

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 363**

As Agreed to March 31, 2004

Brief *

SB 363 would enact several provisions of law dealing with the Department of Wildlife and Parks.

Wild Turkey Provisions. The bill would eliminate wild turkey from the definition of "big game animal" in the Wildlife and Parks statutes. New language in the bill would allow the Secretary of Wildlife and Parks to issue valid wild turkey permits and game tags. Authority would be given to the Secretary to issue wild turkey permits to nonresidents in wild turkey management units where there are unlimited permits available. In addition, the bill would provide that 50 percent of the wild turkey permits authorized for a regular season in any management unit would be issued to landowners or tenants, provided that a limited number of turkey permits have been authorized. The maximum fees for the various permits and tags would be the same as they are for other big game species. General authority would be given to the Secretary to manage wild turkeys in this state.

Hunting Requirements for Kansas Residents. These provisions would:

- ! require persons 16 years of age or more to have completed an approved hunter education course when hunting on land other than their own;
- ! require a person 16 to 26 years of age or is less than 16 but 12 or more years of age and hunting without adult supervision, to possess a certificate of completion of the course while hunting;

*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. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- ! require the Secretary of Wildlife and Parks to prescribe a hunter education course of not less than a total of 10 hours for persons 11 years of age or more;
- ! prohibit a person less than 12 years of age from hunting unless under the direct supervision of an adult who is 18 or more years of age;
- ! prohibit a person 12 to 15 years of age and who has not been issued a certificate of completion of an approved hunter education license from hunting unless under the direct supervision of an adult who is 18 or more years of age; and
- ! deny a person using a bow and who is less than 14 years of age a permit to take big game unless the person provides to the Secretary satisfactory evidence of completion of a bow hunting safety education course.

Special Hunter Education Course for Nonresidents. These provisions would:

- ! permit the Secretary to prescribe a course of instruction of less than 10 hours for persons residing in other jurisdictions and entering the state to hunt;
- ! authorize the Secretary to issue a certificate of completion of the approved special hunter education course valid through calendar year January 31 following completion of the course; and
- ! require the person taking the course to pay the Department \$25 upon registering for the course, of which \$20 would be remitted by the Department to the instructor.

Deer Archery Management Units. The bill also would require the Secretary of Wildlife and Parks to establish not less than nine archery management units for deer. The boundaries of these units would, to the extent possible, coincide with the firearm management units for deer. The Secretary of Wildlife and Parks would submit a report to the House Tourism and Parks Committee and the Senate Natural Resources Committee regarding archery management units.

Military Personnel Reissue of Certain Draw Permits. The bill also would allow the Department of Wildlife and Parks to reissue big game or turkey limited draw permits to military personnel forced to

forfeit their limited draw permit due to deployment in the event of armed conflict or war, upon application and payment of the prescribed fee to the agency. Sufficient proof of deployment would have to be provided. The permit, if reissued, would have to be the same type, season, and species permit that was forfeited and would be valid during the next available hunting season upon return from the armed conflict or war by the applicant. This language would replace similar language passed for those who participated in the Gulf War of the early 1990s. This provision would be effective upon publication in the *Kansas Register*.

All the provisions except for the one dealing with the military personnel being able to have certain draw permits reissued would be effective January 1, 2005.

Conference Committee Action

The Conference Committee added the provision of SB 364 as amended by Senate Committee on Natural Resources; made a technical change to the minimum age of bowhunters; and provided for the establishment of at least nine archery management units for deer.

Background

The Senate Committee on Natural Resources amended SB 364 to eliminate provisions which would have given the Wildlife and Parks Commissioners the authority to issue "commissioner permits." These permits would have been issued to nonprofit organizations that actively promote wildlife conservation and the hunting and fishing heritage. The permits would have been marketed by the organizations to the public in order to raise money for the organizations.

SB 364 was introduced at the request of a spokesperson from the Kansas Department of Wildlife and Parks. At the hearing on the bill, the spokesperson from the agency indicated that the Department wanted to recognize and extend appreciation to those military personnel who have been deployed and were forced to forego their permit. In addition, the spokesperson stated that wild turkeys have been classified as big game since the beginning of their recovery in Kansas. The spokesperson stated that the current law creates confusion among constituents in regard to regulations for wild turkeys.

The spokesperson stated that many states in the west offer commissioner permits in order to aid financially some of the partners that wildlife management agencies have.

Written comments in support of the legislation were provided by the Kansas Sport Hunting Association and the State Director for Kansas Farmers and Hunters Feeding the Hungry.

Appearing in opposition to the "commissioner permit" and revision of the designation of wild turkey portions of SB 364 was a spokesperson for the Kansas Wildlife Federation.

The fiscal note on the original SB 364 indicates that there would be no fiscal impact from enactment of the bill.

SB 363 was introduced at the request of a spokesperson from the Kansas Department of Wildlife and Parks. At the hearing before the Committee on Natural Resources the Department spokesperson explained that the agency was seeking to lessen the burden of the hunter education requirements for nonresidents, while maintaining the integrity of the hunter safety program in Kansas. The Department also seeks to remove minimum age restrictions on hunting in Kansas as well as increase participation and recruitment of youths into hunting. Written testimony in support of the measure was also received from the Kansas Sport Hunting Association. No one testified against the bill.

The only conferee to appear before the House Committee on Tourism and Parks was Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks. This conferee suggested an amendment to restore language inadvertently stricken that pertains to bow hunter safety education for persons 15 and under when hunting big game with archery equipment. The other amendments were requested by a constituent of a Committee member.

The House Committee of the Whole added the language that would require persons less than 16 but 12 or more years of age and hunting without adult supervision to possess a certificate of completion of the course while hunting.

According to the fiscal note prepared by the Division of Budget, the Kansas Department of Wildlife and Parks estimates that there would be no net fiscal effect from this bill's passage. It also states

that additional revenues from the nonresident shortened courses would be offset by the Department's costs of the program.