

SESSION OF 2016

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 388**

As Agreed to April 30, 2016

Brief*

SB 388 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*.

Conference Committee Action

The Conference Committee agreed to replace the contents of SB 388, concerning College Level Examination Program (CLEP) testing, with the contents of 2015 HB 2341, as recommended by the House Committee on Judiciary, with

*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/klrd>

technical amendments to update dates in the bill. The original contents of SB 388 were added to the Conference Committee Report for HB 2622, which was adopted April 28, 2016.

Background

[*Note:* following is information on both SB 388, as it related to CLEP testing, and HB 2341 (the provisions included in this Conference Committee report).]

The bill was introduced by the Senate Committee on Assessment and Taxation. At the Senate Committee on Education hearing on the bill, a representative of Lumerit Education and a student offered testimony in support of the bill. A representative of the Kansas Association of Community College Trustees offered written proponent testimony. Representatives of the Kansas Board of Regents (KBOR) and the Kansas Independent College Association offered neutral testimony. There was no opponent testimony.

The Senate Committee adopted amendments recommended by the KBOR to specify the student must have received a credit-granting recommended score for the institution to award credit; clarify the KBOR policy must include that the number of credit hours to be awarded must be “at least equivalent to” the minimum number of credit hours for the course, which would allow an institution to award more than the minimum number of credit hours offered; add language to clarify the number of credit hours awarded would be the minimum number of credit hours “granted” for the “equivalent” course; and prohibit limiting the number of credit hours that may be awarded to a student beyond the limitations placed on such institution by its regional accrediting agency.

The House Committee on Education adopted a technical amendment.

The fiscal note prepared by the Division of the Budget for the bill, as introduced, indicates enactment of the bill could reduce tuition revenues as students take the exams and do not take courses, but a precise estimate of the reduction in those revenues cannot be determined.

HB 2341 Background

In the House Committee on Agriculture and Natural Resources, a Kansas land manager appeared in support of HB 2341. 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 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 HB 2341 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.

Department of Wildlife, Parks, and Tourism

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