

SENATE BILL No. 81

By Committee on Ways and Means

1-28

AN ACT concerning wildlife and parks; relating to conservation stamps; requirements and procedures; expenditure of funds; amending K.S.A. 32-939 and K.S.A. 2002 Supp. 32-988 and 32-993 and repealing the existing sections.

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

New Section 1. (a) (1) Commencing January 1, 2004, except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid state terrestrial conservation stamp is required to hunt or furharvest in this state.

(2) The provisions of this subsection do not apply to hunting, by legal means, by a person not required by K.S.A. 32-919 and amendments thereto, to possess a hunting license. The provisions of this subsection do not apply to furharvesting, by legal means, by a person not required by K.S.A. 32-911 and amendments thereto, to possess a furharvesting license.

(3) The stamp required by this subsection is valid throughout the state. The stamp required by this subsection is valid from the date of issuance and expires on December 31 following its issuance, except that the secretary may issue a lifetime terrestrial conservation stamp pursuant to subsection (d).

(4) Each terrestrial conservation stamp shall be validated by the signature of the stamp holder written across the face of such stamp.

(b) (1) Commencing January 1, 2004, except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid aquatic conservation stamp is required to fish in this state.

(2) The provisions of this subsection do not apply to fishing, by legal means, by a person not required by K.S.A. 32-906 and amendments thereto, to possess a fishing license.

(3) The stamp required by this subsection is valid throughout the state. The stamp required by this subsection is valid from the date of issuance and expires on December 31 following its issuance, except that

1 the secretary may issue a lifetime aquatic conservation habitat stamp pur-
2 suant to subsection (d).

3 (4) Each aquatic conservation habitat stamp shall be validated by the
4 signature of the stamp holder written across the face of such stamp.

5 (c) Except as provided in subsection (e), the secretary or the secre-
6 tary's designee is authorized to issue to any resident or nonresident a
7 lifetime terrestrial, aquatic or combination terrestrial and aquatic conser-
8 vation stamp upon proper application made to the secretary or the sec-
9 retary's designee and payment of a stamp fee as follows: (1) A total pay-
10 ment made at the time of purchase in the amount prescribed pursuant
11 to K.S.A. 32-988 and amendments thereto; or (2) payment may be made
12 over a two-year period in eight quarter-annual installments in the amount
13 prescribed pursuant to K.S.A. 32-988 and amendments thereto. If pay-
14 ment is in installments, the stamp shall not be issued until the final in-
15 stallment has been paid. A person making installment payments shall not
16 be required to obtain the appropriate annual stamp, and each installment
17 payment shall be deemed to be such an annual stamp of a period of one
18 year following the date of the last installment payment made. If an in-
19 stallment payment is not received within 30 days after it is due and owing,
20 the secretary may consider the payments in default and may retain any
21 payments previously received.

22 (d) (1) Upon request of the secretary of social and rehabilitation serv-
23 ices, the secretary of wildlife and parks shall not issue a lifetime terrestrial,
24 aquatic or combination terrestrial and aquatic stamp to an applicant ex-
25 cept as provided in this subsection. The secretary of social and rehabili-
26 tation services may make such a request if, at the time of the request, the
27 applicant owed arrearages under a support order in a title IV-D case being
28 administered by the secretary of social and rehabilitation services or had
29 outstanding a warrant or subpoena, directed to the applicant, in a title
30 IV-D case being administered by the secretary of social and rehabilitation
31 services.

32 (2) Upon receiving a release from an authorized agent of the secretary
33 of social and rehabilitation services, the secretary of wildlife and parks
34 may issue the lifetime terrestrial, aquatic or combination terrestrial and
35 aquatic stamp. The applicant shall have the burden of obtaining and de-
36 livering the release.

37 (3) The secretary of social and rehabilitation services shall issue a
38 release upon request if, as appropriate:

39 (A) The arrearages are paid in full or a tribunal of competent juris-
40 diction has determined that no arrearages are owed;

41 (B) an income withholding order has been served upon the appli-
42 cant's current employer or payor;

43 (C) an agreement has been completed or an order has been entered

1 setting minimum payments to defray the arrearages, together with receipt
2 of the first minimum payment; or

3 (D) the applicant has complied with the warrant or subpoena or the
4 warrant or subpoena has been quashed or withdrawn.

5 (4) Nothing in this subsection shall be construed to require or permit
6 the secretary of wildlife and parks to determine any issue related to the
7 title IV-D case except to resolve questions of mistaken identity or deter-
8 mine the adequacy of any notice relating to this subsection that the sec-
9 retary of wildlife and parks provides to the applicant.

10 (5) As used in this subsection, "title IV-D" means part D of title IV
11 of the federal social security act (42 U.S.C. sec. 651 *et seq.*) and amend-
12 ments thereto, as in effect on December 31, 2001, relating to child sup-
13 port enforcement services.

14 (e) The secretary, in accordance with K.S.A. 32-805 and amendments
15 thereto, may adopt rules and regulations necessary to carry out the pro-
16 visions of this section.

17 New Sec. 2. (a) All moneys received pursuant to the issuance of ter-
18 restrial, aquatic or lifetime conservation stamps shall be remitted to the
19 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
20 amendments thereto. Upon receipt of each such remittance, the state
21 treasurer shall deposit the entire amount in the state treasury to the credit
22 of the conservation habitat acquisition and protection fund, which is
23 hereby created. Thirty percent of the funds acquired through the pur-
24 chase of terrestrial conservation stamps shall be allocated for migratory
25 waterfowl propagation and protection. All expenditures from such fund
26 shall be in accordance with appropriation acts upon warrants of the di-
27 rector of accounts and reports issued pursuant to vouchers approved by
28 the secretary.

29 (b) No expenditure shall be made from the conservation habitat ac-
30 quisition and protection fund except for projects approved by the secre-
31 tary for the purpose of protecting terrestrial or aquatic wildlife, including
32 the acquisition, by purchase or lease, of terrestrial or aquatic wildlife
33 habitats in this state, and for the purpose of development, restoration,
34 maintenance or preservation of terrestrial or aquatic wildlife habitats.

35 Sec. 3. K.S.A. 32-939 is hereby amended to read as follows: 32-939.

36 (a) As used in this section, "migratory waterfowl" means any wild goose,
37 duck or merganser.

38 (b) Except as otherwise provided by law or rules and regulations of
39 the secretary and in addition to any other license, permit or stamp re-
40 quired by law or rules and regulations of the secretary, a valid state mi-
41 gratory waterfowl habitat stamp is required to hunt any migratory water-
42 fowl in this state.

43 (c) The provisions of subsection (b) do not apply to hunting, by legal

1 means, by a person not required by K.S.A. 32-919, *and amendments*
2 *thereto*, to hold a hunting license.

3 (d) The stamp required by this section is valid throughout the state.

4 (e) The stamp required by this section is valid from the date of is-
5 suance and expires at 12 midnight on June 30 following its issuance.

6 (f) Each migratory waterfowl habitat stamp shall be validated by the
7 signature of the stamp holder written across the face of such stamp.

8 (g) *The provisions of this section shall expire on December 31, 2003.*

9 Sec. 4. K.S.A. 2002 Supp. 32-988 is hereby amended to read as fol-
10 lows: 32-988. (a) The secretary is authorized to adopt, in accordance with
11 K.S.A. 32-805 and amendments thereto, rules and regulations fixing the
12 amount of fees for the following items, subject to the following limitations
13 and subject to the requirement that no such rules and regulations shall
14 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 Big game tag: maximum \$10

20 Nonresident applications: maximum \$5

21 Combination hunting and fishing licenses

22 Resident: maximum \$50

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

24 Nonresident: maximum \$200

25 Commercial dog training permits: maximum \$25

26 Commercial guide permit or associate guide permit

27 Resident: maximum \$250

28 Nonresident: maximum \$1,000

29 Commercial harvest or dealer permits: maximum \$200

30 Commercial prairie rattlesnake harvesting permits

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

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

33 Controlled shooting area operator license: maximum \$400

34 *Conservation stamp*

35 *Annual: maximum \$20*

36 *Lifetime: maximum \$200; or 8 quarterly payments, each maximum \$30*

37 *Combination lifetime: maximum \$400; or 8 quarterly payments, each maximum \$60*

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

39 Falconry

40 Permits: maximum \$300

41 Examinations: maximum \$100

42 Field trial permits: maximum \$25

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- 1 Fishing licenses
- 2 Resident: maximum \$25
- 3 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 4 Nonresident: maximum \$75
- 5 Five-day nonresident: maximum \$25
- 6 Institutional group: maximum \$200
- 7 Special nonprofit group: maximum \$200
- 8 Twenty-four-hour: maximum \$10
- 9 Fur dealer licenses
- 10 Resident: maximum \$200
- 11 Nonresident: maximum \$400
- 12 Furharvester licenses
- 13 Resident: maximum \$25
- 14 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 15 Nonresident: maximum \$400
- 16 Game breeder permits: maximum \$15
- 17 Handicapped hunting and fishing permits: maximum \$5
- 18 Hound trainer-breeder running permits: maximum \$25
- 19 Hunting licenses
- 20 Resident: maximum \$25
- 21 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 22 Nonresident 16 or more years of age: maximum \$125
- 23 Nonresident under 16 years of age: maximum \$75
- 24 Controlled shooting area: maximum \$25
- 25 Forty-eight-hour waterfowl permits: maximum \$25
- 26 Migratory waterfowl habitat stamps: maximum \$8
- 27 Mussel fishing licenses
- 28 Resident: maximum \$200
- 29 Nonresident: maximum \$1,500
- 30 Rabbit permits
- 31 Live trapping: maximum \$200
- 32 Shipping: maximum \$400
- 33 Raptor propagation permits: maximum \$100
- 34 Rehabilitation permits: maximum \$50
- 35 Scientific, educational or exhibition permits: maximum \$10
- 36 Wildlife damage control permits: maximum \$10
- 37 Wildlife importation permits: maximum \$10
- 38 Special permits under K.S.A. 32-961: maximum \$100
- 39 Miscellaneous fees
- 40 Special events on department land or water: maximum \$200
- 41 Special departmental services, materials or supplies: no maximum
- 42 Other issues of department: no maximum
- 43 Vendor bond: no maximum

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

4 (c) The fee for a furharvester license for a resident under 16 years of
5 age shall be an amount equal to $\frac{1}{2}$ the fee for a resident furharvester
6 license.

7 (d) The secretary may establish, by rules and regulations adopted in
8 accordance with K.S.A. 32-805 and amendments thereto, different fees
9 for various classes and types of licenses, permits, stamps and other issu-
10 ances of the department which may occur within each item as described
11 under subsection (a).

12 Sec. 5. K.S.A. 2002 Supp. 32-993 is hereby amended to read as fol-
13 lows: 32-993. (a) All moneys received pursuant to the issuance of the
14 migratory waterfowl habitat stamp shall be remitted to the state treasurer
15 in accordance with the provisions of K.S.A. 75-4215, and amendments
16 thereto. Upon receipt of each such remittance, the state treasurer shall
17 deposit the entire amount in the state treasury to the credit of the mi-
18 gratory waterfowl propagation and protection fund, which is hereby cre-
19 ated. All expenditures from such fund shall be in accordance with appro-
20 priations acts upon warrants of the director of accounts and reports issued
21 pursuant to vouchers approved by the secretary.

22 (b) No expenditure shall be made from the migratory waterfowl prop-
23 agation and protection fund except for projects approved by the secretary
24 for the purpose of protecting and propagating migratory waterfowl, in-
25 cluding the acquisition, by purchase or lease, of migratory waterfowl hab-
26 itats in this state, and for the purpose of development, restoration, main-
27 tenance or preservation of waterfowl habitats.

28 (c) *On January 1, 2004, the director of accounts and reports shall*
29 *transfer all moneys in the migratory waterfowl propagation and protec-*
30 *tion fund to the conservation habitat acquisition and protection fund cre-*
31 *ated pursuant to section 3, and amendments thereto. On January 1, 2004,*
32 *all liabilities of the migratory waterfowl propagation and protection fund*
33 *are hereby transferred and imposed on the conservation habitat acquisi-*
34 *tion and protection fund and the migratory waterfowl propagation and*
35 *protection fund is hereby abolished.*

36 Sec. 6. K.S.A. 32-939 and K.S.A. 2002 Supp. 32-988 and 32-993 are
37 hereby repealed.

38 Sec. 7. This act shall take effect and be in force from and after its
39 publication in the statute book.

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