

Approved January 18, 1989  
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Dennis Spaniol at  
Chairperson

3:30 ~~am~~/p.m. on January 12, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Patrick (excused)

Committee staff present:

Raney Gilliland, Research Department  
Mary Torrence, Revisor of Statutes' Office  
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Robert L. Meinen, Secretary, Kansas Department of  
Wildlife and Parks  
Omar Stavlo, Chief of Law Enforcement, Kansas Department of  
Wildlife and Parks  
Mike Cox, Chief of Education and Public Affairs, Kansas  
Department of Wildlife and Parks  
Spencer Tomb, Conservation Vice President, Kansas Wildlife Federation

Chairman Dennis Spaniol called the meeting to order, welcoming new committee members and staff.

House Bill 2006 - Crime of commercialization of wildlife.

Secretary Meinen, Department of Wildlife and Parks, introduced Mike Cox of his department. Mr. Cox showed a video tape of two feature news events from television stations in Wichita, Kansas. The tapes showed undercover operations of a statewide poaching ring. Some 1,000 fish and 25 frozen deer carcasses were said to have been purchased by undercover agents. Illegal buying and selling of fish and game was described as a big business. The Wildlife and Parks investigation centered in four Kansas counties: Montgomery, Elk, Cowley and Barton.

Copies of an editorial relative to poaching in the Wichita Eagle-Beacon dated August 24, 1988 were distributed. Attachment 1.

Omar Stavlo, Department of Wildlife and Parks, appeared as a proponent of House Bill 2006. He discussed the seriousness of the problem and recommended penalties.

During committee discussion, Mr. Stavlo recommended that in paragraph (3) (b) of the draft bill, following "and the", that the word "minimum" be added so it would read, "... and the minimum value...". This would make it clear to the court that this would be minimum value rather than maximum value. A maximum is not recommended because the prices fluctuate so rapidly.

The chairman requested the staff revisor to prepare appropriate language which would clarify subsection (a) before the next meeting of the committee on January 17, 1989. He indicated that further discussion and possible final action on this bill would be on the agenda at that time.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
room 526-S Statehouse, at 3:30 ~~am~~/p.m. on January 12, 1989.

Spencer Tomb represented the Kansas Wildlife Federation with testimony in support of House Bill 2006. He presented copies of a resolution calling for legislation to make illegal commercialization of wildlife and major wildlife crimes for profit felony-level crimes with appropriate penalties. Attachment 2. Mr. Tomb noted that his organization would like the committee to modify the bill to require restitution to the environment. Attachment 3.

During further discussion, Omar Stavlo suggested that adding "personal gain" following the word "profit" in line 2 of Section 1. (a) so it would read "for profit, personal gain or commercial purposes," might clarify that paragraph.

Mr. Stavlo also suggested in reference to restitution to the environment which was addressed by Mr. Tomb, on the second page under (e), changing "may" to "shall" would take discretion away from the court; this is the reason use of the "shall" had not been recommended.

This concluded testimony on House Bill 2006.

Chairman Spaniol advised the committee that a revised agenda for Tuesday, January 17, 1989 would be delivered to them. This agenda would include final action on House Bill 2006. Also, a briefing on dedicated funding for the state water plan would be given, as well as what is included in the Governor's proposed budget in the way of funding for this year.

The meeting was adjourned at 4:10 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held at 3:30 p.m. on January 27, 1989 in Room 526-S.



The Wichita Eagle  
Established 1872

The Wichita  
**Eagle-Beacon**

The Wichita Beacon  
Established 1872

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### Editorials

# Crack down

## *Poaching a contemptible crime*

It's time for a hefty increase in the "operating expense" of Kansas poachers. An occasional \$500 fine is merely a nick in the pocketbook of the sleazy characters who make thousands of dollars illegally taking game and fish. Put the jerks in jail.

The normal overhead expenses of a poacher are tiny compared with the financial rewards. For the price of some ammunition, a spotlight and gasoline, for instance, a poacher can bag a deer rack that can bring between \$2,000 and \$10,000. An investment in a gill net and a few hours time can bring thousands of dollars to illegal fishermen.

As Outdoor Writer George Stanley reported in Sunday's Eagle-Beacon, the small fines for and misdemeanor status of poachers constitute a trivial cost.

When existing laws were written, poachers did not have access to nationwide and worldwide markets for their harvests. Often, those caught shooting and fishing illegally or out of season were good ol' boys out on a lark or simply itchy for some out-of-season action. No longer. The escalation of prices for trophies has spawned a steady trade in animals and their various parts, such as bear

gall bladders, sought as an aphrodisiac. Bald-eagle feathers fashioned into phony "indian artifacts" draw prices that make the slaughter of that vanishing bird irresistible to the greedy.

The Legislature can and should act vigorously. This is not an area involving many grays. It is either in season or out of season. A species is either subject to taking or not. A hunter or fisherman is either over the limit or not. The fine for individual poaching should be raised. But more importantly, the Legislature needs to address the issue of commercial poaching. The fines should be at least commensurate with the damage done to wildlife. Commercial poaching should be a felony, with sure jail time for offenders. Enforcement needs to be stepped up.

Regulated hunting and fishing provides sport for hundreds of thousands of Kansans and supports a substantial related industry in tourism, food and supplies. Proper game management also ensures the future of the species involved. The system works, but the bandits who flaunt the rules will destroy it unless the price is made so dear and the punishment so certain that they cannot afford to stay in business.

H E & NR  
1-12-89  
Attachment 1

January 12, 1989

Kansas Wildlife Federation

Presentation on the Felony Wildlife Bill HB2006  
To the House Energy and Natural Resources Committee  
by

Spencer Tomb, KWF Conservation Vice President

Mr. Chairman, Members of the Committee, my name is Spencer Tomb; I live in Manhattan and currently serve as the Conservation Vice President of The Kansas Wildlife Federation.

At the KWF Annual Meeting in October 1988, a resolution urging the passage of a felony wildlife bill was unanimously passed. A copy of this resolution is attached.

The sale of illegally obtained wildlife is a growing problem nationally and in Kansas. Stiff penalties are needed to fight it. Those who profit from the sale of wildlife are stealing from all Kansans, but their theft and profit from these crimes are particularly heinous to those who hunt, fish and other wise enjoy wildlife within the law.

We urge you to pass this bill forward with a positive recommendation to the House.

We feel that the dollar values placed on the animals are on the low side. We would like to see the committee modify the bill, to include the concept of restitution to the environment. In other words if someone shoots 50 wild turkeys their penalty should also include replacement costs or habitat improvement so that 50 more turkeys can live.

On behalf of the Kansas Wildlife Federation I would like to thank the Committee for allowing us time to present our support for the passage of HB2006.

Thank you.

H E & NR  
1-12-89  
Attachment 2

Resolution 1988-8

FELONY WILDLIFE LAW

WHEREAS, at the present time, all violations of Kansas wildlife laws and regulations are now considered misdemeanors; and

WHEREAS, misdemeanor penalties provide little deterrence to stop commercial poaching and other major wildlife crimes; and

WHEREAS, commercial poaching rings and major wildlife violations for profit are serious problems in Kansas; and

WHEREAS, theft of the public's wildlife is a crime against all citizens; and

WHEREAS, the Kansas Department of Wildlife & Parks and the Wildlife & Commission have proposed a felony wildlife statute;

NOW, THEREFORE, BE IT RESOLVED that KWF, Inc. in annual meeting assembled on October 30, 1988, in Lawrence, Kansas, calls on the Kansas Legislature to pass a statute making illegal commercialization of wildlife and major wildlife crimes for profit felony-level crimes with appropriate penalties.

H E + NR  
1-12-89  
Attachment 3