

MINUTES OF THE HOUSE COMMITTEE ON TOURISM AND PARKS.

The meeting was called to order by Chairperson Becky Hutchins at 3:37 p.m. on March 19, 2003 in Room 243-N of the Capitol.

All members were present except: Representative Broderick Henderson - excused
Representative Judy Morrison - excused
Representative Clark Shultz - excused

Committee staff present: Mary Torrence, Revisor of Statutes' Office
Hank Avila, Legislative Research Department
Sarah Samuelson, Committee Secretary

Conferees appearing before the committee:

proponents: Senator Mark Taddiken
Steve Swaffar, Kansas Farm Bureau
Mike Beam, Kansas Livestock Association

written testimony: Barth Crouch, Pheasants Forever

opponent: Mike Hayden, Secretary, Kansas Department of Wildlife and Parks

Others attending: see attached list

SB 221 - Creates the southeast Kansas quail working group stamp.

Proponents

Senator Mark Taddiken addressed the committee as a proponent of the bill (Attachment 1). He said the bill is motivated by two concerns: the decline in the number of pheasants and quail in the state, and the decreasing availability of hunting access. SB 221 creates the Upland Game Bird Restoration Stamp, which would levy a fee with a maximum of \$10 on hunters of these birds. Half of the fee revenue would be used to develop bird habitat on private land, and half would be used to lease private land for public hunting access. The fee revenues could not be used to purchase private land.

Steve Swaffar, of the Kansas Farm Bureau, addressed the committee as a proponent of the bill (Attachment 2). He emphasized many Kansans' family traditions of hunting, which are being threatened by the dwindling populations of game birds. He encouraged the committee to hold firm on not allowing the fee money to be used to purchase private land, because voluntary, long-term leases are more beneficial to both the farmers and the public. He also requested that the committee clarify whether a farmer taking advantage of the habitat-improvement program would then be required to open his land to public use.

Representative Schwab asked for a definition of "upland game bird." Mr. Swaffar answered that this designation includes pheasant, quail, and prairie chicken.

Representative Schwab asked the current price of a hunting license. Mr. Swaffar replied that it is \$18, but that this bill would increase the price for individuals who hunt upland game birds. The upland game bird stamp's fee would be set by the KDWP, which plans to start with a \$5 fee but is limited by the bill to a maximum of \$10. Governor Mike Hayden of the Kansas Department of Wildlife and Parks commented that Kansas has approximately 120,000 bird hunters per year.

Mike Beam, of the Kansas Livestock Association, addressed the committee as a proponent of the bill (Attachment 3). He said the bill addresses three objectives: increasing quality habitat, increasing access for hunters, and providing economic incentives to landowners to provide the access and habitat. He explained one method of enhancing habitat: inter-seeding lands with legumes such as alfalfa or clover.

Representative Kauffman requested clarification of the purpose of planting legumes; Mr. Beam replied that such crops attract insects, which in turn attract the game birds.

Representative Osborne asked whether the fee for the stamp would be \$5 or \$10. Senator Taddiken

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TOURISM AND PARKS at 3:30 p.m. on March 19, 2003 in Room 243-N of the Capitol.

replied that it originally was drafted as \$10, but the Senate committee changed it to start at \$5, with a maximum limit of \$10, at the discretion of the Department of Wildlife and Parks.

Representative Osborne asked for an estimate of the revenue this would generate. Mr. Beam replied that based on the estimate of 120,000 hunters, the proposed \$5 fee would generate \$600,000 per year, \$300,000 of which would be used to develop habitat.

Written Testimony

Chairperson Hutchins called the attention of the committee to written testimony from proponent Barth Crouch, of Pheasants Forever ([Attachment 4](#)).

Opponent

Governor Mike Hayden, Secretary of the Kansas Department of Wildlife and Parks, addressed the committee as an opponent of the bill ([Attachment 5](#)). He said there are many positive things in this bill, such as the desire to increase habitat, but that it doesn't go far enough in addressing the problems of dwindling game bird populations and lack of public access for hunting. The KDWP needs to be able to purchase land for public use from willing sellers at or below the appraised value of the land. This need is especially acute near urban centers, where demand for hunting is great and land is nearly impossible to lease. The KDWP recommended a substitute bill ([Attachment 6](#)).

Representative Merrick expressed concern about publicly funded development of habitat that would then have no guaranteed public access. He suggested that the KDWP may wish to accept this legislation as a small step, preparing the way for policy that would be more wholly agreeable to them. Governor Hayden expressed the Department's concern that in passing this bill, the legislature might believe that they have done enough to address the problems.

Senator Taddiken remarked that the bill is written to allow the KDWP to use discretion in encouraging the development of habitat and the possibility of long-term leases. With the purchase of conservation easements, there is still no guaranteed public access.

Representative Peterson requested explanation of the term "conservation easement." Governor Hayden explained that it is a deed restriction, either perpetual (for all time) or limited to a given period (usually 15 or 30 years). The owner proposes a plan, restricting the land from certain uses (such as prohibiting oil/gas development, prohibiting wind farms, or prohibiting suburban expansion), and the value of the easement paid to the owner is based on those restrictions. The owner still holds title, and may keep or sell the property, but with that deed restriction attached, as long as it is in effect.

Representative Osborne asked what SB 81 would have proposed as the fee; Governor Hayden replied that it would be a maximum of \$10, just like SB 221.

Representative Osborne asked about the tax status of lands owned by the Kansas Department of Wildlife and Parks. Governor Hayden replied that the KDWP does pay property taxes on their rural land.

Representative Osborne asked about the relative costs of purchase versus lease; Governor Hayden replied that purchase must be at or below the appraised value (approximately \$500 to \$2000 per acre); lease payments can be bid upon, and usually range from \$0.50 to \$3.00 per acre, per year.

Representative Thull asked what the total number of acres would be that the KDWP thinks the state should own. Governor Hayden replied that they would like to acquire 13,000 more acres for state parks. The average number of state parks per state (excluding New York, California, and Alaska) is 96; Kansas has only 24. There is eight times as much park land per capita in Nebraska as in Kansas. Also, the KDWP perceives a great need for more public access land in the urban counties.

Representative Peterson asked whether the future Horse Thief Reservoir in southwest Kansas would allow

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TOURISM AND PARKS at 3:30 p.m. on March 19, 2003 in Room 243-N of the Capitol.

hunting; Governor Hayden replied that it would, as well as fishing and camping.

Representative Hutchins asked what percentage of the current leases are multi-year leases; Governor Hayden estimated less than 5%. The KDWP does not want to be stuck with long-term leases in case the habitat is destroyed or the landowner otherwise violates the lease contract; for multi-year leases to work, the KDWP would need some mechanism for enforcing habitat agreements in the lease contracts.

Representative Hutchins asked what the longest lease is in Kansas; Governor Hayden replied that it is for three years.

Chairperson Hutchins called the attention of the committee to the Kansas Wildlife and Parks Commission's Working Group on Land Acquisition report, which was submitted December 12, 2002 (Attachment 7).

Chairperson Hutchins closed the hearing on SB 221.

The minutes from March 10 and from March 12 were distributed and approved without amendment.

Chairperson Hutchins adjourned the meeting at 4:35 p.m.



TOPEKA

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COMMITTEE ASSIGNMENTS
 VICE-CHAIRMAN: ENERGY & NATURAL
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 MEMBER: AGRICULTURE
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 UTILITIES

Testimony in Support of Senate Bill 221
AN ACT concerning wildlife and parks; relating to conservation stamps;
amending K.S.A. 2002 Supp. 32-988 and repealing the existing section.
By Senator Mark Taddiken

March 14, 2003

Thank you Madam Chairman for allowing me to testify today on SB 221. My purpose is to provide the committee some background into the thought process behind SB221.

Many Kansans are concerned about the decline in the numbers of pheasants and quail in the State of Kansas. They are also concerned about the ability of hunters to have access to land upon which to hunt. In some areas of the state quail numbers are believed to be down more than 60%. This concerns not only our resident hunters but also many of our merchants and lodging operators that cater to hunters from outside of their local community. This bill was brought forth in an effort to increase the population of upland game birds and to increase the availability of hunting access. Kansas has long been a destination state for the hunting of upland game birds and SB221 would help it remain so.

SB 221 creates the Upland Game Bird Restoration Stamp. Hunters of upland game birds would be required to purchase the stamp for \$5 with the maximum cost capped at \$10. People hunting their own land or on controlled shooting areas would NOT be required to purchase the stamp.

Fifty percent of the money raised by the purchase of the stamps would be used to increase the habitat for upland game birds on private land. The new habitat could include whatever the Department of Wildlife and Parks determines is best suited for the area. Some examples are planted food plots, unharvested crops, the seeding of legumes or warm season grasses, or anything that creates "edge." We would rely on the Department to use their expertise to put together the right package for the region of the state where the habitat is being created.

The other 50 percent of the money would be used to provide access to private land for hunting. Since 97% of the land in Kansas is privately owned, I believe that increasing access to hunting on private land is highly desirable. There was considerable interest expressed in committee concerning increasing the payment rates for leasing hunting rights and for the use of multiple year leases. Wanting to give the Department of Wildlife and Parks adequate latitude in negotiating leases, we did not require it in the statute.

House Tourism Committee
 Meeting Date 3/19/03
 Attachment 1

This bill does restrict the funds raised by the purchase of this stamp from being used for the purchase of private land. The committee felt these funds could be better leveraged by leasing land rather than the purchase of land. Nothing in this bill limits the ability of the Department to acquire additional land or easements under current programs.

It would greatly benefit Kansas to create an environment where upland game birds will flourish again and make hunting in Kansas a better experience for everyone. Given time, maybe we can reach the point South Dakota is at where hunters make the opening at noon, have their limit by three, and enjoy the rest of the day in town boosting the local economy.

Thank you for the opportunity to testify and I will be glad to answer questions at the appropriate time.



Kansas Farm Bureau

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PUBLIC POLICY STATEMENT

House Tourism and Parks Committee

RE: SB 221- relating to conservation stamps

March 19, 2003

Topeka, Kansas

**Presented by:
Steve M. Swaffar, Director
Natural Resources**

Chairman Hutchins and members of the committee, thank you for this opportunity to provide comments on Senate Bill 221 creating a conservation stamp for upland bird habitat restoration. I am Steve Swaffar, Director of Natural Resources for the Kansas Farm Bureau. Kansas Farm Bureau is a grassroots organization that develops policy through the input of our 105 county organizations and the more than 41,000 farmer and rancher members across the State.

Kansans have a rich heritage of upland bird hunting. Family traditions have been built on the time spent together hunting upland game. However, that heritage has suffered in the last 10 years as upland game populations have declined significantly. Despite the best efforts of state and federal conservation programs and agencies, population trends indicate that numbers continue to decline. One of the causes for these declines is loss of quality habitat for pheasant and quail populations. Conversion of rangeland to cool season grasses, lack of vegetative diversity on land enrolled in the Conservation Reserve Program (CRP) and less than optimal climatic conditions have all had detrimental impacts on pheasant and quail populations.

Farmers and ranchers hope to maintain their family traditions as upland bird hunters, but as importantly, they now have a vested economic interest in the State's hunting industry. As the farm economy has worsened, farmers and ranchers have used hunting opportunities as a small source of income to help make ends meet. As bird populations have declined, fewer farmers have had the opportunity to benefit economically from hunts. Clearly, enhancing habitat and increasing the number of upland birds will provide greater opportunities for farmers and ranchers.

Kansas Farm Bureau members are concerned about the current and future enhancement and funding for upland game populations and other natural resources in the state. Our members created the following policy statement that reflects that concern:

Since the protection of natural resources is vital to all Kansans, and important for future generations of Kansans, we support creating a dedicated source of

House Tourism Committee

Meeting Date 3/19/03

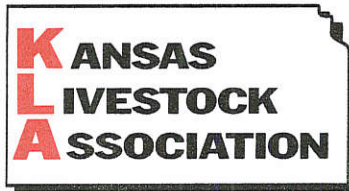
Attachment 2

funding, expanding cost-share programs, creating tax incentives and establishing a state revolving loan fund for resource protection. A program that would provide additional support to protect and enhance natural resources must ensure farmers, ranchers and rural residents are treated fairly and that property rights are protected.

SB 221 creates the Upland Game Bird Restoration Fee fund through the sale of a stamp to upland bird hunters, similar to the stamp that already exists for waterfowl hunters. Fifty percent of this fee fund is for improvement to upland bird habitat on private lands and 50% is to be used to increase public access on private land. We support the use of these monies for a habitat improvement incentive program for private landowners. However, we raise the question whether a landowner must then make that improved habitat accessible to the public? We believe it is not the intent of the bill to make access to those areas mandatory, but we request the committee consider clarifying that point in the bill.

We understand the desire for the general public to access private property for recreational purposes. However, we do not support the State assuming ownership of more private land. Kansas Farm Bureau policy articulates this point, "***We oppose the use of tax and fee revenues for the acquisition of any private land.***" SB 221 states no funds shall be expended from the upland bird restoration fee fund to purchase private land. We encourage the committee to steadfastly support and defend this provision of the bill. We believe voluntary, long-term leases and conservation easements are a much better tool for allowing access to the public and benefiting landowners. Additionally, a greater number of acres can be made accessible to the public through leases than through purchases.

Thank you for this opportunity to speak to you today.



Since 1894

TESTIMONY

To: The House Tourism and Parks Committee
Representative Becky Hutchins, Chairperson

From: Mike Beam, Sr. Vice President

Date: March 19, 2003

Subject: SB 221 - Upland Game Bird Restoration Stamp

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 6,000 members on legislative and regulatory issues. KLA members are involved in many aspects of livestock production, including cow-calf/stocker enterprises, cattle feeding, seed stock production and diversified farming operations.

I'm Mike Beam, and I work for the Kansas Livestock Association (KLA). KLA's Board of Directors discussed this legislation last month and voted to support Senate Bill No. 221. The legislation provides for new resources to secure access for hunting on private land, increased habitat for upland game in Kansas and a financial incentive for landowners who voluntarily choose to participate.

As we understand SB 221, it would create an "upland game bird restoration stamp", for a maximum of \$10, that hunters of game birds would be required to purchase to validate their hunting licenses. Fifty percent of the revenue from this new stamp would be used for increasing public access on private property and the other half would be dedicated for funding upland game bird (quail, pheasants, and prairie chickens) habitat enhancements on private land. No funds could be used to purchase private land.

Pheasant, quail, and prairie chicken hunting is a sacred family-oriented heritage for most farmers, ranchers, and rural communities throughout this great state. The decline in upland game population is indeed a concern of many stakeholders, and it appears there are three primary impediments to sustaining and enhancing the Kansas quail, pheasant and prairie chicken hunting tradition.

Most observers say we need more quality habitat, increased access for hunters, and economic incentives to landowners to provide the access and habitat. SB 221 is a targeted proposal to address these challenges.

House Tourism Committee

6031 SW 37th Street ♦ Topeka, KS 66614-5129 ♦ (785) 273-5115 ♦ Fax (785) 273-3399 ♦ E Meeting Date 3/19/03

Attachment 3

How could the revenue from this new stamp supplement current state initiatives in habitat and access programs?

One example would be to provide additional money to add more value to the Walk-In Hunting Program. I'd guess the state could lease more quality bird hunting grounds if the Kansas Department of Wildlife and Parks could offer more money on private property that's specifically managed for upland game.

Last summer our office was contacted by a biologist who suggested the state or federal government should provide incentive payments to owners of (Conservation Reserve Program) lands that are inter-seeded with legumes. From what I've read, the quickest way to increase pheasant numbers is to enhance native grass CRP fields with alfalfa, clover and other legume crops. If Kansas could offer an attractive incentive for this seeding it would likely pay big dividends in pheasant numbers, hunter success, and rural commerce.

On February 20, 2003, a representative of Quail Unlimited (QU) presented a summary of their Northern Bobwhite Conservation Initiative to the Senate Natural Resources Committee. QU's goal, in cooperation with many state wildlife agencies, is to restore the quail numbers in 20-25 years to the level that existed in 1980. This group has a specific plan to reach this goal by voluntary programs on 1.75 million acres in Kansas. State dollars generated by SB 221 could provide a big boost to this project.

Again, KLA supports SB 221 and would support this committee's favorable consideration and recommendation. Thank you!

Testimony of Pheasants Forever on SB 221,
For the
House Tourism and Parks Committee,
On March 19,2003
By Barth Crouch, Regional Wildlife Biologist,
205 S Santa Fe, Salina, KS 67401

Representative Hutchins and distinguished members of the Tourism and Parks Committee, I appreciate the opportunity to speak to you on behalf of the 34 local Pheasants Forever Chapters in Kansas and the approximately 5,000 Kansas members of the organization. Pheasants Forever is very aware of the needs of our wildlife resources in the state and of the needs of the caretakers of our land, the Farmers and Ranchers of Kansas. We have always supported the idea of landowners, sportsmen and state government working together to care for the natural resources with which our state has been blessed.

As an organization nationally, we have supported the concept of habitat programs *paid for by the sportsmen and women* who enjoy those resources. The very first act of Pheasants Forever after being founded in 1982 was to help pass a Pheasant Habitat Stamp in Minnesota.

In that context, we support the aim of SB221, as I understand it. My understanding is that it would be a source of more funding *from the upland bird hunters of Kansas* to aid the ongoing efforts of KDWP's Walk-In Hunting Access Program and to support the joint efforts of KDWP and groups like Pheasants Forever chapters in helping private landowners with habitat enhancement and restoration on private lands across our state

Pheasants Forever also supports giving a full tool box to the departments of state government entrusted with the care of their state's natural resources. Pheasants Forever Chapters in several states have purchased, from private landowners, parcels of good wildlife land that were then conveyed to their state agency responsible for wildlife to hold for the citizens of the state. These

lands are used to propagate wildlife, serve as examples of how to manage for sustainable wildlife species, and to continue the American heritage of Public Hunting for all the people.

We are in support of SB221 as part of the wildlife conservation toolbox that KS Wildlife & Parks needs to properly carry out their charge of conserving the wildlife resources of Kansas. We also feel that KDWP needs a full toolbox, including funding to acquire from willing sellers, by both long-term easements and fee title acquisition, the right to preserve unique natural resources for Kansans. They should also have adequate funding to properly manage those lands to the best condition possible. We also support the right of private landowners who want to insure the integrity of their lifelong work as stewards of the land to have the opportunity to see their efforts be protected for the future by making their own choice as to who they sell their land.

We are very happy to have upland birds be selected as a focus for extra funding *from the fees paid by the sportsmen and women of Kansas*. We hope that this committee and the members of the House of the Kansas legislature agree and pass this bill and that the governor signs it into law. I also have to say that there are other wildlife and fisheries resources that need help in Kansas and would urge you to give Kansas Wildlife & Parks all the tools they need to do their job.

Thank you again for this opportunity.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

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SENATE BILL 221
Testimony provided to
House Committee on Parks and Tourism
March 19, 2003

This bill would require all upland game bird hunters to purchase an Upland Game Bird Restoration Stamp for a fee of up to \$10. Of the revenue generated by the stamp, one-half would be used for leasing private land for public access, and the other half would be earmarked to fund habitat programs on private land. The bill specifically states that no private property could be purchased using this fund.

The Department believes this bill contains only part of the solution in addressing the long-term public access needs of hunters as well as habitat needs of declining game species within the State. The long-term solution for these problems must be a combination of strategically placed property acquisitions, leases and conservation easements.

While the Walk-In Hunting Area (WIHA) program has helped to fill the void of available hunting areas in the State of Kansas, with over 900,000 acres enrolled this season, this successful program also has shortcomings. WIHA areas are leased short-term, offering no guarantee of future availability or long-term habitat management changes. Also, the majority of WIHA tracts are located in the western half of the state, away from the urban areas and high concentrations of outdoorsmen and women, necessitating strategically placed publicly owned acreage.

In addition, the Department is reluctant to lend support to the bill without any of the user fee funding going to habitat improvement on publicly owned and managed wildlife areas of the state, lands that will be available to the hunting constituent base in perpetuity. While the Department does support the concept of a user fee stamp that will improve the natural resources of Kansas, our agency believes that SB 221 is too restrictive and does not address the long-term needs of the sportsmen and women of Kansas.

Public land and conservation easements in this state have long been ignored and it is in part due to misinformation. The Department only purchases lands from willing sellers, only pays the appraised value for the land and continues to pay the equivalent of the property taxes due on acquired properties, including land donations. To continue to ignore these viable options to serve Kansans is of detriment to us all.

Obtaining the right combination of public land, leased land and conservation easements in necessary areas will be a slow process but the Department urges this Committee and the Legislature to look forward into the future and include all options. The Department requested introduction of SB 81 this session that deals with a conservation stamp that all hunters, anglers and furharvesters would purchase to fund such a program. SB 81 had a hearing in the Senate Natural Resources Committee but no action was taken. The Department would like to remind this Committee and the Legislature that without vision to plan for publicly owned and accessible wildlife areas, this State would not have Cheyenne Bottoms, Kirwin, Quivira, or other outdoor recreation areas as well as the aesthetic, environmental, recreational and economic benefits that accompany those lands and adjoining privately owned lands.

House Tourism Committee
Meeting Date _____
Attachment 5

Session of 2003

SUBSTITUTE FOR SENATE BILL No. 221

By House Committee on Tourism and Parks

AN ACT concerning wildlife and parks; relating to conservation stamps; requirements and procedures; expenditure of funds; amending K.S.A. 32-939 and K.S.A. 2002 Supp. 32-988 and 32-993 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) (1) Commencing January 1, 2004, except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid state terrestrial conservation stamp is required to hunt or furharvest in this state.

(2) The provisions of this subsection do not apply to hunting, by legal means, by a person not required by K.S.A. 32-919 and amendments thereto, to possess a hunting license. The provisions of this subsection do not apply to furharvesting, by legal means, by a person not required by K.S.A. 32-911 and amendments thereto, to possess a furharvesting license.

(3) The stamp required by this subsection is valid throughout the state. The stamp required by this subsection is valid from the date of issuance and expires on December 31 following its issuance, except that the secretary may issue a lifetime terrestrial conservation stamp pursuant to subsection (d).

(4) Each terrestrial conservation stamp shall be validated by the signature of the stamp holder written across the face of such stamp.

(b) (1) Commencing January 1, 2004, except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid aquatic conservation stamp is required to fish in this state.

(2) The provisions of this subsection do not apply to fishing, by legal means, by a person not required by K.S.A. 32-906 and amendments thereto, to possess a fishing license.

(3) The stamp required by this subsection is valid throughout the state. The stamp required by this subsection is valid from the date of issuance and expires on December 31 following its issuance, except that the secretary may issue a lifetime aquatic conservation habitat stamp pursuant to subsection (d).

(4) Each aquatic conservation habitat stamp shall be validated by the signature of the stamp holder written across the face of such stamp.

(c) Except as provided in subsection (e), the secretary or the secretary's designee is authorized to issue to any resident or nonresident a

lifetime terrestrial, aquatic or combination terrestrial and aquatic conservation stamp upon proper application made to the secretary or the secretary's designee and payment of a stamp fee as follows: (1) A total payment made at the time of purchase in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto; or (2) payment may be made over a two-year period in eight quarter-annual installments in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto. If payment is in installments, the stamp shall not be issued until the final installment has been paid. A person making installment payments shall not be required to obtain the appropriate annual stamp, and each installment payment shall be deemed to be such an annual stamp of a period of one year following the date of the last installment payment made. If an installment payment is not received within 30 days after it is due and owing, the secretary may consider the payments in default and may retain any payments previously received.

(d) (1) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not issue a lifetime terrestrial, aquatic or combination terrestrial and aquatic stamp to an applicant except as provided in this subsection. The secretary of social and rehabilitation services may make such a request if, at the time of the request, the applicant owed arrearages under a support order in a title IV-D case being administered by the secretary of social and rehabilitation services or had outstanding a warrant or subpoena, directed to the applicant, in a title IV-D case being administered by the secretary of social and rehabilitation services.

(2) Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services, the secretary of wildlife and parks may issue the lifetime terrestrial, aquatic or combination terrestrial and aquatic stamp. The applicant shall have the burden of obtaining and delivering the release.

(3) The secretary of social and rehabilitation services shall issue a release upon request if, as appropriate:

(A) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;

(B) an income withholding order has been served upon the applicant's current employer or payor;

(C) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; or

(D) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn.

(4) Nothing in this subsection shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to the title IV-D case except to resolve questions of mistaken identity or determine the adequacy of any notice relating to this subsection that the secretary

of wildlife and parks provides to the applicant.

(5) As used in this subsection, "title IV-D" means part D of title IV of the federal social security act (42 U.S.C. sec. 651 *et seq.*) and amendments thereto, as in effect on December 31, 2001, relating to child support enforcement services.

(e) The secretary, in accordance with K.S.A. 32-805 and amendments thereto, may adopt rules and regulations necessary to carry out the provisions of this section.

New Sec. 2. (a) All moneys received pursuant to the issuance of terrestrial, aquatic or lifetime conservation stamps shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the conservation habitat acquisition and protection fund, which is hereby created. Thirty percent of the funds acquired through the purchase of terrestrial conservation stamps shall be allocated for migratory waterfowl propagation and protection. All expenditures from such fund shall be in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

(b) No expenditure shall be made from the conservation habitat acquisition and protection fund except for projects approved by the secretary for the purpose of protecting terrestrial or aquatic wildlife, including the acquisition, by purchase, lease, or conservation easement of terrestrial or aquatic wildlife habitats in this state, and for the purpose of development, restoration, maintenance or preservation of terrestrial or aquatic wildlife habitats.

Sec. 3. K.S.A. 32-939 is hereby amended to read as follows: 32-939.

(a) As used in this section, "migratory waterfowl" means any wild goose, duck or merganser.

(b) Except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid state migratory waterfowl habitat stamp is required to hunt any migratory waterfowl in this state.

(c) The provisions of subsection (b) do not apply to hunting, by legal means, by a person not required by K.S.A. 32-919, *and amendments thereto*, to hold a hunting license.

(d) The stamp required by this section is valid throughout the state.

(e) The stamp required by this section is valid from the date of issuance and expires at 12 midnight on June 30 following its issuance.

(f) Each migratory waterfowl habitat stamp shall be validated by the signature of the stamp holder written across the face of such stamp.

(g) *The provisions of this section shall expire on December 31, 2005.*

Sec. 4. K.S.A. 2002 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with

K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

- Resident (other than elk permit): maximum \$100
- Nonresident (other than elk permit): maximum \$400
- Elk permit: maximum \$350
- Big game tag: maximum \$10
- Nonresident applications: maximum \$5

Combination hunting and fishing licenses

- Resident: maximum \$50
- Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150
- Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

- Resident: maximum \$250
- Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits

- Resident or nonresident with valid hunting license: maximum \$5
- Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: maximum \$400

Conservation stamp

- Annual: maximum \$20*
- Lifetime: maximum \$200; or 8 quarterly payments, each maximum \$30*
- Combination lifetime: maximum \$400; or 8 quarterly payments, each maximum \$60*

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

- Permits: maximum \$300
- Examinations: maximum \$100

Field trial permits: maximum \$25

Fishing licenses

- Resident: maximum \$25
- Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- Nonresident: maximum \$75
- Five-day nonresident: maximum \$25
- Institutional group: maximum \$200
- Special nonprofit group: maximum \$200
- Twenty-four-hour: maximum \$10

Fur dealer licenses

- Resident: maximum \$200
- Nonresident: maximum \$400

Furharvester licenses

- Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
Nonresident: maximum \$400
Game breeder permits: maximum \$15
Handicapped hunting and fishing permits: maximum \$5
Hound trainer-breeder running permits: maximum \$25
Hunting licenses
Resident: maximum \$25
Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
Nonresident 16 or more years of age: maximum \$125
Nonresident under 16 years of age: maximum \$75
Controlled shooting area: maximum \$25
Forty-eight-hour waterfowl permits: maximum \$25
Migratory waterfowl habitat stamps: maximum \$8
Mussel fishing licenses
Resident: maximum \$200
Nonresident: maximum \$1,500
Rabbit permits
Live trapping: maximum \$200
Shipping: maximum \$400
Raptor propagation permits: maximum \$100
Rehabilitation permits: maximum \$50
Scientific, educational or exhibition permits: maximum \$10
Wildlife damage control permits: maximum \$10
Wildlife importation permits: maximum \$10
Special permits under K.S.A. 32-961: maximum \$100
Miscellaneous fees
Special events on department land or water: maximum \$200
Special departmental services, materials or supplies: no maximum
Other issues of department: no maximum
Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game hunting permit shall be an amount equal to 12 the fee for a general resident big game hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to 12 the fee for a resident furharvester license.

(d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

Sec. 5. K.S.A. 2002 Supp. 32-993 is hereby amended to read as follows: 32-993. (a) All moneys received pursuant to the issuance of the migratory waterfowl habitat stamp shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments

thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the migratory waterfowl propagation and protection fund, which is hereby created. All expenditures from such fund shall be in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

(b) No expenditure shall be made from the migratory waterfowl propagation and protection fund except for projects approved by the secretary for the purpose of protecting and propagating migratory waterfowl, including the acquisition, by purchase or lease, of migratory waterfowl habitats in this state, and for the purpose of development, restoration, maintenance or preservation of waterfowl habitats.

(c) On January 1, 2004, the director of accounts and reports shall transfer all moneys in the migratory waterfowl propagation and protection fund to the conservation habitat acquisition and protection fund created pursuant to section 3, and amendments thereto. On January 1, 2004, all liabilities of the migratory waterfowl propagation and protection fund are hereby transferred and imposed on the conservation habitat acquisition and protection fund and the migratory waterfowl propagation and protection fund is hereby abolished.

Sec. 6. K.S.A. 32-939 and K.S.A. 2002 Supp. 32-988 and 32-993 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

**Kansas Wildlife and Parks
Commission's Working Group
On
Land Acquisition**

Report Submitted to
Kansas Wildlife and Parks Commission
and
Kansas Department of Wildlife and Parks

12 December 2002

Working Group Members

Thomas D. Warner, Ph.D. - Chair (Manhattan)

John Mickey (Atwood)

Will Carpenter (El Dorado)

James Harrington, D.O. (Liberal)

Robert Barbee "Ex Officio"

Kansas Wildlife & Parks

Public Lands Specialist

Sheila Kemmis - Recording Secretary

Secretary to the Commission

House Tourism Committee

Meeting Date 3/19/03

Attachment 7

Kansas Wildlife and Parks
Commission's Working Group
On Land Acquisition

Preliminary Report
24 October 2002

Table of Contents

- I. **Kansas Department of Wildlife and Parks Mission Statement**
- II. **Forward** - "Setting the Stage": Does the Kansas Department of Wildlife and Parks need increased public lands to provide appropriate outdoor recreation opportunities for Kansas Residents and out-of-state visitors?
- III. **The Need for a Kansas Department of Wildlife and Parks Policy Statement on Future Land Acquisitions.**
- IV. **Identified Departmental Needs for Land/Wildlife-Fisheries & Parks**
- V. **What Are Our Options to Acquire Land in Kansas.**
 - 1. Donations - through Wild Trust
 - 2. Conservation Stamps - fish and wildlife/furharvesters
 - 3. State Parks
 - 4. Use of state allocated U.S. Department of Interior funds
 - 5. The "timeliness" issue for land acquisition
- VI. **The Cost of the Land Development Plus Operations and Maintenance Costs - another part of the land acquisition equation....what are our options?**
- VII. **Report Appendices**
 - A. **Kansas** "Wild Trust Information"
 - B. **Oklahoma Law** - Wildlife Habitat Stamp - Wildlife Land Acquisition Fund
 - C. **Nebraska Law** - Nebraska Habitat Fund (Section 37-431)
 - D. **Nebraska Land** (April 2002 issue)- Article - "Nebraska's Habitat Program" - 24 years of success in managing important lands for wildlife.
 - E. Kansas Wildlife Areas/District Map
 - F. Kansas State Parks/District Map

Kansas hosts 250 visits per acre; the national average is 60 visits per acre. Kansas needs an additional 13,500 acres to meet the national average of 60 visits per acre (assuming no increase in the number of visits).

Kansas is 25th in total number of visits annually.

Kansas is 5th in number of overnight campers.

The current outdoor recreation demand is not currently being met even though the combined efforts of federal, state, county and private entrepreneurs. Several parks are already above capacity and the demand has been growing at a rate of 12 percent annually. In the next 5 years, the demand will be more than double its current capacity. A detailed analysis of acquisition needs will be provided in the State Comprehensive Outdoor Recreation Plan (SCORP) which is scheduled for completion in early 2003. Initial surveys indicate there is a vast shortage in available land for off highway vehicles, river access, canoeing, and equestrian areas.

Table 1
Multi-State Comparison
State Parks Land per Capita

Rank	State	Land
1	Nebraska	.08 acres per capita
2/3	Missouri	.02 acres per capita
2/3	Oklahoma	.02 acres per capita
4	Kansas	.01 acres per capita

The Working Group feels there is an absolute need for additional land for State Parks (see section IV for totals).

For Wildlife Management Areas:

The Natural Resources Leadership Council of the States recently completed a survey of the states to determine the quantity, quality and availability of state-owned or leased hunting lands in the United States. The survey does not include federal lands available in the state. While the data analysis is in progress by Responsive Management, preliminary results place Kansas at 30th position among 47 states that have thus far responded to the survey.



Table 3
Multi-State Comparison
Wildlife Areas/State Fishing Lakes
Land per Capita

Rank	State	Land
1	Oklahoma	.48 acres per capita
2	Missouri	.17 acres per capita
3	Kansas	.12 acres per capita
4	Nebraska	.08 acres per capita

The Working Group feels there is an absolute need for additional land for wildlife areas (see section IV for totals).

For Fisheries Management:

Permanent standing waters in Kansas include reservoirs covering about 180,000 acres, 9,806 miles of streams amounting to about 65,000 acres, 100,000 private impoundments contributing approximately 150,000 acres, 8,000 lakes contributing another 50,000 acres. Of this resource, public access is allowed on all reservoirs, less than 1,000 miles of streams, community lakes totaling 14,755 acres and state fishing lakes of 4,702 acres.

Water Type	Total Acres/Miles	% Open to Public
Reservoirs	180,000	100%
Lakes	50,000*	67%
Streams	9,806 miles	10%*
Total	445,000 acres	46%

*estimate

The U.S. Fish and Wildlife Service 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation estimated that 404,000 anglers fished in Kansas and they fish 5,662,000 days. Kansas has a great need for more water with less than 0.8 acres of public water per licensed angler. This shortage of public water requires the Department to utilize every available fisheries management tool to optimize fishing opportunity for Kansas anglers.

State Park Land Needs: *the following information has been provided by Jerold Hover, State Park Director.*

1. Up to 3,000 acres in the NE corner of Kansas along the Missouri River Bluffs
 2. Up to 3,000 acres in the Central to Western KS for Off-Road Vehicle use
 3. Up to 3,000 acres in Western Kansas
 4. Up to 3,000 acres in the Central Flint Hills
 5. Up to 3,000 acres in South Central Kansas
- Total: 15,000 Acres

Wildlife Resources Needs: *the following information has been provided by Robert Barbee (from 2001/2002 Public Land Section Hunter Survey) and Keith Sexson, Acting Assistant Director for Operations.*

Table 5
Kansas Wildlife Lands Summary

	Region 1	Region 2	Region 3	Region 4	Region 5	Totals
Acres Owned	14,165	6,447	40,132	12,884	37,862	111,490
Acres Leased	74,960	64,643	1,444	25,521	44,147	210,715
WIHA Acres	352,347	92,516	389,150	25,848	48,177	908,038
TOTAL	441,472	163,606	430,726	64,253	130,186	1,230,243
% of State Total	35.9	13.3	35	5.2	10.6	100
estimated mandays hunting	73,655	82,190	46,469	55,636	57,217	316,116
% mandays (no WIHA)	23.3	26	14.7	17.6	18.1	100
Add'l land acres needed	56,000	120,000	28,000	100,000	96,000	<u>400,000</u>

Fisheries Resources Needs:

1. Acquisition of impoundments, 4,000 acres
2. Long-term/perpetual easements for streams and impounded waters, 1,000 miles and 10,000 acres
3. Purchase of water rights in federal irrigation reservoirs from willing sellers, Sebelius Reservoir and possibly others.
4. Renovation and habitat improvements on existing impoundments, all public



V. What Are Our Options to Acquire Land in Kansas.

The Working Group discussed a number of approaches that the Department could take to help them acquire the needed land resources to serve the Kansas public.

1. DONATIONS - THROUGH WILD TRUST

It is the feeling of the Working Group membership that as the Department develops its "**long term**" policy statement on land acquisition that it also develop an educational program on options for Kansas residents to **donate land** "out right" to the Department. We feel that there are landowners across the state who would be willing and interested in donating property to the Department with the benefit of a tax write-off incentive to help the Department meet its long-term land acquisition goals. It is recommended by this Working Group that the Kansas Wildtrust Program within the Kansas Department Wildlife and Parks be geared up to help in this prescribed action to acquire lands. It is also noted that the donors of land should do so with a clear and complete understanding that some of the land that will be donated could be used directly by the Department and set up as management units, because of that particular land's location, size, characteristics and access. **Other parcels of land that might be donated but would not meet the above criteria, could be sold, with the proceeds going into the on-going land acquisition/development program.** We feel strongly that this approach to land acquisition makes it clear to the tax payers of the state that the department is taking positive steps to increase available property to serve the people of the state, but through the private sector approach. Beyond either donations of land to be held and managed or sold, **we also support the clear forthright message that donations of direct funds to support the land acquisition development program also be brought to the attention of the public.** There are many individuals, firms and organizations in the state that are interested in our Kansas outdoor environment and they once informed of our situation, could and very likely would come forward with outright cash funds to support this undertaking.

The Department should also investigate foundations (such as The Richard King Mellon Foundation) and trusts that have a rich tradition of acquiring land for public use as well as our sport groups such as Ducks Unlimited, Quail Unlimited, Pheasants Forever, National Wild Turkey Federation, etc...

2. CONSERVATION STAMPS - FISH AND WILDLIFE/Furharvesters

The Working Group recommends that we proceed with the development of **conservation stamps** to be sold in the state of Kansas in support of the land acquisition/development program. It is our recommendation that the state develop a program that would require hunters, trappers, anglers, and non-consumptive users[†] of our wildlife areas to purchase a conservation stamp. Hunters and furharvesters would purchase a **conservation stamp** and individuals participating in fishing would purchase an **aquatic conservation stamp**. The



Table 6
 Projected Revenue From
 Kansas Habitat Stamp Program

*Hunting License Holders (Habitat Stamp)		
Residential/Annual	86,604 x \$10 per stamp	\$866,840
Lifetime	17,621 x \$10 per stamp	\$176,210
Non-Resident/Annual	47,376 x \$10 per stamp	\$473,760
"Junior" Non-Resident/Annual	1,590 x \$10 per stamp	\$15,900
	Subtotal	\$1,532,710
*Fur Harvester License Holders (Habitat Stamp)		
Residential/Annual	3,875 x \$10 per stamp	\$38,750
Lifetime	150 x \$10 per stamp	\$1,500
Non-Resident/Annual	11 x \$10 per stamp	\$110
	Subtotal	\$40,360
*Fishing License Holders (Aquatic Habitat Stamp)		
Residential/Annual	182,000 x \$10 per stamp	\$1,820,000
Lifetime	3,586 x \$10 per stamp	\$35,860
Non-Resident/Annual	44,000 x \$10 per stamp	\$440,000
	Subtotal	\$2,295,860
*Annual Combination Hunting & Fishing		
	44,308 x \$20 (2 stamps @ \$10 each)	\$886,160
**"Combination" Lifetime License Holders		
	14,601 x \$20 (2 stamps @ \$10 each)	\$292,020
*"Other" Short-Term Licenses		
24 Hour Fishing	20,000 x \$10 per stamp (estimated individuals out of 87,439 licensed)	\$200,000
48 Hour Water Fowl	734 x \$10 per stamp	\$7,340
	Total	\$5,254,450



VI. **The Cost of the Land Development Plus Operations and Maintenance Costs -**
another part of the land acquisition equation....what are our options?

As stated earlier in this report, it is important that the Wildlife and Park Commissioners, the Department of Wildlife and Parks, Kansas Citizens, the Governor and the state legislative members recognize that land acquisition really has **three costs** associated with it. The **acquisition cost** is the first cost incurred. Following that, monies have to be identified and resources put into place to **develop the sites and parks** to whatever extent they need to be developed so they can be used by citizens of our state and visitors to our state. Beyond those development costs, it also must be recognized that there are **operation and maintenance costs** for each of our sites as well. The per-acre cost per year, for our public hunting and fishing properties (as estimated for the next 10 years) could run as high as \$24 an acre. In addition, it has been the policy of the Kansas Wildlife and Parks that for every acre purchased or donated to the department, that taxes would be paid to the county equivalent to fair market value taxation rates. As Working Group members, we believe that the priority now is to acquire the targeted land as a number one priority and to then develop those properties and maintain those properties as resources are identified and come on line. The key is acquiring the property that would be best used for our hunting and fishing opportunities and state parks before it is sold out and priced beyond our reach.

We have a tremendous body of individuals and organizations in the state, region and nation that support development of outdoor recreation sites including hunting and fishing and state parks. It might not be beyond reality that at some point in time that Kansas citizens vote to approve a small percentage of the state's sales tax provide outdoor recreation resources to the people of the state and visiting public just as it is being done for years in Missouri, and Arkansas. This is a recommendation of the **Commission's Task Force on Outdoor Kansas** and that goal remains.