

SENATE BILL No. 211

By Committee on Federal and State Affairs

2-5

1 AN ACT concerning wildlife and parks; relating to ~~rules and regulations;~~
2 ~~requiring~~ ***the wildlife and parks commission; modifying member***
3 ***appointments and qualifications; authorizing such commission to***
4 ***direct the secretary to report on or develop rules and regulations;***
5 ***allowing*** members of the wildlife and parks commission to submit
6 proposed ***potential*** rules and regulations to such commission; amending
7 K.S.A. 2024 Supp. 32-805 and repealing the existing section.
8

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

10 Section 1. K.S.A. 2024 Supp. 32-805 is hereby amended to read as
11 follows: 32-805. (a) (1) There is hereby created within and as a part of the
12 department the Kansas wildlife and parks commission, and such
13 commission shall be composed of seven members who are residents of the
14 state of Kansas.

15 (2) Such members shall be appointed as follows:

16 (A) One ~~at-large~~ member ***who represents fish and wildlife***
17 ***administration region one*** appointed by the governor;

18 (B) one member ~~appointed by the governor~~ who represents fish and
19 wildlife administration region ~~one~~ ***two appointed by the governor;***

20 (C) one member ~~appointed by the governor~~ who represents fish and
21 wildlife administration region ~~two~~ ***three appointed by the governor;***

22 (D) one member ~~appointed by the governor~~ who represents fish and
23 wildlife administration region ~~five~~ ***four appointed by the governor;***

24 (E) one ***at-large*** member appointed by the speaker of the house of
25 representatives ~~who represents fish and wildlife administration region~~
26 ~~four;~~

27 (F) one ***at-large*** member appointed by the president of the senate ~~who~~
28 ~~represents fish and wildlife administration region three; and~~

29 (G) one at-large member appointed by the attorney general.

30 (3) ~~The members appointed by the speaker of the house of~~
31 ~~representatives, the president of the senate and the attorney general shall~~
32 ~~serve an initial term of two years and, thereafter, shall be appointed to a~~
33 ~~term of four years.~~

34 (4) ~~The appointing authorities for the members of the commission~~

1 shall give consideration to the appointment of licensed hunters, fishermen
2 and furharvesters, park users and to nonconsumptive users of wildlife and
3 park resources. ~~In no case shall any respective appointing authority~~
4 ~~appoint a person who is or, within five years prior to the appointment,~~
5 ~~has been~~ a controlled shooting area licensee or any, ~~an employee of such~~
6 ~~licensee or any a person who provides hunting outfitting services or~~
7 ~~hunting guide services.~~ Not more than a majority of the members shall be
8 of the same political party. ***Not more than two{ at-large} members shall***
9 ***be from the same fish and wildlife administration region.***

10 (4) Except as otherwise provided, each member of the commission
11 ***appointed by the governor*** shall hold office for a term of four years ~~and or~~
12 ~~until a successor is appointed and qualified.~~ ~~*Each member of the*~~
13 ~~*commission appointed by the attorney general, the speaker of the house*~~
14 ~~*of representatives or the president of the senate shall hold office for a*~~
15 ~~*term of two years or until a successor is appointed and qualified.*~~ Each
16 respective appointing authority shall fill any vacancy on the commission
17 prior to the expiration of a term by appointment for the unexpired term. ~~On~~
18 ~~July 1, 2024, each appointing authority may appoint a new member to~~
19 ~~replace the current incumbent holding such incumbent's seat. Otherwise,~~
20 ~~such incumbent may serve for the remainder of such incumbent's term.~~ ***On***
21 ***July 1, 2026, except for the member appointed to represent fish and***
22 ***wildlife administration region one, each appointing authority may***
23 ***appoint a new member to replace the incumbent member holding such***
24 ***incumbent's seat. Otherwise, such incumbent may serve for the***
25 ***remainder of such incumbent's term.***

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

28 (c) ~~(1) Each respective appointing authority~~ ***Members of the***
29 ***commission appointed by the speaker of the house of representatives and***
30 ***the president of the senate shall serve at the will of the speaker of the***
31 ***house of representatives and the president of the senate, respectively.***

32 (2) ***The governor and the attorney general*** may remove a
33 commissioner after opportunity for a hearing in accordance with the
34 provisions of the Kansas administrative procedure act. If the commissioner
35 is removed, the respective appointing authority shall file in the office of
36 the secretary of state a complete statement of all charges made against
37 such commissioner and the respective appointing authority's findings
38 thereon, together with a complete record of the proceedings.

39 (d) (1) The commission shall have such powers, duties and functions
40 as prescribed by law and shall preserve the rights guaranteed by section 21
41 of the bill of rights of the constitution of the state of Kansas.

42 (2) Other than rules and regulations pertaining to personnel matters of
43 the department,±

1 ~~(4)~~ The secretary ~~or members of the commission~~ shall submit to the
2 commission all proposed rules and regulations; ~~and~~

3 ~~(B)~~ ~~members of the commission may submit to the commission any~~
4 ~~potential rules and regulations.~~

5 ~~(3)~~ ~~The commission may, by a majority vote, direct the secretary to~~
6 ~~make a report on or develop any proposed rule and regulation.~~

7 ~~(4)~~ ~~{, }~~ the commission shall either approve, modify and approve, or
8 reject such proposed rules and regulations ~~proposed pursuant to~~
9 ~~paragraph (2)(A)~~. The secretary shall adopt such rules and regulations so
10 approved or so modified and approved.

11 ~~{(3)}~~ *Proposed rules and regulations may be developed:*

12 ~~(A)~~ *By the secretary;*

13 ~~(B)~~ *by a member of the commission; or*

14 ~~(C)~~ *through approval of the commission directing the secretary to*
15 *develop a specific proposed rule and regulation.*

16 ~~{(5)}~~~~{(4)}~~ Fees established for licenses, permits, stamps and other
17 issues of the department shall be subject to the approval of the
18 commission.

19 ~~{(6)}~~~~{(5)}~~ It also shall be the duty of the commission to serve in an
20 advisory capacity to the governor and the secretary in the formulation of
21 policies and plans relating to the department.

22 (e) The members of the commission shall elect one commission
23 member to serve as chairperson of the commission for a term not to exceed
24 two years and until a successor has been elected. In the event of a vacancy
25 in the position of chairperson, the members shall elect a successor for the
26 remainder of the chairperson's term. Upon the expiration of the
27 chairperson's two-year term, during the commission's first meeting of the
28 calendar year, the members shall elect a new chairperson. Members of the
29 commission attending meetings of the commission, or attending a
30 subcommittee meeting thereof authorized by the commission, shall be paid
31 compensation, subsistence allowances, mileage and other expenses as
32 provided in K.S.A. 75-3223, and amendments thereto. A majority of the
33 members of the commission shall constitute a quorum for the transaction
34 of business. Meetings may be called by the chairperson and shall be called
35 on the request of a majority of the members of the commission.

36 Sec. 2. K.S.A. 2024 Supp. 32-805 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.