

February 9, 1989
Approved January-97-1989
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 ~~xxx~~/p.m. on January 30, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Charlton, (excused)

Committee staff present:

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

Conferees appearing before the committee:

Joyce Wolf, Kansas Audubon Council
Mike Beam, Kansas Livestock Association
Susan Seltsam, Assistant State Treasurer

Hearing continued on House Bill 2005 - Recodification relating to consolidation of fish and game commission and park and resources authority into department of wildlife and parks. Re Proposal No. 18.

Joyce Wolf testified on behalf of the Kansas Audubon Council. Her organization endorsed this legislation, particularly the sections dealing with non-game wildlife and the authority to acquire lands. Attachment 1.

Mike Beam represented the Kansas Livestock Association, opposing some sections of House Bill 2005. He specifically proposed that the word "shall" should not be stricken on page 23, line 833. Mr. Beam noted that a copy of the Governor's veto in 1987 of Senate Bill 364 which related to this was attached to his written testimony. Attachment 2.

Susan Seltsam, Assistant State Treasurer, explained a request from the Treasurer's Office for some minor revisions in the bill. It was noted that this was the current procedure being used. Attachment 3.

Representative Webb offered an amendment on page 49, line 1798, allowing reciprocity on fishing licenses for residents 65 or more years of age between the states of Kansas and Texas. Attachment 4. Representative Webb, seconded by Representative Freeman, made a motion to adopt this amendment. The motion passed.

Representative Patrick offered an amendment relative to lines 796 and 797 on page 22. This would require the Wildlife and Parks Department to follow condemnation procedures in accordance with the eminent domain procedure act. Attachment 5. Representative Patrick, seconded by Representative Krehbiel, moved that this amendment be adopted. The motion passed.

Representative Patrick proposed the following amendments:

- (1) On page 115, to strike all the language in lines 104 and 105.
- (2) On page 116, to strike the language beginning on line 125 with the word "If" and continuing to the period before the word "The" on line 128.
- (3) On page 116, to strike the language beginning with the word "Failure" on line 141 and continuing through line 147 after the word "misdemeanor."

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S Statehouse, at 3:30 ~~xxx~~ p.m. on January 30, 19 89

A motion was made by Representative Patrick, seconded by Representative Lucas, to adopt these amendments. The motion carried.

Representative Barr made a motion for an amendment on page 23, on line 833, to change "may" to "shall". Representative Lucas seconded the motion. Following committee discussion, a vote was taken and the motion passed.

The staff revisor discussed the suggested technical clean-up amendments that had been made. Attachment 6. A motion was made by Representative Guldner, seconded by Representative Freeman, to adopt these amendments. The motion passed.

Returning to the amendments requested by the State Treasurer's Office, Representative Grotewiel moved that these amendments be adopted. Representative Holmes seconded and the motion carried.

Representative Patrick moved that lines 900 through 905 on page 25 be stricken. Representative Gatlin seconded the motion. Following committee discussion, the motion was amended to include only lines 902 through 905. Following further discussion, a vote was taken and the motion passed.

Representative Freeman, seconded by Representative Lacey, moved that House Bill 2005 as amended be reported favorably for passage. The motion carried.

The meeting was adjourned at 4:40 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held at 3:30 p.m. on January 31, 1989 in Room 526-S.



Kansas Audubon Council

JANUARY 30, 1989
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

I want to thank the committee members for making it possible to present testimony today on behalf of the Kansas Audubon Council which represents the 5000 Kansas members of the National Audubon Society. The Kansas Audubon Council, which met on January 28th in Emporia, asked me to reaffirm my previous testimony on recodification which was offered during the interim session.

We want to express our appreciation and endorsement of the Kansas Department of Wildlife and Parks' increasing emphasis on non-game wildlife, in particular by their placing it in a position of equal status with game species through the definition section of HB 2005. Additionally, we support those parts of the recodification document which give the department direction to move more aggressively into areas of promotion of tourism within the state. For too long the beauties and value of Kansas' natural and historic areas have gone unappreciated.

The Audubon Society believes that a comprehensive system of lands managed by the Kansas Department of Wildlife and Parks, which focuses attention on the natural, historic, cultural and recreational resources within the state, should be the cornerstone of our long-term economic development and for promotion of tourism.

According to department data the number of annual park permits being sold has increased dramatically in recent years. In 1987 nearly 250,000 state park permits were sold; this figure does not include exemptions for senior citizens. With the increasing pressures on Kansas' current facilities and the recognition of the need to provide added tourism attractions and resources, we feel it is vitally important that the department continue to have the authority to acquire lands necessary for wildlife management, preservation of natural areas and historic sites, and to provide recreational or cultural opportunities and facilities for the public.

The Audubon Council believes that any diminution of the authority to acquire lands would seriously jeopardize the department's ability to effectively preserve, protect and defend the wildlife and natural areas of the state. Thus, we wholeheartedly support those sections of HB 2005 which grant that authority. We truly believe that publicly owned land is a state asset whose worth cannot be overemphasized, for it promotes pride in our state and a feeling of stewardship among our citizens.

HE + NR
1-30-89
Attachment 1



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358

Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

January 26, 1989

TO: House Energy and Natural Resources Committee
Rep. Dennis Spaniol, Chairman

FROM: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division, Kansas
Livestock Association

RE: Comments Regarding Wildlife and Parks Recodification Legislation
(HB 2005)

Thank you, Mr. Chairman and committee members, for giving us the privilege to comment on the statute changes governing the Kansas Department of Wildlife and Parks. I'd like to outline a few concerns and suggest amendments to the bill to address the viewpoints of the KLA membership.

I'm fully aware that current laws give the Wildlife and Parks Department the authority to condemn and acquire land on behalf of the state of Kansas. KLA has deep concerns about this authority and would like to see more legislative oversight to better protect the rights of private property owners. I'd like to offer as a recommendation, a proposal similar to a bill considered by the 1987 Kansas Legislature.

That year, SB 364 passed the legislature and proposed to amend KSA 74-3302 to say "except as otherwise more specifically provided by law, the authority to accept gifts of land and grants of land having a value of \$5,000 or more and to buy, sell, exchange or condemn land having a value of \$5,000 or more shall be subject to the approval of the legislature."

H E + NR
1-30-89
Attachment 2

Governor Hayden vetoed SB 364 because of it's potential impact to the Wild Trust Program (see attachment). I think Governor Hayden disapproved of the legislation for a sound reason and we would like to offer alternative language to address this legitimate concern.

Perhaps the best manner is to amend New Section 9 (starting on page 10) and insert language which basically says that "the authority to buy, sell, exchange or condemn land having a value of \$5,000 shall be subject to the approval of the legislature."

W & P LAND LEASED FROM CORPS OF ENGINEERS

Please note the procedures outlined in sections 21 and 22 (page 23-24) which provides public review and legislative oversight over the wildlife and parks ability to lease federally owned land. These two sections were the result of an extensive interim committee study and a recommendation that passed in 1984 with the adoption of HB 2642. Our association felt strongly that the Wildlife and Parks Department (or at that time Fish and Game Commission management) leasing of this land could result in a negative impact to area landowners. Sections 21 and 22 provide the mechanism for public review and input for future land acquisitions through leasing arrangements. I noticed that HB 2005 proposes to strike the words "shall" in line 833. I strongly suggest that we leave this language in place so Wildlife and Parks Department and/or local government officials won't circumvent the hearing procedure prescribed by the Kansas legislature.

REINTRODUCTION AND/OR TRANSPLANT OF WILDLIFE SPECIES

For several years, our association has adopted a policy that opposes the reintroduction or relocation of wildlife species without approval of landowners in the area affected. We would certainly like to see this type

of language inserted into the sections which gives wildlife and parks the authority to introduce wildlife in areas across the state.

AIRPLANE CONTROL OF PREDATORS

KSA 32-104 specifically prohibits the use aircraft for hunting or pursuing wild animals or birds. It's recently come to our attention that several states allow the use of aircraft particularly to control targeted coyote populations which are causing predator problems. We are not asking for a bill to give Kansans a blanket authority to use aircraft in this manner, we are simply requesting that the legislature give the Wildlife and Parks Department the authority to adopt rules and regulations for the use of airplanes on a limited and restricted basis.

Thanks again for the opportunity to comment on HB 2005. I'd be happy to respond to any questions or comments that you or the committee members may have. Thank you for your consideration.

OFFICE OF THE GOVERNOR

Senate Bill No. 364

AN ACT concerning the Kansas fish and game commission; concerning the authority to purchase and sell land; amending K.S.A. 74-3302 and repealing the existing section.

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill No. 364 to you unsigned.

This bill would require legislative approval before the fish and game commission could sell, purchase, exchange or accept as a gift any land having a value of \$5,000 or more. I do not object to requiring such legislative approval for sales, purchases or exchanges of land. However, I believe that this legislative approval for gifts of land could adversely impact the Wildtrust program. Tax considerations may require that proposed gifts of land be accepted in a more timely fashion. Inability to accept desirable gifts and grants of land when available could reduce the willingness of some individuals to make land donations.

For these reasons, I veto Senate Bill No. 364.

MIKE HAYDEN
Governor

Joan Finney
TREASURER



900 JACKSON, SUITE 201
TOPEKA, KANSAS 66612-1235

STATE OF KANSAS

TELEPHONE
(913) 296-3171

January 23, 1989

Representative Dennis Spaniol
Chairman
Energy and Natural Resources
Committee
State Capitol, Room 115-S
BUILDING MAIL

RE: HB 2005

Dear Representative Spaniol:

Because the State Treasurer is responsible for collecting various license, permit and stamp fees from counties, we have reviewed HB 2005 as introduced.

On page 87, lines 3210 through 3213 requires that the State Treasurer give to the County Treasurer a receipt for fees in duplicate; one to be retained by the County Treasurer and one to be filed with the director of accounts and reports.

The current practice is that each remittance sent to the State Treasurer is accompanied by a report form detailing what fees, permits and licenses are being reported and paid. The county keeps one copy and sends the original to the State Treasurer. The Treasurer prepares a receipt voucher for the state accounting system showing individual counties and each detailed fund receiving money. Copies are sent to Accounts and Reports and to Wildlife and Parks. The cancelled check from the county is the County Treasurer's receipt.

Therefore, I believe the language in line 3210 "and shall", the entire lines 3211 and 3212, and in line 3213 "and reports" is unnecessary and should be stricken. See copy attached marked in red.

Please call me if you have questions or would like additional information.

Sincerely yours,

Handwritten signature of Susan Seltsam in cursive.

Susan Seltsam
Assistant State Treasurer

H E & NR

1-30-89

Attachment 3

SS: tmm
Enclosure

3186 *retary and the secretary, upon investigation, finds that such licenses*
3187 *were-issue or fee was lost, stolen or destroyed by any-a cause beyond*
3188 *the control of the designated employee, the director-secretary shall*
3189 *relieve the designated employee from payment for such licenses-issue*
3190 *or fee. Whenever the director-secretary finds, upon investigation,*
3191 *that any such licenses-were-issue or fee was lost, stolen, or destroyed*
3192 *by any-a cause within the control of the designated employee, such*
3193 *employee shall-may be liable for payment of all or a portion of the*
3194 *value of such licenses-issue or fee.*

3195 Sec. 101. K.S.A. 32-104c is hereby amended to read as follows:
3196 32-104c. (a) *The county clerk of each county or the clerk's designated*
3197 *employees may issue, at the county clerk's office, any license, permit,*
3198 *stamp or other issue of the department which the county clerk is*
3199 *authorized to issue pursuant to law or rules and regulations of the*
3200 *secretary. The county clerk shall issue such license, permit, stamp*
3201 *or other issue under seal.*

3202 (b) ~~The several county clerks shall pay over all such license fees~~
3203 ~~so collected to the county treasurer of their several counties, said~~
3204 ~~payment to be made daily, when and as received, and shall take~~
3205 ~~the county treasurer's receipt therefor, and the county treasurers~~
3206 ~~shall pay quarterly to the state treasurer the license fees so collected,~~
3207 ~~taking his county clerk shall pay daily to the county treasurer of~~
3208 ~~the county all moneys collected by the clerk from fees for issues of~~
3209 ~~the department. The county treasurer shall pay quarterly to the state~~
3210 ~~treasurer all such moneys paid to the county treasurer, and shall~~
3211 ~~take receipt therefor in duplicate, one to be retained by the county~~
3212 ~~treasurer and the other shall to be filed with the director of accounts~~
3213 ~~and reports, and all moneys so received by. All such moneys paid~~
3214 ~~to the state treasurer shall be by him deposited in the fund known~~
3215 ~~and designated as the forestry, fish and game commission fund de-~~
3216 ~~posited in the state treasury and credited as provided by sections~~
3217 ~~107, 108 and 110.~~

3218 (c) *The county clerk may collect and retain a service charge fee,*
3219 *as provided by section 106, for each issue of the department issued*
3220 *or sold by the clerk.*

3221 Sec. 102. K.S.A. 19-328 is hereby amended to read as follows:
3222 19-328. (a) ~~The Kansas fish and game commission secretary or the~~

1749 so improved and where such facilities are located, except that a
1750 least 1/2 of the area of any existing state lake and the lands appur-
1751 tenant thereto shall be accessible to the public without the payment
1752 of any fee or charge to the authority or its lessees. This section shall
1753 be construed as a part of article 15 of chapter 71 of the Kansas
1754 Statutes Annotated.

1755 (d) The fees established by law immediately prior to July 1, 1982,
1756 shall continue in effect until different fees are fixed by the authority
1757 by rules and regulations as provided under this section.

1758 (e) Notwithstanding any provision of this section to the contrary,
1759 the state park and resources authority may designate, by resolution,
1760 two days per calendar year during which residents or nonresidents
1761 may enter and use any state park, or portion thereof, on a daily
1762 basis without first purchasing a permit therefor. In any year, such
1763 two day period shall coincide with the two day fee free fishing period
1764 designated by the Kansas fish and game commission pursuant to
1765 K.S.A. 32-104, and amendments thereto. Nothing in this subsection
1766 shall be deemed to affect the applicability of any other law or rule
1767 and regulation which affects a person's use of a state park. The
1768 provisions of this subsection shall expire on July 1, 1989.

1769 Sec. 55. K.S.A. 1988 Supp. 32-104o is hereby amended to read
1770 as follows: 32-104o (a) Except as otherwise provided by law or rules
1771 and regulations of the secretary, a valid Kansas fishing license is
1772 required to fish or to take any bullfrog in this state.

1773 (b) The provisions of subsection (a) do not apply to fishing by:

1774 (1) A person, or a member of a person's immediate family dom-
1775 icated with such person, on land owned by such person or on land
1776 leased or rented by such person for agricultural purposes;

1777 (2) a resident of this state who is less than 16 years of age or
1778 who is 65 or more years of age;

1779 (3) a nonresident who is less than 16 years of age;

1780 (4) a person fishing in a private water fishing impoundment un-
1781 less waived pursuant to section 87;

1782 (5) a resident of an adult care home, as defined by K.S.A. 39-
1783 923 and amendments thereto, licensed by the secretary of health and
1784 environment.

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Attach. 4

1755 (b) an inmate in an honor camp operated by the secretary of
 1756 corrections, pursuant to an agreement between the secretary of cor-
 1757 rections and the secretary of wildlife and parks;

1788 (7) a person on dates designated pursuant to subsection (f); or
 1789 ~~(8) a person fishing under a valid institutional group fishing~~
 1790 license issued pursuant to subsection (g).

1791 (c) The fee for a fishing license shall be the amount prescribed
 1792 pursuant to section 105.

1793 (d) Unless otherwise provided by law or rules and regulations
 1794 of the secretary, a fishing license is valid throughout the state.

1795 (e) Unless otherwise provided by law or rules and regulations of
 1796 the secretary, a fishing license is valid from the date of issuance
 1797 and expires on December 31 following its issuance, except that the
 1798 secretary may issue a:

1799 (1) Permanent license pursuant to section 66;
 1800 (2) lifetime license pursuant to section 67;
 1801 (3) nonresident fishing license valid for a period of five days;
 1802 and

1803 (4) resident or nonresident fishing license valid for a period of
 1804 24 hours.

1805 (f) The secretary may designate by resolution two days each
 1806 calendar year during which persons may fish by legal means without
 1807 having a valid fishing license.

1808 (g) The secretary of wildlife and parks shall issue an annual in-
 1809 stitutional group fishing license to ~~(a) each facility which is operating~~
 1810 under the jurisdiction of, or licensed by, the secretary of social and
 1811 rehabilitation services, ~~or (b) and to any veterans administration~~
 1812 medical center in the state of Kansas, ~~and which applies upon ap-~~
 1813 plication by such facility or center to the secretary of wildlife and
 1814 parks for such license. All applications for facilities under the juris-
 1815 diction of the secretary of social and rehabilitation services shall be
 1816 made with the approval of the secretary of social and rehabilitation
 1817 services and shall provide such information as the secretary of wildlife
 1818 and parks ~~may require~~ requires. All applications for any veterans
 1819 administration medical center shall be made with the approval of
 1820 the director of such facility and shall provide such information as
 1821 the secretary of wildlife and parks ~~may require~~. The fee for an

(8) a resident of the state of Texas who is 65 or mo-
 years of age if the state of Texas permits residents o
 this state who are 65 or more years of age to fish in Texas
 without having to obtain a Texas fishing license;

(9)

758 roads and, trails and ~~shall make parking areas and shall adopt and~~
759 enforce reasonable rules and regulations regarding their use.

790 Sec. 19. K.S.A. 32-213 is hereby amended to read as follows:
791 32-213. ~~That for the purpose of acquiring the necessary lands, water~~
792 ~~and water rights for the carrying out of the provisions of this act,~~
793 ~~and the purposes for which said commission is created, the said~~
794 ~~commission (a) The secretary, in the name of the state of Kansas,~~
795 ~~shall have and exercise, and there is hereby conferred upon it, the~~
796 ~~same rights of eminent domain as are conferred by law upon cities~~
797 ~~in the acquisition of land or water for waterworks, and for the purpose~~
798 of acquiring lands, water and water rights necessary to:

799 (1) Carry out the provisions of the wildlife and parks laws of
800 this state and the purposes for which the department is created; or

801 (2) protect, add to and improve state parks, state lakes, recre-
802 ational areas, wildlife areas and sanctuaries, natural areas, fish
803 hatcheries and other lands, waters and facilities provided for by
804 section 9.

805 (b) The taking, using and appropriating of property as author-
806 ized by subsection (a)(2) for the purposes of protecting lands, waters
807 and facilities and their environs and preserving the view, appear-
808 ance, light, air, health and usefulness thereof by reselling such prop-
809 erty with such restrictions in the deeds of resale as will protect the
810 property taken for such purposes is hereby declared to be taking,
811 using and appropriating of such property for public use. The pro-
812 ceeds arising from the resale of any property so taken shall be used
813 by the secretary for the purpose of improving lands, waters and
814 facilities under the jurisdiction and control of the secretary.

815 (c) Upon request of ~~said commission~~ the secretary, the attorney
816 general shall proceed by proper action to acquire by condemnation
817 all lands, or rights therein or thereon, and all water ~~and/or~~ or water
818 rights required by ~~said commission~~ the department pursuant to this
819 section.

820 Sec. 20. K.S.A. 32-223 is hereby amended to read as follows:
821 32-223. ~~That~~ Whenever any person donates or has donated real estate
822 to the state of Kansas for use as a state park upon which real estate
823 taxes have been levied and assessed and upon which penalties and
824 charges have accrued, the board of county commissioners of the

may exercise the right of eminent domain in accordance with the eminent domain procedure act

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Attach. 5

899 ~~Johnson and Miami counties~~ Miami county.

900 (b) No state park named in subsection (a) shall be removed from
901 the state park system without legislative approval.

902 (c) The secretary, by rules and regulations adopted in accordance
903 with K.S.A. 1988 Supp. 75-3905 and amendments thereto, may des-
904 ignate additional parks as a part of the state park system and may
905 remove such additional parks from such system.

906 Sec. 24. K.S.A. 74-4518 is hereby amended to read as follows:
907 74-4518. (a) The ~~authority~~ secretary shall have power and is hereby
908 authorized to issue its negotiable bonds of the department, from time
909 to time, in anticipation of the collection of revenues of a specific
910 project or a dedicated revenue source, for the purpose of construct-
911 ing, acquiring, reconstructing, improving, bettering or extending any
912 properties which ~~the secretary~~ is authorized to acquire, maintain
913 or operate hereunder and may pledge to the payment of the interest
914 on and principal of such bonds all income received from operation
915 of the specific project ~~so controlled and operated by the authority~~
916 or from the dedicated revenue source. There may be included, in
917 the cost for which bonds are to be issued, reasonable allowances for
918 legal, engineering and fiscal services, interest during construction
919 and for six (6) months after the estimated date of completion of
920 construction, and other incidental expenses. ~~Said~~ Such bonds shall
921 be authorized by resolution of the ~~authority~~ secretary and may be
922 issued in one or more series, may bear such date or dates, may
923 mature at such time or times not exceeding ~~forty (40)~~ 40 years from
924 their respective dates, may bear interest at such rate or rates not
925 exceeding the maximum rate of interest prescribed by K.S.A. 10-
926 1009 and amendments thereto, may be in such form either coupon
927 or registered, may be executed in such manner, may be payable in
928 such medium of payment, at such place or places, and be subject
929 to such terms of redemption, with or without premium, and may
930 contain such terms, covenants and conditions as such resolution or
931 subsequent resolution may provide. ~~Said~~ Such bonds may be issued
932 for money or property, and may be sold in such manner and upon
933 such terms as the ~~authority shall determine~~ Provided, secretary
934 determines, except that the interest cost to maturity of ~~said~~ the bonds
935 shall not exceed the maximum rate of interest prescribed by K.S.A.

LENR
1-30-89
Attach 6

2779 (f) "Threatened species" means any species of wildlife which
 2780 appears likely, within the foreseeable future, to become an endan-
 2781 gered species. That term shall also ~~include~~ includes any species of
 2782 wildlife determined to be a threatened species pursuant to Pub. L.
 2783 No. 93-205 (December 28, 1973), the endangered species act of 1973,
 2784 and ~~acts amendatory thereof~~ amendments thereto.

2785 (g) "Wildlife" means any member of the animal kingdom,
 2786 including, without limitation, any mammal, fish, bird, amphibian,
 2787 reptile, mollusk, crustacean, arthropod or other invertebrate, and
 2788 includes any part, product, egg or offspring thereof, or the dead
 2789 body or parts thereof.

2790 Sec. 90. K.S.A. 32-503 is hereby amended to read as follows:
 2791 32-503. (a) The ~~commission~~ secretary shall conduct investigations on
 2792 nongame species in order to develop information relating to popu-
 2793 lation, distribution, habitat needs, limiting factors and other biolog-
 2794 ical and ecological data to determine conservation measures necessary
 2795 for their continued ability to sustain themselves successfully. On the
 2796 basis of such information and determinations, the ~~commission~~ sec-
 2797 retary shall adopt rules ~~or and~~ regulations pursuant to ~~K.S.A. 32-~~ section 94
 2798 ~~507 and amendments thereto~~ which contain a list of the nongame
 2799 species deemed by the ~~commission~~ secretary to be in need of con-
 2800 servation and ~~it~~ shall develop conservation programs pursuant to
 2801 ~~K.S.A. 32-506~~ section 93 which are designed to insure the continued
 2802 ability of such nongame species to perpetuate themselves success-
 2803 fully. The ~~commission~~ secretary shall conduct ongoing investigations
 2804 of nongame species and ~~may from time to time amend such rules~~
 2805 and regulations.

2806 (b) The ~~commission~~ secretary shall adopt such rules ~~or and~~ reg- section 94
 2807 ulations pursuant to ~~K.S.A. 32-507 and amendments thereto~~ which
 2808 establish limitations relating to taking, possession, transportation,
 2809 exportation, processing, sale or offer for sale, or shipment possessing,
 2810 transporting, exporting, processing, selling, offering for sale or ship-
 2811 ping as are deemed necessary by the ~~commission~~ secretary to con-
 2812 serve such nongame species.

2813 (c) ~~Except as provided in rules or regulations adopted pursuant~~
 2814 ~~to K.S.A. 32-507 by the commission, it shall be unlawful for any~~
 2815 ~~person to take, possess, transport, export, process, sell or offer for~~

2853 to determine whether each such species is a threatened or an en-
2854 dangered species in this state.

2855 (c) (1) The ~~commission~~-secretary shall adopt rules ~~or-and~~ regu- section 94
2856 lations pursuant to ~~K.S.A. 32-507 and amendments thereto~~ which
2857 contain a list of all species of wildlife indigenous to this state which
2858 have been determined to be endangered species pursuant to this
2859 section and a list of all such species which have been determined
2860 to be threatened species pursuant to this section. Each list shall
2861 refer to the species contained therein by their scientific and common
2862 names, if any, and shall specify with respect to each such species
2863 the portion of the range of such species within this state in which
2864 it is threatened or endangered.

2865 (2) The ~~commission~~-secretary may not add a species to nor re-
2866 move a species from any such list unless ~~it-the~~ secretary has first:

- 2867 (A) Published a public notice of such proposed action;
- 2868 (B) notified the governor of any state ~~sharing-which~~ shares a
2869 common border with this state and in which the subject species is
2870 known to occur; that such action is being proposed; and

2871 (C) allowed at least ~~thirty-(30)-~~30 days following publication of
2872 such public notice for comment from the public and other interested
2873 parties, except that in cases where the ~~commission~~-secretary deter-
2874 mines that an emergency situation exists, ~~it-the~~ secretary may add
2875 species to such lists provided ~~it-the~~ secretary has published a public
2876 notice that such an emergency situation exists together with a sum-
2877 mary of facts which support such determination.

2878 (3) Upon the petition of an interested person, the ~~commission~~
2879 secretary shall conduct a review of any listed or unlisted species of
2880 wildlife proposed to be removed from or added to either of the lists
2881 adopted pursuant to this subsection (c), but only if the ~~commission~~
2882 secretary makes a determination and publishes a public notice that
2883 such person has presented substantial evidence which warrants such
2884 a review.

2885 Sec. 92. K.S.A. 32-505 is hereby amended to read as follows:

2886 32-505. (a) Whenever any species is listed as a threatened species
2887 pursuant to ~~K.S.A. 32-501, the commission~~-section 91, the secretary
2888 shall adopt such rules ~~or-and~~ regulations pursuant to ~~K.S.A. 32-507~~ section 94
2889 ~~and amendments thereto~~ as ~~it-the~~ secretary deems necessary and

2-2

2890 advisable to provide for the conservation of such species. By rules
 2891 ~~or and~~ regulations adopted pursuant to ~~K.S.A. 32-507, and amend-~~ section 94
 2892 ~~ments thereto,~~ the ~~commission~~-secretary may prohibit with respect
 2893 to any threatened species included in a list adopted pursuant to
 2894 ~~K.S.A. 32-504~~-section 91 any act which is prohibited under subsection
 2895 (b) with respect to any endangered species included in a list adopted
 2896 pursuant to ~~K.S.A. 32-504~~-section 91.

2897 (b) Except as ~~provided in subsection (c), it shall be unlawful~~
 2898 ~~otherwise specifically provided by this section or rules and regula-~~
 2899 ~~tions adopted pursuant to this section, a special permit is required~~
 2900 for any person subject to the jurisdiction of this state to:

2901 (1) Export from this state any endangered species included in a
 2902 list adopted pursuant to ~~K.S.A. 32-504~~-section 91;

2903 (2) possess, process, sell ~~or~~, offer for sale, deliver, carry, transport
 2904 or ship, by any means whatsoever, any such endangered species; or

2905 (3) ~~violate act in a manner contrary to any rule or and~~ regulation
 2906 adopted by the ~~commission~~-secretary pursuant to authority provided
 2907 by ~~this act~~-sections 88 through 94 and 120 through 123, which
 2908 pertains to such endangered species or to any threatened species of
 2909 wildlife included in a list adopted pursuant to ~~K.S.A. 32-504~~. ~~Pro-~~
 2910 ~~vided, That~~-section 91.

2911 (c) Subsection (b) does not apply to any endangered species listed
 2912 pursuant to ~~K.S.A. 32-504~~-section 91 and any species of wildlife
 2913 determined to be an endangered species pursuant to Pub. L. 93-
 2914 205 (December 28, 1973), the endangered species act of 1973, and
 2915 ~~acts amendatory thereof, which enters amendments thereto, entering~~
 2916 the state from another state or from a point outside the territorial
 2917 limits of the United States and ~~which is~~ being transported to a point
 2918 within or beyond the state ~~may be so entered and transported with-~~
 2919 ~~out restriction~~ in accordance with the terms of any federal permit
 2920 or permit issued under the laws or regulations of another state.

2921 ~~(4) Any person violating any provision of subsection (b) shall be~~
 2922 ~~deemed guilty of a class C misdemeanor.~~

2923 ~~(e)-(d)~~ The ~~commission~~-secretary may issue special permits to
 2924 authorize, under such terms and conditions as ~~it may prescribe, the~~
 2925 ~~secretary prescribes, any act described in subsection (b) or any act~~
 2926 which is otherwise prohibited ~~by subsection (b) or~~ by rules ~~or and~~

2964 ~~conservation act.~~ All state agencies shall cooperate with the ~~com-~~
2965 ~~mission-secretary~~ in furtherance of the conservation of nongame,
2966 threatened and endangered species.

2967 Sec. 94. K.S.A. 1988 Supp. 32-507 is hereby amended to read
2968 as follows: 32-507. The secretary ~~of the Kansas department of wildlife~~
2969 ~~and parks~~ may adopt ~~such rules and regulations that if the secretary~~
2970 ~~deems necessary to implement and administer the provisions of this~~
2971 ~~act. All rules and regulations adopted under this act shall be adopted~~
2972 ~~and filed in the office of the secretary of state as provided in the~~
2973 ~~acts contained in article 4 of chapter 77 of the Kansas Statutes~~
2974 ~~Annotated and amendments thereto the nongame and endangered~~
2975 ~~species conservation act.~~

, in accordance with K.S.A. 1988 Supp. 75-3905 and amendments thereto,

2976 Sec. 95. K.S.A. 32-164a is hereby amended to read as follows:
2977 32-164a. ~~(a) The forestry, fish and game commission is hereby au-~~
2978 ~~thorized and directed to adopt The secretary shall adopt, in ac-~~
2979 ~~cordance with K.S.A. 1988 Supp. 75-3905 and amendments thereto,~~
2980 rules and regulations concerning the prohibition of certain wildlife
2981 from the waters and lands in this state. Such rules and regulations
2982 shall contain a list consisting of wildlife prohibited and shall provide
2983 for certain exemptions concerning the use of such wildlife for an
2984 experimental, scientific or display purpose and for the issuance of
2985 ~~wildlife importation permits therefor. A fee may be prescribed for~~
2986 ~~such permits pursuant to section 105.~~

2987 ~~(b) It shall be unlawful for any person, corporation, partnership~~
2988 ~~or association to intentionally import into this state, or to possess or~~
2989 ~~release in this state any species of wildlife which is named on the~~
2990 ~~list adopted by the commission pursuant to subsection (a).~~

2991 ~~(c) Any person, corporation, partnership or association violating~~
2992 ~~the provisions of this act or the rules and regulations adopted pur-~~
2993 ~~suant thereto shall be deemed guilty of a class C misdemeanor.~~

2994 New Sec. 96. (a) A valid wildlife damage control permit is re-
2995 quired to use sodium fluoroacetate, commonly called formula 1080.
2996 Such permit may be obtained from the secretary and shall be signed
2997 by the secretary and the extension specialist in wildlife damage
2998 control at Kansas state university. No such permit shall be issued
2999 until the extension specialist in wildlife damage control approves and
3000 recommends the use of sodium fluoroacetate.

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time and place and answer to a charge pending against the person.

(20) "Warrant" means a written order made by a magistrate directed to any law enforcement officer commanding the officer to arrest the person named or described in the warrant.

Sec. 176. K.S.A. 1988 Supp. 48-1604 is hereby amended to read as follows: 48-1604. Each of the following departments and agencies of the state or their successors is directed to initiate and to pursue continuing studies as to the need for changes in the laws administered by it that would arise from the presence within the state of special nuclear, by-product, and radioactive materials, from the operation in this state of production or utilization facilities, and from the generation of radiation, and, on the basis of such studies, to make such recommendations for the enactment of laws or amendments to laws administered by it, and to propose to the secretary such *rules and regulations* as may appear necessary and appropriate:

(a) The state department of ~~economic development~~, ^{commerce} particularly as to the promotion and development of the peaceful uses of atomic energy and related industries;

(b) the state labor department, particularly as to hazardous working conditions;

(c) the ~~workmen's-workers'~~ compensation director, particularly as to the time and character of proof of claims of injuries and the extent of the compensation allowable therefor;

(d) the department of transportation, particularly as to the transportation of by-product, source, special nuclear, or other radioactive materials on highways of the state;

(e) the state corporation commission, particularly as to the transportation of by-product, source, special nuclear, or other radioactive materials by common carriers not in interstate commerce and as to the participation by public utilities subject to its jurisdiction in projects looking to the development of production or utilization facilities for industrial or commercial use;

(f) the state insurance department, particularly as to the insurance of persons and property from hazards to life and property resulting from nuclear development;

(g) the ~~Kansas fish and game commission~~ *department of wildlife and parks*, particularly as to the hazards to the natural resources of

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