

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Senator Robert Tyson at 8:30 a.m. on February 14, 2003 in Room 423-S of the Capitol.

Members present: Senator Downey, Senator Lee, Senator Tyson, Senator Taddiken, Senator Corbin, Senator Huelskamp

Committee staff present: Raney Gilliland, Legislative Research
Lisa Montgomery, Revisor of Statutes
Shannon Stone, Secretary

Conferees appearing before the committee:

Steve Swaffar, Director of Natural Resources, Kansas Farm Bureau
Todd Johnson, Governmental Affairs Staff, Kansas Livestock Association
Francis Kelsey, Farmer/Rancher from Shawnee, Kansas
Dale E. Anderson, Executive Director, MidAmerican Division of the National Association of Reversionary Property Owners, Garnett, KS (written testimony)

Others attending: No guest list

Chairman Tyson opened the meeting with a greeting to all conferees and guests.

Hearing on Senate Bill 81

The first conferee to appear before the Committee was Steve Swaffar of Kansas Farm Bureau (KFB). The Bureau opposed the provisions of **SB 81**. They were opposed to net increases in the amount of land owned by local state and federal government entities. KFB encouraged the Kansas Department of Wildlife and Parks (KDWP) to fully explore the option of leasing land rather than purchasing land. In the event that the Department would be allowed to acquire additional land, KFB requested several requirements be placed on the Department. ([Attachment 1](#))

Todd Johnson of the Kansas Livestock Association provided Committee members with written testimony from Brian Dunn of St. John, KS ([Attachment 2](#)) and also spoke on behalf of his organization in opposition to the bill and provided a copy of KLA's resolution regarding private land. ([Attachment 3](#)) Additionally, Mr. Johnson stated that his members believe that KDWP should develop management plans based on feedback from landowners for existing public property.

Francis Kelsey, a farmer from northwest Shawnee county offered testimony in opposition to **SB 81** on the grounds that it would make Wildlife and Parks a competitive bidder with farmers for prime farm ground. He also felt that KDWP could gain access to more land through a leasing system than they might through ownership of private lands. ([Attachment 4](#))

Speaking on behalf of the Kansas Sport Hunting Association, President, Ken Corbet suggested that KDWP focus on more walk-in-hunting-areas and work with land owners to create better habitat environments and hunting access. ([Attachment 5](#))

Dale Anderson, Executive Director of the MidAmerican Division of the National Association of Reversionary Property Owners submitted written testimony opposing **SB 81**. Building on the belief the Kansas land is chiefly agricultural and a vital part of the world's economy, and given current local government financial hardships, he stated that Kansas cannot afford to turn over thousands of acres to any state agency. Mr. Anderson concluded that the tax abatements that would be given to these lands, could mean that counties would be not be able to afford services for road and bridge maintenance. ([Attachment 6](#))

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:30 a.m. on February 14, 2003 in Room 423-S of the Capitol.

Questions regarding access to outdoor recreation, noxious weed control, and acquisition of private land were responded to by conferees and representatives from KDWP. The Chair expressed his appreciation to all who presented testimony.

Minutes/Adjournment

Senator Huelskamp moved to approve the minutes as they stood, Senator Corbin seconded the motion and the motion carried.

The meeting was adjourned at 9:12 a.m.



Kansas Farm Bureau

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PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON NATURAL RESOURCES

RE: SB 81 –Regarding KDWP Wildlife Habitat Stamp.

February 14, 2003
Topeka, Kansas

Presented by:
Steve Swaffar, Director
KFB Natural Resources

Chairman Tyson and members of the Senate Natural Resources Committee, thank you for the opportunity to appear today. I am Steve Swaffar and I serve as the Natural Resources Director for Kansas Farm Bureau. We represent membership in 105 county Farm Bureaus, totaling more than 41,000 people actively engaged in production agriculture. I appear before you today to express opposition for the provisions of SB 81.

Our members have a long history of treasuring and protecting their private property rights. *We vigorously support landowners' rights.* Furthermore, Kansas Farm Bureau has serious concerns with proposals whereby the Kansas Department of Wildlife and Parks (KDWP) would be able to obtain ownership of lands. Farm Bureau has strong policy opposing net increases in the amount of land owned by local, state and federal governmental entities. The Kansas Farm Bureau delegation was instrumental in keeping language relative to "local and state governments" in American Farm Bureau policy during this year's policy setting meeting.

Our members have also adopted policy statements specific to KDWP land ownership and acquisition in our own KFB Resolutions:

- *We strongly encourage the Dept. of Wildlife and Parks to fully explore the option of leasing land rather than purchasing any land;*
- *We oppose the use of tax and fee revenues for the acquisition of any private land; and*
- *Natural resources funding plans must prohibit any governmental entity from using new revenues to purchase private farm and ranch lands or increase the number of acres under an agency's management.*

-over-

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Attachment 1-1*

We understand the desire for the general public to access private property for recreational purposes. We believe voluntary, incentive-based programs designed to encourage private landowners to open property for public recreational opportunities are far superior to increasing the number of acres under state ownership/control.

If mechanisms are forwarded to allow the department to acquire additional land, we would request the following requirements be placed on the KDWP:

- Conduct an economic impact study of the proposed land acquisition;
- Hold a public hearing within the county where the acquisition is proposed;
- Obtain approval of the Kansas Legislature before KDWP can assume ownership of any land; and
- Retain acquired property on the tax rolls with KDWP paying the applicable taxes or an equivalent in-lieu-of-tax payment at rates comparable to neighboring properties, to the county and school district in which the property is located.

Farm Bureau members believe the state is best served by maintaining and fostering private land ownership. The government should not be competing with the private sector for land. We appreciate your consideration of Farm Bureau Policy and respectfully request that the committee not act favorably on SB 81. Thank you.

Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

2/13/03

Dear Chairman Tyson and members of the Natural Resource Committee,

I would like to express my opposition to Senate Bill 81 for the following reasons.

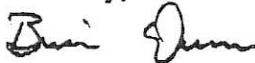
I am not in favor of an additional (stamp) fee on hunting and fishing licenses to raise money so that the Department of Wildlife could purchase more ground to increase acres of wildlife parks/recreation areas. As a young farmer one of the largest costs of doing business is the cost of land and I do not like the idea that I have to compete with the state for land purchases. With the state purchasing land this could lead to the artificial inflation of land and land rental rates far beyond productive capabilities, further leading to fewer young people entering the field of agriculture. Additionally, agriculture is still an important part of this state's economy. Each time the cost of production rises we lose our competitive edge in the world marketplace thus decreasing economic activity in Kansas.

Secondly looking at the long term viability of rural communities, if the state purchases land it would come off of the tax rolls. This action would lead to an increased tax burden placed on current land owners. Property tax tends to be one of the first places for tax increases when there are budget shortfalls at the local level. If we have fewer young people returning to agriculture because the economic viability continues to be eroded, a decline in rural populations is perpetuated. I believe it would be very challenging to get enough visitors or hunters buying fuel, meals, and lodging (if it is even available in some rural towns) to make up local sales tax dollars equal to the loss of property taxes.

A better solution would be top notch management of current lands under the Department's control and working with landowners to develop programs to enhance hunting/tourism will maintaining viability of Kansas communities and farmers.

Thank you for your time and consideration.

Sincerely,



Brian Dunn
R.R. 2 Box 75
St. John, Kansas 67576
620-458-4105

Senate Natural Resources Committee
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Attachment 2



Since 1894

TESTIMONY

To: Senate Natural Resources Committee
Senator Robert Tyson, Chairman

From: Todd Johnson, Governmental Affairs Staff

Subject: **SB 81** – Wildlife Conservation Stamp

Date: February 14, 2003

Mr. Chairman and committee members, I am Todd Johnson, Governmental Affairs staff for the Kansas Livestock Association (KLA). I appear before your committee today in opposition to SB 81; which would create a wildlife conservation stamp and the ability for the Kansas Department of Wildlife and Parks to use funds generated by the sale of this stamp to acquire additional wildlife habitat.

KLA members have an appreciation for wildlife habitat and the positive economic impact this habitat can have on our state through increased hunting opportunities. Our members recognize certain wildlife populations have decreased due to changes in land use and other factors, and would like to see these trends reverse. However, they have considerable concern about the state or federal government acquiring additional private lands. This position was reaffirmed through the policy process at our annual convention when members approved a resolution regarding private land protection that states "*KLA opposes the use of federal or state funds, including user fees or stamps, to acquire, own, operate or enlarge any federal or state preserve, park, monument or wildlife area on privately owned land.*"

This position reflects concerns brought forth by landowners and tenants located near public hunting areas. These individuals have experienced increased wildlife damage to their crops and encounter more difficulties with control of noxious weeds on their land. Our members oppose the acquisition of additional public lands. Further, they believe the Kansas Department of Wildlife and Parks should develop management plans, based on input from local landowners, for existing public lands.

Thank you for your time to address the committee.

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Attachment 3

Testimony of Francis Kelsey
February 14, 2003
Senate Bill 81

To members of the Senate Natural Resources Committee

Chairman Tyson and other members of the committee, I am Francis Kelsey a farmer in the Kansas River Valley in northwest Shawnee county. I am here today to offer testimony in opposition to Senate Bill 81 and express my concerns about the State of Kansas owning additional land.

Senate Bill 81 proposes to create a fund for the Kansas Department of Wildlife and Parks to buy and manage more public lands for recreational use. I am concerned that this will make Wildlife and Parks a competitive bidder with farmers for prime farm ground that KDWP has identified they want to purchase and manage. Today's agricultural economy is poor and farmers already face numerous economic challenges. Artificially inflating the value of farm ground will only worsen that situation. If KDWP is intent on gaining access to more private property for recreation, then landowners should be provided incentives to allow access through competitive leasing, conservation easements or enhancements to walk-in hunting. However it is vitally important for KDWP to provide those incentives at rates that are competitive in today's market.

Additionally, I do not believe through a purchase and ownership system, KDWP can gain access to as many acres as they could through a leasing system. Wildlife and Parks can get more bang for their buck and benefit landowners with a leasing program, rather than outright ownership. Thank you for this opportunity to speak with you today.

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February 1, 2003

Senate Committee NATURAL RESOURCE COMMITTEE

Chairperson: Robert Tyson

My name is Ken Corbet and I am here as President of the Kansas Sport Hunting Association and Ravenwood Lodge. Kansas Sport Hunting Association has approximately 200 members representing commercial hunting facilities and bird producers throughout the State.

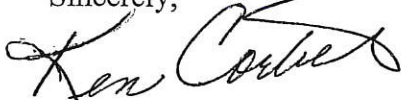
KSHA has been told by Secretary Hayden that the Land Acquisition Habitat Stamp would exempt Licensed Controlled Shooting Areas.

For example, if Wildlife and Parks purchased 320 acres at \$700 per acre, that's \$224,000 (nearly a quarter million dollars). The land would service a limited number of hunters for a limited number of days, approximately 90 days per year. The only difference is that they would be leasing for \$1.50 to \$2.00 per acre instead of purchasing at \$500 to \$2000 per acre.

I would like to congratulate Secretary Hayden for his foresight. However, we suggest that if the State feels it needs additional hunting areas or a habitat stamp, it should focus more on walk in hunting. This would let Wildlife and Parks work closely with land owners across Kansas to create great habitat as well as hunting access. It will also provide needed dollars for our agriculture communities.

In closing, we suggest if there is a need for a habitat stamp, let it be for walk-in hunting so that those who use it, pay for it. If fees go up while the game bird population goes down, we may lose both in licenses sold and the economic benefits of sportsmen coming to Kansas.

Sincerely,



Ken Corbet
President, Kansas Sport Hunting Association
President, Ravenwood Lodge

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Attachment 5

DALE E. ANDERSON
Executive Director, MidAmerican Division
National Association of Reversionary Property Owners, (NARPO)
814 West Third Avenue
Garnett, Ks 66032-2002
Phone: (785) 448-5832---E-mail: narpo@ecksor.net

February, 13, 2003

To: Committee on Energy and Natural Resources

Good morning!

My name is Dale E. Anderson of Garnett Kansas, Anderson County. I would like to offer some testimony opposing Senate Bill 81. I was raised on the farm 5 miles north of Garnett, KS. This farm has been in my family since 1857. This was 4 years before Kansas became a member of the Union.

My organization deals mostly with reversionary property, such as rails to trails. However, I feel that I am uniquely qualified to speak on matters concerning property and private property rights. I communicate on virtually a daily basis with other landowner and property rights organizations across the U.S.

There seems to be a trend toward obtaining private land for public use. I feel that many DNR types are attempting to turn pastures into parks. This is particularly becoming a problem in most states west of the Mississippi.

The Federal and State government bureaucracies are becoming landlords over millions of acres of land. Most Department of Natural Resources and Wildlife and Parks seem to be relentless in their quest for domination of more and more land.

A recurring problem seems to be that when these agencies officially take over, they resort to many questionable methods of turning private property owners into "willing sellers". I don't have the space to describe them all, but denying accesses to their property seems to be one method.

Too often after the departments take over, at times, tens of thousands of acres, some environmental group complains or goes to court to keep these areas people free. Citizens of all types are outraged by this situation.

Indeed, some areas are fine to turn into public parks. Especially suited to this scenario is the Ozarks. Most of the soil is so poor; you couldn't raise a

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stink on it with a 100 lb. skunk.

Kansas has a very different situation. For the most part, Kansas land is chiefly Agricultural. Thousands upon thousands of acres are farmed and ranched by Kansans dedicated to do their part in feeding the world. As a vital part in the world state of affairs, we can't afford to declare Kansas agricultural land off limits to farming and ranching.

At this time of local government funding hardships, we can't afford to turn thousands of acres over to any state agency. When this happens, the land is taken from agricultural production and put into parks. Subsequently, the parks are automatically given property tax abatements. This seriously hurts the counties ability to afford services like road and bridge maintenance.

One excellent example is the Prairie Spirit rail trail in Anderson County. I have property along this abandoned BN/SF railroad corridor. This railroad crossed the county and was their largest property tax resource. When the Kansas Department of Wildlife and Parks took the land they also took the property taxes away from Anderson County.

Too many areas are now in jeopardy concerning local government finances. We can't in good conscience allow the passage of SB-81. This bill would leave too many rural counties high and dry by greatly lowering the tax base by eliminating property taxes.

I urge you to oppose SB-81. Thank you for your time and consideration in this matter.

**Respectfully Submitted,
Dale E. Anderson
814 West Third Avenue
Garnett, KS 66032
narpo@ecksor.net**