

January 27, 2014

REVISED

The Honorable Larry Powell, Chairperson  
Senate Committee on Natural Resources  
Statehouse, Room 237-E  
Topeka, Kansas 66612

Dear Senator Powell:

**SUBJECT:** Revised Fiscal Note for SB 276 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following revised fiscal note concerning SB 276 is respectfully submitted to your committee.

SB 276 would create the State Sovereignty over Non-Migratory Wildlife Act. The bill would recognize the State of Kansas, the Legislature, and the Department of Wildlife, Parks and Tourism as possessing sole authority to regulate and manage the populations and habitats of the lesser prairie chicken and the greater prairie chicken within the state. The bill states that any other federal regulation or action regarding these species is null, void and unenforceable. The bill would also make it unlawful for any United States government official or anyone working in conjunction with the United States government to enforce any federal law that regulates the greater or lesser prairie chicken, their habitats, farming practices or other human activity related to these species. Violation of the law would be a severity level 10, nonperson felony.

The Kansas Department of Wildlife, Parks and Tourism expects that passage of SB 276 will result in litigation with the federal government. However, that litigation would be handled by the Office of the Attorney General, rather than the agency. The Office of the Attorney General states that the litigation would be handled in-house, but is unable to estimate what the costs of handling the litigation would be.

According to the Office of Judicial Administration, passage of SB 276 could increase the number of cases filed in district courts, which would increase the time spent by district court judicial and nonjudicial personnel in process, researching and hearing cases. Passage of the bill would also result in the collection of additional docket fees for those cases. Until the courts have had an opportunity to operate under the provisions of SB 276, however, an accurate estimate of the fiscal effect on the Judicial Branch cannot be made.

The Kansas Sentencing Commission estimates that passage of SB 276 could result in an increase in probation sentences, which could result in prison admission and bed space needs

The Honorable Larry Powell, Chairperson

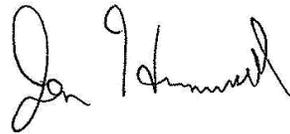
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when probationers violate their conditions and are revoked to prison. The agency is unable to estimate the number of adult prison beds that would be needed in FY 2014 and FY 2015.

This bill by itself is not anticipated to have a noticeable effect on prison bedspace needs. However, to the extent that any bill or combination of bills contributes to additional prisoners in state custody, the state could incur costs in expanding available bedspace and associated costs. The original fiscal note did not make this clarification on potential bedspace impact. Any fiscal effect associated with SB 276 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,  
Interim Director of the Budget

cc: Willie Prescott, Attorney General's Office  
Mary Rinehart, Judiciary  
Chris Tymeson, KDWPT