

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Tom Arpke at 8:30am on Thursday, March 03, 2016, 159-S of the Capitol.

All members were present

Committee staff present:

Tamera Lawrence, Office of Revisor of Statutes
Heather O'Hara, Legislative Research Department
Toni Beck, Kansas Legislative Committee Assistant
Raney Gilliland, Legislative Research Department

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

Hearing on: HB2341 — Prioritizing options for disposal of seized wildlife.

Chairman Arpke opened the hearing on the bill and turned the Committee's attention to **HB2341- Prioritizing options for disposal of seized wildlife.**

Tim Nedeau testified as a proponent to the bill stating the crime of poaching occurred on their land, according to state statute K.S.A. 32-1013. The poacher pled guilty to poaching the deer on their property during the Osage county court proceedings. The antlers from the poached deer were not returned to him. As a result, he felt the Department of Wildlife, Parks and Tourism were not accurate in their decision as to his rights as a land owner. He is in support of the bill offering poached wildlife taken from private property to the landowner first. ([Attachment 1](#)) ([Attachment 2](#))

Lois Shuck presented testimony as a proponent to the bill commenting the poacher admitted to shooting the deer on their property. She is adamant the antlers taken from poaching a deer should be the property of the landowner and is in favor of her son, as her partner in the family farm, be given the antlers, from the deer killed in 2011. All of the details of the proceedings are documented in the Osage county court records. ([Attachment 3](#))

Robin Jennison presented testimony in opposition to the bill stating it is contrary to the long-standing history of wildlife management in Kansas. The law passed last session has just gone through its second hunting season and many of the cases are now being processed through the judicial system. Unlawfully harvested wildlife is not privately owned, although it may reside on private property. The European model of wildlife management is a model of ownership our forefathers specifically sought to change when coming to America. The judicial process for decision of wildlife ownership is a new concept and

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in the infancy stages in the legislature. ([Attachment 4](#))

Vance Ralstin submitted written testimony contending the bill would conflict with existing and long-standing law in Kansas, stating wildlife belongs to all citizens of the state; it would be in conflict with the foundation in public trust doctrine. ([Attachment 5](#))

Discussion:

A question was asked if antlers could be donated to a museum of sorts. Antlers involved in a dispute stand the possibility of being destroyed. Concerns were expressed over the rights of the landowner over the ruling laws at this time. Judiciary action will be a good regulator in the future over this issue.

Chairman Arpke closed the hearing on the bill, as there was no additional testimony to be presented.

Continuation of opposition testimony SB425 — Authorizing the board of county commissioners of any county to regulate conservation easements on property located within the county.

Chairman Arpke opened the continuation hearing for opposition testimony.

Bill Eastman presented testimony in opposition to the bill stating the current level of oversight is more than sufficient and additional governmental requirement would not add any value to the process. ([Attachment 6](#))

Mike Beam presented testimony in opposition to the bill commenting giving county commissioners the authority to demand their own set of guidelines will only create regulatory overkill. ([Attachment 7](#))

Jerry Jost presented testimony in opposition to the bill stating it imposes unnecessary governmental regulations on landowner property rights. ([Attachment 8](#))

Ron Klataske presented testimony in opposition to the bill commenting it threatens to undermine the working relationship and successes that have evolved between Kansas landowners, conservation organizations and agencies involved in establishment of conservation easements. ([Attachment 9](#))

Joe Kramer presented testimony in opposition to the bill stating it would deny private landowners the ability to receive federal income tax benefits, and adding onerous red tape and government bureaucracy. ([Attachment 10](#))

Fred Coombs provided written testimony in opposition to the bill stating it would destroy a program that has worked well in the past, protecting his investment of labor for future generations. ([Attachment 11](#))

Vance Ralstin provided written testimony in opposition to the bill stating it would preclude an interest

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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by landowners from receiving the federal tax benefits for their voluntary donation to conserve wildlife habitat. ([Attachment 12](#))

Jeffrey Neel provided written testimony in opposition to the bill considering this an assault on conservation and family farm easements. ([Attachment 13](#))

Robert Lichtwardt provided written testimony in opposition to the bill that would change the whole purpose and operation of the Kansas Land Trust and eliminate needed effectiveness. ([Attachment 14](#))

Sharon Ashworth provided written testimony in opposition to the bill commenting county commissioners will be put in the untenable position of micromanaging the terms of an easement, trying to establish guidelines and governing easement at the county level. ([Attachment 15](#))

Peter Cohen provided written testimony in opposition to the bill as the current easement program protects the land trusts and does not need additional oversight. ([Attachment 16](#))

William Jensen provided written testimony in opposition to the bill that would prevent long-term protections, via conservation easements, of landscapes that are significant to the wildlife and ranching heritage. ([Attachment 17](#))

Joe Molina provided written testimony in opposition to the bill stating the grant of an easement makes a huge difference to a landowner ability to pass along the property to the next generation for long periods of time. ([Attachment 18](#))

Kent Bacon provided written testimony in opposition to the bill stating the easement allows the preservation of the ranch as a productive agricultural ranch for perpetuity. ([Attachment 19](#))

George Ulbrick provided written testimony in opposition to the bill commenting this would weaken the protections the easement provides and invite unwelcome government control over landowners interests. ([Attachment 20](#))

There being no further testimony, Chairman Arpke closed the hearing on the bill.

The meeting was adjourned at 9:30 am. The next scheduled meeting will be Wednesday, March 7.