

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on February 1, 2007, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research
Emalene Correll, Kansas Legislative Research
Jason Thompson, Office of Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Representative Tom Sloan
Mike Beam, Kansas Livestock Association
David Webb, Board Member, Kansas Livestock Association-Ranchland Trust
Roxanne Miller, Executive Director, Kansas Land Trust
Craig Phillips, Branch Chief of Conservation and Restoration, Environmental Division, Fort Riley
Greg Foley, Executive Director, State Conservation Commission
Steve Swaffar, Director, Natural Resources, Kansas Farm Bureau
Tom Thompson, Kansas Sierra Club
Stanley Rasmussen, Regional Counsel for the U.S. Army's Central Regional Environmental Office
Mark Schrieber, Westar Energy

Others attending:

See attached list.

Raney Gilliland, Kansas Legislative Research, briefed the Committee on **HB 2147** farm and ranch land protection program. He said a similar bill was considered last year by the House Environment and Natural Resources Committee. He stated that the bill creates a program through the State Conservation Commission to protect working farm and ranch land from being converted to other uses by allowing eligible entities to purchase easements. Noting the priority listing in Section 5, which includes proximity to military installations, he said the program would be funded by fees (.015% of fair market value) assessed when any agricultural land is converted to non-agricultural use and fees assessed through a voluntary emissions compensation program, the latter fee program administered through the Kansas Department of Health and Environment (KDHE). A member raised a question as to whether the easement disappears if an eligible non-profit entity purchases the easement, then buys the property.

The Chair opened the hearing on **HB 2147** and welcomed Representative Tom Sloan, who said the bill reflects some Kansas priority issues: the need for buffer zones around military installations such as Fort Riley and the desire of citizens to preserve open spaces (Attachment 1). He recommended two changes in the bill: change the real estate transaction fee from .015% to 1.5%, and strike section nine.

Mike Beam, Kansas Livestock Association, speaking as a proponent for the bill, provided a packet of information regarding existing statutes, which include facts regarding land trusts and conservation easements and data on the USDA's (United State Department of Agriculture) Farm and Ranchland Protection Program (FRPP), the latter which provides matching funds to states that protect agricultural land (Attachment 2). He commented on the rapid increase in agricultural land being absorbed by development and noted KLA's creation of the Ranchland Trust, a qualifying entity to receive funds and purchase easements. He expressed appreciation for funds (\$350,000 each of the past two sessions) appropriated by the Kansas Legislature, and he listed values provided by the proposed bill.

David Webb, Board Member, Kansas Livestock Association's Ranchland Trust, stated that the bill mirrors a national program and urged members to pass the bill favorably, or, failing that, to recommend it as an interim study.

Roxanne Miller, Executive Director, Kansas Land Trust (KLT), a proponent, said the KLT presently holds 26 easements preserving 4731 acres in Kansas (Attachment 3). She addressed the potential encroachment

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of development at Fort Riley, saying KLT has formed a partnership with Fort Riley through the Army Compatible Use Buffer (ACUB) to preserve about 50,000 acres surrounding the installation. Noting the legislative appropriations the previous two years, she expressed hope for a dedicated funding source to continue the ACUB-KLT initiative.

Craig Phillips, Branch Chief of Conservation and Restoration, Environmental Division, Fort Riley, reviewed the encroachment issues facing Fort Riley and spoke of the partnership between ACUB and KLT, noting the value of a buffer providing enhanced training for soldiers, protecting the public from noise and dust, and shielding endangered species ([Attachment 4](#)). He reminded the Committee of the economic benefits of Fort Riley, stating that this bill will help protect Fort Riley's continued presence in Kansas.

Greg Foley, Executive Director, State Conservation Commission, speaking as a proponent, noted the appropriations received by the Commission; he referenced the matching grants provided from federal sources and commented on present contracts with entities to purchase easements ([Attachment 5](#)). He said the agency requested \$311,500 for FY 2008, noting that the Governor added another \$200,000 in her budget for the Commission.

Steve Swaffar, Director, Natural Resources, Kansas Farm Bureau, commenting on the pressures of development diminishing agricultural land, spoke in support of the bill, saying it provides an opportunity to invest in future generations ([Attachment 6](#)).

Tom Thompson, Kansas Sierra Club, said the bill helps farmers and ranchers to protect their land, provides a heritage for the future, and protects the habitat from encroachment ([Attachment 7](#)).

Stanley Rasmussen, Regional Counsel for the U.S. Army's Central Regional Environmental Office, stated that the Army is supporting similar legislation throughout the United States. He observed that Fort Riley is an expanding Fort, and he detailed how that expansion can be accomplished without direct encroachment on the training areas ([Attachment 8](#)). He noted that Congress is providing additional funding for buffer programs, warning that without a buffer zone, development will threaten endangered species and jeopardize training.

Members queried proponents. Conferees responded as follows:

- Mr. Phillips said ACUB had contacted affected town and county officials; none was concerned about a buffer impinging on their plans for development;
- Mr. Phillips replied that he knows of no plans to expand Fort Riley's acreage, so the buffer zone would not be threatened;
- Ms. Miller stated that an easement would not affect eminent domain proceedings. She replied further that if the Land Trust were to purchase the land, the easement would not be extinguished, but the reserve or contingency rights would be transferred to the Army or to the NRCS (USDA's Natural Resources Conservation Services);
- Ms. Miller said the NRCS determines qualified appraisals;

Members discussed how priority rankings were established. Mr. Foley said the priority items are listed clearly in the bill, but are not in any ascending or descending order.

Speaking in opposition to the bill, Mark Schrieber, Westar Energy, said the funding mechanisms were unacceptable to Westar and ultimately to Weststar's customers, since the increased cost would be passed along to consumers ([Attachment 8](#)). He noted that Section 9 of the bill was especially onerous, since Westar currently pays \$1 million to KDHE for emissions, a capped amount, whereas the bill's fees have no maximum.

The Chairman closed the hearing on **HB 2147**.

Representative Aurand requested the committee sponsor two proposed bills, one increasing the number of days a concession can operate before obtaining a license, and the other extending for four more years a transferable nonresident deer permit statute. By consensus the Committee accepted both bill requests.

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The meeting was adjourned at 5:05 p.m. The next meeting is scheduled for Monday, February 5, 2007.