

Testimony on HB 2207 regarding Written Permission to Hunt and Fish

To

The House Committee on Agriculture

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House Bill 2207 mandates that hunting and fishing on private land must be by written permission only. The Department opposes the bill.

House Bill 2207 attempts to solve the problem of trespass or hunting and fishing on private lands without permission of the landowner by mandating written permission. While the Department is sympathetic to the goal of this legislation, we are opposed to the bill because we do not believe it will in fact remedy the problem and it will have unintended consequences.

Currently, landowners who wish to require written permission to hunt or fish may post their land with signs (available at many retail locations) or mark the boundaries of their property with purple paint. Or they have the choice to allow access by verbal permission. While the Department has promoted access by written permission for many years, ultimately it is the landowner who must decide by what method they allow or deny access to their property.

Property marked by signs or purple paint as hunting and fishing by written permission are common in Kansas, but the majority of landowners still allow access by verbal permission. In part because there is the perception by many landowners that written permission somehow implies potential liability if someone is injured while on their land. They are in fact protected by statute from liability by K.S.A. 58-3201 et. seq.

Additionally if landowners are forced to provide written permission an unintended consequence will be permission to hunt and fish will be denied to many people who otherwise would have been allowed to. It will become a barrier to lawful hunting and fishing.

This legislation would also create many logistical problems for landowners, hunters and anglers. As agriculture has changed we have many more absentee landowners. While they may grant verbal permission, obtaining written permission from someone who lives in another part of the state or elsewhere in the country would become a problem for both the landowner and the sportsman. This

would result in fewer lands being available for hunting and fishing. Or result in people who have verbal permission being at risk of prosecution.

An additional unintended consequence could be the waste of legally harvested game. Should an upland hunter shoot a quail that falls two feet on the wrong side of a property line. Even if they have verbal permission from the landowner, this legislation would require them to obtain written permission to reach through the fence to retrieve the bird, or be in violation.

The bill requires written permission from the "owner or person in lawful possession". Would the children, grandchildren or extended family of the landowner of record be required to have written permission to hunt or fish on family property? Families will not think they need written permission, but a law enforcement official checking a grandchild with a different last name will be required to issue them a citation because written permission will be mandated.

The Department opposes this legislation because we do not believe it can be effectively implemented and will not solve the problem of trespass.