

2023

Legislative Update

FEBRUARY 22, 2023

SB = Senate Bill | HB = House Bill
CR = Concurrent Resolution

HB 2006

Making the use of artificial light for the purpose of spotting, locating or taking wildlife unlawful and restricting rule and regulation authority.

This bill was prefiled on 1/5. On 1/9, this bill was introduced in the House and referred to the House Committee on Agriculture and Natural Resources.

No hearings have been scheduled as of the time of this update.

Background: In 2020, following extensive public input, the Kansas Wildlife and Parks

Commission approved the use of artificial light and thermal-imaging equipment for hunting coyotes at night beginning with the 2021 season. Use of the special equipment is allowed only with a Night Vision Equipment Permit on private lands, during a dedicated season, and without the aid of a vehicle.

Agency Stance: KDWP opposes HB 2006 because it seeks to reverse the carefully reached decision of the Kansas Wildlife and Parks Commission, which was informed by public input and sound scientific data.

To contact the Committee responsible for HB 2006, visit bit.ly/HouseAgNR.

HB 2039

Exempting disabled veterans from certain requirements and fees relating to hunting and fishing licenses.

This bill was introduced in the House, and referred to the House Committee on Veterans and Military on 1/17.

This bill had hearing on 1/24. On 2/9, the Committee Report recommended this bill be passed as amended.

On 2/22, the Committee of the Whole passed this bill as amended.

Background: Currently, KDWP offers free hunting and fishing licenses to disabled veterans with entitlement papers showing proof of at least 30% disability.

Agency Stance: KDWP opposed HB2039 in its original form, which initially aimed to: Exempt veterans with service-connected disabilities of 50% or greater from obtaining annual hunting, fishing or combination hunt/fish licenses or lifetime licenses; Prohibit KDWP from charging such disabled veterans any fee; Remove from existing law the half-priced discount on annual hunting, fishing, or combination hunting/fishing licenses for those age 65 to 74; and, Require those age 75 and older to obtain a hunting or fishing license by removing their statutory exemption.

KDWP is neutral to HB2039 in its current form – which aims to instead issue, free of charge, a permanent license to hunt and fish to any resident with a service-connected disability equal to or greater than 30% – so long as KDWP be allowed to partner with a third-party to reimburse the agency for the cost of a disabled veterans license, such as a nonprofit.

To contact the Committee responsible for HB 2039, visit bit.ly/HouseVM.

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About KDWP

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HB 2079

Establishing a statutory white-tailed deer firearm season and requiring KDWP to provide resident hunting license holders select permits for free.

On 1/18, this bill was introduced in the House, and referred to the Committee on Agriculture and Natural Resources Budget.

No hearings have been scheduled as of the time of this update.

Background: HB 2079 was introduced by Legislators in the House Committee on Agriculture and Natural Resources; It was not introduced by KDWP, and biologists and other key subject matter experts at KDWP have significant concerns regarding HB 2079.

If approved, HB 2079 would require KDWP to issue every Kansas lifetime hunting or combination lifetime license holder with an any-season white-tailed deer permit free of charge; every hunting license holder with an antlerless white-tailed deer permit; and establish an annual firearm white-tailed deer season on the Wednesday before Thanksgiving Day through the second Sunday in December.

Agency Stance: KDWP opposes HB 2079 in its original form due to its lack of biological merit, the impediment it would create for Kansas to receive matching federal funds from the U.S. Fish and Wildlife Service, and because the Legislative process limits opportunity for critical public input (when compared to the regulatory process followed by the Kansas Wildlife and Parks Commission).

KDWP's administration has been in discussions with several legislators who have expressed intent to suggest changes to HB 2079 that they believe are needed. The changes being discussed are changes that key subject matter experts at KDWP would likely agree with, if approved.

To contact the Committee responsible for HB 2079, visit bit.ly/HouseAgNRB.

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HB 2198

Providing membership affiliation in the Kansas Police and Firemen's Retirement System for certain law enforcement officers and employees of the Kansas Department of Wildlife and Parks.

This bill was introduced in the House, and referred to the Committee on Financial Institutions and Pensions on 1/26. This bill had a hearing and final action on 2/20. On 2/21, the Committee Report recommended the bill be passed.

NOTE – In order for HB 2198 to become law, the bill must still:

- Be heard and approved by a majority vote in the House (slated for 2/23).
- Received and introduced in the Senate; and referred to a Senate Committee
- Be heard and approved by a majority vote in a Senate Committee
- Be heard and approved by a majority vote in the Senate
- Once these steps are achieved, this bill could be signed into law by the Governor and filed with the Secretary of State.

Background: KDWP has previously sought to affiliate its law enforcement personnel with the Kansas Police and Fireman's Retirement System (KPF) without success. Currently, all law enforcement personnel with KDWP are enrolled in the Kansas Public Employees Retirement System (KPERS). KDWP law enforcement officers have the same statewide jurisdiction law enforcement certification as Kansas Highway Patrol officers and Kansas Bureau of Investigations agents, entities that are already in KPF. Lastly, KDWP is entirely fee funded, thus the transition of KDWP law enforcement staff into KPF would have no negative impact on State General Funds.

Agency Stance: KDWP believes affiliation with KPF is necessary for the long-term health of the agency and will aid in recruitment and retention of valuable public safety positions, therefore KDWP supports HB 2198 in its original form.

To contact the Committee responsible for HB 2198, visit bit.ly/HouseFIP.

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HB 2331

Designating Lehigh Portland State Park.

This bill was introduced in the House and referred to the Committee on Agriculture and Natural Resources on 2/7.

This bill had a hearing on 2/16. This bill was scheduled for final action on 2/20. On 2/21, the Committee Report recommended this bill be passed.

This bill is slated to be discussed by the Committee of the Whole on 2/23.

Background: HB 2331 seeks to establish a new Kansas State Park under the name Lehigh Portland, which pays homage to Allen County's industrial past and specifically to the cement plants present on the site.

The property's main features include the abandoned quarry that has become a 138-acre lake, historic farmsteads, a 300-foot-long cave, birdwatching, trails and more.

KDWP wishes to welcome Lehigh Portland into the Kansas State Parks system so that the agency may offer enhanced access, safety, community relations, programming, marketing, and enforcement.

Agency Stance: Because of its ability to increase state park access in Kansas, KDWP supports HB 2331 in its original form.

To contact the Committee responsible for HB 2331, visit bit.ly/HouseAgNR.

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HB 2332

Updating references and corresponding changes related to 2021 Executive Reorganization Order No. 48 and the transfer of the Division of Tourism from the Department of Wildlife and Parks to the Department of Commerce.

This bill was introduced in the House and referred to the Committee on Agriculture and Natural Resources on 2/7.

This bill had a hearing scheduled for 2/14. On 2/16, the Committee Report recommended this bill be passed.

On 2/22, the Committee of the Whole passed this bill.

Background: In 2021, Kansas Governor Laura Kelly signed Executive Reorganization Order No. 48, which transferred the Division of Tourism and the office of the director of Tourism from the Kansas Department of Wildlife, Parks and Tourism to the Department of Commerce.

HB 2332 seeks to update select references, and corresponding changes, related to the ERO – specifically, removing the word “Tourism” from the Kansas Department of Wildlife, Parks and Tourism.

Agency Stance: KDWP supports HB 2332 in its original form.

To contact the Committee responsible for HB 2332, visit bit.ly/HouseAgNR.

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HB 2386

Prohibiting a state or local governmental employee from entering or remaining on private property and providing exceptions.

This bill was introduced in the House and referred to the Committee on Agriculture and Natural Resources Budget on 2/9.

This bill was scheduled for a hearing on 2/20, and final action on 2/21.

On 2/22, the Committee Report recommended this bill be passed as amended.

Background: HB 2386 seeks to make it illegal for a government official or employee of any state agency, county or city – acting within the scope of their employment – to enter or remain on private property (including use of aerial surveillance) unless authorized by a search warrant, court order, subpoena, administrative warrant or the constitution of the United States; or by written consent of the property owner; or exigent circumstances exist requiring entry on such property.

HB 2386 does not currently apply to a law enforcement officer during the course of such officer's duty.

Agency Stance: Not available at this time.

To contact the Committee responsible for HB 2386, visit bit.ly/HouseAgNRB.

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SB 105

Authorizing the Kansas Department of Wildlife and Parks to purchase land in Jewell county.

This bill was introduced in the Senate on 1/26. On 1/27, this bill was referred to the Senate Committee on Agriculture and Natural Resources.

No hearings have been scheduled as of the time of this update.

Background: The property is approximately 264 acres and is adjacent to Lovewell Reservoir Wildlife Area. It is particularly well suited for an addition to the Lovewell Wildlife Area because it contains an excellent diversity of habitat types, cropland, rangeland, hayfields and woodlands. The diversity of habitat promotes healthy populations of deer, turkey, bobwhite quail, pheasant, greater prairie chicken and various furbearer and non-game species.

Where strategic land acquisitions make sense, per K.S.A. 32-833(a)(2), KDWP must obtain the approval of the Legislature to purchase a tract or tracts of land which are greater than 160 acres in the aggregate.

KDWP pays the current appraised/fair market value for lands.

And, KDWP makes payment of moneys in lieu of taxes comparable to the ad valorem tax payments of surrounding lands for any land purchased.

Agency Stance: Because of its ability to positively impact the amount of lands open to public access, KDWP supports SB 105 in its original form.

To contact the Committee responsible for SB 105, visit bit.ly/SenAgNR.

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SB 116

Standardizing firearms safety programs in school districts.

This bill was introduced in the Senate on 1/27, and referred to the Senate Committee on Federal and State Affairs on 1/30.

This bill had a hearing scheduled for 2/8. On 2/9, the Committee Report recommended the bill be passed.

On 2/16, via emergency final action, the Committee of the Whole passed this bill. On 2/17, this bill was received and introduced in the House, and referred to the Committee on Federal and State Affairs.

Background: SB 116 seeks to allow the Board of Education of any school district to provide firearm safety education programs for the purposes of promoting the safety and protection of students and emphasizing how students should respond when encountering a firearm.

For students in kindergarten and grades one through five, SB 116 proposes standardized firearm safety education based on the Eddie Eagle Gunsafe Program offered by the National Rifle Association.

For students in grades six through eight, SB 116 proposes standardized firearm safety education based on the Eddie Eagle Gunsafe Program offered by the National Rifle Association or the Hunter Education in Our Schools Program offered by the Kansas Department of Wildlife and Parks.

For students in grades nine through 12, SB 116 proposes standardized firearm safety education based on the Hunter Education in Our Schools Program offered by the Kansas Department of Wildlife and Parks.

Agency Stance: KDWP is neutral to SB 116 in its original form.

To contact the Committee responsible for SB 116, visit bit.ly/SenateFSA.

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SCR 1602

Disapproving the designation of the lesser prairie chicken as a threatened species in Kansas by the United States Fish and Wildlife Service.

This resolution was introduced in the Senate, and adopted without roll call, on 1/23. On 1/24, this resolution was received and introduced in the House, and referred to the Committee on Agriculture and Natural Resources.

This bill had a hearing on 2/6. On 2/7, the Committee Report recommended this resolution be adopted. On 2/9, the House adopted this resolution and the resolution was enrolled and presented to the Secretary of State.

Background: Kansas is home to the most extensive remaining range and largest population of lesser prairie chickens in the U.S. However, despite the successful work of the Kansas Department of Wildlife and Parks, Kansas farmers and ranchers, the Lesser Prairie-Chicken Interstate Working Group, and midwestern states throughout the bird's range, the U.S. Fish and Wildlife Service listed the lesser prairie-chicken under the Endangered Species Act in November of 2022.

The Southern Distinct Population Segment of the lesser prairie-chicken was listed as endangered, while the Northern DPS of the lesser prairie-chicken (which includes Kansas) was listed as threatened.

Agency Stance: Because population densities for this species are largely trending upwards in Kansas, KDWP believes the USFWS's ruling was not warranted, and therefore supports SCR1602 in its original form.

To contact the Legislators responsible for SCR 1602, visit bit.ly/SCR1602.

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