

SESSION OF 2011

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 123**

As Agreed to March 28, 2011

Brief*

SB 123, as amended, would change existing law to allow the Secretary of the Kansas Department of Wildlife and Parks (KDWP) to directly set fees for the use of cabins owned or operated by the KDWP. Current law requires the Secretary to set cabin fees through the administrative rules and regulations process. The bill would exempt the setting of cabin fees from the 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.

Additionally, the bill would lower the aggregate threshold amount that would require approval by act of the Legislature from 640 acres to 320 acres of land purchased by KDWP. The bill also would amend the exception that currently allows for a purchase of land without such legislative approval from a private individual if the purchase price is less than the appraised value of the land. The bill would allow the KDWP to continue to purchase land under this exception as long as the land totals less than 640 acres. Finally, the bill would allow the State Finance Council to give approval of land purchases when the Legislature is not in session.

* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Conference Committee Action

The Conference Committee agreed to the House amendments to the bill and agreed to further amend the bill by increasing from 160 to 320 the number of acres the KDWP may purchase without legislative approval. In addition, the Conference Committee added language to the bill that authorizes the KDWP to continue to purchase up to 640 acres of land without legislative approval from a private individual if the purchase price is less than the appraised value of the land.

Background

SB 123 was introduced by the Senate Committee on Natural Resources at the request of a spokesperson from KDWP.

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

The House Committee of the Whole amended a previously passed bill, HB 2149, into the bill.

The Kansas Farm Bureau (KFB) provided written testimony as a proponent of HB 2149 in the House Committee on Agriculture and Natural Resources Budget. The testimony stated that the KFB has general policy that opposes increasing the number of acres owned by the state or federal government in Kansas. Additionally, the policy encourages leasing of land, rather than purchase, for hunting and fishing activities. The statement from KFB states that it realizes that HB 2149 does not prevent acquisition of publicly owned land by KDWP, but does reduce the acreage allowed to be purchased without legislative oversight and approval.

The Acting Secretary of KDWP, Robin Jennison, testified as an opponent of the bill in the Budget Committee. KDWP does not object to the intent of the bill, but rather has

concerns that the provisions of the bill do not allow it to address situations that may occur in which it would be to the benefit of the state to acquire property in a timely manner, such as when the Legislature is not in session. The Acting Secretary requested that the Committee amend the bill to allow the State Finance Council to approve land acquisitions during the times that Legislature is not in session. The Committee adopted this amendment.

The fiscal note prepared by the Division of the Budget on the original SB 123 indicated the change in law would likely result in increased revenue for the KDWP, but no specific amount could be estimated. Any fiscal effect resulting from the passage of SB 123 was not included in amounts recommended in *The 2010 Governor's Budget Report*.

The fiscal note on HB 2149 indicated that the amendment would not have an effect on the state's revenue or expenditures.

Dept. of Wildlife & Parks; cabin fees; land purchases