

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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300 SW TENTH AVENUE ▪ SUITE 24-E ▪ TOPEKA, KS 66612 ▪ (785) 296-2321

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**MEMORANDUM**

**To:** The House Standing Committee on Agriculture

**From:** The Kansas Office of Revisor of Statutes

**Date:** February 18, 2020

**Re:** HB 2669

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HB 2669 would amend the nongame and endangered species conservation act to require the secretary of wildlife, parks and tourism to establish state threatened and endangered species lists that are based on the federal threatened and endangered species lists.

Under current law, the secretary has established both a list of indigenous animals that are that are considered threatened in the state of Kansas and a separate list of indigenous animals that are considered endangered in the state of Kansas.<sup>1</sup> When deciding which animals to add to these two state lists, the secretary must give full consideration to the animals that are listed on the federal endangered and threatened species lists, but there is no requirement that the state lists reflect the federal lists.<sup>2</sup> With some exceptions, it is unlawful to intentionally take<sup>3</sup> any animal listed on either the state threatened or endangered species list.<sup>4</sup>

Under current law, when any species is added to either the state threatened or endangered species list, the secretary may develop a recovery plan for such listed species.<sup>5</sup> Before the secretary can add or remove a species from either list, the secretary must publish public notice, notify certain individuals, and, unless there is an emergency situation, the secretary must conduct public informational meetings with requirements that go beyond those found in the rules and

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<sup>1</sup> These lists can be found in K.A.R. 115-15-1.

<sup>2</sup> K.S.A. 32-960(b)(3).

<sup>3</sup> K.S.A. 32-701(t) (“As used in the wildlife, parks and tourism laws of this state, unless the context otherwise requires or specifically defined otherwise: (t) “Take” means harass, harm, pursue, shoot, wound, kill, molest, trap, capture, collect, catch, possess or otherwise take, or attempt to engage in any such conduct.”)

<sup>4</sup> K.S.A. 32-1010 and 32-1011.

<sup>5</sup> K.S.A. 2019 Supp. 32-960a and 32-961(h).

regulations filing act.<sup>6</sup> Additionally, the secretary must review the lists under the following circumstances: (1) Upon petition of an interested person, if the secretary makes a determination that the person has presented substantial evidence which warrants a review;<sup>7</sup> and (2) every five years.<sup>8</sup>

HB 2669 would amend K.S.A. 32-960 to require the secretary, on or before July 1, 2021, to adopt new state lists that are based on the corresponding federal lists. If a species is currently listed as threatened or endangered under the federal endangered species act, the secretary could then make a determination as to whether such species should also be added to the new corresponding state list. The statute's current language requiring the secretary to give full consideration to the federal lists would be stricken.<sup>9</sup>

Once the secretary adopts the new lists,<sup>10</sup> the secretary would not be able to add or remove a species without following the requirements listed in subsection (c)(2). However, the bill would strike some of the existing language in subsection (c)(2) – specifically the emergency situation exception to the public informational meeting requirement and the language allowing a petition from an interested person.

When the federal government removes any species of wildlife that is indigenous to the state from either of the federal lists, the secretary would be required to remove such species from the corresponding state list after complying with the requirements of subsection (c)(2).<sup>11</sup> The process would be the same when a species is added to either of the federal lists, except that the secretary would be allowed, not be required, to add such species to the corresponding state list.<sup>12</sup>

HB 2669 would become effective upon publication in the statute book, on July 1, 2020.

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<sup>6</sup> K.S.A. 32-960(c)(2).

<sup>7</sup> K.S.A. 32-960(c)(2)(C)(i).

<sup>8</sup> K.S.A. 32-960(d).

<sup>9</sup> Page 1, lines 33 through 36; page 2, lines 1 and 2.

<sup>10</sup> Section 1(c)(2); page 2, line 22.

<sup>11</sup> Page 3, lines 10 through 15.

<sup>12</sup> Page 3, lines 16 through 21.