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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairman Powell and the Senate Committee on Natural Resources
From: Tamera Lawrence, Assistant Revisor of Statutes
Date: February 4, 2016
Subject: SB 384—Nongame and Endangered Species Act

Senate Bill 384 amends certain provisions of the nongame and endangered species act.

Section 1 (K.S.A. 32-958)

SB 384 bill would add a definition of “critical habitat” to the act. “Critical habitat” would mean any specific area within a geographical area occupied by a threatened or endangered species which contains physical or biological features essential to the conservation of such species and may require special management consideration or protection. It would not include the entire geographical area which can be occupied by the threatened or endangered species unless the entire geographical area was determined to be essential by the secretary at the time the species is listed.

Section 2 (K.S.A. 32-960a)

SB 384 would require the secretary of wildlife, parks and tourism to publish and maintain each recovery plan for a threatened or endangered species on the department’s official website.

Section 3 (K.S.A. 32-961)

SB 384 would prohibit the secretary from adopting rules and regulations: (1) pertaining to any habitat other than a critical habitat of a threatened or endangered species; or (2) designating a critical habitat for a threatened or endangered species until a recovery plan for such species has been completed.

The bill would also no longer require a special permit for certain activities, including: (1) normal farming and ranching practices, unless a permit is required by the federal endangered

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species act of 1973 or involves an intentional taking; (2) development of residential and commercial property on privately owned property finance with private nonpublic funds, unless a permit is required by the federal endangered species act of 1973 or involves an intentional taking; (3) activities where a person has obtained a scientific, educational or exhibition permit; and (4) any publicly funded action, a state or federally assisted action or an action requiring a permit from another state or federal agency when the permit is provided after the completion of the action.

The bill would also state that any rules and regulations adopted pursuant to the act have no force and effect with regard to a specific threatened or endangered species until 30 days after the publication of the recovery plan for such species on the department's official website.