

MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 10, 2004 in Room 231-N of the Capitol.

All members were present except:

Representative Bill Light- excused

Committee staff present:

Raney Gilliland Legislative Research Department

Mary Torrence, Revisor of Statutes

Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Chriss Krass, 8901 SE Ratner Road, Berryton, KS 66409; Senator Robert Tyson, District 12; John Love, 8750 SE Tecumseh Road, Berryton, KS 66409; Harold Lutz, 8349 SE Matney Road, Berryton, KS 66409; Brad Harrelson, Kansas Farm Bureau, 2627 KFB Plaza, Manhattan, KS 66503-8155; Todd Johnson, KS Livestock Association, 6031 SW 37<sup>th</sup> Street, Topeka, KS 66614-5129; Senator Edward Pugh, District 1; Jay Barnes, KS Natural Resource Council, PO Box 21346, Wichita, KS 67208; Frank Meyer, Kanza Rail-Trail Conservancy; Cort Anderson MTB Access, KS Single Track Society, 1187 North Oliver Road, Belle Plaine, KS 67013; Michael Goodwin, President, KS Trails Council, 3819 SE 31<sup>st</sup> Street, Topeka, KS 66605; Ann White, Board Member KS Horse Council, PO Box 1612, Manhattan, KS 66505; Ken Miner, Int. Mountain Bicycling Assoc. & Earth Riders Trails Assoc., 9940 Century Lane, Lenexa, KS 66215; Chad Lamer, Mountain Bike Club, PO Box 1963, Lawrence, KS 66044; Charles Benjamin, KS Chapter Sierra Club, PO Box 1642, Lawrence, KS 66044-8642; Dan Ward, Exec. Director, KS Wildlife Federation, 214 SW 6<sup>th</sup>, Ste. 205, Topeka, KS 66603; Ron Klastaske, Executive Director, Audubon of Kansas, 210 S. Wind Place, Manhattan, KS 66502; Amy Thornton, Legal Council, Department KS Wildlife & Parks, 1020 S. Kansas, Room 200, Topeka, KS 66612-1327

Others attending:

See Attached List.

Chairperson Joann Freeborn called the meeting to order. She reviewed the committee agenda for Thursday, February 12, a review on the Federal Watershed Program by Jeff Gross, Assistant State Conservationist, Natural Resources Conservation Services and a hearing on **HB2674** - Loan program to pay certain costs of rehabilitation of watershed dams.

The Chairperson called the committee's attention to a Fiscal Note on **HB2583**, that had been distributed for members to review. She opened **HB2583** for public hearing.

**HB2583: Recreational trails; noncompliance by responsible party; remedies.**

Raney Gilliland, Legislative Research Department, gave a review of the bill.

The Chairperson announced that due to the large number of conferees on the bill today she was planning to limit the proponents time to speak to five minutes and the opponents to three minutes, since there are more opponents than proponents. She welcomed the first proponent to the committee.

Chris Krass, Landowner, Berryton, Kansas, testified in support of the bill. As a life long resident of Shawnee County, he watched the last trains roll past his land in 1987. Since that time several private groups have tried to develop the abandoned rail corridor into a recreational trail. He supports this bill because he wants adjacent property owners like himself and units of local government to have the right to force groups like the Kanza Rails to Trails Conservancy to maintain their property. (See attachment 1)

Senator Robert Tyson, Twelfth District, was welcomed. He spoke in support of the bill. Rail Trail groups have taken control of hundreds of miles of former railroad right of ways in Kansas. Under Kansas law, these right of ways should have reverted to the adjacent landowner and placed back into their farms when they were no longer used for railroad purposes. (Harvest Queen Mill & Elevator v. Sanders, 189 Kan. 536,