

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

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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 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.

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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 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.