

CHAPTER 130  
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 Woodson 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 Montgomery 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 determined 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 committing any of the following, except as permitted by statute or rules and regulations:

(1) Capturing, killing or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(2) selling, bartering, purchasing or offering to sell, barter or purchase, 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 commercial 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 ~~4~~, special publication number ~~24~~ 30;

(9) turtles, \$10 each for unprocessed turtles or \$8 per pound or fraction 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.

Approved May 13, 2004.

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