

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
TOPEKA, KS 66612
(785) 296-7667
brett.fairchild@house.ks.gov

150 NW 40TH STREET
ST. JOHN, KANSAS 67576



BRETT FAIRCHILD
113TH DISTRICT

Thank you, Mr. Chairman for the opportunity to testify in favor of SB 370. The wording of the bill is the same as a bill that I introduced in the house a couple of months ago, which is why I'm here today. I introduced the bill on behalf of Mrs. Angel Cushing, who's a conservative political activist. She goes around the state and speaks about the issue of private property rights. She's really the expert on this issue, so if you have any questions for me that I can't answer, she should be able to answer them for you.

From my perspective, over the past several decades the size and scope of the federal government has grown far beyond what our founding fathers ever intended. Our founders intended for the federal government to be limited by the Constitution, but instead the government has continued to grow, and because of that the rights of the people continues to be infringed on. I believe we've seen continued infringements on private property rights, and I believe this problem has become worse during the Biden administration. With the Biden administration, we've seen the 30 by 30 proposal, which is a worldwide initiative for governments to designate 30% of earth's land and ocean area as protected areas by 2030. From my perspective, I don't believe there's any way that the federal government could ever accomplish this without infringing on private property rights. The connection between the 30 by 30 proposal and the expansion of national trails and national heritage areas is that all these things represent a potential threat to private property rights. In addition to that, many of those who advocate the 30 by 30 initiative also see a connection between that and the NHA's and national trails. They view the expansion of NHA's and national trails as a way to promote their conservation agenda through the 30 by 30 proposal.

The opponents of this bill will claim that eminent domain is never used to create national trails and national heritage areas. However, this isn't entirely true. For example, the Appalachian Trail used eminent domain 400 times. The National Park Service acquired 15,266 acres along the trail through eminent domain between 1986 and 1997, out of nearly 150,000 total acres along the trail.

While eminent domain isn't normally used to create national trails and NHA's, the potential for eminent domain to be used is still there. Many of the biggest advocates of the national trails and NHA's advocate using eminent domain to fill in the privately owned "gaps" in the trail. By using the term "gaps," what I'm referring to is individuals who live along these trails who don't want to go along with what the National Park Service wants them to do. Often, the National Park Service will enter into

agreements with individuals who live along the trails to allow them to use their land for the trail. However, the land along the trails often changes ownership. As a result, the agreements that the National Park Service entered into with the previous landowners are no longer in affect when the land ownership changes hands. Sometimes the new landowners don't want the trails to go across their land, and this causes the trails to have to reroute across their land. As a result, many advocates of the trails believe that eminent domain will ultimately have to be used to fill in the gaps in the trails.

Lastly, I believe the goal of this legislation is to simply keep the federal government within this box. I wouldn't personally have a problem with our state funding the national trails and national heritage areas if the federal government can prove that they can maintain these things without infringing on private property rights. I believe this legislation is necessary in the event the federal government oversteps its bounds and infringes on private property rights in the construction of national trails and national heritage areas. This bill allows the people of our state to have a say on this issue through their elected representatives. If we see the federal government infringing on the private property rights of the people of our state, the state legislature can then respond to that by cutting off funding for the national trails and national heritage areas.

Representative Brett Fairchild