

Senate Federal & State Affairs Committee
Senate Bill 370
Proponent Testimony of David M. Copeland
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Chairman Thompson,

Senate Bill 370 addresses an ongoing overreach of the national government that threatens to place millions of acres of private land under federal jurisdiction with little or no input from property owners or our elected officials. Congressional designation of a national heritage area or national historic trail without approval of the state legislature is a violation of the Constitution of the United States. While the goal of Congress as stated in the National Park Service pamphlet may seem noble...

to promote the conservation of natural, cultural and historic resources that combine to form a cohesive, nationally historic landscape. Through their resources and communities, NHAs tell nationally important stories that celebrate our diverse heritage. NHAs provide a grassroots, community-driven approach to heritage conservation and economic development. Through public-private partnerships, NHA entities support historic preservation, natural resource conservation, recreation, heritage tourism, and educational projects. Matching federal funds and leveraging additional resources for projects, NHA partnerships foster pride of place and an enduring stewardship ethic.

... there is the significant potential and history of by-passing the rights of property owners. A “grassroots, community-driven” approach is a method of avoiding objections of property owners to achieve intangible goals while producing little or no actual recreation, heritage tourism or educational projects. What’s more, there is little or no accountability, ensuring the renewal of perpetual public funding.

Even when national heritage area management plans indicate a guiding principle of respecting property rights, local jurisdictions have quoted NHA standards to change zoning regulations or risk the loss of federal funds. This has occurred in Arizona, Massachusetts, West Virginia, New York and Rhode Island, to name a few examples.

The management plan for the Columbia River Gorge NHA in Washington and Oregon dictates the colors a property owner can paint his house and the variety of trees that can be planted within the artificial boundary of the NHA.

In each case cited above you will likely find that the legislatures of the various states did not consent to the NHA designations in their state and have caused property owners to lose control of the land to unaccountable public/private entities operating under the National Park Service.

Article I, § 8 gives Congress authority to exercise legislative authority over all places purchased by the consent of the legislature of the state in which the same shall be. There is no exception to this requirement of consent of the state legislature unless that legislature is content to abrogate its responsibility.

Thank you for considering SB370 as a means to provide accountability to property owners in Kansas.