

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2341

As Recommended by House Committee on
Judiciary

Brief*

HB 2341 would require the Department of Wildlife, Parks and Tourism (Department) to offer unlawfully taken wildlife parts to the landowner or tenant on whose property the wildlife was unlawfully taken before exercising the other options for disposing of the wildlife. Current law only authorizes the Department to take this action as one of four options.

This requirement would be applied retroactively as it relates to deer antlers, antler sheds, and horns seized by the Department after 2005 and still in the Department's care, custody, control, management, or possession when the landowner or tenants whose property on which the antlers, antler sheds, or horns were unlawfully taken requests to have such wildlife parts returned to the landowner or tenant.

The bill would be in effect upon publication in the *Kansas Register*.

Background

In the House Committee on Agriculture and Natural Resources, a Kansas land manager appeared in support of the bill. The land manager was a primary proponent for the change enacted in 2014 SB 357 allowing the Department, in some circumstances, to offer the unlawfully taken wildlife parts to the landowner or tenant on whose property the

*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>

wildlife parts were unlawfully taken. The land manager explained how a deer poached on private property belonging to his family was kept by the Department and is requesting that the legislation be passed to allow the antlers from the poached deer to be returned to him and his family. The landowner of the property on which the deer was poached also appeared in support of the bill and other local landowners offered written proponent testimony.

The Secretary of Wildlife, Parks and Tourism appeared as an opponent and stated the foundation of fish and wildlife management in North America is based on seven guiding principles, first of which is that wildlife is managed in trust by wildlife agencies for the good of all, a principle that has stood the test of time since the 1800's. The Secretary maintains that wildlife are not privately owned but owned by the state.

The House Committee on Agriculture and Natural Resources took no action on the bill, which subsequently was referred to the House Committee on Appropriations and then to the House Committee on Judiciary.

The fiscal note prepared by the Division of the Budget indicates passage of the bill would cause Department officers to make contact with landowners and tenants to determine if they would like the seized items returned and to make arrangements for any returns. Previously, the Department has sold antlers at public auction with annual revenue over the last four years varying from \$335 in 2011 to \$6,295 in 2014, with an annual average of \$2,681. If the number of seized items returned to landowners and tenants increases, the Department expects the annual revenue from antlers to decrease. The Department cannot estimate what changes to expenditures or revenues may be associated with the change, however.