

**Senate Substitute for HOUSE BILL No. 2118**

By Committee on Natural Resources

3-21

1 AN ACT concerning the nongame and endangered species conservation  
2 act; amending K.S.A. 2013 Supp. 32-988, 32-1002 and 77-415 and  
3 repealing the existing sections; also repealing K.S.A. 32-957, 32-958,  
4 32-959, 32-960, 32-960a, 32-960b, 32-961, 32-962, 32-963, 32-1010,  
5 32-1011, 32-1012 and 32-1033 and K.S.A. 2013 Supp. 32-1009 and 79-  
6 32,203.

7

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

9 Section 1. K.S.A. 2013 Supp. 32-988 is hereby amended to read as  
10 follows: 32-988. (a) The secretary is authorized to adopt, in accordance  
11 with K.S.A. 32-805, and amendments thereto, rules and regulations fixing  
12 the amount of fees for the following items, subject to the following  
13 limitations and subject to the requirement that no such rules and  
14 regulations shall be adopted as temporary rules and regulations:

15 Big game permits

16 Resident (other than elk permit): maximum \$100  
17 Nonresident (other than elk permit): maximum \$400  
18 Elk permit: maximum \$350  
19 Nonresident mule deer stamp: maximum \$150  
20 Nonresident applications: maximum \$25

21 Combination hunting and fishing licenses

22 Resident: maximum \$50  
23 Lifetime: maximum \$1,000; or 8 quarterly payments, each  
24 maximum \$150  
25 Nonresident: maximum \$200

26 Commercial dog training permits: maximum \$25

27 Commercial guide permit or associate guide permit

28 Resident: maximum \$250  
29 Nonresident: maximum \$1,000

30 Commercial harvest or dealer permits: maximum \$200

31 Commercial prairie rattlesnake harvesting permits

32 Resident or nonresident with valid hunting license: maximum \$5  
33 Resident or nonresident nonfirearm without valid hunting license:  
34 maximum \$20

35 Controlled shooting area operator license: maximum \$400

36 Duplicate licenses, permits, stamps and other issues of the department:

- 1 maximum \$10
- 2 Falconry
- 3       Permits: maximum \$300
- 4       Examinations: maximum \$100
- 5 Field trial permits: maximum \$25
- 6 Fishing licenses
- 7       Resident: maximum \$25
- 8       Lifetime: maximum \$500; or 8 quarterly payments, each
- 9               maximum \$75
- 10       Nonresident: maximum \$75
- 11       Five-day nonresident: maximum \$25
- 12       Institutional group: maximum \$200
- 13       Special nonprofit group: maximum \$200
- 14       Twenty-four-hour: maximum \$10
- 15 Fur dealer licenses
- 16       Resident: maximum \$200
- 17       Nonresident: maximum \$400
- 18 Furharvester licenses
- 19       Resident: maximum \$25
- 20       Lifetime: maximum \$500; or 8 quarterly payments, each
- 21               maximum \$75
- 22       Nonresident: maximum \$400
- 23 Game breeder permits: maximum \$15
- 24 Handicapped hunting and fishing permits: maximum \$5
- 25 Hound trainer-breeder running permits: maximum \$25
- 26 Hunting licenses
- 27       Resident: maximum \$25
- 28       Lifetime: maximum \$500; or 8 quarterly payments, each
- 29               maximum \$75
- 30       Nonresident 16 or more years of age: maximum \$125
- 31       Nonresident under 16 years of age: maximum \$75
- 32       Controlled shooting area: maximum \$25
- 33       Forty-eight-hour waterfowl permits: maximum \$25
- 34 Migratory waterfowl habitat stamps: maximum \$8
- 35 Mussel fishing licenses
- 36       Resident: maximum \$200
- 37       Nonresident: maximum \$1,500
- 38 Rabbit permits
- 39       Live trapping: maximum \$200
- 40       Shipping: maximum \$400
- 41 Raptor propagation permits: maximum \$100
- 42 Rehabilitation permits: maximum \$50
- 43 Scientific, educational or exhibition permits: maximum \$10

1 Wildlife damage control permits: maximum \$10

2 Wildlife importation permits: maximum \$10

3 Wild turkey permits

4 Resident: maximum \$100

5 Nonresident: maximum \$400

6 Resident turkey tag: maximum \$20

7 Nonresident turkey tag: maximum \$30

8 ~~Special permits under K.S.A. 32-961: maximum \$100~~

9 Miscellaneous fees

10 Special events on department land or water: maximum \$200

11 Special departmental services, materials or supplies: no maximum

12 Other issues of department: no maximum

13 Vendor bond: no maximum

14 (b) The fee for a landowner-tenant resident big game or wild turkey  
15 hunting permit shall be an amount equal to  $\frac{1}{2}$  the fee for a general resident  
16 big game or wild turkey hunting permit.

17 (c) The fee for a big game or wild turkey hunting permit for a resident  
18 under 16 years of age shall be an amount not to exceed  $\frac{1}{2}$  the fee for a  
19 general resident big game or wild turkey hunting permit.

20 (d) The fee for a furharvester license for a resident under 16 years of  
21 age shall be an amount equal to  $\frac{1}{2}$  the fee for a resident furharvester  
22 license.

23 (e) For a resident who is at least 65 years of age, but less than 75  
24 years of age:

25 (1) The fee for an annual hunting license shall be an amount equal to  
26  $\frac{1}{2}$  the fee for a general annual hunting license;

27 (2) the fee for an annual fishing license shall be an amount equal to  $\frac{1}{2}$   
28 the fee for a general annual fishing license; and

29 (3) the fee for an annual combination hunting and fishing license  
30 shall be an amount equal to  $\frac{1}{2}$  the fee for a general annual combination  
31 hunting and fishing license.

32 (f) The secretary may establish, by rules and regulations adopted in  
33 accordance with K.S.A. 32-805, and amendments thereto, different fees for  
34 various classes and types of licenses, permits, stamps and other issuances  
35 of the department which may occur within each item as described under  
36 subsection (a).

37 (g) The provisions of subsection (e) shall expire on June 30, 2020.

38 Sec. 2. K.S.A. 2013 Supp. 32-1002 is hereby amended to read as  
39 follows: 32-1002. (a) Unless and except as permitted by law or rules and  
40 regulations adopted by the secretary in accordance with K.S.A. 32-805,  
41 and amendments thereto, it is unlawful for any person to:

42 (1) Hunt, fish, furharvest or take any wildlife in this state by any  
43 means or manner;

1 (2) possess any wildlife, dead or alive, at any time or in any number,  
2 in this state;

3 (3) purchase, sell, exchange, ship or offer for sale, exchange or  
4 shipment any wildlife in this state;

5 (4) take any wildlife in this state for sale, exchange or other  
6 commercial purposes;

7 (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish  
8 spear, fish trap or other device, contrivance or material for the purpose of  
9 taking wildlife; or

10 (6) take or use, at any time or in any manner, any game bird, game  
11 animal, coyote or furbearing animal, whether pen-raised or wild, in any  
12 field trial or for training dogs.

13 (b) The provisions of subsections (a)(2) and (a)(3) do not apply to  
14 animals sold in surplus property disposal sales of department exhibit herds  
15 or animals legally taken outside this state, except the provisions of  
16 subsection (a)(3) shall apply to:

17 (1) The meat of game animals legally taken outside this state; and

18 (2) other restrictions as provided by rule and regulation of the  
19 secretary.

20 (c) The provisions of this section shall not be construed to prevent:

21 (1) Any person from taking starlings or English and European  
22 sparrows;

23 (2) owners or legal occupants of land from killing any animals when  
24 found in or near buildings on their premises or when destroying property,  
25 subject to the following: (A) The provisions of all federal laws and  
26 regulations governing protected species ~~and the provisions of K.S.A. 32-~~  
27 ~~957 through 32-963, and amendments thereto, and rules and regulations~~  
28 ~~adopted thereunder;~~ (B) it is unlawful to use, or possess with intent to use,  
29 any such animal so killed unless authorized by rules and regulations of the  
30 secretary; and (C) such owners or legal occupants shall make reasonable  
31 efforts to alleviate their problems with any such animals before killing  
32 them;

33 (3) any person who is licensed under the personal and family  
34 protection act, K.S.A. 75-7c01 et seq., and amendments thereto, from  
35 exercising the right to carry a concealed handgun while lawfully hunting,  
36 fishing or furharvesting;

37 (4) any person who lawfully possesses a handgun from carrying such  
38 handgun while lawfully hunting, fishing or furharvesting; or

39 (5) any person who lawfully possesses a device or attachment of any  
40 kind designed, used or intended for use in suppressing the report of any  
41 firearm from using such device or attachment in conjunction with lawful  
42 hunting, fishing or furharvesting.

43 (d) Any person convicted of violating provisions of this section shall

1 be subject to the penalties prescribed in K.S.A. 32-1031, and amendments  
2 thereto, except as provided in K.S.A. 32-1032, and amendments thereto,  
3 relating to big game and wild turkey.

4 Sec. 3. K.S.A. 2013 Supp. 77-415 is hereby amended to read as  
5 follows: 77-415. (a) K.S.A. 77-415 through 77-438, and amendments  
6 thereto, shall be known and may be cited as the rules and regulations filing  
7 act.

8 (b) (1) Unless otherwise provided by statute or constitutional  
9 provision, each rule and regulation issued or adopted by a state agency  
10 shall comply with the requirements of the rules and regulations filing act.  
11 Except as provided in this section, any standard, requirement or other  
12 policy of general application may be given binding legal effect only if it  
13 has complied with the requirements of the rules and regulations filing act.

14 (2) Notwithstanding the provisions of this section:

15 (A) An agency may bind parties, establish policies, and interpret  
16 statutes or regulations by order in an adjudication under the Kansas  
17 administrative procedure act or other procedures required by law, except  
18 that such order shall not be used as precedent in any subsequent  
19 adjudication against a person who was not a party to the original  
20 adjudication unless the order is:

- 21 (i) Designated by the agency as precedent;  
22 (ii) not overruled by a court or later adjudication; and  
23 (iii) disseminated to the public in one of the following ways:  
24 (a) Inclusion in a publicly available index, maintained by the agency  
25 and published on its website, of all orders designated as precedent;  
26 (b) publication by posting in full on an agency website in a format  
27 capable of being searched by key terms; or  
28 (c) being made available to the public in such other manner as may be  
29 prescribed by the secretary of state.

30 (B) Any statement of agency policy may be treated as binding within  
31 the agency if such statement of policy is directed to:

- 32 (i) Agency personnel relating to the performance of their duties.  
33 (ii) The internal management of or organization of the agency.

34 No such statement of agency policy listed in clauses (i) and (ii) of this  
35 subparagraph may be relied on to bind the general public.

36 (C) An agency may provide forms, the content or substantive  
37 requirements of which are prescribed by rule and regulation or statute,  
38 except that no such form may give rise to any legal right or duty or be  
39 treated as authority for any standard, requirement or policy reflected  
40 therein.

41 (D) An agency may provide guidance or information to the public,  
42 describing any agency policy or statutory or regulatory requirement except  
43 that no such guidance or information may give rise to any legal right or

1 duty or be treated as authority for any standard, requirement or policy  
2 reflected therein.

3 (E) None of the following shall be subject to the rules and regulations  
4 filing act:

5 (i) Any policy relating to the curriculum of a public educational  
6 institution or to the administration, conduct, discipline, or graduation of  
7 students from such institution.

8 (ii) Any parking and traffic regulations of any state educational  
9 institution under the control and supervision of the state board of regents.

10 (iii) Any rule and regulation relating to the emergency or security  
11 procedures of a correctional institution, as defined in subsection (d) of  
12 K.S.A. 75-5202, and amendments thereto.

13 (iv) Any order issued by the secretary of corrections or any warden of  
14 a correctional institution under K.S.A. 75-5256, and amendments thereto.

15 (F) When a statute authorizing an agency to issue rules and  
16 regulations or take other action specifies the procedures for doing so, those  
17 procedures shall apply instead of the procedures in the rules and  
18 regulations filing act.

19 (c) As used in the rules and regulations filing act, and amendments  
20 thereto, unless the context clearly requires otherwise:

21 (1) "Board" means the state rules and regulations board established  
22 under the provisions of K.S.A. 77-423, and amendments thereto.

23 (2) "Environmental rule and regulation" means:

24 ~~(A)~~ a rule and regulation adopted by the secretary of agriculture, the  
25 secretary of health and environment or the state corporation commission,  
26 which has as a primary purpose the protection of the environment; ~~or~~

27 ~~(B) a rule and regulation adopted by the secretary of wildlife, parks  
28 and tourism concerning threatened or endangered species of wildlife as  
29 defined in K.S.A. 32-958, and amendments thereto.~~

30 (3) "Person" means an individual, firm, association, organization,  
31 partnership, business trust, corporation, company or any other legal or  
32 commercial entity.

33 (4) "Rule and regulation," "rule," and "regulation" means a standard,  
34 requirement or other policy of general application that has the force and  
35 effect of law, including amendments or revocations thereof, issued or  
36 adopted by a state agency to implement or interpret legislation.

37 (5) "Rulemaking" shall have the meaning ascribed to it in K.S.A. 77-  
38 602, and amendments thereto.

39 (6) "Small employer" means any person, firm, corporation,  
40 partnership or association that employs not more than 50 employees, the  
41 majority of whom are employed within this state.

42 (7) "State agency" means any officer, department, bureau, division,  
43 board, authority, agency, commission or institution of this state, except the

1 judicial and legislative branches, which is authorized by law to promulgate  
2 rules and regulations concerning the administration, enforcement or  
3 interpretation of any law of this state.

4 Sec. 4. K.S.A. 32-957, 32-958, 32-959, 32-960, 32-960a, 32-960b,  
5 32-961, 32-962, 32-963, 32-1010, 32-1011, 32-1012 and 32-1033 and  
6 K.S.A. 2013 Supp. 32-988, 32-1002, 32-1009, 77-415 and 79-32,203 are  
7 hereby repealed.

8 Sec. 5. This act shall take effect and be in force from and after its  
9 publication in the statute book.