

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2006

SENATE BILL No. 459

By Committee on Natural Resources

1-26

12 AN ACT concerning wildlife and parks; relating to the issuance of li-
13 censes; **[concerning the Kansas wildlife and parks commission];**
14 **also relating to state park no. 24; amending [K.S.A. 32-805 and]**
15 **K.S.A. 2005 Supp. 32-837[, 32-930 and 32-988] and repealing**
16 **the existing section [sections].**
17

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

19 Section 1. (a) Upon request of the secretary of social and rehabili-
20 tation services, the secretary of wildlife and parks shall not allow any
21 license, permit, stamp, tag or other issue of the department of wildlife
22 and parks to be purchased by any applicant except as provided in this
23 section. The secretary of social and rehabilitation services may make such
24 a request by providing the secretary of wildlife and parks, on a quarterly
25 basis, a listing of names and other information sufficient to allow the
26 secretary of wildlife and parks to match applicants against the list with
27 reasonable accuracy. The secretary of social and rehabilitation services
28 may include an individual on the listing if, at the time the listing is com-
29 piled, the individual owes arrearages under a support order in a title IV-
30 D case or has failed, after appropriate notice, to comply with an outstand-
31 ing warrant or subpoena directed to the individual in a title IV-D case.

32 (b) If any applicant for a license, permit, stamp, tag or other issue of
33 the department of wildlife and parks is not allowed to complete a pur-
34 chase pursuant to this section, the vendor of the license, permit, stamp,
35 tag or other issue of the department of wildlife and parks shall immedi-
36 ately deliver to the applicant a written notice, furnished by the state of
37 Kansas, stating the basis for the action and how the applicant may dispute
38 the action or request other relief.

39 (c) Immediately upon receiving a release executed by an authorized
40 agent of the secretary of social and rehabilitation services, the secretary
41 of wildlife and parks may allow the applicant to purchase any license,
42 permit, stamp, tag or other issue of the department of wildlife and parks.
43 The applicant shall have the burden of obtaining and delivering the re-

1 lease. The secretary of social and rehabilitation services may limit the
2 duration of the release.

3 (d) Upon request the secretary of social and rehabilitation services
4 shall issue a release if, as appropriate:

5 (1) The arrearages are paid in full or a tribunal of competent juris-
6 diction has determined that no arrearages are owed;

7 (2) an income withholding order in the case has been served upon
8 the applicant's current employer or payor;

9 (3) an agreement has been completed or an order has been entered
10 setting minimum payments to defray the arrearages, together with receipt
11 of the first minimum payment; or

12 (4) the applicant has complied with the warrant or subpoena or the
13 warrant or subpoena has been quashed or withdrawn.

14 (e) Individuals previously included in a quarterly listing may be omit-
15 ted from any subsequent listing by the secretary of social and rehabili-
16 tation services. When a new listing takes effect, the secretary of wildlife
17 and parks may allow any individual not included in the new listing to
18 purchase any license, permit, stamp, tag or other issue of the department
19 of wildlife and parks, whether or not the applicant had been included in
20 a previous listing.

21 (f) Nothing in this section shall be construed to require or permit the
22 secretary of wildlife and parks to determine any issue related to the title
23 IV-D case, including questions of mistaken identity or the adequacy of
24 any notice provided pursuant to this section. The secretary of social and
25 rehabilitation services shall provide an opportunity for fair hearing pur-
26 suant to K.S.A. 75-3306, and amendments thereto, to any person who has
27 been denied any license, permit, stamp, tag or other issue of the depart-
28 ment of wildlife and parks pursuant to this section, provided that the
29 person complies with the requirements of the secretary of social and
30 rehabilitation services for requesting such fair hearing.

31 (g) The term "title IV-D" has the meaning ascribed thereto in K.S.A.
32 32-930, and amendments thereto.

33 (h) The secretary of social and rehabilitation services and the secre-
34 tary of wildlife and parks may enter into an agreement for administering
35 the provisions of this section.

36 (i) The secretary of social and rehabilitation services and the secretary
37 of wildlife and parks may each adopt rules and regulations necessary to
38 carry out the provisions of this section.

39 **Sec. 2. K.S.A. 2005 Supp. 32-837 is hereby amended to read**
40 **as follows: 32-837. (a) The following parks have been designated**
41 **as a part of the state park system: (1) Kanopolis-Mushroom Rock**
42 **state park in Ellsworth county; (2) Cross Timbers state park at**
43 **Toronto Lake in Woodson county; (3) Fall River state park in**

1 Greenwood county; (4) Cedar Bluff state park in Trego county; (5)
2 Tuttle Creek state park in Pottawatomie and Riley counties; (6)
3 Pomona state park in Osage county; (7) Cheney state park in King-
4 man and Reno counties; (8) Lake Crawford state park in Crawford
5 county; (9) Lovewell state park in Jewell county; (10) Lake Meade
6 state park in Meade county; (11) Prairie Dog state park in Norton
7 county; (12) Webster state park in Rooks county; (13) Wilson state
8 park in Russell county; (14) Milford state park in Geary county;
9 (15) Lake Scott state park in Scott county; (16) Elk City state park
10 in Montgomery county; (17) Perry state park in Jefferson county;
11 (18) Glen Elder state park in Mitchell county; (19) El Dorado state
12 park in Butler county; (20) Eisenhower state park in Osage county;
13 (21) Clinton state park in Douglas and Shawnee counties; (22) Sand
14 Hills state park in Reno county; (23) Hillsdale state park in Miami
15 county; and (24) state park no. 24 in Shawnee county, which shall be
16 given a permanent name to be determined by the legislature at a future
17 date *Oregon Trail Kaw River state park in Shawnee county.*

18 (b) No state park named in subsection (a) shall be removed
19 from the state park system without legislative approval.

20 (c) The hours that state park no. 24 *Oregon Trail Kaw River state*
21 *park* is open to the public may be limited to those hours that parks
22 of the city of Topeka are open, except that such state park shall be
23 open at all hours for prescheduled events.

24 ~~(d) The department of wildlife and parks shall report to the house~~
25 ~~committee on tourism and parks and to the senate committee on natural~~
26 ~~resources on or before March 1, 2005, regarding the terms and conditions~~
27 ~~of the contract for the proposed donation of land to be used for state park~~
28 ~~no. 24.~~

29 **New Sec. 3.** The name of state park no. 24 is hereby changed
30 to Oregon Trail Kaw River state park.

31 [Sec. 4. K.S.A. 2005 Supp. 32-930 is hereby amended to read
32 as follows: 32-930. (a) Except as provided in subsection (c), the
33 secretary or the secretary's designee is authorized to issue to any
34 Kansas resident a lifetime fishing, hunting or furharvester or com-
35 bination hunting and fishing license upon proper application made
36 therefor to the secretary or the secretary's designee and payment
37 of a license fee as follows: (1) A total payment made at the time of
38 purchase in the amount prescribed pursuant to K.S.A. 32-988 and
39 amendments thereto; or (2) payment may be made over a two-year
40 period in eight quarter-annual installments in the amount pre-
41 scribed pursuant to K.S.A. 32-988 and amendments thereto. If pay-
42 ment is in installments, the license shall not be issued until the
43 final installment has been paid. A person making installment pay-

1 ments shall not be required to obtain the appropriate annual li-
2 cense, and each installment payment shall be deemed to be such
3 an annual license for a period of one year following the date of
4 the last installment payment made. If an installment payment is
5 not received within 30 days after it is due and owing, the secretary
6 may consider the payments in default and may retain any payments
7 previously received. *The secretary or the secretary's designee shall not*
8 *charge more than 50% of the cost of a lifetime hunting and fishing license*
9 *to any Kansas resident age 25 or younger. Any lifetime license issued*
10 *to a Kansas resident shall not be made invalid by reason of the*
11 *holder thereof subsequently residing outside the state of Kansas.*
12 *Any nonresident holder of a Kansas lifetime hunting or combina-*
13 *tion hunting and fishing license shall be eligible under the same*
14 *conditions as a Kansas resident for a big game or wild turkey per-*
15 *mit upon proper application to the secretary. Any nonresident*
16 *holder of a lifetime fishing license issued before July 1, 1989, shall*
17 *be eligible under the same conditions as a Kansas resident for a*
18 *big game or wild turkey permit upon proper application to the*
19 *secretary.*

20 [(b) For the purposes of subsection (a), the term “resident”
21 shall have the meaning defined in K.S.A. 32-701, and amendments
22 thereto, except that a person shall have maintained that person’s
23 place of permanent abode in this state for a period of not less than
24 one year immediately preceding the person’s application for a life-
25 time fishing, hunting or furharvester or combination hunting and
26 fishing license.

27 [(c) Upon request of the secretary of social and rehabilitation
28 services, the secretary of wildlife and parks shall not issue a life-
29 time fishing, hunting or furharvester or combination hunting and
30 fishing license to an applicant except as provided in this subsec-
31 tion. The secretary of social and rehabilitation services may make
32 such a request if, at the time of the request, the applicant owed
33 arrearages under a support order in a title IV-D case being ad-
34 ministered by the secretary of social and rehabilitation services or
35 had outstanding a warrant or subpoena, directed to the applicant,
36 in a title IV-D case being administered by the secretary of social
37 and rehabilitation services.

38 [Upon receiving a release from an authorized agent of the sec-
39 retary of social and rehabilitation services, the secretary of wildlife
40 and parks may issue the lifetime fishing, hunting or furharvester
41 or combination hunting and fishing license. The applicant shall
42 have the burden of obtaining and delivering the release.

43 [The secretary of social and rehabilitation services shall issue a

1 release upon request if, as appropriate:

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

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

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

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

11 [Nothing in this subsection shall be construed to require or per-
12 mit the secretary of wildlife and parks to determine any issue re-
13 lated to the title IV-D case except to resolve questions of mistaken
14 identity or determine the adequacy of any notice relating to this
15 subsection that the secretary of wildlife and parks provides to the
16 applicant.

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

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

24 [Sec. 5. K.S.A. 2005 Supp. 32-988 is hereby amended to read
25 as follows: 32-988. (a) The secretary is authorized to adopt, in ac-
26 cordance with K.S.A. 32-805 and amendments thereto, rules and
27 regulations fixing the amount of fees for the following items, sub-
28 ject to the following limitations and subject to the requirement that
29 no such rules and regulations shall be adopted as temporary rules
30 and regulations:

31 [Big game permits

32 [Resident (other than elk permit): maximum \$100

33 [Nonresident (other than elk permit): maximum \$400

34 [Elk permit: maximum \$350

35 [Resident big game tag: maximum \$20

36 [Nonresident big game tag: maximum \$30

37 [Nonresident applications: maximum \$25

38 [Combination hunting and fishing licenses

39 [Resident: maximum \$50

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

41 [Nonresident: maximum \$200

42 [Commercial dog training permits: maximum \$25

- 1 [Commercial guide permit or associate guide permit
- 2 [Resident: maximum \$250
- 3 [Nonresident: maximum \$1,000
- 4 [Commercial harvest or dealer permits: maximum \$200
- 5 [Commercial prairie rattlesnake harvesting permits
- 6 [Resident or nonresident with valid hunting license: maximum \$5
- 7 [Resident or nonresident nonfirearm without valid hunting license: maximum \$20
- 8 [Controlled shooting area operator license: maximum \$400
- 9 [Duplicate licenses, permits, stamps and other issues of the department: maximum
- 10 \$10
- 11 [Falconry
- 12 [Permits: maximum \$300
- 13 [Examinations: maximum \$100
- 14 [Field trial permits: maximum \$25
- 15 [Fishing licenses
- 16 [Resident: maximum \$25
- 17 [Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 18 [Nonresident: maximum \$75
- 19 [Five-day nonresident: maximum \$25
- 20 [Institutional group: maximum \$200
- 21 [Special nonprofit group: maximum \$200
- 22 [Twenty-four-hour: maximum \$10
- 23 [Fur dealer licenses
- 24 [Resident: maximum \$200
- 25 [Nonresident: maximum \$400
- 26 [Furharvester licenses
- 27 [Resident: maximum \$25
- 28 [Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 29 [Nonresident: maximum \$400
- 30 [Game breeder permits: maximum \$15
- 31 [Handicapped hunting and fishing permits: maximum \$5
- 32 [Hound trainer-breeder running permits: maximum \$25
- 33 [Hunting licenses
- 34 [Resident: maximum \$25
- 35 [Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- 36 [*Lifetime age 25 or younger: maximum \$500*
- 37 [Nonresident 16 or more years of age: maximum \$125
- 38 [Nonresident under 16 years of age: maximum \$75
- 39 [Controlled shooting area: maximum \$25
- 40 [Forty-eight-hour waterfowl permits: maximum \$25
- 41 [Migratory waterfowl habitat stamps: maximum \$8

- 1 [Mussel fishing licenses
2 [Resident: maximum \$200
3 [Nonresident: maximum \$1,500
4 [Rabbit permits
5 [Live trapping: maximum \$200
6 [Shipping: maximum \$400
7 [Raptor propagation permits: maximum \$100
8 [Rehabilitation permits: maximum \$50
9 [Scientific, educational or exhibition permits: maximum \$10
10 [Wildlife damage control permits: maximum \$10
11 [Wildlife importation permits: maximum \$10
12 [Wild turkey permits
13 [Resident: maximum \$100
14 [Nonresident: maximum \$400
15 [Resident turkey tag: maximum \$20
16 [Nonresident turkey tag: maximum \$30
17 [Special permits under K.S.A. 32-961: maximum \$100
18 [Miscellaneous fees
19 [Special events on department land or water: maximum \$200
20 [Special departmental services, materials or supplies: no maximum
21 [Other issues of department: no maximum
22 [Vendor bond: no maximum
23 [(b) The fee for a landowner-tenant resident big game or wild
24 turkey hunting permit shall be an amount equal to $\frac{1}{2}$ the fee for
25 a general resident big game or wild turkey hunting permit.
26 [(c) The fee for a furharvester license for a resident under 16
27 years of age shall be an amount equal to $\frac{1}{2}$ the fee for a resident
28 furharvester license.
29 [(d) The secretary may establish, by rules and regulations
30 adopted in accordance with K.S.A. 32-805 and amendments
31 thereto, different fees for various classes and types of licenses,
32 permits, stamps and other issuances of the department which may
33 occur within each item as described under subsection (a).]
34 [Sec. 6. K.S.A. 32-805 is hereby amended to read as follows:
35 32-805. (a) There is hereby created within and as a part of the
36 department the Kansas wildlife and parks commission which shall
37 be composed of seven members. The governor shall appoint seven
38 residents of this state to be members of the commission. In the
39 appointment of members of the commission, the governor shall
40 give consideration to the appointment of licensed hunters, fish-
41 ermen and furharvesters, park users, nonconsumptive users of
42 wildlife and park resources and to geographic balance among com-
43 mission members. No more than four members shall be of the

1 same political party. Each member of the commission shall hold
2 office for a term of four years and until a successor is appointed
3 and qualified, except that in appointing the original commission
4 members, the governor shall designate one member for a term
5 ending July 1, 1988, one member for a term ending July 1, 1989,
6 and two members for terms ending July 1, 1990. The governor
7 shall fill any vacancy on the commission prior to the expiration of
8 a term by appointment for the unexpired term. *On and after July 1,*
9 *2006, the governor shall appoint representatives from each of the fish and*
10 *wildlife administrative regions established by the department.*

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

13 [(c) The governor may remove a commissioner after opportu-
14 nity for a hearing in accordance with the provisions of the Kansas
15 administrative procedure act. If the commissioner is removed, the
16 governor shall file in the office of the secretary of state a complete
17 statement of all charges made against such commissioner and the
18 governor's findings thereon, together with a complete record of
19 the proceedings.

20 [(d) The commission shall have such powers, duties and func-
21 tions as prescribed by law. Other than rules and regulations per-
22 taining to personnel matters of the department, the secretary shall
23 submit to the commission all proposed rules and regulations. The
24 commission shall either approve, modify and approve, or reject
25 such proposed rules and regulations. The secretary shall adopt
26 such rules and regulations so approved or so modified and ap-
27 proved. Fees established for licenses, permits, stamps and other
28 issues of the department shall be subject to the approval of the
29 commission. It also shall be the duty of the commission to serve in
30 an advisory capacity to the governor and the secretary in the for-
31 mulation of policies and plans relating to the department.

32 [(e) The governor shall designate one commission member to
33 serve as chairperson of the commission. Members of the commis-
34 sion attending meetings of the commission, or attending a subcom-
35 mittee meeting thereof authorized by the commission, shall be
36 paid compensation, subsistence allowances, mileage and other ex-
37 penses as provided in K.S.A. 75-3223 and amendments thereto.
38 Four members of the commission shall constitute a quorum for the
39 transaction of business. Meetings may be called by the chairperson
40 and shall be called on the request of a majority of the members of
41 the commission.]

42 Sec. ~~4~~ [7.] [K.S.A. 32-805 and] K.S.A. 2005 Supp. 32-837 ~~is~~ [
43 32-930 and 32-988 are] hereby repealed.

1 Sec. ~~2.5~~ [8.] This act shall take effect and be in force from and after
2 its publication in the statute book.