

2023

# Legislative Update

**FINAL UPDATE: May 18, 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 Committee on Agriculture and Natural Resources.

No hearings were scheduled for this bill.

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 opposed HB 2006 because it sought to reverse the carefully reached decision of the Kansas Wildlife and Parks Commission, which was informed by public input and sound scientific data.

## HB 2039

### Exempting disabled veterans from certain requirements and fees for hunting and fishing licenses.

This bill was introduced in the House and referred to the Committee on Veterans and Military on 1/17. This bill had hearing on 1/24. On 2/9, the Committee recommended this bill be passed as amended. On 2/23, the House passed this bill as amended.

On 3/1, this bill was introduced in the Senate. On 3/2, this bill was referred to the Committee on Agriculture and Natural Resources. This bill had a hearing on 3/22; the Committee recommended this bill be passed as amended.

This bill was amended in the Senate again on 3/27. The House nonconcurred on 3/29. A Senate Conference Committee amended this bill again on 4/6 (to include HB 2331). The Senate approved the amendment on 4/6, followed by the House on the same day.

This bill was presented to the Governor on April 4/16. On 4/19, this bill was approved by the Governor; and became law on 4/27.

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 currently reviewing HB2039 in its final form.

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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 were scheduled for this bill.

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 have required 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 opposed 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).

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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 recommended the bill be passed. On 2/23, via emergency final action, the House passed this bill.

On 3/1, this bill was introduced in the Senate. On 3/2, this bill was referred to the Committee on Financial Institutions and Insurance. This bill had a hearing on 3/8. This bill is scheduled for final action on 3/15. On 3/15, the Committee recommended this bill be passed.

On 4/6, the contents of this bill were combined with HB 2196 by the Senate. HB 2196 (now containing HB 2198) was adopted by both the Senate and House on the same day.

This bill was presented to the Governor on 4/14, and approved on 4/19.

This bill became law on 4/27.

Background: KDWP 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 already in KPF. Since KDWP is entirely fee funded, 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 supported HB 2198 in its original form.

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## HB 2304

### Standardizing firearms safety programs in school districts.

This bill was introduced in the House and referred to the Committee on Federal and State Affairs on 2/6. This bill had a hearing on 2/21. On 3/2, the Committee recommended this bill be passed. On 3/8, the House passed this bill.

On 3/9, this bill was introduced in the Senate. On 3/10, this bill was referred to the Committee on Federal and State Affairs. This bill had a hearing on 3/22; the Committee recommended this bill be passed. On 3/29, the Senate passed this bill.

This bill was enrolled and presented to the Governor on 4/4. On 4/14, this bill was vetoed by the Governor and returned to the House.

On 4/26, the House made a motion to override the veto, which failed.

Background: HB 2304 sought to allow the Board of Education of any school district to provide firearm safety education 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, HB 2304 proposed standardized firearm safety education based on the Eddie Eagle Gunsafe Program offered by the National Rifle Association.

For students in grades six through eight, HB 2304 proposed 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 KDWP.

For students in grades nine through 12, HB 2304 proposed standardized firearm safety education based on the Hunter Education in Our Schools Program offered by KDWP.

Agency Stance: KDWP was neutral to HB 2304 in its original form.

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## HB 2308

### **Establishing a hunting outfitter task force that shall study the hunting outfitter industry in the state of Kansas and may make recommend changes to the law and rules and regulations.**

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

No hearings were scheduled for this bill.

Background: Currently, guides and outfitters in Kansas are not regulated by a central entity. In Kansas, law, rules and regulations pertaining to hunting and associated outdoor recreation are set by either the Kansas Department of Wildlife and Parks (via Secretary's Orders), its Commission (Kansas Wildlife and Parks Commission), or by the Kansas Legislature; or, by federal entities (such as the U.S. Fish and Wildlife Service).

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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. On 2/21, the Committee recommended this bill be passed. On 2/23, this bill was withdrawn from the calendar and referred to the Committee on Appropriations.

On 3/1, this bill was withdrawn from the Committee on Appropriations and re-referred to the Committee on Agriculture and Natural Resources. This bill had a hearing on 3/13. On 3/14, the Committee recommended this bill be passed. On 3/16, the House passed this bill.

This bill was introduced in the Senate on 3/16, and referred to the Committee on Commerce on 3/17. This bill had a hearing on 3/22.

On 4/6, the contents of HB 2331 were combined with HB 2039 by the Senate. HB 2039 (now containing HB 2331) was adopted by both the Senate and House on the same day.

This bill was presented to the Governor on 4/14, and approved on 4/19.

This bill became law on 4/27.

Background: HB 2331 sought 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.

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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 recommended this bill be passed. On 2/22, the House passed this bill.

On 3/1, this bill was introduced in the Senate. On 3/2, this bill was referred to the Committee on Agriculture and Natural Resources. This bill had a hearing on 3/13; The Committee recommended this bill be passed and placed on the Consent Calendar. On 3/22, this bill passed via the Consent Calendar.

This bill was enrolled and presented to the Governor on 3/31. It was approved by the Governor on 4/7.

This bill becomes law on 7/1.

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 sought 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 supported HB 2332 in its original form.

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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 recommended this bill be passed as amended.

On 2/23, this bill was stricken from the calendar.

Background: HB 2386 sought 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 did not apply to a law enforcement officer during the course of such officer's duty.

Agency Stance: KDWP had considerable concerns regarding the significant impediment that HB 2386 would have created for employees carrying out the necessary and legitimate statutory duties of the Department, as well as the overarching impacts a bill of this nature could have had on public safety and Kansas' natural resources. For these reasons, KDWP opposed HB 2386.

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## HB 2430

### Providing for requirements for use of funds allocated to agencies for the purpose of supporting unhoused individuals and creating penalties for unauthorized camping on government-owned land.

This bill was introduced in the House and referred to the Committee on Welfare Reform on 2/20. This bill had a hearing on 3/2.

The Committee on Welfare Reform held a "Roundtable Discussion on Homelessness" on 3/23.

Background: Also referred to as the "Safe Cities Act." HB 2430 sought to address homelessness; specifically, public camping, sleeping or obstruction of public right-of-ways, including roads and sidewalks; and, unauthorized sleeping, camping or long-term shelters on state or local government-owned lands.

This bill outlined what political subdivisions shall not do; the power of the Attorney General; special stipulations for political subdivisions with a higher per-capita rate of homelessness than the state average; and, violation terms.

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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 Committee on Agriculture and Natural Resources.

No hearings were scheduled for this bill.

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 supported SB 105 in its original form.

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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 Committee on Federal and State Affairs on 1/30. This bill had a hearing scheduled for 2/8. On 2/9, the Committee recommended the bill be passed. On 2/16, via emergency final action, the Senate passed this bill.

On 2/17, this bill was introduced in the House and referred to the Committee on Federal and State Affairs. This bill had a hearing scheduled for 3/8.

On 3/20, the Committee recommended a substitute bill be passed (House bill concerning alcoholic beverages). On 3/27, the House passed the substitute bill.

Background: SB 116 in its original form sought to allow the Board of Education of any school district to provide firearm safety education 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 proposed 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 proposed 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 KDWP.

For students in grades nine through 12, SB 116 proposed standardized firearm safety education based on the Hunter Education in Our Schools Program offered by KDWP.

Agency Stance: KDWP was neutral to SB 116 in its original form. SB 116 since became a House substitute bill on alcoholic beverages.

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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 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 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 supported SCR1602 in its original form.

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