

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 188**

As Agreed to April 2, 2007

Brief*

SB 188 would increase the minimum values for certain wildlife to be used in determining whether or not illegal commercial acts were committed and whether the illegal acts constitute felony crimes. The bill would make the following minimum value changes:

- Deer or antelope, from \$400 to \$1,000;
- Elk or buffalo, from \$600 to \$1,500;
- Bobcats, from \$25 to \$200;
- Wild turkey, from \$75 to \$200;
- Owls, hawks, falcons, kites, harriers, or ospreys, from \$200 to \$500;
- Game birds, migratory game birds, resident and migratory nongame birds, game animals and nongame animals, from \$20 to \$50 unless a higher amount is specified above;
- Turtles, from \$10 to \$25 each for unprocessed turtles or from \$8 to \$16 per pound or fraction of a pound for processed turtle parts;
- Bullfrogs, from \$2 to \$4, whether dressed or not dressed;

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- Any wildlife classified as threatened or endangered, from \$200 to \$500 unless a higher amount is specified above; and
- Any other wildlife not listed above, from \$10 to \$25.

The bill also would allow anyone having a game breeder permit issued by the Secretary of Wildlife and Parks to recapture any game bird that has escaped from confinement if the escaped bird is one the breeder is permitted to raise or sell. The game breeder would be authorized to recapture any escaped game animal or bird within a quarter of a mile radius of the game breeder's operation provided the game breeder has the prior approval of the owner of the land upon which the recapture will occur and notice to the Kansas Department of Wildlife and Parks (KDWP) prior to the recapture has occurred.

Conference Committee Action

The Conference Committee agreed to insert language requiring the game breeder to give notice to any affected landowners and the (KDWP) prior to the recapture of escaped animals. The Conference Committee also agreed to limit the recapture provision to game birds and to eliminate language which would have limited any civil, criminal, or administrative actions against a game breeder performing a lawful recapture.

Background

This bill was introduced at the request of a spokesperson from the Kansas Department of Wildlife and Parks (KDWP). At the hearing on the bill, a spokesperson from KDWP explained that the felony/misdemeanor threshold for certain crimes was raised at the end of the last legislative session including amendments to the statute being amended by this bill. The conferee noted that the wildlife values were not increased correspondingly, and the bill is designed to accomplish this. Written testimony in support of the bill was received from the Audubon of Kansas.

The House Committee of the Whole added the language relating to the recapture of a game animal or bird by a breeder holding a permit to raise such animal or bird.

The fiscal note on the bill states that passage of the bill could cause an increase in revenue to the Fish and Wildlife Restitution Fund. Based on revenues allocated to the Fund for FY 2007 to date and an average increase in restitution values of 2.5 times the current value, it is expected that, with no decrease in crimes, the agency would show a net increase to the Fund of nearly \$44,000. However, the increase could be mitigated if the increase in costs for restitution acted as a deterrent to the crime of illegally commercializing wildlife.

minimum values for certain wildlife