

# STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.  
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

March 30, 2018

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 381 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 381 is respectfully submitted to your committee.

SB 381 would make it a class B nonperson misdemeanor for any person on a recreational trail or rail corridor to harm an animal, litter, vandalize property, drive a motor vehicle where not permitted, block adjacent land owners' access, or discard cigarettes. The bill would also require the holder of a Certificate of Interim Trail Use (CITU) to fulfill various maintenance, cleanliness, signage, sanitation, and trail access duties. Additionally, the bill would allow a county commission to enter into a bond purchase or escrow agreement with the holder of a CITU to provide for the annual costs of maintaining a recreational trail or rail corridor. The holder of a CITU would also be required to notify any adjacent land owners of the intent to build a recreational trail at least 90 days prior to beginning construction. Holders of CITUs received on or after July 1, 2017, would be required to ensure compliance with the Americans with Disabilities Act, obtain necessary easements or agreements with adjacent property owners, and request permission from the Office of the Attorney General (OAG) to develop or operate any recreational trail or rail corridor. Additionally, the bill would allow the Attorney General, an adjacent property owner, or a city or county to bring an action in a Kansas District Court to enforce provisions of the Act. The OAG would have the authority to determine if the holder of a CITU has violated the Act and would be able to order the holder to cease and desist, comply with the Act, or abandon the recreational trail or rail corridor.

The Department of Wildlife, Parks and Tourism indicates that enactment of SB 381 could result in additional expenditures in FY 2019 related to handling complaints and enforcing provisions of the Act. However, the fiscal effect cannot be estimated because the manner in which the Department would be required to enforce provisions of the Act and the number of complaints that would be filed is unknown.

The Honorable Rick Wilborn, Chairperson

March 30, 2018

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The Office of the Attorney General indicates that enactment of the bill could result in additional expenditures in FY 2019 to hire 1.00 Attorney FTE position and 1.00 Investigator FTE position to review complaints and enforce provisions of the Act. The OAG states that the attorney and investigator would only need to be hired if the volume of complaints could not be handled by existing staff. However, the fiscal effect cannot be estimated because the number of complaints that would be filed is unknown. Any fiscal effect associated with SB 381 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Campbell".

Larry L. Campbell  
Chief Budget Officer

cc: Chris Tymeson, Wildlife, Parks & Tourism  
Willie Prescott, Office of the Attorney General