

## SENATE BILL No. 556

By Senator Schmidt

2-11

---

AN ACT concerning agriculture; relating to sericea lespedeza; experiment research station at Toronto state park; amending K.S.A. 32-807 and repealing the existing section.

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

New Section 1. The secretary of wildlife and parks in cooperation with the secretary of agriculture shall establish and develop a research and experiment station to study the biology, control and eradication of sericea lespedeza at Toronto state park. Such research and experiment station shall be developed to provide a focal point to enhance and coordinate federal, state and local efforts and public and private efforts to control and eradicate sericea lespedeza. Such research efforts shall include basic and applied research, utilization of experiment and demonstration plots and development of field days and workshops to demonstrate methods of control and eradication of sericea lespedeza.

Sec. 2. K.S.A. 32-807 is hereby amended to read as follows: 32-807. The secretary shall have the power to:

(a) Adopt, in accordance with K.S.A. 32-805 and amendments thereto, such rules and regulations as necessary to implement, administer and enforce the provisions of the wildlife and parks laws of this state;

(b) enter into such contracts and agreements as necessary or incidental to the performance of the powers and duties of the secretary;

(c) employ or contract for, and fix the compensation of, consulting engineers, attorneys, accountants and construction and financial experts, all of whom shall be in the unclassified service under the Kansas civil service act;

(d) designate an official seal and alter it at the secretary's pleasure;

(e) sue, be sued, plead and be impleaded in the name of the department;

(f) purchase, lease, accept gifts or grants of or otherwise acquire in the name of the state such water, water rights, easements, facilities, equipment, moneys and other real and personal property, and interests therein, including any property abandoned on department lands and waters, and maintain, improve, extend, consolidate, exchange and dispose of such property, as the secretary deems appropriate to carry out the intent and

1 purposes of the wildlife and parks laws of this state;

2 (g) acquire, establish, develop, construct, maintain and improve state  
3 parks, state lakes, recreational grounds, wildlife areas and sanctuaries, fish  
4 hatcheries, natural areas, physical structures, dams, lakes, reservoirs, em-  
5 bankments for impounding water, roads, landscaping, habitats, vegetation  
6 and other property, improvements and facilities for the purposes of wild-  
7 life management, preservation of natural areas and historic sites and pro-  
8 viding recreational or cultural opportunities and facilities to the public  
9 and for such other purposes as suitable to carry out the intent and pur-  
10 poses of wildlife and parks laws of this state;

11 (h) operate and regulate the use of state parks, state lakes, recrea-  
12 tional grounds, wildlife areas and sanctuaries, fish hatcheries, natural ar-  
13 eas, historic sites and other lands, waters and facilities under the juris-  
14 diction and control of the secretary, so as to promote the public health,  
15 safety and decency and the purposes for which such lands, waters and  
16 facilities are maintained and operated and to protect and safeguard such  
17 lands, waters and facilities, including but not limited to:

18 (1) Regulating the demeanor, actions and activities of persons using  
19 or within such lands, waters and facilities;

20 (2) providing for the inspection of boats, the issuance of permits for  
21 operation of watercraft of all kinds and the charging and collection of fees  
22 for the inspection and operation of such craft;

23 (3) prescribing the type, style, location and equipment of all wharves,  
24 docks, anchorages, pavilions, restaurants and other structures or buildings  
25 which may be constructed along the shores or upon the water of any body  
26 of water or land controlled by the department, and providing for the  
27 licensing, inspection and supervision of such structures or buildings;

28 (4) granting and imposing charges for permits and for all commercial  
29 uses or purposes for which any of the properties of the department may  
30 be used;

31 (5) charging fees to use special facilities provided for the public or  
32 giving written authorization to lessees of the department to charge such  
33 fees; ~~and~~

34 (6) operating, renting or leasing any such lands, waters and facilities  
35 which in the judgment of the secretary are necessary or desirable for the  
36 use and pleasure of visitors or for management of such lands, waters and  
37 facilities and fixing and collecting reasonable fees, tolls, rentals and  
38 charges for the use or operation thereof. All contracts or leases for the  
39 exercise of any concession shall be entered into only upon the basis of  
40 sealed proposals which shall be made and let by the secretary except that:

41 (A) Where a concessionaire has an existing lease with the secretary or any  
42 agency of the federal government which the secretary desires to renew,  
43 renegotiate or acquire and sublease, such lease or sublease may be ne-

1 gotiated directly in accordance with rules and regulations of the secretary  
2 and without compliance with the requirements hereinbefore specified;  
3 (B) any such contract or lease for a term of 30 days or less may be made  
4 by the secretary directly in accordance with rules and regulations of the  
5 secretary; and (C) the secretary shall have authority to reject any or all  
6 proposals; *and*

7 *(7) cooperating in the establishment and development of a research*  
8 *and experiment station as provided in section 1, and amendments thereto,*  
9 *with the secretary of agriculture;*

10 (i) have exclusive administrative control over state parks, state lakes,  
11 recreational areas, wildlife areas and sanctuaries, fish hatcheries, natural  
12 areas and other lands, waters and facilities under the jurisdiction of the  
13 secretary;

14 (j) provide for protection against fire and storm damage to the lands,  
15 waters and facilities under the jurisdiction of the secretary;

16 (k) contract with the federal government pursuant to public law 89-  
17 72 in order to acquire land by purchase, lease, agreement or otherwise  
18 on El Dorado and Hillsdale reservoir project lands;

19 (l) apply for, receive and accept from any federal agency any federal  
20 grants available for the purposes of the wildlife and parks laws of this  
21 state;

22 (m) have authority, control and jurisdiction over all matters relating  
23 to the development and conservation of wildlife and recreation resources  
24 of the state insofar as it pertains to forests, woodlands, public lands, sub-  
25 marginal lands, prevention of soil erosion, habitats and the control and  
26 utilization of waters, including all lakes, streams, reservoirs and dams,  
27 except that this subsection shall not prohibit any political subdivision of  
28 the state or private corporation from having full control of any lake now  
29 constructed and owned by it;

30 (n) conduct research in matters relating to the purposes of the wild-  
31 life and parks laws of this state and disseminate information relating  
32 thereto for the public use and benefit;

33 (o) publicize to the citizens of this and other states the natural re-  
34 sources and facilities existing in Kansas and encourage people to visit  
35 Kansas by disseminating available information as to the natural resources  
36 and recreational advantages of the state;

37 (p) develop public recreation as related to natural resources and im-  
38 plement a state recreational plan which may include, but shall not be  
39 limited to, the general location, character and extent of state lands, waters  
40 and facilities for public recreational purposes and methods for better use  
41 of lands, waters and facilities which are within the scope of the plan or  
42 the purpose of the wildlife and parks laws of this state but, before imple-  
43 mentation of such plan or any part thereof, the secretary shall submit it

1 to any state agency affected thereby for such agency's advice and  
2 recommendations;

3 (q) provide for the preservation, protection, introduction, distribu-  
4 tion, restocking and restoration of wildlife, and the public use thereof, in  
5 this state, including, but not limited to:

6 (1) Establishing, by rules and regulations adopted in accordance with  
7 K.S.A. 32-805 and amendments thereto, open seasons when wildlife may  
8 be taken or transported in the state of Kansas, or in any part or area of  
9 the state designated by counties, major streams, federal impoundments  
10 or federal, state or county highways, or by other recognizable boundaries,  
11 which open seasons may be established for a specified time in one year  
12 only or for a specified time in an indefinite number of years and which  
13 open seasons on migratory birds shall not extend beyond or exceed those  
14 in effect under federal laws and regulations;

15 (2) establishing, by rules and regulations adopted in accordance with  
16 K.S.A. 32-805 and amendments thereto, the number of wildlife which  
17 may be taken by a person, as the legal limit for any one calendar day and  
18 for the open season, which limit on migratory fowl shall not extend be-  
19 yond or exceed those limits in effect under federal laws and regulations;

20 (3) establishing, by rules and regulations adopted in accordance with  
21 K.S.A. 32-805 and amendments thereto, the legal size limits of fish or  
22 frogs which may be taken;

23 (4) establishing, by rules and regulations adopted in accordance with  
24 K.S.A. 32-805 and amendments thereto, the conditions, procedure and  
25 rules under which any person may sell, purchase, buy, deal or trade in  
26 wildlife in the state of Kansas; and

27 (5) capturing, propagating, transporting, selling, exchanging, giving or  
28 distributing any species of wildlife, by any means or manner, needed for  
29 stocking or restocking any lands or waters in this state, except that the  
30 power to capture any species of wildlife for any purpose shall not apply  
31 to private property except by permission of the owners of the property  
32 or in the case of an emergency threatening the public health or welfare;

33 (r) establish, by rules and regulations adopted in accordance with  
34 K.S.A. 32-805 and amendments thereto, the period of time that a license,  
35 permit, stamp or other issue of the department shall be in effect, unless  
36 such period is otherwise established by law, and provisions for acceptance  
37 of any issue of the department before its effective date as a valid issue if  
38 the secretary determines such acceptance best serves the public good;  
39 and

40 (s) do such other acts and things as necessary and proper to carry out  
41 the intent and purpose of the wildlife and parks laws of this state and to  
42 better protect, conserve, control, use, increase, develop and provide for  
43 the enjoyment of the natural resources of this state.

1 Sec. 3. K.S.A. 32-807 is hereby repealed.

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43