

*As Amended by Senate Committee*

[As Amended by House Committee of the Whole]

Session of 2010

## HOUSE BILL No. 2434

By Committee on Appropriations

1-12

12 AN ACT concerning ~~state parks, relating to the naming thereof~~ *natural*  
13 *resources*; amending *K.S.A. 24-412, 32-1015 and* K.S.A. 2009 Supp.  
14 *24-139a, 24-409 and* 32-837 and repealing the existing ~~section~~  
15 ~~sections~~.

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

18 ~~[Section 1. The secretary of the department of wildlife and~~  
19 ~~parks is hereby directed to reopen the Tuttle Creek state park~~  
20 ~~river pond area west entrance. This entrance shall be operated in~~  
21 ~~a substantially similar manner as it was operated in September~~  
22 ~~2007.]~~

23 Section ~~1.~~ 2. *I.* K.S.A. 2009 Supp. 32-837 is hereby amended to  
24 read as follows: 32-837. (a) The following parks have been designated as  
25 a part of the state park system: (1) Kanopolis-Mushroom Rock state park  
26 in Ellsworth county; (2) Cross Timbers state park at Toronto Lake in  
27 Woodson county; (3) Fall River state park in Greenwood county; (4) Ce-  
28 dar Bluff state park in Trego county; (5) Tuttle Creek state park in  
29 Pottawatomie and Riley counties; (6) Pomona state park in Osage county;  
30 (7) Cheney state park in Kingman and Reno counties; (8) Lake Crawford  
31 state park in Crawford county; (9) Lovewell state park in Jewell county;  
32 (10) Lake Meade state park in Meade county; (11) Prairie Dog state park  
33 in Norton county; (12) Webster state park in Rooks county; (13) Wilson  
34 state park in Russell county; (14) Milford state park in Geary county; (15)  
35 Lake Scott state park in Scott county; (16) Elk City state park in Mont-  
36 gomery county; (17) Perry state park in Jefferson county; (18) Glen Elder  
37 state park in Mitchell county; (19) El Dorado state park in Butler county;  
38 (20) Eisenhower state park in Osage county; (21) Clinton state park in  
39 Douglas and Shawnee counties; (22) Sand Hills state park in Reno county;  
40 (23) Hillsdale state park in Miami county; ~~and~~ (24) Kaw River state park  
41 in Shawnee county; *and* (25) *Prairie Spirit [rail] trail state park in Frank-*  
42 *lin, Anderson and Allen counties.*

43 (b) No state park named in subsection (a) shall be removed from the

1 state park system without legislative approval.

2 (c) The hours that Kaw River state park in Shawnee county is open  
3 to the public may be limited to those hours that parks of the city of Topeka  
4 are open, except that such state park shall be open at all hours for pres-  
5 scheduled events.

6 **Sec. 2. K.S.A. 32-1015 is hereby amended to read as follows:**  
7 **32-1015. (a) It is unlawful for any person to:**

8 (1) **Destroy any muskrat house, beaver dam, mink run or any**  
9 **hole, den or runway of any furbearing animal, or cut down or de-**  
10 **stroy any tree that is the home, habitat or refuge of any furbearing**  
11 **animal;**

12 (2) **hunt deer ~~or elk~~ in this state in an area where a firearms**  
13 **season for the taking of deer ~~or elk~~ is occurring, or hunt elk in this**  
14 **state in an area where a firearms season for the taking of elk is occurring,**  
15 **unless such person is wearing clothing of a highly visible nature in**  
16 **a color, an amount worn and a location on such person's body pre-**  
17 **scribed by rules and regulations adopted by the secretary pursuant**  
18 **to K.S.A. 32-805, and amendments thereto;**

19 (3) **do any act or engage in any activity within any state park,**  
20 **state lake, recreational ground, wildlife area or sanctuary, natural**  
21 **area or other area under the control of the secretary which is in**  
22 **violation of or contrary to law or rules and regulations of the sec-**  
23 **retary;**

24 (4) **use any manner or means of taking fish which may escape**  
25 **from a private water fishing impoundment and kill or endanger fish**  
26 **in another such impoundment or in public waters;**

27 (5) **remove fish from a private water fishing impoundment with-**  
28 **out the consent of the owner or tenant having possession and control**  
29 **of such impoundment; or**

30 (6) **place, erect or cause to be placed or erected any seine,**  
31 **screen, net, weir, fishdam or other obstruction in or across any of**  
32 **the waters, rivers, creeks, ponds, streams, sloughs or other water-**  
33 **courses within the jurisdiction of this state in such a manner as will**  
34 **obstruct the free passage of fish up and down and through such**  
35 **watercourses.**

36 (b) **Subsection (a)(1) shall not be construed to prohibit a legal**  
37 **owner or occupant of land from cutting trees on such land.**

38 **New Sec. 3. (a) The secretary of the department of wildlife and**  
39 **parks is authorized, with the approval of the Kansas wildlife and**  
40 **parks commission, to establish fees for the public use of cabins**  
41 **owned or operated by the department. At a public meeting, the sec-**  
42 **retary, with consideration by the commission, shall set an amount**  
43 **for each fee that encourages use of such cabins and that enables the**

1 *department to maintain and operate such cabins.*

2 *(b) Such fees as described in subsection (a) shall not exceed:*

3 *(1) A maximum of \$250 per night;*

4 *(2) a maximum of \$1,500 per week; and*

5 *(3) a maximum of \$5,000 per month.*

6 *(c) Fees for the use of cabins owned or operated by the depart-*  
7 *ment of wildlife and parks shall be exempt from the provisions of*  
8 *K.S.A. 77-415 through 77-437, and amendments thereto.*

9 **Sec. 4. K.S.A. 2009 Supp. 24-139a is hereby amended to read**  
10 **as follows: 24-139a.** ~~The board of directors of drainage district No. 2 of~~  
11 ~~Finney county shall provide by the passage of a resolution for the stag-~~  
12 ~~gering of terms of the board. At the next election of directors, one director~~  
13 ~~shall be elected for a two-year term and two directors shall be elected for~~  
14 ~~three-year terms. Election of directors thereafter shall be for three-year~~  
15 ~~terms. Notwithstanding the provisions of K.S.A. 24-409 and 24-412, and~~  
16 ~~amendments thereto, prior to the election of the board of directors of~~  
17 ~~drainage district No. 2 of Finney county, Kansas, such board of directors~~  
18 ~~shall determine which board position shall have a term of two years and~~  
19 ~~shall notify the county election officer. At the election proceedings in 2011,~~  
20 ~~a director shall be elected for a term of four years for each of board~~  
21 ~~positions one and two and one director shall be elected for a term of two~~  
22 ~~years for board position three. Thereafter, all directors shall be elected~~  
23 ~~for a term of four years as provided in K.S.A. 24-409 and 24-412 and~~  
24 ~~amendments thereto.~~

25 **Sec. 5. K.S.A. 2009 Supp. 24-409 is hereby amended to read as**  
26 **follows: 24-409. (a) All powers granted to drainage districts incor-**  
27 **porated under the provisions of this act shall be exercised by a**  
28 **board of directors consisting of three persons. Except as provided**  
29 **in K.S.A. 24-412 and K.S.A. 2009 Supp. 24-139a, and amendments**  
30 **thereto, the directors shall hold their offices for four years and until**  
31 **their successors are elected or appointed, as the case may be, and**  
32 **qualified, and shall be chosen at the time and in the manner pro-**  
33 **vided by law.**

34 **(b) Members of the board of directors shall be owners of land**  
35 **located in the drainage district and shall reside in the county in**  
36 **which the district is located or, if the district is located in more than**  
37 **one county, a county in which any portion of the district is located,**  
38 **except:**

39 **(1) If there are no residents within the drainage district who are**  
40 **owners of land within the district, any owner of land located within**  
41 **the district shall be a qualified voter and shall be eligible to hold**  
42 **the office of director; and**

43 **(2) a director shall be either an owner of or a tenant on land**

1 *located within the drainage district whenever: (A) The drainage dis-*  
2 *trict is located within one county and the population of the county*  
3 *does not exceed 10,000; or (B) the drainage district is located in*  
4 *more than one county and the population of any such county does*  
5 *not exceed 10,000.*

6 **Sec. 6. K.S.A. 24-412 is hereby amended to read as follows: 24-**  
7 **412. (a) Subject to the provisions of subsection (b), except as otherwise**  
8 **provided in this section, an election to choose three directors in each**  
9 **district as their successors, shall be held on the first Tuesday in**  
10 **April, 1983, and an election shall be held each four years thereafter,**  
11 **on the first Tuesday in April, to choose directors. Directors elected**  
12 **in any district in 1980 or 1981 shall hold their office until successors**  
13 **are elected and qualified at the election in April, 1983.**

14 (b) *On and after January 1, 2012, the board of directors of drainage*  
15 *district No. 2 of Finney county, Kansas, shall be elected for a term of four*  
16 *years.*

17 **Sec. ~~2-~~ ~~3-~~ 7. K.S.A. 24-412, 32-1015 and K.S.A. 2009 Supp. 24-**  
18 **139a, 24-409 and 32-837 ~~is~~ **are** hereby repealed.**

19 **Sec. ~~3-~~ ~~4-~~ 8. This act shall take effect and be in force from and after**  
20 **its publication in the statute book.**