

February 20, 2013

The Honorable Sharon Schwartz, Chairperson  
House Committee on Agriculture and Natural Resources  
Statehouse, Room 149-S  
Topeka, Kansas 66612

Dear Representative Schwartz:

**SUBJECT:** Fiscal Note for HB 2362 by House Committee on Agriculture and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2362 is respectfully submitted to your committee.

HB 2362 would amend existing law concerning the Nongame and Endangered Species Conservation Act. The bill would define “critical habitat” and prohibit the Secretary of the Kansas Department of Wildlife, Parks and Tourism from adopting rules and regulations pertaining to habitats other than critical habitats. The bill would require the Secretary to determine whether a species is threatened or endangered based on factors that apply to the species in the United States as a whole, as well as in Kansas and prohibit the Secretary from designating a species as threatened or endangered if the species was determined to be common, widespread, abundant or uncommon, but not rare, in the United States or unless the species was at risk according to the U. S. Endangered Species Act of 1973. The bill would require the Secretary to complete a review of species listed as threatened or endangered under the Kansas Nongame and Endangered Species Conservation Act and remove these species no longer considered threatened or endangered by October 1, 2013. Rules and regulations adopted with regard to a specific species of wildlife designated as threatened or endangered would not be in force until 30 days after the publication of the recovery plan for the species.

The Kansas Department of Wildlife, Parks and Tourism estimates that passage of HB 2362 would cause additional expenditures of approximately \$1,500 per species for the agency to publish threatened and endangered species recovery plans in the Kansas Register. The agency is unable, however, to estimate a total amount as it does not know how many plans would be published. The agency indicates that passage of the bill would also result in the loss of a minimum of \$40,000 annually in federal funds related to implementation of federal laws concerning threatened and endangered species. In addition, the agency expresses concern that passage of the bill could cause a significant increase in federal oversight and listing of species,

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which could cause increased compliance costs. Any fiscal effect associated with HB 2362 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Chris Tymeson, KDWPT