

HOUSE BILL No. 2459

By Committee on Agriculture and Natural Resources

1-14

9 AN ACT concerning prairie rattlesnakes; abolishing permit require-
10 ments; amending K.S.A. 32-941 and K.S.A. 2009 Supp. 32-919 and 32-
11 988 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2009 Supp. 32-919 is hereby amended to read as
15 follows: 32-919. (a) Except as otherwise provided by law or rules and
16 regulations of the secretary, a valid Kansas hunting license is required to
17 hunt in this state.

18 (b) The provisions of subsection (a) do not apply to hunting by:

19 (1) A person, or a member of a person's immediate family domiciled
20 with such person, on land owned by such person or on land leased or
21 rented by such person for agricultural purposes;

22 (2) a resident of this state who is less than 16 years of age or who is
23 65 or more years of age;

24 (3) a nonresident who is participating in a field trial for dogs, recog-
25 nized by rules and regulations adopted by the secretary in accordance
26 with K.S.A. 32-805, and amendments thereto, if such field trial is not
27 conducted on a controlled shooting area;

28 (4) a person who holds a valid permit issued to such person pursuant
29 to subsection (f) and who hunts only waterfowl; ~~or~~

30 (5) a resident of this state hunting only prairie dogs, moles or go-
31 phers; *or*

32 (6) *a resident of this state hunting prairie rattlesnakes.*

33 (c) The fee for a hunting license shall be the amount prescribed pur-
34 suant to K.S.A. 32-988, and amendments thereto.

35 (d) Unless otherwise provided by law or rules and regulations of the
36 secretary, a hunting license is valid throughout the state, except that the
37 secretary may issue a special controlled shooting area license which is
38 valid only for licensed controlled shooting areas.

39 (e) Unless otherwise provided by law or rules and regulations of the
40 secretary, a hunting license is valid from the date of issuance and expires
41 on December 31 following its issuance, except that:

42 (1) The secretary may issue a permanent license pursuant to K.S.A.
43 32-929, and amendments thereto;

- 1 (2) the secretary may issue a lifetime license pursuant to K.S.A. 32-
2 930, and amendments thereto.
- 3 (f) A 48-hour waterfowl permit may be issued which authorizes hunt-
4 ing of waterfowl in this state subject to all other provisions of law and
5 rules and regulations of the secretary. The fee for such permit shall be
6 the amount prescribed pursuant to K.S.A. 32-988, and amendments
7 thereto. Such permit is valid throughout the state, is valid from the time
8 designated on the permit and expires 48 hours after such time. Purchase
9 of such permit shall not affect the requirement to purchase any federal
10 migratory bird hunting and conservation stamp or state migratory water-
11 fowl habitat stamp.
- 12 Sec. 2. K.S.A. 32-941 is hereby amended to read as follows: 32-941.
- 13 (a) Except as otherwise authorized by law or rules and regulations of the
14 secretary, a commercial harvest permit is required, in addition to any
15 other license, permit or stamp required by law or rules and regulations
16 of the secretary, to take any wildlife in this state on a commercial basis.
- 17 (b) Subsection (a) does not apply to:
- 18 (1) A person acting within the scope of a valid furharvester or valid
19 fur dealer license issued to such person; or
- 20 (2) a private water fishing impoundment.
- 21 (c) Subject to the requirements of law and rules and regulations of
22 the secretary, a person may obtain a commercial harvest permit from the
23 secretary or the secretary's designee by making application and paying
24 the fee prescribed pursuant to K.S.A. 32-988, and amendments thereto.
- 25 (d) The area and period of time for which a commercial harvest per-
26 mit is valid shall be in accordance with rules and regulations of the
27 secretary.
- 28 ~~(e) Any person having a valid hunting license or any person not re-~~
29 ~~quired to have a hunting license pursuant to K.S.A. 32-919, and amend-~~
30 ~~ments thereto, may annually obtain a special permit to harvest prairie~~
31 ~~rattlesnakes on a commercial basis upon payment of the fee prescribed~~
32 ~~therefor by K.S.A. 32-988, and amendments thereto. Any person may~~
33 ~~annually obtain a special nonfirearm permit to harvest prairie rattlesnakes~~
34 ~~on a commercial basis upon payment of the fee prescribed therefor by~~
35 ~~K.S.A. 32-988, and amendments thereto.~~
- 36 ~~—(f) The secretary may adopt, in accordance with K.S.A. 32-805 and~~
37 ~~amendments thereto, rules and regulations necessary to implement, ad-~~
38 ~~minister and enforce the provisions of this section and to govern the~~
39 ~~taking of wildlife on a commercial basis except that, for calendar year~~
40 ~~1993, the following provisions shall govern the commercial taking, selling,~~
41 ~~buying, trading and possession of prairie rattlesnakes:~~
- 42 ~~—(1) The harvest and possession of prairie rattlesnakes for commercial~~
43 ~~purposes shall occur only between the effective date of this act and June~~

- 1 30;
- 2 ~~—(2) the possession limit shall not exceed 30 prairie rattlesnakes;~~
- 3 ~~—(3) prairie rattlesnakes may be taken only by hand, snake hook or~~
- 4 ~~snake catchers;~~
- 5 ~~—(4) prairie rattlesnakes legally taken by a commercial prairie rattle-~~
- 6 ~~snake harvest permittee may be sold to: (A) A commercial prairie rattle-~~
- 7 ~~snake dealer; (B) a person legally authorized by another state to purchase~~
- 8 ~~prairie rattlesnakes; or (C) any other person if the prairie rattlesnakes are~~
- 9 ~~not purchased for resale or sold;~~
- 10 ~~—(5) any person desiring to purchase prairie rattlesnakes for resale or~~
- 11 ~~export from the state shall obtain a commercial prairie rattlesnake dealer~~
- 12 ~~permit;~~
- 13 ~~—(6) a commercial prairie rattlesnake dealer may possess and sell le-~~
- 14 ~~gally acquired prairie rattlesnakes without regard to time or numbers;~~
- 15 ~~—(7) the cost of a commercial prairie rattlesnake harvest permit for any~~
- 16 ~~person in possession of a valid hunting license issued to such person or~~
- 17 ~~any person not required to have a hunting license pursuant to K.S.A. 32-~~
- 18 ~~919 and amendments thereto shall be \$5;~~
- 19 ~~—(8) the cost of a commercial prairie rattlesnake harvest permit for any~~
- 20 ~~person without a valid hunting license shall be \$20;~~
- 21 ~~—(9) the cost of a commercial prairie rattlesnake dealer permit shall be~~
- 22 ~~\$50; and~~
- 23 ~~—(10) commercial prairie rattlesnake harvest permittees and commer-~~
- 24 ~~cial prairie rattlesnake dealer permittees shall report permit activities if~~
- 25 ~~requested by the department.~~
- 26 ~~(g)~~ (e) Rules and regulations adopted by the secretary pursuant to
- 27 this section may include, with regard to fishing on a commercial basis,
- 28 establishment and designation of:
- 29 (1) Certain portions of the Missouri river bordering on this state and
- 30 certain streams, lakes and impoundments, or parts thereof, in this state
- 31 to be open to commercial fishing for such period of time as the secretary
- 32 specifies;
- 33 (2) methods and equipment for the taking of fish on a commercial
- 34 basis;
- 35 (3) inspections and frequency of inspections;
- 36 (4) size and specifications of seines, nets, traps and other commercial
- 37 fishing equipment and methods of tagging such equipment;
- 38 (5) procedures for handling, sale or exchange of fish taken on a com-
- 39 mercial basis;
- 40 (6) species of fish subject to commercial fishing and any size or num-
- 41 ber restrictions; and
- 42 (7) a bonding requirement for commercial fishing.
- 43 The secretary may limit commercial fishing to contract only, and the

1 contractor shall provide such reports and information as required by the
2 secretary. In addition to any other penalty prescribed by law for a violation
3 of law or rules and regulations of the secretary pertaining to commercial
4 fishing, the secretary may revoke a commercial fishing contract or refuse
5 to issue such contract.

6 Sec. 3. K.S.A. 2009 Supp. 32-988 is hereby amended to read as fol-
7 lows: 32-988. (a) The secretary is authorized to adopt, in accordance with
8 K.S.A. 32-805 and amendments thereto, rules and regulations fixing the
9 amount of fees for the following items, subject to the following limitations
10 and subject to the requirement that no such rules and regulations shall
11 be adopted as temporary rules and regulations:

12 Big game permits

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

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

15 Elk permit: maximum \$350

16 Nonresident mule deer stamp: maximum \$150

17 Nonresident applications: maximum \$25

18 Combination hunting and fishing licenses

19 Resident: maximum \$50

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

21 Nonresident: maximum \$200

22 Commercial dog training permits: maximum \$25

23 Commercial guide permit or associate guide permit

24 Resident: maximum \$250

25 Nonresident: maximum \$1,000

26 Commercial harvest or dealer permits: maximum \$200

27 ~~Commercial prairie rattlesnake harvesting permits~~

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

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

30 Controlled shooting area operator license: maximum \$400

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

32 Falconry

33 Permits: maximum \$300

34 Examinations: maximum \$100

35 Field trial permits: maximum \$25

36 Fishing licenses

37 Resident: maximum \$25

38 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

39 Nonresident: maximum \$75

40 Five-day nonresident: maximum \$25

41 Institutional group: maximum \$200

42 Special nonprofit group: maximum \$200

43 Twenty-four-hour: maximum \$10

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

1 (c) The fee for a big game or wild turkey hunting permit for a resident
2 under 16 years of age shall be an amount equal to $\frac{1}{2}$ the fee for a general
3 resident big game or wild turkey hunting permit.

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

7 (e) 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. 4. K.S.A. 32-941 and K.S.A. 2009 Supp. 32-919 and 32-988 are
13 hereby repealed.

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