

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2434

As Amended by Senate Committee on
Natural Resources

Brief*

HB 2434 would designate Prairie Spirit Rail Trail as the 25th state park. Currently, there are 24 statutorily recognized state parks in Kansas.

In addition, the bill would change existing law to allow the Secretary of Wildlife and Parks to directly set fees for the use of cabins owned or operated by Kansas Department of Wildlife and Parks (KDWP). Current law requires the Secretary to set cabin fees through the administrative rules and regulations process. The bill, therefore, would exempt the setting of cabin fees from the Administrative Rules and Regulations Filing Act (KSA 77-415 through 77-437). The maximum fees for use of KDWP cabins could not exceed \$250 per night; \$1,500 per week; and \$5,000 per month.

Further, the bill would amend existing law related to clothing requirements when hunting deer or elk. The bill would remove language combining the clothing requirements for deer and elk hunting, so that each requirement, while the same, would be listed individually. The law would continue to only apply in areas where hunting with firearms is occurring.

Finally, the bill would change the term of office for members of Drainage District No. 2 of Finney County from a three-year staggered term to a four-year staggered term.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The Department of Wildlife and Parks testified in support of the original bill which would designate the Prairie Spirit Rail Trail as a state park. The current trail has been owned and maintained by the Department for nearly 20 years. The agency believes that designating the trail to be a state park would increase its public use. The state park designation also may make the trail eligible for grants. The trail goes through the counties of Franklin, Anderson, and Allen. The communities of Ottawa, Garnett, and Iola would be responsible for the maintenance of the sections of trail that are within their city limits. Written testimony in favor of the designation was provided by the City of Garnett and its chamber of commerce, the economic development agency for Anderson County, the Franklin County Visitors Bureau, and the Friends of the Prairie Spirit Rail Trail.

There was no opponent testimony against this bill.

HB 2434 was amended by the House Committee of the Whole to include the word "Rail" in the title of the park, thus changing its name to Prairie Spirit Rail Trail. Additionally, the bill was amended to direct the Secretary of the Department of Wildlife and Parks to reopen the Tuttle Creek State Park river pond area west entrance and operate the entrance in a substantially similar manner to how it was operated in September 2007.

The Senate Committee on Natural Resources amended the bill to delete the requirement regarding the reopening of the west entrance of Tuttle Creek State Park. The Committee also added the provisions of SB 380 dealing with the setting of cabin fees by the Department of Wildlife and Parks and the provisions of 2009 SB 51, as recommended by the Senate Committee, dealing with clothing requirements while hunting deer or elk. In addition, the Senate Committee added the provisions of HB 2548 dealing with the length of term of office for members of a drainage district in Finney County.

SB 380 was introduced by the Senate Committee on Natural Resources at the request of the Kansas Department of Wildlife and Parks.

An official with the KDWP testified in support of the bill. No neutral or opposition testimony was provided.

The fiscal note on the bill indicated the change in law was likely to result in increased revenue for the KDWP, but no specific amount was given. Additionally, any increased revenue resulting from the passage of SB 380 was not accounted for in the Governor's FY 2011 budget.

SB 51 was introduced by the Senate Committee on Natural Resources at the request of a spokesperson for the Kansas Department of Wildlife and Parks. At the hearing on the bill, the only conferee was a representative of the Kansas Department of Wildlife and Parks who appeared as a proponent. There were no opponents to the bill. The fiscal note indicated that SB 51 would have no fiscal impact.

On the hearing on HB 2548 before the House Local Government Committee, Representative Larry Powell testified in favor of the bill. His testimony indicated the current three-year term for the drainage district members has created the need for a special election. HB 2548 would correct that problem. No opponents testified. The House Committee on Local Government adopted a technical amendment. According to the fiscal note, passage of the bill would have no fiscal effect.

The fiscal note prepared by the Division of the Budget on the original HB 2434 indicates that the bill would not have an effect on the state's revenue or expenditures. Additionally, the Department of Wildlife and Parks stated that new costs arising from new signs would be absorbed under their current operating budget.