

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on February 17, 2006, in Room 123-S of the Capitol.

All members were present except:

Senator Jay Emler- excused  
Senator Vicki Schmidt- excused  
Senator Chris Steineger- excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office  
Michael Corrigan, Revisor of Statutes Office  
Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Julian Efird, Kansas Legislative Research Department  
Judy Bromich, Chief of Staff  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2006 and FY 2007 were made available to the Committee.

**Subcommittee budget reports on:**

**Kansas Guardianship Program (Attachment 1)**

Subcommittee Chairwoman Jean Schodorf reported that the budget subcommittee on the Kansas Guardianship Program concurs with the Governor's recommendations in FY 2006 and FY 2007 with adjustment.

Senator Schodorf moved, with a second by Senator Teichman, to adopt the subcommittee budget report on the Kansas Guardianship Program in FY 2006 and FY 2007. Motion carried on a voice vote.

**Kansas Public Employees Retirement System (KPERS) (Attachment 2)**

Subcommittee Chairman Stephen Morris reported that the budget subcommittee on the Kansas Public Employees Retirement System (KPERS) concurs with the Governor's recommendations in FY 2006 and FY 2007 with comment.

Senator Morris moved, with a second by Senator Kelly, to adopt the subcommittee budget report on the Kansas Public Employees Retirement System (KPERS) in FY 2006 and FY 2007. Motion carried on a voice vote.

**Kansas Public Employees Retirement System (KPERS) Recommendation on SB 340:**

**SB 340--Cap on employer retirement contributions for security officers employed by the department of corrections**

Chairman Umbarger acknowledged Julian Efird, Kansas Legislative Research Department, who explained that **SB 340** would establish a statutory rate cap on the annual employer contribution rate increase for the

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:40 A.M. on February 17, 2006, in Room 123-S of the Capitol.

corrections officer group in the Kansas Public Employees Retirement System (KPERs). The cap would be identical to the current statutory cap on rate increases for all other members in KPERs State, School and Local groups (Attachment 3).

Senator Morris moved, with a second by Senator Kelly, to recommend SB 340 favorable for passage. Motion carried on a roll call vote.

The Chairman opened the public hearing on:

**SB 504--Driver improvement clinics, fees, disposition thereof**

Staff briefed the Committee on the bill.

Chairman Umbarger welcomed the following conferees:

Senator Phillip Journey testified in support of **SB 504** (Attachment 4). Senator Journey explained that the bill amends two existing statutes, K.S.A. 8-255 and in the 2005 Supplement to the Kansas statutes annotated 8-267. It was noted by Senator Journey that the bill does not affect individuals who have commercial driver's licenses under 8-2, 125 et seq., so that compliance is maintained with federal rules and statutory mandates regarding these commercial driver's licenses. He explained that for noncommercial drivers, this bill offers an opportunity for Kansas drivers to improve their driving habits through the provision of driver improvement clinics to be paid for at their cost. The clinic costs would require a payment of a fee of \$350.00 in Section One.

Carmen Alldritt, Director, Division of Vehicles, Kansas Department of Revenue, spoke as a neutral conferee in regard to **SB 504** (Attachment 5). Ms. Alldritt, Director, explained that the bill raises concerns regarding administrative procedures. She noted that there is no clear language as to what moving violation would be removed from the record and noted that there are considerable differences between speeding, running a stop sign, DUI, driving while suspended and driving with no insurance. Ms. Alldritt explained that they respectfully request clarification be included in the bill as to what moving violations can be removed by the Division of Vehicles upon successful completion of a clinic.

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 504**.

Chairman Umbarger opened the public hearing on:

**SB 483--Prescribing certain procedures for acquisition of land by the department of wildlife and parks**

Staff briefed the Committee on the bill.

The Chairman welcomed the following conferees:

Senator Roger Reitz testified in support of **SB 483** (Attachment 6). Senator Reitz explained that the bill spins off problems recently encountered in the Manhattan fishing area on the Blue River below Rocky Ford Dam. The situation was explained in his written testimony. Senator Reitz noted that the bill won't change the Rocky Ford problem but is designed to keep such quiet land transfers from happening again without full public notification.

J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, testified in opposition to **SB 483** (Attachment 7). Secretary Hayden explained that the provisions of the bill would infringe on the ability of the Kansas Department of Wildlife and Parks to make the best possible land transactions for the State of Kansas. He note that the Kansas Department of Wildlife and Parks strongly opposes and requests the Committee provide the Secretary with the flexibility needed to provide the best possible outdoor recreation opportunities to the State.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:40 A.M. on February 17, 2006, in Room 123-S of the Capitol.

Charles M. Benjamin, Ph.D., J.D., spoke in opposition to **SB 483** on behalf of the Sierra Club (Attachment 8). He noted that the provisions of the bill are clearly designed to prevent the Kansas Department of Wildlife and Parks from developing more public lands. Mr. Benjamin mentioned that the provisions of the bill would make it difficult, if not impossible, for the Kansas Department of Wildlife and Parks to acquire more land for public use.

Written testimony was submitted by Brad Harrelson, State Policy Director, Kansas Farm Bureau on **SB 483** (Attachment 9).

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 483**.

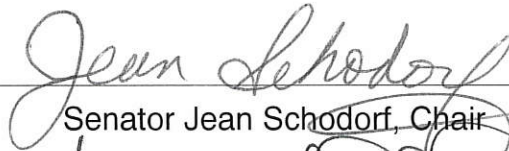
The meeting adjourned at 11:35 a.m. The next meeting was scheduled for February 20, 2006.

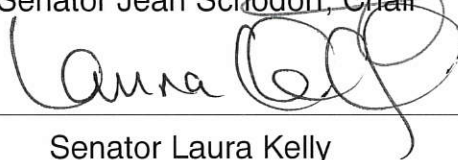


**FY 2006 and FY 2007**

**SENATE SUBCOMMITTEE REPORTS**

Kansas Guardianship Program

  
\_\_\_\_\_  
Senator Jean Schodorf, Chair

  
\_\_\_\_\_  
Senator Laura Kelly

Senate Ways and Means  
2-17-06  
Attachment 1

## Senate Subcommittee Report

**Agency:** Kansas Guardianship Program

**Bill No.**

**Bill Sec.**

**Analyst:** Deckard

**Analysis Pg. No.** Vol. 2-1167

**Budget Page No.** 173

<u>Expenditure Summary</u>	<u>Agency Estimate FY 06</u>	<u>Governor's Recommendation FY 06</u>	<u>Senate Subcommittee Adjustments</u>
State General Fund	\$ 1,058,640	\$ 1,058,640	\$ 0
Special Revenue Funds	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u>\$ 1,058,640</u>	<u>\$ 1,058,640</u>	<u>\$ 0</u>
FTE Positions	12.0	12.0	0.0
Non FTE Uncl. Perm. Pos.	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u>12.0</u>	<u>12.0</u>	<u>0.0</u>

### Agency Estimate

The agency's estimate for the current year is \$1,058,640, which is an increase of \$13,133 or 1.3 percent above the amount approved by the 2005 Legislature. The increase is entirely due to an unbudgeted reappropriation of State General Fund moneys.

### Governor's Recommendation

**The Governor** concurs with the agency's estimate.

### Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

## Senate Subcommittee Report

**Agency:** Kansas Guardianship Program

**Bill No.**

**Bill Sec.**

**Analyst:** Deckard

**Analysis Pg. No.** Vol. 2-1167

**Budget Page No.** 173

Expenditure Summary	Agency Request FY 07	Governor's Recommendation FY 07	Senate Subcommittee Adjustments
State General Fund	\$ 1,212,839	\$ 1,065,230	\$ 0
Special Revenue Funds	0	0	0
<b>TOTAL</b>	<b>\$ 1,212,839</b>	<b>\$ 1,065,230</b>	<b>\$ 0</b>
FTE Positions	12.0	12.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<b>12.0</b>	<b>12.0</b>	<b>0.0</b>

### Agency Request

The agency requests \$1,212,839, an increase of \$154,199 or 14.6 percent above the FY 2006 estimate. The request includes an agency enhancement package of \$160,080 to increase the monthly stipend from \$20 to \$30 to help cover the volunteer's out-of-pocket expenses incurred while serving as guardians and conservators. The Guardianship Program, a quasi-state agency, pays its employees monthly, and did not require additional funding for the 27th payroll period in FY 2006.

### Governor's Recommendation

The Governor recommends \$1,065,230 for FY 2007 operating expenditures, which is an increase of \$6,590 or 0.6 percent above the FY 2006 recommendation. The recommendation is a decrease of \$147,609 or 12.2 percent below the agency's request. The Governor did not recommend the agency's enhancement request for \$160,080 to increase monthly stipends, but did include \$12,471 from the State General Fund to fund the 2.5 percent cost of living increase for state employees.

### Senate Subcommittee Recommendation

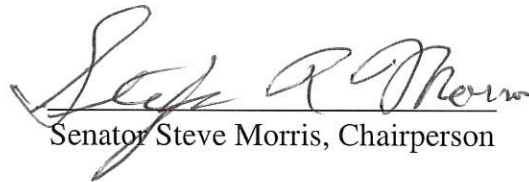
The Senate Subcommittee concurs with the Governor's recommendation with the following adjustment:

1. Review at Omnibus the addition of \$160,080 from the State General Fund to increase monthly stipends to volunteers.

**SENATE SUBCOMMITTEE REPORT**

**Kansas Public Employees Retirement System (KPERs)**

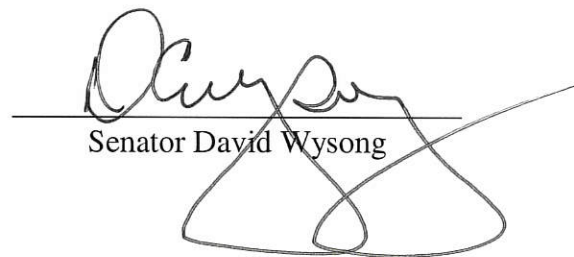
February 15, 2006



Senator Steve Morris, Chairperson



Senator Laura Kelly



Senator David Wysong

Senate Ways and Means  
2-17-06  
Attachment 2



# Senate Subcommittee Report

**Agency:** Kansas Public Employees Retirement System

**Bill No. --**

**Bill Sec. --**

**Analyst:** Efird

**Analysis Pg. No.** Vol. I-674

**Budget Page No.** 255

<u>Expenditure</u>	<u>Agency Est. FY 06</u>	<u>Governor Rec. FY 06</u>	<u>Subcommittee Adjustments</u>
<b>Operating Expenditures:</b>			
State General Fund	\$ 3,216,709	\$ 3,216,709	\$ 0
Other Funds*	823,937,516	823,937,467	0
TOTAL	<u>\$ 827,154,225</u>	<u>\$ 827,154,176</u>	<u>\$ 0</u>
FTE Positions	85.3	85.3	0.0

\* **Note 1:** Nonreportable benefit payments are included.

## Agency Estimate

The **agency's** revised request includes a net increase of \$9.4 million all funds in expenditures that would be in addition to those approved by the 2005 Legislature. Increases are included for investment-related expenses, agency operations, and benefit payments, with the latter contributing almost \$7.7 million of increased expenditures. A supplemental State General Fund (SGF) appropriation of \$5,017 is requested for bond payments that have been recalculated since the 2005 Legislature approved payments of \$3,211,692 SGF in FY 2006 for 13<sup>th</sup> check bonding.

## Governor's Recommendation

The **Governor** generally concurs with the revised expenditures, but makes a minor reduction of \$49 in all other funds related to KSIP expenditures.

## Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation in FY 2006.

## Senate Subcommittee Report

**Agency:** Kansas Public Employees Retirement System

**Bill No. --**

**Bill Sec. --**

**Analyst:** Efird

**Analysis Pg. No.** Vol. I-674

**Budget Page No.** 255

Expenditure	Agency Req. FY 07	Governor Rec. FY 07	Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 3,211,748	\$ 3,211,748	\$ 0
Other Funds*	863,122,014	863,231,299	0
TOTAL	<u>\$ 866,333,762</u>	<u>\$ 866,443,047</u>	<u>\$ 0</u>
 FTE Positions	 85.3	 85.3	 0.0

\* **Note 1:** Nonreportable benefit payments are included.

### Agency Request

The **agency's** request includes an increase of almost \$39.2 million in expenditures, including increases for benefit payments, agency operations, and investment-related expenses. A technology project with expenses of \$2,654,500 is included as an enhancement in the FY 2007 budget request. State General Fund financing of \$3.2 million is included for principal and interest payments related to 13th check bonding.

### Governor's Recommendation

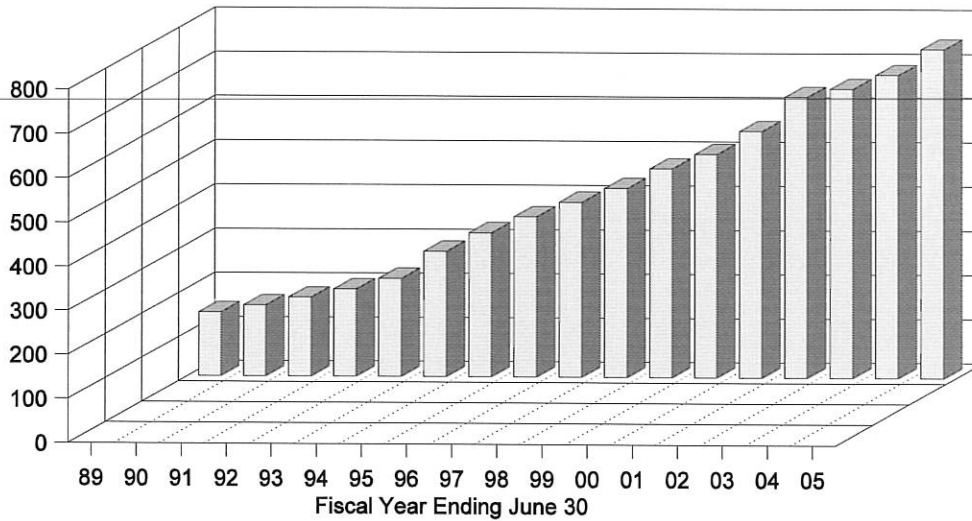
The **Governor** concurs with the estimated expenditures, including the technology project funding, and also recommends additional funding of \$109,285 for a 2.5 percent salary plan adjustment.

### Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation in FY 2007, and adds the following comment:

1. Long-term funding of KPERS remains a concern to members of the Subcommittee, especially given that benefits continue to increase by large increments each fiscal year, as shown in the following graph.

### KPERS Benefits Paid (In Millions of Dollars)



Although contributions also are increasing, the amounts are less than would be the case if the actuarially-recommended rate was paid each fiscal year. Because KPERS is a mature retirement system, annual contributions alone are not enough to pay the annual benefits and a portion of financing must come from investment income as shown in the table below. When KPERS investments earn the anticipated 8.0 percent rate as shown in the following example, then the difference is a positive amount and the portion that is not paid in benefits can be used to increase the investment assets.

### KPERS Financial Projections (In Millions)

Fiscal Yr	Contributions	Investment Income	Funds Available	Benefits	Difference
2006	\$ 515.30	\$ 890.34	\$ 1,405.64	\$ 841.73	\$ 563.91
2007	556.40	932.64	1,489.04	880.12	608.92
2008	603.08	1,031.17	1,634.25	924.13	710.12
2009	653.95	1,090.67	1,744.62	970.34	774.28
2010	705.50	1,148.51	1,854.01	1,018.85	835.16

Over the past three years, the Legislature took action to increase state and local employer contributions to provide enhanced resources for the long-term financing of KPERS. The Legislature also authorized issuance of \$500.0 million in pension obligation bonds to be repaid from the State General Fund in order to increase assets that KPERS will invest for the next 25 years. As a result, the KPERS actuary determined that the long-term funding outlook has improved and that KPERS is in actuarial balance over the long-term if all actuarial assumptions are met.


The Subcommittee remains concerned about the actuarial assumption that pertains to assumed annual earnings of 8.0 percent. Over the next 25 years, it is assumed that KPERS will earn an average of 8.0 percent, and that years below that earnings rate will be offset by years above the rate. However, if there are several years of earnings below 8.0 percent, the long-term financial projections will suffer, especially if these negative years occur in the next few years. The Subcommittee was apprised that the KPERS Board of Trustees plans to undertake a major review of the long-term funding situation, with assistance from its actuarial firm. Additional alternatives for improving long-term funding will be developed and considered by the Board, and if any recommendations are adopted, the proposals will be transmitted to the Joint Committee on Pensions, Investments and Benefits during the 2006 Interim.

SENATE SUBCOMMITTEE REPORT

Kansas Public Employees Retirement System (KPERs)

Recommendation on SB 340

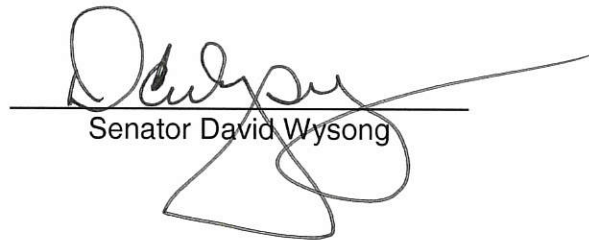
February 16, 2006



Senator Steve Morris, Chairperson



Senator Laura Kelly



Senator David Wysong

Senate Ways and Means  
2-17-06  
Attachment 3

## Senate Bill No. 340

SB 340 would establish a statutory rate cap on the annual employer contribution rate increase for the corrections officer group in the Kansas Public Employers Retirement System (KPERS). The cap would be identical to the current statutory cap on rate increases for all other members in KPERS State, School, and Local groups.

### Background

The bill was recommended for introduction by the Joint Committee on Pensions, Investments and Benefits. The Secretary of Administration, in his capacity as Budget Director, recommended the legislation during the 2005 Interim after the magnitude of the rate increase and its budget impact in FY 2007 were determined.

Under current law, KPERS State, School, and Local groups have a statutory employer retirement contribution rate cap of 0.5 percent for FY 2007, increasing to 0.6 percent for FY 2008 and subsequent years. When these rate caps were adjusted two years ago, the corrections officer group of KPERS was not included under the caps. As a result, the employer retirement contribution rate for correctional officers has been certified by KPERS to increase from 5.74 percent in FY 2006 to 7.72 percent in FY 2007.

Without the rate cap, the Department of Corrections estimates that \$1,498,224 of additional expenditures from the State General Fund would be required in FY 2007. With the passage of SB 340, the FY 2007 increase would be limited to \$281,378 from the State General Fund. The fiscal effect of passing this bill has been included in the *Governor's Budget Report* for FY 2007. If this bill does not pass, an additional \$1,498,224 from the State General Fund will be due KPERS in FY 2007 for the corrections officer group employer contributions.

### Subcommittee Recommendation

The KPERS Subcommittee recommends this bill favorable for passage.

## SENATOR PHILLIP B. JOURNEY

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TOPEKA

SENATE CHAMBER

## COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE  
(JOINT), CHAIR  
HEALTH CARE STRATEGIES  
JUDICIARY  
PUBLIC HEALTH AND WELFARE  
TRANSPORTATION  
CORRECTIONS AND JUVENILE JUSTICE  
OVERSIGHT (JOINT)  
SOUTH CENTRAL DELEGATION, CHAIR

**Testimony in Support of Senate Bill #504  
Before the Kansas Senate Ways and Means Committee  
February 17<sup>th</sup>, 2006, 10:30 a.m.**

Mr. Chairman and members of the Committee, it is my privilege to come before you today in support of Senate Bill #504. Senate Bill #504 is a bill that amends two existing statutes, K.S.A. 8-255 and in the 2005 Supplement to the Kansas statutes annotated 8-267.

It's important to note that the bill does not affect individuals who have commercial driver's licenses under 8-2, 125 et seq., so that we maintain our compliance with federal rules and statutory mandates regarding these commercial driver's licenses. For noncommercial drivers this bill offers an opportunity for Kansas drivers to improve their driving habits through the provision of driver improvement clinics to be paid for at their cost. The clinic costs would require a payment of a fee of \$350.00 in Section One. The carrot at the end of the improvement clinic is that one moving violation would be removed from their driving record. It's important to note that no serious traffic offense such as driving while suspended, DUI, no proof of insurance, or other misdemeanor provisions would be allowed to be removed under this section. Only minor traffic infractions such as speeding and running a stop sign would be withdrawn from the driver's records. It's also important to note that the bill would not allow an individual to remove more than one citation in a two-year period through participation in the clinics, thus keeping the bill from being a license to speed for those who can afford to pay. Section One of the bill also authorizes the Secretary of Revenue to adopt rules and regulations necessary to implement this proposed statute.

Section Two provides for the distribution of funds between a community corrections special revenue fund and mandates those funds to be used by the Department of Corrections for funding community corrections. There is a strong public policy need for improvement in monitoring offenders who are placed on community corrections. Community corrections is a more intensive supervision program than standard court probation. Community corrections includes those on pre-trial services pending trial saving significant jail space for violent offenders in a pre-trial situation, and monitoring those individuals. This legislation, for example, could be used by Department of Corrections to pay for more intensive supervision officers, house arrest, telephonic interface monitors, and GPS locators for sexual offenders.

Section Three of the bill amends 8-255 of the Kansas statutes annotated and updates the current

*Senate Ways and Means  
2-17-06  
Attachment 4*

situation in statute where under current law, an individual whose license is to be suspended is given the opportunity to attend a class so that they may be able to keep their driving privileges for probationary period. The problem with current statute is that the nominal cost of \$15 does not pay the actual expense for the driver improvement clinic nor does it pay for the out-of-pocket expense to the state of Kansas for administrative action and employee time in applying the provisions of the current program to the driver's record and that monitoring. The Kansas Division of Vehicles operating fund receives \$150 of the \$350 paid by the individual and \$200 is credited to the Community Corrections of Special Revenue fund. I certainly would have no objection to adjustment of the fees in dividing them between the various entities nor would I object to crediting a certain portion of those funds initially earmarked for the community corrections program to Kansas Department of Corrections programs for pre-release programs established to help inmates in the Kansas Department of Corrections transition into general society upon completion of the term of their incarceration.

I sincerely appreciate the Committee's time and attention in this matter, and believe that it has the potential to raise significant funds for these worthy programs which are always in need of supplemental appropriation. I believe that this legislation offers an opportunity for the Kansas Legislature to not only benefit each of our constituents who have had minor traffic infractions with lower insurance rates but also improve the quality of driving in the state of Kansas along with funding programs which will substantially enhance public safety in the state of Kansas. Once again, thank you for your attention.

Respectfully submitted,

  
Phillip B. Journey  
Kansas State Senator, 26<sup>th</sup> District





# K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

**TO:** Chairman Dwayne Umbarger  
Members of the Senate Ways and Means Committee

**FROM:** Carmen Alldritt, Director  
Division of Vehicles

**DATE:** February 17, 2006

**SUBJECT:** Senate Bill 504 – Driver Improvement Clinics

Thank you Mr. Chairman and Committee Members. My name is Carmen Alldritt, and I serve as the Director of Vehicles for the Kansas Department of Revenue.

Senate Bill 504, as introduced, contains new legislation relating to driver improvement clinics.

In 2005 the Driver Control Bureau of the Division of Vehicles issued 10,200 warning notices to drivers who had been convicted of at least three violations within a twelve-month period. The Division does not know how many of those individuals would take advantage of an opportunity to remove one moving violation from their record by successfully completing a driver improvement clinic and paying a \$350.00 fee.

Our attached fiscal note gives this example: If 500 drivers elected to attend a driver improvement clinic, the Vehicle Operating Fund would receive \$75,000 and Community Corrections Special Revenue Fund would receive \$100,000 in a typical fiscal year.

At one time, the Division of Vehicles conducted Driver Improvement Clinics. Due to expenses related to travel, location availability, and staff reductions, the clinics were discontinued. Currently, our Driver Control Bureau does not have sufficient staff or other resources to establish and maintain driver improvement clinics. Driver Control would anticipate entering into contracts with vendors, and/or driving schools throughout the state, to conduct state approved clinics. At this time the cost of such contracts has not been determined.

SB504 raises concerns regarding administrative procedures. There is no clear language as to what moving violation is to be removed from the driving record upon completion of the clinic. Which violation would be removed from the record? Number 1, 2, or 3? Please note, there are considerable differences between speeding, running a stop sign, DUI, driving while suspended and driving with no insurance.

DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., TOPEKA, KS 66612-1588  
Voice 785-296-3601 Fax 785-291-3755 <http://www.ksrevenue.org/>

Senate Ways and Means  
2-17-06  
Attachment 5

While we believe it is not the intent of the bill to remove serious convictions and their respective license penalties from driving records, we respectfully request clarification be included in the bill as to what moving violations can be removed by the Division upon successful completion of a clinic.

Thank you for your attention to SB504, and I stand for questions.

ROGER REITZ  
 SENATE, 22ND DISTRICT  
 P.O. BOX 1308  
 MANHATTAN, KANSAS 66505  
 (785) 539-1710



TOPEKA

SENATE

COMMITTEE ASSIGNMENTS  
 MEMBER: COMMERCE  
 ELECTIONS AND LOCAL GOVERNMENT  
 FEDERAL AND STATE AFFAIRS  
 UTILITIES

STATE CAPITOL—ROOM 136-N  
 300 S.W. 10TH  
 TOPEKA, KS 66612-1504  
 (785) 296-7360  
 1-800-432-3924  
 (SESSION ONLY)

### Brief on SB 483

SB 483 spins off problems recently encountered in the Manhattan fishing area on the Blue River below Rocky Ford Dam. The area was owned by the state and administered by Wildlife and Parks. One bank of the river was favored by Wildlife and Parks and to develop it further for fishing benefits it was decided to sell the land on the opposite bank. This was done privately (and legitimately) but without public notification. Hence the subsequent hullabaloo as the new owner of the purchased land has no plans for quashing the deal. This bill won't change the Rocky Ford problem but is designed to keep such quiet land transfers from happening again without full public notification.

The bill relates to both park land acquisition as well as disposition. It is the disposition aspect documented in new Section 1, Subsection (3)(d), that pertains:

- The secretary must first offer land to be disposed to the county commissions for sale. They must decide to accept in 30 days.
- If the deal is rejected, the land goes for public sale at auction to the public with full public notification, i.e., three separate notices one week apart in newspapers.
- The secretary will report to the Legislature any such sale annually with appraised value and documentation of the sale published in the Kansas Register within 30 days of sale completion.

Land acquisition prompted the original form of this bill. It may or may not be totally or in part germane to this discussion.

This part of the bill makes clear the following for land acquisition:

- The land obtained will be subject to noxious weed control.
- Tax payments will be consistent with taxes on adjoining properties of like value.
- A management plan for the land must be devised.
- If 480 acres or more are to be purchased permission of at least 5% of voters in the last general election must vote positively to allow the sale.

*Senate Ways and Means  
 2-17-06  
 Attachment 6*

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

## Testimony for SB 483 Concerning KDWP Land Acquisition and Disposition Procedures

By **J. Michael Hayden**  
**Secretary**

**Kansas Department of Wildlife and Parks**

Kansas ranks 49<sup>th</sup> out of the 50 states in the percent of land open to public. The Kansas Department of Wildlife and Parks' (KDWP) mission is to provide, protect, and improve outdoor recreation and natural resources in this state, and to plan and provide for the wise management and use of the state's natural resources.

The provisions of this bill would infringe upon the ability of the KDWP to make the best possible land transactions for the state of Kansas. Public land increases the quality of life for all Kansans, and is a necessary option to ensure that all Kansans have access to outdoor recreation opportunities. As the state's population becomes increasingly urban, providing public lands is crucial. Additionally, public land is a critical element to promoting travel and tourism in Kansas.

Outdoor recreationists annually contribute millions of dollars to the state's economy, for example:

- \$462 million in expenditures from hunters and anglers
- \$300 million in expenditures from park visitors
- \$175 million in expenditures from birders and other wildlife watchers and photographers

*(figures are from the 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation by USFWS)*

Many of these people use public lands and their expenditures contribute to the livelihoods of many small business owners, and thereby many of Kansas' small towns.

The KDWP **strongly opposes SB 483** and requests the committee provide the Secretary with the flexibility needed to provide the best possible outdoor recreation opportunities to the State.

Office of the Secretary

1020 S Kansas Ave., Suite 200, Topeka, KS 66612-1327

Phone 785-296-2281 Fax 785-296-6953 www.kdwp.state.ks.us

Senate Ways & Means

2-17-06

Attachment 7

**Charles M. Benjamin, Ph.D., J.D.**  
Attorney at Law  
P.O. Box 1642  
Lawrence, Kansas 66044-8642  
(785) 841-5902; 841-5922 facsimile  
[chasbenjamin@sbcglobal.net](mailto:chasbenjamin@sbcglobal.net)

**Testimony in Opposition to S.B. 483**  
Concerning acquisition of land by the department of wildlife and parks  
To the Kansas Senate Ways and Means Committee  
**On Behalf of the Kansas Chapter of Sierra Club**  
February 17, 2006

Mr. Chairman, members of the Committee, thank you for the opportunity to testify in opposition to S.B. 483 on behalf of the Sierra Club – the oldest and largest grass roots environmental organization in the world with over 750,000 members including over 4,000 in Kansas.

People join the Sierra Club for many reasons. Many join because they want to opportunity to enjoy activities like hiking, camping, canoeing, observing wildlife, etc. with other, like minded, people. Sierra Club sponsors these types of activities. Sierra Club also sponsors activities like trail maintenance to assist the staff of the department of wildlife and parks maintain the infrastructure in the state park system.

Kansas is now an urban state. Most of the people in Kansas live in Johnson, Douglas, Shawnee, Sedgwick and Butler counties. Many people who live and work in these counties look for outdoor activities that they and their families can enjoy. Each of these counties and other counties, along with state government, are trying to attract out of state businesses to locate in Kansas. "Quality of life", such as clean air, clean water and outdoor recreational opportunities for their employees always rank high in a decision by business executives to locate to a state. Unfortunately, the opportunity for enjoying outdoor activities in Kansas is limited by the lack of public lands. For this reason, many members of the Kansas Sierra Club and other Kansans who like to engage in outdoor activities do so out of state. This is unfortunate since they carry the dollars they spend on those activities out of state with them.

The onerous provisions of S.B. 483 are clearly designed to prevent the Kansas Department of Wildlife and Parks from developing more public lands. I won't go through all the provisions here because you can read the bill and the Secretary has explained why the provisions of the bill make it difficult, if not impossible, for the department to acquire more land for public use. The Sierra Club opposes S.B. 483 and respectfully requests that this Committee oppose it as well. Thank you for your attention. I will answer questions when appropriate.

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2-17-06  
Attachment 8*

*PUBLIC POLICY STATEMENT*

SENATE COMMITTEE on WAYS and MEANS

RE: SB 483 – an act prescribing certain procedures for acquisition and disposition of land by the Department of Wildlife and Parks

**February 17, 2006**  
**Topeka, Kansas**

**Testimony provided by:**  
**Brad Harrelson**  
**State Policy Director**  
**KFB Governmental Relations**

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Chairman Umbarger, and members of the Senate Ways and Means Committee, thank you for the opportunity to appear in support of SB 483. I am Brad Harrelson, State Policy Director—Governmental Relations for Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

Our members have long been outspoken about intrusion and interference with private property rights by governments, especially when that action results in land being taken out of agricultural production. KFB policy, developed at the grassroots level, clearly states our opposition to the use of tax and fee revenues for the acquisition of any private land.

Senate Ways and Means  
2-17-06  
Attachment 9

Furthermore, 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 Kansas Department of Wildlife and Parks is allowed to assume ownership of any land. Any acquired property should remain on the property tax rolls. Additionally, we oppose any use of eminent domain powers by the Department.

We believe this bill addresses many of the longstanding concerns firmly held by our members over the years. The procedures put in place by this legislation are good public policy and ensure input to the process by those most directly impacted.

In conclusion, Kansas Farm Bureau respectfully urges your recommendation to pass favorably SB 483. Thank you, once again, for the opportunity to appear before you and share the policy of our members. KFB stands ready to assist you as you consider this measure. Thank you.