

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 314**

As Amended by House Committee on  
Agriculture and Natural Resources

**Brief\***

SB 314 would amend existing law regarding hunting and fishing license fees for resident seniors. Specifically, the bill would:

- Increase the age of a person exempt from purchasing hunting or fishing licenses from 65 or more years of age to 75 or more years of age;
- Create a resident senior hunting and fishing pass ("senior pass") for those 65 years old or older, at a cost that does not exceed one-eighth of the fee for a general combination lifetime hunting and fishing license;
- Establish an annual hunting or fishing license fee for residents who are 65 to 74 years of age at a cost of an amount equal to one-half the fee for a general annual hunting or fishing license;
- Establish an annual combination hunting and fishing license for residents who are age 65 to 74 that would cost an amount equal to one-half the fee for a general annual combination hunting and fishing license;
- Sunset the provisions of the "senior pass" and the annual hunting, fishing, and combination license fees on June 30, 2020; and

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\*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>

- Provide authority to the Secretary of Wildlife, Parks and Tourism (KDWPT) to establish rules and regulations for various classes and types of licenses, permits, stamps, and other agency issuances.

In addition, the bill would require the Secretary of the KDWPT to develop and implement a pre-rut antlerless deer rifle season by deer management units. The bill also would require the Secretary to develop and implement a combination antlered and antlerless deer permit prior to April 1, 2013, through the adoption of rules and regulations.

The bill also would require the Secretary to verify proof of ownership or tenancy of not less than 25 percent of all landowner-tenant resident big game or wild turkey hunting permit applicants in each calendar year. Failure of an applicant to provide the proof would be a violation of law.

Further, the bill would allow any person who has been issued a big game permit to use a crossbow during an archery big game season.

The portion of the bill dealing with the development of certain deer rifle seasons, the requirement to verify proof of ownership or tenancy, and the permission to use a crossbow during an archery big game season would be effective upon publication in the *Kansas Register*.

## **Background**

### ***House Agriculture and Natural Resources Committee Action***

The House Committee on Agriculture and Natural Resources amended the provisions of HB 2295, as amended by the House Committee of the Whole, into the provisions of SB 314, as amended by the Senate Committee of the Whole.

### ***Review of SB 314***

SB 314 was introduced by the Senate Committee on Natural Resources at the request of KDWPT.

At the Senate Committee on Natural Resources hearing, the Secretary of KDWPT provided testimony in favor of the bill, stating the cost of a license for those age 65 and older is minimal in comparison with the costs associated with hunting or fishing. Secondly, the Secretary stated the bill is not about taking anything away from the state's seniors, but it is about passing on Kansas outdoor traditions to Kansas children and grandchildren. The Secretary also provided information to the Senate Committee stating the exemption age for hunters and anglers was 70 years old until 1971, when the Legislature reduced the age to 65, as life expectancy in 1971 was 71 years old, while today it is 78.5 years. The Secretary also clarified that any revenue received from removing the exemption would be used to continue the wildlife programs within the agency, per federal law, as well as to move towards making the agency self-sufficient. A member of the public also provided testimony in favor of the bill, stating those over 65 years old continue to pay excise taxes on all hunting and fishing equipment; thus, hunting and fishing license fees are very small in proportion to the overall costs of participating in outdoor activities.

Opponents that provided testimony on the bill included a representative of the Kansas State Rifle Association; the Speaker Pro Tem for the Kansas Silverhaired Legislature; a representative of the Kansas Area Agencies on Aging Association (KAAAA); and two members of the public. The Kansas State Rifle Association presented its member survey regarding the original version of the bill. Of the survey respondents, 84.3 percent were not in favor of repealing the license fee exemptions for seniors. The Speaker Pro Tem for the Kansas Silverhaired Legislature provided testimony stating that asking a senior to pay a license fee when the senior is on a fixed income is not the right thing to do and will have a negative consequence on the number of seniors who

will enjoy the outdoors in the future. The KAAAA provided testimony stating a query of U.S. Census Bureau data indicates the mean retirement income of Kansas seniors was \$18,381 in the past 12 months. In addition, the KAAAA stated the 376,116 seniors living in Kansas, as of 2010, are from earlier generations and do not yet include the "Baby Boomer" generation, about which the KDWPT is concerned. The KAAAA stated "Baby Boomers" began turning age 65 only in January 2011. The members of the public also shared their sentiments regarding fixed incomes and the burden of paying a license fee on a fixed income.

The Senate Committee made several amendments to the bill, which included:

- Authorizing the KDWPT to offer a resident senior hunting and fishing pass to Kansas residents age 65 years or older. The fee for the pass would be an amount not exceeding one-eighth of the fee for a general combination lifetime hunting and fishing license;
- Authorizing the KDWPT to offer an annual resident hunting or fishing license for those residents 65 to 74 years old for an amount equal to one-half the fee for a general annual hunting or fishing license;
- Authorizing the KDWPT to offer an annual combination hunting and fishing license for residents 65 to 74 years old at an amount equal to one-half the fee for a general annual combination hunting and fishing license;
- Exempting persons who are 75 years old or older from having to purchase hunting or fishing licenses; and
- Providing for the sunset of the provisions of the bill on June 30, 2020.

The Senate Committee of the Whole amended the bill to correct a technical error and to make inmates in an honor camp operated by the Secretary of Corrections ineligible for the exception from acquiring a fishing license.

The fiscal note provided by the Division of the Budget on the original version of SB 314 states passage of the bill would increase fee revenues in FY 2013 by \$702,999. Of this amount, \$477,000 would be from actual fees paid for hunting and fishing licenses and \$225,999 would come from the increase in federal matching funds based on the number of hunting and fishing licenses sold. Because fees for hunting and fishing licenses are based on the calendar year instead of the fiscal year, the revenue increase for FY 2014 is expected to be twice that of FY 2013, or \$1.4 million. Any fiscal effect associated with the bill is not reflected in *The FY 2013 Governor's Budget Report*.

#### ***Review of HB 2295***

The original HB 2295 was considered during the 2011 Legislative Session. The House Committee on Agriculture and Natural Resources held hearings on the bill during the 2012 Legislative Session. The first proponent to appear was an individual from Hays who advocated for the portion of the bill allowing crossbows during archery season. The second proponent was Representative Joe Seiwert who indicated that even though there had been efforts to control the deer population, there needed to be additional efforts including the use of crossbows during archery season, the extension of the antlerless deer season during January, and a mechanism implemented to allow out-of-state permit holders to take a doe as well as a buck. Opponents of the bill included a spokesperson for the KDWPT and a spokesperson for the Kansas Bowhunter's Association. The Committee received two pieces of testimony in opposition to the proposed provisions relating to allowing the use of crossbows during the archery season.

The Committee considered the original bill and decided to make two additions to current statute. These additions are reflected in the substitute bill which the Committee adopted.

The House Committee of the Whole amended the bill to require the Secretary of Wildlife, Parks and Tourism to verify proof of ownership or tenancy of not less than 25 percent of all landowner-tenant resident big game or wild turkey hunting permits in each calendar year. In addition, the House Committee of the Whole amended the bill to allow the use of crossbows in any archery big game season when the person has been issued a big game permit.

The fiscal note on the original bill (introduced in the 2011 Session) says the KDWPT believes that passage of HB 2295 would cause significant reductions to the agency's revenues. Although the agency is unable to estimate the amount of the expected loss in revenue, it was able to provide some examples of how the revenues would be affected. While there would be some increase in revenue from increases in the fees for non-resident big game and mule deer permits and non-resident big game applications, many of the people who would have purchased these permits would be exempt upon passage of the bill because they also would be non-resident relatives of landowners or tenants. Exemptions in statute for certain constituents also would erode revenues for the Fish and Wildlife program, which is fee-funded. These exemptions could initially increase the number of participants. However, because they also reduce revenues, they reduce the agency's ability to provide services to the increased number of participants, including those who are not exempt and continue to pay full price for licenses. Eventually this reduction of services could result in decreasing numbers of participants who pay full price.

Another example of the original bill leading to reduced revenues relates to the requirement that anyone purchasing a deer permit also pay \$2 to the Kansas Hunters Feeding the Hungry (KHFH) program. This requirement would result in a loss of federal funds and possible ineligibility for future federal

funds as, under the agreement between the agency and the U.S. Fish and Wildlife Service, collecting this fee and delivering it to the KHFH program would be considered a diversion of funds. Any fiscal effect associated with HB 2295 was not reflected in *The FY 2012 Governor's Budget Report*.