

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 59

As Amended by Senate Committee of the Whole

Brief*

SB 59 would allow the State of Kansas to enter into and participate in the Interstate Wildlife Violator Compact. Membership in the Compact would establish a process whereby wildlife violations committed by a nonresident from a compact member state would be handled as if the person were a resident of Kansas. These individuals could be released under personal recognizance instead of facing arrest, booking, and bonding. In addition, entrance into the Compact would include reciprocal recognition of license privilege suspension by members states and would allow Kansas to deny issuance of a license or permit to a person whose privileges have been revoked by another Compact member state.

Under the Compact language there would be authority for a board of compact administrators composed of one representative from each party state. The board of administrators could adopt by-laws, accept donations and grants, and contract with or accept services or personnel from governmental or non-governmental groups or other groups as listed in the language of the bill.

Further, the bill would require the Secretary of the Kansas Department of Wildlife and Parks to promulgate rules and regulations as deemed necessary to carry out the purposes of the Compact. The Secretary would be required to appoint the director or head of the Department's law enforcement division to serve on the board of the compact administrators.

Under the Compact language any person who knowingly hunts, fishes, traps, possesses, or transports any wildlife, or attempts to do any of these activities within Kansas in violation of the suspension or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

revocation provided by the Compact, would be guilty of a class A non-person misdemeanor and subject to the following:

- ! a fine of not less than \$1,500 nor more than \$5,000; and
- ! suspension or forfeiture for a period of not less than two years nor more than five years in addition to and consecutive to the original revocation or suspension set forth by the Compact for any privilege or right to hunt, fish, trap or otherwise take, possess, or have any issue of the Department.

The sentencing judge may impose other sanctions pursuant to KSA 21-4502 and KSA 21-4603d.

In addition, provisions of the bill would subject any person who knowingly purchases or possesses, or attempts to purchase or possess, a license to hunt, fish, trap, possess, or transport wildlife in violation of any suspension or revocation under the Compact would be guilty of a class A non-person misdemeanor and subject to the following:

- ! a fine of not less than \$750 nor more than \$2,500; and
- ! suspension or forfeiture for a period of not less than two years in addition to and consecutive to the original revocation or suspension set forth by the Compact for any privilege or right to hunt, fish, trap or otherwise take, possess, or have any issue of the Department.

The sentencing judge may impose other sanctions pursuant to KSA 21-4502 and KSA 21-4603d.

Background

This bill was introduced at the request of a spokesperson from the Kansas Department of Wildlife and Parks. At the hearing on the bill, a representative of the Department indicated that the Compact would establish a process whereby wildlife violations committed by a nonresident from a compact member state would be handled as if the

person were a resident of Kansas. The spokesperson stated that the person would be released under personal recognizance instead of facing arrest, booking, and bonding. In addition, it was noted that the process would be a convenience for the person cited and increase the efficiency of officers by allowing them more time for public contacts and enforcement duties rather than processing procedures required for arrest of nonresidents. The Committee also was told that the Compact includes reciprocal recognition of license privilege suspension by member states. This would allow Kansas to deny issuance of a license or permit to a person whose privileges have been revoked in another Compact member state. The Committee was told that the Compact language had been adopted by 19 other states, with another eight states in the process of considering the adoption of the language. This conferee appeared in support of the bill.

A representative of the Kansas Wildlife Federation also appeared in support of the bill. No other conferees appeared on the bill.

The Senate Committee on Natural Resources amended the bill by striking the original portion of the Compact language dealing with Kansas penalties and substituting the language outlined above for violation of the provisions of the Compact language.

The Senate Committee of the Whole amended the bill by amending the provisions dealing with violations to add "knowingly" in each provision.

The fiscal note on the bill indicates that the Department of Wildlife and Parks estimates that the time commitment for administration of this compact would be 20.75 hours per month (249 hours per year) resulting in a monthly cost of \$397 and an annual cost of \$4,764 per year. It also states that these amounts are based on a July 2004 survey of compact member states conducted by the Wildlife Violator Compact Board. The same survey estimated that time and money savings attributed to officers not being required to arrest, book, and bond non-resident violators amounts to 430 hours per year, or a savings of \$10,250. Finally, the fiscal notes indicates that the Department states that administration of the compact would require no additional staffing and that passage of this bill would have no net fiscal effect on its budget.

