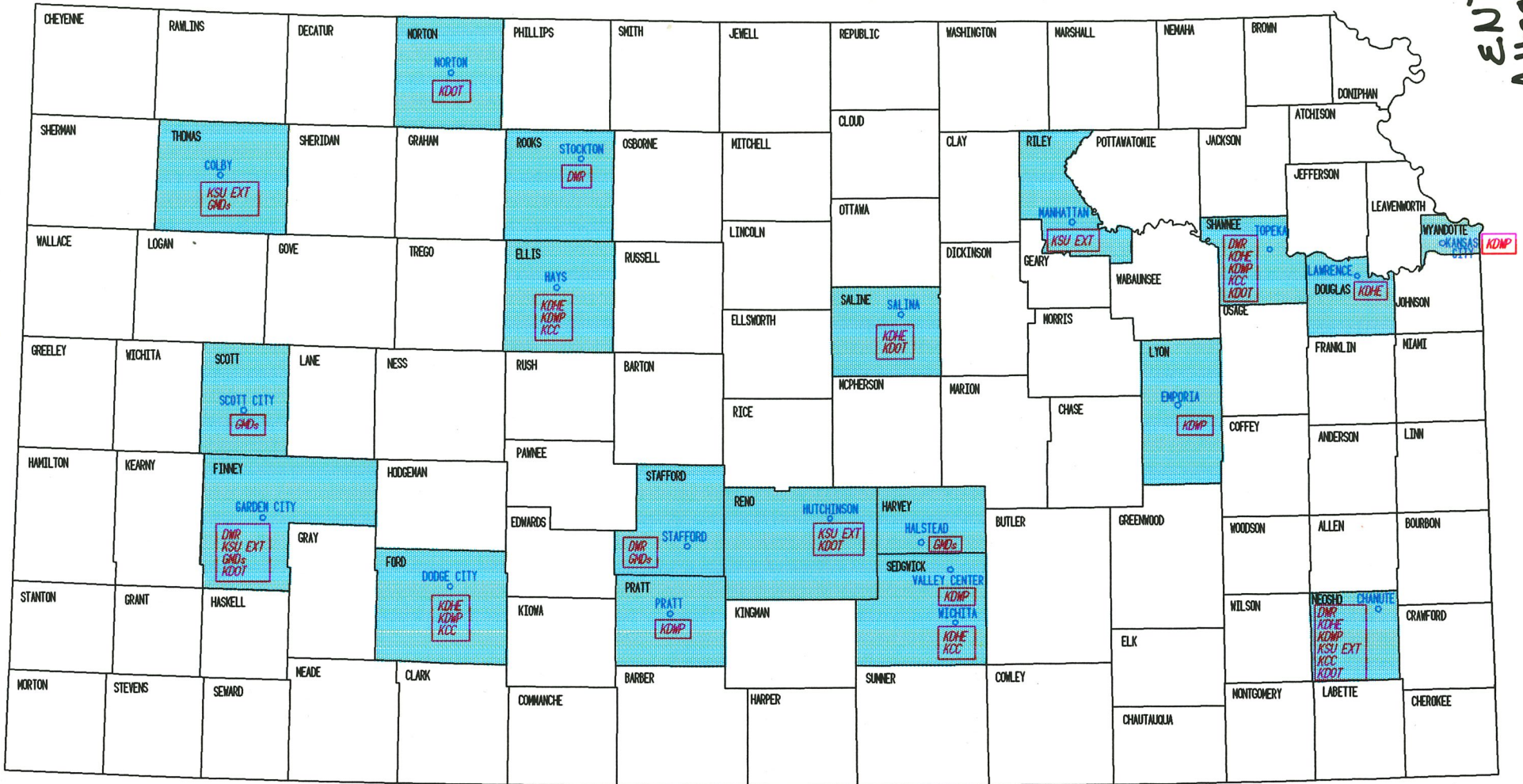
The Department's Strategic Plan recognizes the importance of public lands in Kansas and more importantly, recognizes the shortages which exist. Those shortages must be addressed as planning efforts look into the future. Disposal of fee title lands would be counterproductive for our constituencies and for the resources the Department is charged to manage.

Because of the scarcity and importance of existing fee title lands, the Department would be effectively barred from providing additional property for public use or for resource management. License and lease renewals on existing lands and waters may be affected. Should it be come necessary to dispose of property, deed restrictions and federal fund implications would require attention. The requirement to first dispose of property before securing other property would interject a time frame element that would preclude consideration of some opportunities.

The Department strongly opposes H.B. 2574.

KANSAS WATER-RELATED AGENCY OFFICES

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KEY

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| DWR = KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES | KCC = KANSAS CORPORATION COMMISSION |
| KDHE = KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT | GMDs = GROUNDWATER MANAGEMENT DISTRICTS |
| KDWP = KANSAS DEPARTMENT OF WILDLIFE AND PARKS | KDOT = KANSAS DEPARTMENT OF TRANSPORTATION |
| KSU EXT = KANSAS STATE UNIVERSITY EXTENSION ADMINISTRATIVE UNITS | |