HOUSE BILL No. 2557

AN ACT concerning wildlife and parks; relating to state parks; concerning commercialization
    of wildlife; amending K.S.A. 2003 Supp. 32-837 and 32-1005 and repealing the existing
    sections.

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

Section 1.   K.S.A. 2003 Supp. 32-837 is hereby amended to read as
follows: 32-837. (a) The following parks have been designated as a part
of the state park system: (1) Kanopolis-Mushroom Rock state park in
Ellsworth county; (2) Cross Timbers state park at Toronto Lake in Wood-
son county; (3) Fall River state park in Greenwood county; (4) Cedar
Bluff state park in Trego county; (5) Tuttle Creek state park in
Pottawatomie and Riley counties; (6) Pomona state park in Osage county;
(7) Cheney state park in Kingman and Reno counties; (8) Lake Crawford
state park in Crawford county; (9) Lovewell state park in Jewell county;
(10) Lake Meade state park in Meade county; (11) Prairie Dog state park
in Norton county; (12) Webster state park in Rooks county; (13) Wilson
state park in Russell county; (14) Milford state park in Geary county; (15)
Lake Scott state park in Scott county; (16) Elk City state park in Mont-
gomery county; (17) Perry state park in Jefferson county; (18) Glen Elder
state park in Mitchell county; (19) El Dorado state park in Butler county;
(20) Eisenhower state park in Osage county; (21) Clinton state park in
Douglas and Shawnee counties; (22) Sand Hills state park in Reno county;
and (23) Hillsdale state park in Miami county*; and (24) state park no. 24
in Shawnee county, which shall be given a permanent name to be deter-
mined by the legislature at a future date.*
    (b)   No state park named in subsection (a) shall be removed from the
state park system without legislative approval.
    *(c)   The hours that state park no. 24 is open to the public may be
limited to those hours that parks of the city of Topeka are open, except
that such state park shall be open at all hours for prescheduled events.*
    *(d)   The department of wildlife and parks shall report to the house
committee on tourism and parks and to the senate committee on natural
resources on or before March 1, 2005, regarding the terms and conditions
of the contract for the proposed donation of land to be used for state park
no. 24.*
    Sec. 2.   K.S.A. 2003 Supp. 32-1005 is hereby amended to read as
follows: 32-1005. (a) Commercialization of wildlife is knowingly commit-
ting any of the following, except as permitted by statute or rules and
regulations:
    (1)   Capturing, killing or possessing, for profit or commercial pur-
poses, all or any part of any wildlife protected by this section;
    (2)   selling, bartering, purchasing or offering to sell, barter or pur-
chase, for profit or commercial purposes, all or any part of any wildlife
protected by this section;
    (3)   shipping, exporting, importing, transporting or carrying; causing
to be shipped, exported, imported, transported or carried; or delivering
or receiving for shipping, exporting, importing, transporting or carrying
all or any part of any wildlife protected by this section, for profit or com-
mercial purposes; or
    (4)   purchasing, for personal use or consumption, all or any part of
any wildlife protected by this section.
    (b)   The wildlife protected by this section and the minimum value
thereof are as follows:
    (1)   Eagles, $500;
    (2)   deer or antelope, $400;
    (3)   elk or buffalo, $600;
    (4)   furbearing animals, $25;
    (5)   wild turkey, $75;
    (6)   owls, hawks, falcons, kites, harriers or ospreys, $200;
    (7)   game birds, migratory game birds, resident and migratory non-
game birds, game animals and nongame animals, $20 unless a higher
amount is specified above;
    (8)   fish *and mussels*, the value for which shall be no less than the
value listed for the appropriate fish *or mussels* species in the monetary
values of freshwater fish *or mussels* and fish kill counting guidelines of
the American fisheries society (, special publication number 24) *30*;
    (9)   turtles, $10 each for unprocessed turtles or $8 per pound or frac-
tion of a pound for processed turtle parts;
    (10)   bullfrogs, $2, whether dressed or not dressed;

(11) any wildlife classified as threatened or endangered, $200 unless a higher amount is specified above; and

(12) any other wildlife not listed above, $10.

(c) Possession of wildlife, in whole or in part, captured or killed in violation of law and having an aggregate value of $500 or more, as specified in subsection (b), is prima facie evidence of possession for profit or commercial purposes.

(d) Commercialization of wildlife having an aggregate value of $500 or more, as specified in subsection (b), is a severity level 10, nonperson felony. Commercialization of wildlife having an aggregate value of less than $500, as specified in subsection (b), is a class A nonperson misdemeanor.

(e) In addition to any other penalty provided by law, a court convicting a person of the crime of commercialization of wildlife may:

(1) Confiscate all equipment used in the commission of the crime and may revoke for a period of up to 10 years all licenses and permits issued to the convicted person by the Kansas department of wildlife and parks; and

(2) order restitution to be paid to the Kansas department of wildlife and parks for the wildlife taken, which restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).

(f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by any person having actual knowledge that such wildlife was illegally harvested.

Sec. 3. K.S.A. 2003 Supp. 32-837 and 32-1005 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

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HOUSE adopted
Conference Committee Report _____

_____
Speaker of the House.

_____
Chief Clerk of the House.

Passed the SENATE
        as amended _____

SENATE adopted
Conference Committee Report _____

_____
President of the Senate.

_____
Secretary of the Senate.

APPROVED _____

_____
Governor.