

HOUSE BILL No. 2896

By Committee on Appropriations

2-13

9 AN ACT concerning wildlife and parks; relating to conservation officers;
10 also relating to information gathered.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) "Customer information" shall include the name and
14 address and a telephone, social security, driver's license, bank account,
15 credit card or charge card number of a person who purchases customer
16 products, licenses or services from the Kansas department of wildlife and
17 parks and may not be disclosed except as authorized by this section.

18 (b) The secretary of wildlife and parks shall adopt rules and regula-
19 tions relating to:

20 (1) The release of the customer information; and

21 (2) the use of the customer information by the department of wildlife
22 and parks.

23 (c) The secretary of wildlife and parks may disclose customer infor-
24 mation to a federal or state law enforcement agency if such agency pro-
25 vides a lawfully issued subpoena.

26 (d) The secretary of wildlife and parks and the officers and employees
27 of the Kansas department of wildlife and parks are immune from civil
28 liability for an unintentional violation of this section.

29 (e) In this section, a reference to the secretary of wildlife and parks
30 shall also mean an agent of the secretary of wildlife and parks.

31 Sec. 2. (a) The secretary of wildlife and parks shall provide notice of
32 section 3, and amendments thereto, to a private landowner who requests
33 technical assistance before entering the property to collect and record
34 information about animal or plant life.

35 (b) The secretary shall adopt rules and regulations, including written
36 guidelines for a method for providing notice under subsection (c) and for
37 departmental entry onto privately owned land to collect information de-
38 scribed by section 3, and amendments thereto. The rules and regulations
39 must identify the maximum information that the department may main-
40 tain under section 3, and amendments thereto.

41 (c) A review or update of a record or plan produced by the depart-
42 ment under section 3, and amendments thereto, and maintained by the
43 landowner or the landowner's agent may be requested by the landowner

1 or the department.

2 Sec. 3. (a) Except as otherwise provided by this section, information
3 collected by the Kansas department of wildlife and parks in response to
4 a private landowner who requests technical assistance before entering the
5 property to collect and record information about animal or plant life is
6 not subject to K.S.A. 45-215 et seq., and amendments thereto, and shall
7 not be disclosed whenever the information collected by the department
8 relates to the specific location, species identification or quantity or any
9 animal or plant life that is:

10 (1) Protected by this act; and

11 (2) located on private land that:

12 (A) Is subject to a wildlife management plan developed cooperatively
13 with the Kansas department of wildlife and parks for private land; or

14 (B) is the subject of a recommendation report prepared by the Kansas
15 department of wildlife and parks for the landowner.

16 (b) The secretary of wildlife and parks may disclose information de-
17 scribed by this section only to the landowner unless:

18 (1) The landowner consents to full or specified partial disclosure of
19 information; and

20 (2) the consent is in writing and is attached to the plan or recom-
21 mendation report.

22 (c) The secretary of wildlife and parks may release game census, har-
23 vest, habitat or program information only if the information is summa-
24 rized in a manner that prevents the identification of an individual or
25 specific parcel of land and the landowner.

26 (d) The secretary of wildlife and parks may prepare not more than
27 one original record of the information collected by the Kansas department
28 of wildlife and parks and incorporated into a wildlife management plan,
29 and the record becomes the property of the landowner. The secretary of
30 wildlife and parks may retain one copy of the record. The retained copy
31 may not be disclosed except as provided by this section.

32 (e) Except as provided by this subsection, the secretary of wildlife
33 and parks shall send a copy of the information retained by the secretary
34 of wildlife and parks relating to a landowner's property to the landowner
35 and destroy the department's record of the information if the protected
36 information status assigned by this section is revoked. The secretary of
37 wildlife and parks may retain a copy of the information if the landowner
38 consents in writing.

39 (f) In this section, a reference to the secretary of wildlife and parks
40 shall also mean an agent of the secretary of wildlife and parks.

41 (g) The provisions of subsection (a) shall expire on July 1, 2011, unless
42 the legislature acts to continue such provision in accordance with K.S.A.
43 45-279, and amendments thereto. The provisions of subsection (a) shall

1 be reviewed by the legislature prior to July 1, 2011.

2 (h) This section does not apply to a parcel of land that is not privately
3 owned.

4 Sec. 4. (a) To enforce the fish and game laws of the state and to
5 conduct scientific investigations and research regarding wild game or fish,
6 an authorized employee of the Kansas department of wildlife and parks
7 may enter on any land or water where wild game or fish are known to
8 range or stray. No action may be sustained against an employee of the
9 Kansas department of wildlife and parks to prevent such employee's en-
10 tering on land or water when acting in such employee's official capacity
11 as described by this subsection.

12 (b) Except as provided by subsection (d), the secretary of wildlife and
13 parks may use information collected by an employee of the Kansas de-
14 partment of wildlife and parks on privately owned land only for the pur-
15 poses of scientific investigations and research described in subsection (a)
16 and only if authorized in writing by the landowner or the landowner's
17 agent. Unless the secretary of wildlife and parks first obtains the written
18 consent of the landowner or the landowner's agent, the secretary may
19 not:

20 (1) Use other incidental information obtained on the land that does
21 not pertain directly to the investigation or research authorized under sub-
22 section (a); or

23 (2) enter or permit the entry of any information that does not pertain
24 directly to the investigation or research authorized under subsection (a),
25 into a database:

26 (A) Maintained by the Kansas department of wildlife and parks and
27 available to a person other than a department employee;

28 (B) maintained by a natural heritage program administered by the
29 secretary of wildlife and parks; or

30 (C) established and maintained by any other person.

31 (c) Except as provided by subsection (d), information collected under
32 this section may only be reported or compiled in a manner that prevents
33 the identification of an individual parcel or specific parcels of private
34 property without the written consent of the landowner or the landowner's
35 agent.

36 (d) The secretary of wildlife and parks may collect and enter data as
37 necessary relating to the occurrence or harvest of natural resources in
38 public land or water. The secretary of wildlife and parks may collect and
39 report standardized annual wildlife survey information required by the
40 Pitman-Robertson Wildlife Restoration Act (16 U.S.C. section 669 et
41 seq.).

42 (e) The secretary of wildlife and parks is liable to a private landowner
43 for a civil penalty in the amount of \$1,000 for a violation of this section

1 involving information collected by an employee of the department on the
2 landowner's property. A landowner may bring suit to collect the penalty
3 in the county in which the land is located or the county in which the
4 landowner resides.

5 Sec. 5. This act shall take effect and be in force from and after its
6 publication in the statute book.