

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2538

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2538 would grant a landowner the right of first refusal to all wildlife illegally hunted on the landowner's land, unless the wildlife was illegally hunted by the landowner.

Background

At the hearing on the bill, the proponent indicated illegally taken wildlife, under current law, is the property of the state and is to be managed or held in trust for the public good. The proponent stated the wildlife taken illegally should not be used for promotional purposes, but rather should be the property of the owner of the land where the wildlife was illegally taken. The proponent discussed a trophy deer taken on his property.

The opponent to the bill was the Secretary of Wildlife, Parks and Tourism. The Secretary stated wildlife was held in trust for the public and illegally taken wildlife remains public property. He stated only when wildlife is lawfully taken does it become personal property. The Secretary stated the bill was contrary to wildlife management in Kansas and across North America, and it has the potential to increase alleged unlawful taking of wildlife in order to benefit unscrupulous individuals.

The Committee amended the bill to make it apply to all wildlife and not just to the antlers of deer. In addition, the Committee amended the bill to clarify that the right of first

*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>

refusal would not apply if the wildlife was illegally hunted by the landowner.

The fiscal note on the original bill states the Department of Wildlife, Parks and Tourism believes the bill would have no fiscal impact.