

[As Amended by House Committee of the Whole]

Session of 2006

**Substitute for HOUSE BILL No. 2561**

By Committee on Wildlife, Parks and Tourism

2-14

10 AN ACT concerning wildlife and parks; relating to the Kansas wildlife  
11 and parks commission; **[also relating to lifetime hunting licenses;**  
12 **also relating to qualifications of the secretary;]** amending K.S.A.  
13 32-805 **[and K.S.A. 2005 Supp. 32-930 and 32-988] [and K.S.A.**  
14 **2005 Supp. 32-801]** and repealing the existing ~~section~~ **[sections]**.  
15

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

17 **[Section 1. K.S.A. 2005 Supp. 32-801 is hereby amended to**  
18 **read as follows: 32-801. (a) In order to reorganize the administra-**  
19 **tion, planning and regulation of the state's parks, wildlife and**  
20 **other natural resources, there is hereby established within the ex-**  
21 **ecutive branch of government the Kansas department of wildlife**  
22 **and parks, which shall be administered under the direction and**  
23 **supervision of a secretary of wildlife and parks who shall be ap-**  
24 **pointed by the governor, with the consent of the senate as provided**  
25 **in K.S.A. 75-4315b and amendments thereto.**

26 **[(b) The secretary shall be fully qualified by education, training and**  
27 **experience in wildlife, parks or natural resources, or a related field, and**  
28 **shall have a demonstrated executive and administrative ability to**  
29 **discharge the duties of the office of secretary. The secretary shall**  
30 **serve at the pleasure of the governor. The secretary shall be in the**  
31 **unclassified service under the Kansas civil service act and shall**  
32 **receive an annual salary to be fixed by the governor.**

33 **[(c) The director of the fisheries and wildlife division shall be fully**  
34 **qualified by education, training and experience in wildlife, parks or nat-**  
35 **ural resources or a related field.**

36 **[(d) The provisions of the Kansas governmental operations**  
37 **accountability law apply to the Kansas department of wildlife and**  
38 **parks, and the department is subject to audit, review and evalua-**  
39 **tion under such law.]**

40 Section ~~1~~ **2.** K.S.A. 32-805 is hereby amended to read as follows: 32-  
41 805. (a) There is hereby created within and as a part of the department  
42 the Kansas wildlife and parks commission which shall be composed of  
43 seven members. The governor shall appoint seven residents of this state

1 to be members of the commission. In the appointment of members of  
2 the commission, the governor shall give consideration to the appointment  
3 of licensed hunters, fishermen and furharvesters, park users, noncon-  
4 sumptive users of wildlife and park resources and to geographic balance  
5 among commission members. No more than four members shall be of  
6 the same political party. Each member of the commission shall hold office  
7 for a term of four years and until a successor is appointed and qualified,  
8 except that in appointing the original commission members, the governor  
9 shall designate one member for a term ending July 1, 1988, one member  
10 for a term ending July 1, 1989, and two members for terms ending July  
11 1, 1990. The governor shall fill any vacancy on the commission prior to  
12 the expiration of a term by appointment for the unexpired term. *On and*  
13 *after July 1, 2006, the governor shall appoint representatives from each*  
14 *of the fish and wildlife administrative regions established by the depart-*  
15 *ment.*

16 (b) Each member of the commission shall take and subscribe an oath  
17 or affirmation as required by law before taking office.

18 (c) The governor may remove a commissioner after opportunity for  
19 a hearing in accordance with the provisions of the Kansas administrative  
20 procedure act. If the commissioner is removed, the governor shall file in  
21 the office of the secretary of state a complete statement of all charges  
22 made against such commissioner and the governor's findings thereon,  
23 together with a complete record of the proceedings.

24 (d) The commission shall have such powers, duties and functions as  
25 prescribed by law. Other than rules and regulations pertaining to person-  
26 nel matters of the department, the secretary shall submit to the commis-  
27 sion all proposed rules and regulations. The commission shall either ap-  
28 prove, modify and approve, or reject such proposed rules and regulations.  
29 The secretary shall adopt such rules and regulations so approved or so  
30 modified and approved. Fees established for licenses, permits, stamps  
31 and other issues of the department shall be subject to the approval of the  
32 commission. It also shall be the duty of the commission to serve in an  
33 advisory capacity to the governor and the secretary in the formulation of  
34 policies and plans relating to the department.

35 (e) The governor shall designate one commission member to serve  
36 as chairperson of the commission. Members of the commission attending  
37 meetings of the commission, or attending a subcommittee meeting  
38 thereof authorized by the commission, shall be paid compensation, sub-  
39 sistence allowances, mileage and other expenses as provided in K.S.A. 75-  
40 3223 and amendments thereto. Four members of the commission shall  
41 constitute a quorum for the transaction of business. Meetings may be  
42 called by the chairperson and shall be called on the request of a majority  
43 of the members of the commission.

1     [Sec. 3. K.S.A. 2005 Supp. 32-930 is hereby amended to read  
2 as follows: 32-930. (a) Except as provided in subsection (c), the  
3 secretary or the secretary's designee is authorized to issue to any  
4 Kansas resident a lifetime fishing, hunting or furharvester or com-  
5 bination hunting and fishing license upon proper application made  
6 therefor to the secretary or the secretary's designee and payment  
7 of a license fee as follows: (1) A total payment made at the time of  
8 purchase in the amount prescribed pursuant to K.S.A. 32-988 and  
9 amendments thereto; or (2) payment may be made over a two-year  
10 period in eight quarter-annual installments in the amount pre-  
11 scribed pursuant to K.S.A. 32-988 and amendments thereto. If pay-  
12 ment is in installments, the license shall not be issued until the  
13 final installment has been paid. A person making installment pay-  
14 ments shall not be required to obtain the appropriate annual li-  
15 cense, and each installment payment shall be deemed to be such  
16 an annual license for a period of one year following the date of  
17 the last installment payment made. If an installment payment is  
18 not received within 30 days after it is due and owing, the secretary  
19 may consider the payments in default and may retain any payments  
20 previously received. *The secretary or the secretary's designee shall not*  
21 *charge more than 50% of the cost of a lifetime hunting and fishing license*  
22 *to any Kansas resident age 25 or younger. Any lifetime license issued*  
23 *to a Kansas resident shall not be made invalid by reason of the*  
24 *holder thereof subsequently residing outside the state of Kansas.*  
25 *Any nonresident holder of a Kansas lifetime hunting or combina-*  
26 *tion hunting and fishing license shall be eligible under the same*  
27 *conditions as a Kansas resident for a big game or wild turkey per-*  
28 *mit upon proper application to the secretary. Any nonresident*  
29 *holder of a lifetime fishing license issued before July 1, 1989, shall*  
30 *be eligible under the same conditions as a Kansas resident for a*  
31 *big game or wild turkey permit upon proper application to the*  
32 *secretary.*

33     [(b) For the purposes of subsection (a), the term "resident"  
34 shall have the meaning defined in K.S.A. 32-701, and amendments  
35 thereto, except that a person shall have maintained that person's  
36 place of permanent abode in this state for a period of not less than  
37 one year immediately preceding the person's application for a life-  
38 time fishing, hunting or furharvester or combination hunting and  
39 fishing license.

40     [(c) Upon request of the secretary of social and rehabilitation  
41 services, the secretary of wildlife and parks shall not issue a life-  
42 time fishing, hunting or furharvester or combination hunting and  
43 fishing license to an applicant except as provided in this subsec-

1 tion. The secretary of social and rehabilitation services may make  
2 such a request if, at the time of the request, the applicant owed  
3 arrearages under a support order in a title IV-D case being ad-  
4 ministered by the secretary of social and rehabilitation services or  
5 had outstanding a warrant or subpoena, directed to the applicant,  
6 in a title IV-D case being administered by the secretary of social  
7 and rehabilitation services.

8 [Upon receiving a release from an authorized agent of the sec-  
9 retary of social and rehabilitation services, the secretary of wildlife  
10 and parks may issue the lifetime fishing, hunting or furharvester  
11 or combination hunting and fishing license. The applicant shall  
12 have the burden of obtaining and delivering the release.

13 [The secretary of social and rehabilitation services shall issue a  
14 release upon request if, as appropriate:

15 [(1) The arrearages are paid in full or a tribunal of competent  
16 jurisdiction has determined that no arrearages are owed;

17 [(2) an income withholding order has been served upon the  
18 applicant's current employer or payor;

19 [(3) an agreement has been completed or an order has been  
20 entered setting minimum payments to defray the arrearages, to-  
21 gether with receipt of the first minimum payment; or

22 [(4) the applicant has complied with the warrant or subpoena  
23 or the warrant or subpoena has been quashed or withdrawn.

24 [Nothing in this subsection shall be construed to require or per-  
25 mit the secretary of wildlife and parks to determine any issue re-  
26 lated to the title IV-D case except to resolve questions of mistaken  
27 identity or determine the adequacy of any notice relating to this  
28 subsection that the secretary of wildlife and parks provides to the  
29 applicant.

30 [“Title IV-D” means part D of title IV of the federal social se-  
31 curity act (42 U.S.C. § 651 et seq.) and amendments thereto, as in  
32 effect on December 31, 2001, relating to child support enforce-  
33 ment services.

34 [(d) The secretary, in accordance with K.S.A. 32-805 and  
35 amendments thereto, may adopt rules and regulations necessary  
36 to carry out the provisions of this section.

37 [Sec. 4. K.S.A. 2005 Supp. 32-988 is hereby amended to read  
38 as follows: 32-988. (a) The secretary is authorized to adopt, in ac-  
39 cordance with K.S.A. 32-805 and amendments thereto, rules and  
40 regulations fixing the amount of fees for the following items, sub-  
41 ject to the following limitations and subject to the requirement that  
42 no such rules and regulations shall be adopted as temporary rules  
43 and regulations:

- 1 [Big game permits
- 2 [Resident (other than elk permit): maximum \$100
- 3 [Nonresident (other than elk permit): maximum \$400
- 4 [Elk permit: maximum \$350
- 5 [Resident big game tag: maximum \$20
- 6 [Nonresident big game tag: maximum \$30
- 7 [Nonresident applications: maximum \$25
- 8 [Combination hunting and fishing licenses
- 9 [Resident: maximum \$50
- 10 [Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150
- 11 [Nonresident: maximum \$200
- 12 [Commercial dog training permits: maximum \$25
- 13 [Commercial guide permit or associate guide permit
- 14 [Resident: maximum \$250
- 15 [Nonresident: maximum \$1,000
- 16 [Commercial harvest or dealer permits: maximum \$200
- 17 [Commercial prairie rattlesnake harvesting permits
- 18 [Resident or nonresident with valid hunting license: maximum \$5
- 19 [Resident or nonresident nonfirearm without valid hunting license: maximum
- 20 \$20
- 21 [Controlled shooting area operator license: maximum \$400
- 22 [Duplicate licenses, permits, stamps and other issues of the department: maximum
- 23 \$10
- 24 [Falconry
- 25 [Permits: maximum \$300
- 26 [Examinations: maximum \$100
- 27 [Field trial permits: maximum \$25
- 28 [Fishing licenses
- 29 [Resident: maximum \$25
- 30 [Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 31 [Nonresident: maximum \$75
- 32 [Five-day nonresident: maximum \$25
- 33 [Institutional group: maximum \$200
- 34 [Special nonprofit group: maximum \$200
- 35 [Twenty-four-hour: maximum \$10
- 36 [Fur dealer licenses
- 37 [Resident: maximum \$200
- 38 [Nonresident: maximum \$400
- 39 [Furharvester licenses
- 40 [Resident: maximum \$25
- 41 [Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 42 [Nonresident: maximum \$400
- 43 [Game breeder permits: maximum \$15

- 1 [Handicapped hunting and fishing permits: maximum \$5
- 2 [Hound trainer-breeder running permits: maximum \$25
- 3 [Hunting licenses
- 4 [Resident: maximum \$25
- 5 [Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 6 [*Lifetime age 25 or younger: maximum \$500*
- 7 [Nonresident 16 or more years of age: maximum \$125
- 8 [Nonresident under 16 years of age: maximum \$75
- 9 [Controlled shooting area: maximum \$25
- 10 [Forty-eight-hour waterfowl permits: maximum \$25
- 11 [Migratory waterfowl habitat stamps: maximum \$8
- 12 [Mussel fishing licenses
- 13 [Resident: maximum \$200
- 14 [Nonresident: maximum \$1,500
- 15 [Rabbit permits
- 16 [Live trapping: maximum \$200
- 17 [Shipping: maximum \$400
- 18 [Raptor propagation permits: maximum \$100
- 19 [Rehabilitation permits: maximum \$50
- 20 [Scientific, educational or exhibition permits: maximum \$10
- 21 [Wildlife damage control permits: maximum \$10
- 22 [Wildlife importation permits: maximum \$10
- 23 [Wild turkey permits
- 24 [Resident: maximum \$100
- 25 [Nonresident: maximum \$400
- 26 [Resident turkey tag: maximum \$20
- 27 [Nonresident turkey tag: maximum \$30
- 28 [Special permits under K.S.A. 32-961: maximum \$100
- 29 [Miscellaneous fees
- 30 [Special events on department land or water: maximum \$200
- 31 [Special departmental services, materials or supplies: no maximum
- 32 [Other issues of department: no maximum
- 33 [Vendor bond: no maximum
- 34 [(b) The fee for a landowner-tenant resident big game or wild
- 35 turkey hunting permit shall be an amount equal to  $\frac{1}{2}$  the fee for
- 36 a general resident big game or wild turkey hunting permit.
- 37 [(c) The fee for a furharvester license for a resident under 16
- 38 years of age shall be an amount equal to  $\frac{1}{2}$  the fee for a resident
- 39 furharvester license.
- 40 [(d) The secretary may establish, by rules and regulations
- 41 adopted in accordance with K.S.A. 32-805 and amendments
- 42 thereto, different fees for various classes and types of licenses,
- 43 permits, stamps and other issuances of the department which may

- 1 **occur within each item as described under subsection (a).]**
- 2     Sec. 2 [5]. K.S.A. 32-805 ~~is~~ **[and K.S.A. 2005 Supp. 32-930 and**
- 3 **32-988 are] [and K.S.A. 2005 Supp. 32-801 are]** hereby repealed.
- 4     Sec. 3 [6]. This act shall take effect and be in force from and after
- 5 its publication in the statute book.