

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 388** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 5 through 34;

By striking all on page 2, and inserting:

"Section 1. K.S.A. 2015 Supp. 32-1047 is hereby amended to read as follows: 32-1047.

(a) ~~Subject to the provisions in subsection (b),~~ The department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. ~~The department is hereby authorized to~~ shall:

(1) Offer the seized item, if the item is unlawfully taken wildlife parts, to the landowner or tenant on whose property the wildlife parts were unlawfully taken, provided:

(A) The wildlife parts are no longer needed as evidence;

(B) the location of the violation can be positively ascertained;

(C) there is no dispute between landowners or tenants as to who may receive the wildlife parts; and

(D) the landowner or tenant did not commit the violation for which the wildlife parts were seized; and

~~(E) the wildlife parts are transferred within two years of adjudication of the violation;~~

(2) The provisions of subsection (a)(1) are construed to be and shall be applied.

retroactively as they relate to antlers, antler sheds and horns seized by the department after January 1, 2005, and in the care, custody, control, management or possession of the department as of January 1, 2015, when the landowner or tenant whose property on which the antlers, antler sheds or horns were unlawfully taken, requests such wildlife parts to be returned to such landowner or tenant. This subsection shall apply to antlers, antler sheds and horns in the possession of the department or in the possession of some other entity pursuant to an agreement with the department.

(b) If the seized item is not unlawfully taken wildlife or is unlawfully taken wildlife that is not disposed of as described in subsection (a), the department is hereby authorized to:

~~(2)~~(1) Sell the seized item, including wildlife parts with a dollar value, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. If the seized item is a firearm that has been forfeited pursuant to K.S.A. 22-2512, and amendments thereto, then it may be sold unless: ~~(1)~~(A) The firearm is significantly altered in any manner; or ~~(2)~~(B) the sale and public possession of such firearm is otherwise prohibited by law. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wildlife fee fund;

~~(3)~~(2) retain the seized item for educational, scientific or department operational purposes; or

~~(4)~~(3) destroy the seized item.

~~(b) The department shall give priority to disposing of unlawfully taken wildlife items in accordance with the process provided for in subsection (a)(1):~~

Sec. 2. K.S.A. 2015 Supp. 32-1047 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.";

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "wildlife; relating to seizure of wildlife; disposal; amending K.S.A. 2015 Supp. 32-1047 and repealing the existing section";

And your committee on conference recommends the adoption of this report.

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Conferees on part of House

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Conferees on part of Senate