

MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on March 1, 2012, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Michael Peterson (Unexcused)
Representative Bob Brookens (Excused)

Committee Staff Present:

Randy Gilliland, Kansas Legislative Research Department
Sean Ostrow, Office of the Revisor of Statutes
Chris Sevedge, Kansas Legislative Research Department
Joyce Hladky, Committee Assistant

Conferees appearing before the committee:

Representative Peggy Mast (Proponent)
Phil Taunton, Last School Naturalist publication, Last Child on the Prairie (Proponent)
Tim Donges (Proponent)
Bob Arndt (Proponent)
Chris Tymeson, Chief Legal Counsel, Department of Wildlife and Parks (Opponent)

Others attending:

See Attached List.

Chairman Powell opened the floor for hearings on **HB2709 establishing the restitution value for unlawfully taken antlered whitetail deer.**

Representative Peggy Mast presented testimony in favor of **HB2709**. The bill places a higher price on those who choose to poach deer and places fines by the size of the antlers. A young Kansan lost his life because of those who broke the rules by shooting from the road. The price has been enormous to his friends and family.

Since this young man's death the interest by those who hunt lawfully to penalize those who do not has risen significantly. (Attachment 1)

CONTINUATION SHEET

Minutes of the HOUSE AGRICULTURE AND NATURAL RESOURCES Committee at 9:00 a.m. on
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Phil Taunton, presented testimony in favor of **HB2709**. Illegal hunting in Kansas is a plague and it endangers our outdoors heritage and traditions, honest sportsmen, rural homeowners, and their families. The fines and penalties should be increased. (Attachment 2)

Tim Donges presented testimony in favor of **HB2709**. Mr. Donges, a farm owner in Butler County, Kansas, provided examples of the deer poaching that goes on in his area every year, one including having his life threatened by a group of four threatening to harm him if he did not stop working with the game warden.

The bill addresses restitution for whitetail deer. The economics of shooting trophy deer are similar to livestock, such as racehorses and high-end breeding bulls. When a trophy-class deer are shot semen straws can be sold, the story can be sold to magazines, hunting products endorsed, replicas of deer can be sold, or even sell the deer itself. Also many Kansas ranchers and farmers rely on leasing and guide fees as part of their income. Hunters buy licenses, gas, food, motel rooms, lease land, buy land, and pay taxidermists to mount trophies.

Mr. Donges asked the Committee to vote in favor of passing HB2709. (Attachment 3)

Bob Arndt testified in favor of **HB2709**. Mr. Arndt support passage of the bill for stiffer penalties for the poaching of whitetail deer with the addition to the fine the restitution value of the deer.

Mr. Arndt lost his son as a result of a poacher shooting from the roadway using a rifle. His son Beau was hunting with the permission of the landowner when the fatal accident occurred. The shooter and passengers drove away. The shooter was tried and went to prison for thirty-two months and in February, 2012, the shooter's brother was arrested in Topeka, Kansas for poaching.

The passage of **HB2709** will help restore the roadways and countryside of Kansas so all people can enjoy the outdoors. It would also allow younger generation to learn what has been taken for granted by our forefathers, which is that hunting and shooting can be safe and will instill confidence. (Attachment 4)

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Chris Tymeson, Chief Legal Counsel, Department of Wildlife and Parks presented testimony in opposition of **HB2709**. There are several issues contained in the bill.

1. The requirement that the department initiate a civil action for each unlawfully taken deer over a certain score in a complex scoring system.
2. The bill does not state where the restitution will go.
3. The bill does not contain provisions for the other big game species that exist in Kansas.
4. The complexity of the statute is troublesome.
5. There is also a technical amendment necessary in subsection (b)(6).

Mr. Tymeson asked the Committee's support in opposition of **HB2709**. (Attachment 5)

Written testimony:

Kip Adams, Quality Deer Management Association (Proponent) (Attachment 6)
Shawn W. Harding, President, Kansas Bowhunters Association (Proponent)
(Attachment 7)
Brian Smith, Founder/CEO, Mossy Oak Properties (Proponent) (Attachment 8)
Marc Goodman, Lyon County Attorney (Proponent) (Attachment 9)
John A. Brown (Attachment 10)
Steve Sorenson, Kansas Wildlife Federation (Attachment 11)

There being no further testimony on **HB 2709**, Chairman Powell closed the hearings.

Chairman Powell, appointed a subcommittee comprised of Representative Kerschen, Chair, Representative Hoffman and Representative Wetta to meet with the bill conferees to work out the language in the bill.

Chairman Powell called for a motion to approve the minutes of February 8, 9, 14, 15, 16, 17 2012. Representative Tyson moved for approval. Representative Arpke seconded the motion. When called to a vote, the motion carried unanimously.

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Chairman Powell reminded the Committee of the dinner scheduled for Wednesday, March 7, 2012, for the Committee that is being sponsored by Christopher Riley, Director, State Government Relations, Archer Daniels Midland Company.

Chairman Powell announced the Committee would meet on Friday, March 2, 2012, for hearings on **SB148, Application for division of water right; fee****SB302, Amendments to the Kansas Meat and Poultry Inspection Act, and SB310, Establishing local enhanced management areas.**

Meeting adjourned at 10:15 a.m.

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