

SENATE BILL No. 125

By Committee on Agriculture

2-3

AN ACT relating to wildlife and parks; creating the big game animal depredation management fund; also creating the big game animal depredation management stamp; amending K.S.A. 32-992 and K.S.A. 2002 Supp. 20-2801, 32-988 and 32-1047 and repealing the existing sections.

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

New Section 1. This act shall be known and may be cited as the big game damage compensation act.

New Sec. 2. (a) There is hereby created the big game animal depredation management fund in the state treasury. All expenditures from the big game animal depredation management fund shall be made in accordance with the provisions of appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of wildlife and parks or the secretary's designee.

(b) All moneys credited to the big game animal depredation management fund shall be used for the purposes of administering the provisions of sections 1 through 6, and amendments thereto, and for the payment of big game animal damage compensation payments in accordance with the provisions of sections 1 through 6, and amendments thereto.

(c) All moneys received for the big game animal depredation management stamp, and the big game animal depredation management surcharge shall be remitted in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit to the big game animal depredation management fund.

(d) The state treasurer shall credit all of the remittances of fines, penalties and forfeitures received from clerks of the district court for violations of wildlife and park statutes under chapter 32 of the Kansas Statutes Annotated, and amendments thereto, to the big game animal depredation management fund.

New Sec. 3. (a) Each permit to hunt big game animals shall include a big game animal depredation management stamp. The fee for the big game animal depredation management stamp shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

(b) Each license to hunt, each commercial guide permit and each

1 associate guide permit shall include a big game animal depredation man-
2 agement surcharge. The surcharge shall be the amount prescribed pur-
3 suant to K.S.A. 32-988, and amendments thereto.

4 Sec. 4. K.S.A. 2002 Supp. 32-988 is hereby amended to read as fol-
5 lows: 32-988. (a) The secretary is authorized to adopt, in accordance with
6 K.S.A. 32-805 and amendments thereto, rules and regulations fixing the
7 amount of fees for the following items, subject to the following limitations
8 and subject to the requirement that no such rules and regulations shall
9 be adopted as temporary rules and regulations:

10 Big game permits

11 Resident (other than elk permit): maximum \$100

12 Nonresident (other than elk permit): maximum \$400

13 Elk permit: maximum \$350

14 Big game tag: maximum \$10

15 Nonresident applications: maximum \$5

16 *Big game animal depredation management stamp: maximum \$5 for resident; maximum \$10*
17 *for nonresident*

18 *Big game animal depredation management surcharge: \$5*

19 Combination hunting and fishing licenses

20 Resident: maximum \$50

21 Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

22 Nonresident: maximum \$200

23 Commercial dog training permits: maximum \$25

24 Commercial guide permit or associate guide permit

25 Resident: maximum \$250

26 Nonresident: maximum \$1,000

27 Commercial harvest or dealer permits: maximum \$200

28 Commercial prairie rattlesnake harvesting permits

29 Resident or nonresident with valid hunting license: maximum \$5

30 Resident or nonresident nonfirearm without valid hunting license: maximum \$20

31 Controlled shooting area operator license: maximum \$400

32 Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

33 Falconry

34 Permits: maximum \$300

35 Examinations: maximum \$100

36 Field trial permits: maximum \$25

37 Fishing licenses

38 Resident: maximum \$25

39 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

40 Nonresident: maximum \$75

41 Five-day nonresident: maximum \$25

42 Institutional group: maximum \$200

43 Special nonprofit group: maximum \$200

- 1 Twenty-four-hour: maximum \$10
- 2 Fur dealer licenses
- 3 Resident: maximum \$200
- 4 Nonresident: maximum \$400
- 5 Furharvester licenses
- 6 Resident: maximum \$25
- 7 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 8 Nonresident: maximum \$400
- 9 Game breeder permits: maximum \$15
- 10 Handicapped hunting and fishing permits: maximum \$5
- 11 Hound trainer-breeder running permits: maximum \$25
- 12 Hunting licenses
- 13 Resident: maximum \$25
- 14 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 15 Nonresident 16 or more years of age: maximum \$125
- 16 Nonresident under 16 years of age: maximum \$75
- 17 Controlled shooting area: maximum \$25
- 18 Forty-eight-hour waterfowl permits: maximum \$25
- 19 Migratory waterfowl habitat stamps: maximum \$8
- 20 Mussel fishing licenses
- 21 Resident: maximum \$200
- 22 Nonresident: maximum \$1,500
- 23 Rabbit permits
- 24 Live trapping: maximum \$200
- 25 Shipping: maximum \$400
- 26 Raptor propagation permits: maximum \$100
- 27 Rehabilitation permits: maximum \$50
- 28 Scientific, educational or exhibition permits: maximum \$10
- 29 Wildlife damage control permits: maximum \$10
- 30 Wildlife importation permits: maximum \$10
- 31 Special permits under K.S.A. 32-961: maximum \$100
- 32 Miscellaneous fees
- 33 Special events on department land or water: maximum \$200
- 34 Special departmental services, materials or supplies: no maximum
- 35 Other issues of department: no maximum
- 36 Vendor bond: no maximum
- 37 (b) The fee for a landowner-tenant resident big game hunting permit
- 38 shall be an amount equal to $\frac{1}{2}$ the fee for a general resident big game
- 39 hunting permit.
- 40 (c) The fee for a furharvester license for a resident under 16 years of
- 41 age shall be an amount equal to $\frac{1}{2}$ the fee for a resident furharvester
- 42 license.
- 43 (d) The secretary may establish, by rules and regulations adopted in

1 accordance with K.S.A. 32-805 and amendments thereto, different fees
2 for various classes and types of licenses, permits, stamps and other issu-
3 ances of the department which may occur within each item as described
4 under subsection (a).

5 Sec. 5. K.S.A. 32-992 is hereby amended to read as follows: 32-992.
6 (a) *Unless otherwise provided by law*, all license fees from the sale of
7 lifetime hunting, fishing or furharvester or combination hunting and fish-
8 ing licenses shall be remitted in accordance with the provisions of K.S.A.
9 75-4215, and amendments thereto, to the state treasurer. The state trea-
10 surer shall deposit the entire amount in the state treasury and credit:

11 (1) To the wildlife fee fund, an amount equal to the amount obtained
12 by multiplying the number of such lifetime licenses issued by the current
13 fee for an annual fishing, hunting or furharvester or combination hunting
14 and fishing license; and

15 (2) to the wildlife conservation fund, which is hereby created, the
16 remaining balance.

17 (b) On or before the 10th of each month, the director of accounts
18 and reports shall transfer from the state general fund to the wildlife con-
19 servation fund interest earnings based on:

20 (1) The average daily balance of moneys in the wildlife conservation
21 fund for the preceding month; and

22 (2) the net earnings rate of the pooled money investment portfolio
23 for the preceding month.

24 (c) All expenditures from the wildlife conservation fund shall be made
25 in accordance with appropriations acts upon warrants of the director of
26 accounts and reports issued pursuant to vouchers approved by the sec-
27 retary.

28 New Sec. 6. (a) (1) The secretary of wildlife and parks shall establish
29 by rules and regulations a procedure by which qualified persons who have
30 qualified claims may apply for compensation from the big game animal
31 depredation management fund.

32 (2) Qualified persons are:

33 (A) Any person who suffers actual damage to property as a result of
34 an automobile collision with a deer, turkey, elk or antelope on any public
35 roadway in this state and who has a qualified claim; or

36 (B) any agricultural producer who suffers actual damage to property
37 in this state as a result of deer, turkey, elk or antelope eating or trampling
38 field crops and who has a qualified claim.

39 (3) Qualified claim is a claim that:

40 (A) Is filed by a qualified person;

41 (B) does not exceed the amount of actual damage to property in-
42 curred by a qualified person as a result of wildlife damage;

43 (C) arises out of wildlife damage that occurred not more than 12

1 months prior to the date the claim is filed; and

2 (D) meets the limitations of subsections (b) and (c).

3 (b) (1) No more than one claim filed pursuant to subsection (a)(1)
4 and arising out of the same automobile collision shall be considered a
5 qualified claim. No claim filed pursuant to subsection (a)(1) and seeking
6 compensation for damages exceeding \$1,000 or that have been or will be
7 reimbursed by an insurance policy shall be considered a qualified claim.
8 No claim filed pursuant to subsection (a)(1) and seeking compensation
9 for damages exceeding \$5,000 shall be considered a qualified claim.

10 (2) No more than one claim filed pursuant to subsection (a)(2) during
11 any 12-month period shall be considered a qualified claim.

12 (c) The secretary of wildlife and parks shall pay, once per year on a
13 date established by rules and regulations, to each qualified person who
14 has filed a qualified claim for compensation pursuant to this act an amount
15 not to exceed the amount of the qualified claim filed by such person. In
16 the event the sum of all qualified claims filed by qualified persons pur-
17 suant to this act shall exceed the amount of funds in the big game animal
18 depredation management fund, the secretary of wildlife and parks shall
19 prorate the amount of payment to each qualified person so that all funds
20 in the big game animal depredation management fund are expended and
21 so that each qualified person receives an amount in proportion to the
22 amount of such person's qualified claim.

23 (d) No qualified claim shall be denied without first giving the quali-
24 fied person notice and an opportunity for a hearing in accordance with
25 the provisions of the Kansas administrative procedure act. Judicial review
26 of a qualified claim denied under this section shall be in accordance with
27 the provisions of the act for judicial review and civil enforcement of
28 agency actions.

29 Sec. 7. K.S.A. 2002 Supp. 20-2801 is hereby amended to read as
30 follows: 20-2801. (a) The clerk of the district court shall remit all moneys
31 payable to the state treasurer from fines, penalties and forfeitures to the
32 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
33 amendments thereto. Upon receipt of each such remittance, the state
34 treasurer shall deposit the entire amount in the state treasury to the credit
35 of the state general fund, except as provided in K.S.A. 74-7336, and
36 amendments thereto, *and subsection (d) of section 2, and amendments*
37 *thereto.*

38 (b) In order to determine the amount of moneys available pursuant
39 to this section, the director of accounts and reports or the state treasurer,
40 whenever it is deemed necessary by either of such officers, may request
41 the clerk of the district court to provide such information as provided in
42 this section. Within 10 days of the receipt of any such request, such clerk
43 shall certify the amount of moneys collected pursuant to this section to

1 the director of accounts and reports and the state treasurer.

2 (c) This section shall not apply to municipal courts.

3 Sec. 8. K.S.A. 2002 Supp. 32-1047 is hereby amended to read as
4 follows: 32-1047. The department is hereby empowered and directed to
5 seize and possess any wildlife which is taken, possessed, sold or trans-
6 ported unlawfully, and any steel trap, snare or other device or equipment
7 used in taking or transporting wildlife unlawfully or during closed season.
8 The department is authorized to:

9 (a) Sell the seized item and remit the proceeds to the state treasurer
10 in accordance with the provisions of K.S.A. 75-4215, and amendments
11 thereto. Upon receipt of each such remittance, the state treasurer shall
12 deposit the entire amount in the state treasury to the credit of the ~~fee~~
13 ~~fund designated by the secretary~~ *big game animal depredation manage-*
14 *ment fee fund*; or

15 (b) retain the seized item for educational, scientific or department
16 operational purposes.

17 *Seized items that shall be sold are wildlife parts with a dollar value,*
18 *unless otherwise prohibited by law, and any device or equipment used in*
19 *the taking or transporting of wildlife unlawfully. If the piece of equipment*
20 *is a firearm, then it shall be sold unless (A) the firearm is significantly*
21 *altered in any manner or (B) the sale and public possession of such firearm*
22 *is otherwise prohibited by law.*

23 Sec. 9. K.S.A. 32-992 and K.S.A. 2002 Supp. 20-2801, 32-988 and
24 32-1047 are hereby repealed.

25 Sec. 10. This act shall take effect and be in force from and after its
26 publication in the statute book.

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