

SESSION OF 2014

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 357**

As Agreed to May 1, 2014

Brief*

SB 357 would increase the number of deferrals from one to two for the completion of hunter education for a person who is 16 or more years of age. Each deferral would be valid until the end of the license year in which a license is purchased.

The bill also would authorize the Department of Wildlife, Parks and Tourism (KDWPT) to purchase a parcel of land of approximately 398 acres in Cherokee County and a parcel of land of approximately 484 acres in Pottawatomie County.

In addition, the bill would change the options available to KDWPT in disposing of unlawfully taken wildlife items. Under the bill, the KDWPT would be required to first offer the seized item to the landowner or tenant on whose property the wildlife parts were unlawfully taken, provided:

- The wildlife parts are no longer needed as evidence;
- The location of the violation can be positively ascertained;
- There is no dispute between landowners or tenants as to who may receive the wildlife parts;
- The landowner or tenant did not commit the violation for which the wildlife parts were seized; and

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

- The wildlife parts are transferred within two years of adjudication of the violation.

If the landowner or tenant declines the offer by KDWPT, the KDWPT would be authorized to dispose of the seized item by any of the following methods:

- Sell the seized item (existing law);
- Retain the seized item for educational, scientific, or department operational purposes (existing law); or
- Destroy the item (new language).

Conference Committee Action

The Conference Committee agreed to the House version of SB 357 (hunter education deferrals). In addition, the Conference Committee added the provisions of SB 366 and SB 370 (land purchases in Cherokee and Pottawatomie counties). The Conference Committee also added language that would direct KDWPT to offer unlawfully taken wildlife parts to the landowner or tenant on whose property the wildlife was unlawfully taken, provided certain requirements have been fulfilled. In addition, the Conference Committee added “destroy the seized item” as a possible disposal method.

Background

The bill, as amended by the Conference Committee, contains provisions of the House version of SB 357 (hunter education deferrals), SB 366 (Cherokee County land purchase), and SB 370 (Pottawatomie County land purchase). In addition, the subject matter of HB 2538 was discussed by the Conference Committee and other language was incorporated into the bill.

SB 357 Background

The bill was introduced by the Senate Committee of Natural Resources. At the Senate Committee hearing on the

bill, the Chief Legal Counsel of the KDWP provided testimony in support of the bill. The Chief Legal Counsel stated the bill is one piece of hunter recruitment efforts of the KDWP. The apprentice license allows anyone 16 or older to buy a hunting license, deferring the requirement for hunter education certification, but requiring the holder to have adult supervision while hunting. The Chief Legal Counsel explained that weather conditions, game populations, and other factors may limit the hunting experience of an apprentice who is currently allowed a one-time deferral. The Chief Legal Counsel stated allowing prospective hunters to purchase up to three apprentice licenses would ensure adequate hunting opportunities. There was no opponent or neutral testimony on the bill.

At the hearing on the bill before the House Committee on Agriculture and Natural Resources, the only conferee was the Secretary of Wildlife, Parks and Tourism who appeared as a proponent.

The House Committee amendment changes the number of allowable separate deferrals for completion of hunter education from three to two.

The fiscal note provided by the Division of the Budget states passage of the original bill would have no fiscal effect on KDWP operations.

SB 366 Background

The bill was introduced by the Senate Committee on Ways and Means. Representatives of KDWP testified as proponents of the bill. Other proponents were representatives of The Nature Conservancy of Kansas and the Department of Health and Environment.

KSA 32-833 limits the standing authority of KDWP to purchase land similar to the subject of this bill to 320 acres.

The fiscal note prepared by the Division of the Budget indicates this bill would increase expenditures by \$433,500 in FY 2014, all from Natural Resource Damage Assessment funds. While the bill might have a revenue impact due to increased hunting license sales, the amount could not be estimated.

SB 370 Background

The bill was introduced by the Senate Committee on Ways and Means. Proponents for the bill included representatives of KDWPT, the National Wild Turkey Federation, and Pheasants Forever. Written proponent testimony was provided by the current owner, who holds the property in trust.

The fiscal note prepared by the Division of the Budget indicates this bill would increase expenditures by \$768,000 in FY 2014 from the Wildlife Fee Fund and federal Wildlife Restoration Fund. While the bill might have a revenue impact due to increased hunting license sales, the amount could not be estimated.

HB 2538 Background

The bill was introduced by the House Committee on Agriculture and Natural Resources. The bill would grant a landowner the right of first refusal to all wildlife illegally hunted on the landowner's land, unless the wildlife was illegally hunted by the landowner.

At the House Committee hearing on the bill, the proponent indicated illegally taken wildlife, under current law, is the property of the state and is to be managed or held in trust for the public good. The proponent stated the wildlife taken illegally should not be used for promotional purposes, but rather should be the property of the owner of the land where the wildlife was illegally taken. The proponent discussed a trophy deer taken on his property.

The opponent to the bill was the Secretary of Wildlife, Parks and Tourism. The Secretary stated wildlife was held in trust for the public and illegally taken wildlife remains public property. He stated only when wildlife is lawfully taken does it become personal property. The Secretary stated the bill was contrary to wildlife management in Kansas and across North America, and it has the potential to increase alleged unlawful taking of wildlife in order to benefit unscrupulous individuals.

The House Committee amended the bill to make it apply to all wildlife and not just to the antlers of deer. In addition, the Committee amended the bill to clarify that the right of first refusal would not apply if the wildlife was illegally hunted by the landowner.

During the Conference Committee on SB 357, the Committee asked the KDWPT to provide alternative language regarding the issue brought forward by HB 2538, which was used as a starting point for discussing language to address the issue of disposing of unlawfully taken wildlife parts and seized items.

The fiscal note on the original bill states the Department of Wildlife, Parks and Tourism believes the bill would have no fiscal impact.

Kansas Department of Wildlife, Parks and Tourism; hunter education; wildlife; disposal of seized wildlife parts; land purchases

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