

HOUSE BILL No. 2332

By Committee on Agriculture and Natural Resources

2-7

1 AN ACT concerning the division of tourism; relating to the transfer of
2 powers, duties and functions from the department of wildlife and parks
3 to the department of commerce; making changes in references and
4 transfers to state officers with respect thereto; amending K.S.A. 2-
5 1314d, 2-2473, 8-134, 32-801, 32-802, 32-805, 32-806, 32-807, 32-
6 809, 32-832, 32-833, 32-834, 32-835, 32-836, 32-837, 32-839, 32-840,
7 32-844, 32-845, 32-846, 32-869, 32-873, 32-874, 32-874a, 32-874b,
8 32-874c, 32-874d, 32-874e, 32-886, 32-887, 32-888, 32-906, 32-918,
9 32-930, 32-932, 32-938, 32-960a, 32-966, 32-976, 32-996, 32-997, 32-
10 998, 32-999, 32-9,100, 32-1001, 32-1004, 32-1005, 32-1031, 32-1032,
11 32-1040, 32-1041, 32-1049, 32-1049a, 32-1050, 32-1051, 32-1052, 32-
12 1053, 32-1054, 32-1062, 32-1063, 32-1064, 32-1066, 32-1074, 32-
13 1075, 32-1077, 32-1102, 32-1112, 32-1129, 32-1174, 32-1203, 32-
14 1306, 32-1308, 32-1310, 32-1401, 32-1402, 32-1403, 32-1410, 32-
15 1411, 32-1412, 32-1413, 32-1420, 32-1421, 32-1422, 32-1432, 32-
16 1433, 32-1438, 47-2101, 65-189e, 65-3424b, 65-5703, 68-406, 74-134,
17 74-5,133, 74-2622, 74-3322, 74-4722, 74-4911f, 74-5005, 74-6614, 74-
18 7901, 74-9201, 75-1253, 75-2720, 75-2935, 75-3339, 75-37,121, 75-
19 3907, 75-3908, 75-3910, 76-463, 77-415, 79-201a, 79-3221e, 79-
20 3221h, 79-32,203, 79-5212, 82a-209, 82a-220, 82a-326, 82a-903, 82a-
21 1501, 82a-2001 and 82a-2204 and K.S.A. 2022 Supp. 19-2803b, 19-
22 2803d, 19-2817, 19-2822, 19-2835, 19-2836, 19-2839, 19-2844, 19-
23 2844a, 19-2855, 19-2868, 19-2873, 19-2894, 19-3543, 20-302b, 21-
24 5810, 21-6308a, 21-6416, 22-2512, 32-701, 41-719, 49-408, 58-3221,
25 58-3225, 74-5602, 77-421 and 79-3234 and repealing the existing
26 sections; also repealing K.S.A. 32-810, 32-811, 32-812, 32-813, 32-
27 814, 32-815, 32-816 and 32-818.

28

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

30 Section 1. K.S.A. 2-1314d is hereby amended to read as follows: 2-
31 1314d. (a) There is hereby created the state noxious weed advisory
32 committee, referred to in this act as the state advisory committee. The state
33 advisory committee shall consist of 13 voting members and the secretary
34 as a non-voting ex officio member. The state advisory committee
35 membership shall reflect the different geographic areas of the state equally
36 to the greatest extent possible. Members of the state advisory committee

1 shall receive no compensation for serving on the state advisory committee,
2 but shall be paid subsistence allowances, mileage and other expenses as
3 provided in K.S.A. 75-3223, and amendments thereto, from moneys
4 appropriated therefor to the Kansas department of agriculture. The 13
5 voting members shall be appointed by the secretary as follows:

6 (1) One member shall be a natural resource management professional
7 from the Kansas department of wildlife; ~~and parks and tourism~~;

8 (2) two members shall be weed specialists from Kansas state
9 university college of agriculture or Kansas state research and extension,
10 with one such member having knowledge of non-chemical methods of
11 weed control, and shall be appointed upon the recommendation of the dean
12 of the college of agriculture and the director of Kansas state research and
13 extension;

14 (3) one member shall be a county commissioner and shall be
15 appointed upon the recommendation of the Kansas association of counties;

16 (4) four members shall be private landowners involved in agricultural
17 production, one of whom shall be a Kansas producer who grows
18 traditional Kansas crops, which, for the purposes of this paragraph, means
19 wheat, corn, soybeans, milo, peanuts, cotton, hay or oats, one of whom
20 shall be a Kansas producer who grows non-traditional Kansas crops, and
21 one of whom shall be a certified organic producer;

22 (5) two members shall be weed supervisors and shall be appointed
23 upon the recommendation of the board of directors of the county weed
24 director's association of Kansas;

25 (6) one member shall represent the agricultural industries in the state
26 and shall be appointed upon the recommendation of the board of directors
27 of the Kansas agribusiness retailers association;

28 (7) one member shall be appointed upon the recommendation of the
29 Kansas biological survey; and

30 (8) one member shall be appointed upon the recommendation of the
31 board of directors of the Kansas cooperative council.

32 (b) (1) Except as provided in this section, the term of office of each
33 member of the committee shall be four years. The initial appointments to
34 the committee shall be as follows:

35 (A) Six members shall be appointed for a term of two years;

36 (B) four members shall be appointed for a term of three years; and

37 (C) three members shall be appointed for a term of four years.

38 (2) The secretary shall designate the initial term of office for each
39 member appointed to the first committee.

40 (3) Each member shall be limited to serving a total of two full terms
41 and shall hold office until the expiration of the term for which such
42 member is appointed or until a successor has been duly appointed.

43 (4) In the event of a vacancy on the state advisory committee, the

1 recommending body of the vacating member shall make a
2 recommendation to the secretary as prescribed in this section. The
3 secretary shall, as soon as is reasonably possible, appoint a member to fill
4 such vacancy for the remainder of the unexpired term.

5 (5) The secretary may remove any member of the state advisory
6 committee for misconduct, incompetence or neglect of duty.

7 (c) (1) A quorum of the state advisory committee shall be a majority
8 of the members duly appointed to the state advisory committee.

9 (2) A quorum of the state advisory committee shall elect or appoint
10 annually a chairperson and a vice-chairperson.

11 (d) The state advisory committee shall meet at least once per year, but
12 not more than four times per year.

13 (e) The state advisory committee shall, among other duties assigned
14 by the secretary:

15 (1) Review the state weed management plan every five years and
16 recommend changes and updates to the secretary;

17 (2) recommend the designation and classification of noxious weeds in
18 the state through the use of a risk assessment designated by the secretary;

19 (3) review the noxious weed act and the rules and regulations of the
20 secretary declaring species of plants to be noxious weeds at least every
21 four years and recommend changes to the secretary;

22 (4) review the official methods for the control and eradication for
23 each species of plant declared a noxious weed and recommend changes to
24 the secretary that include both chemical and non-chemical options for such
25 control and eradication; and

26 (5) before January 1 of each odd-numbered year, report to the
27 secretary on:

28 (A) The expenditure of state funds on noxious weed control and how
29 such funds were spent;

30 (B) the status of the state and county noxious weed control programs;

31 (C) recommendations for the continued best use of state funds for
32 noxious weed control; and

33 (D) recommendations on long-term noxious weed control needs.

34 (f) The state advisory committee shall only make recommendations
35 approved by a majority vote of the members.

36 Sec. 2. K.S.A. 2-2473 is hereby amended to read as follows: 2-2473.

37 (a) (1) The pesticide management areas shall be developed by examination
38 of the following factors:

39 ~~(A)~~ (A) Precipitation;

40 ~~(B)~~ (B) topography;

41 ~~(C)~~ (C) soil type;

42 ~~(D)~~ (D) depth to the watertable; and

43 ~~(E)~~ (E) other factors as the secretary deems relevant.

1 (2) The areas shall be designated as permitted, modified or prohibited
 2 for the use of certain types of pesticides as determined by the pesticide
 3 management plan for the management area. The order of the secretary
 4 designating such pesticide management area shall define specifically the
 5 boundaries of the pesticide management area and shall indicate
 6 specifically the pesticide management plan for the area. Pesticide
 7 management plans may include provisions for the handling or release of
 8 pesticides, including, but not limited to, the application, mixing, loading,
 9 storage, disposal or transportation and guidelines for the best management
 10 practices.

11 (b) (1) When considering whether to establish such pesticide
 12 management areas, the secretary shall consult with a pesticide
 13 management area technical advisory committee composed of a
 14 representative or representatives of each of the following:

15 ~~(1)(A)~~ Kansas department of health and environment appointed by the
 16 secretary of health and environment;

17 ~~(2)(B)~~ Kansas department of wildlife, *and* parks ~~and tourism~~
 18 appointed by the secretary of wildlife, *and* parks ~~and tourism~~;

19 ~~(3)(C)~~ Kansas state university appointed by the president of Kansas
 20 state university;

21 ~~(4)(D)~~ Kansas water authority appointed by the chairperson of the
 22 Kansas water authority;

23 ~~(5)(E)~~ conservation commission appointed by the chairperson of the
 24 state conservation commission;

25 ~~(6)(F)~~ Kansas geological survey appointed by the state geologist; and

26 ~~(7)(G)~~ other persons the secretary determines to have beneficial
 27 information to the establishment of such areas as appointed by the
 28 secretary.

29 (2) This technical advisory committee shall assist the secretary in the
 30 development of the proposed boundaries of the pesticide management area
 31 and the proposed plan for the pesticide management area.

32 Sec. 3. K.S.A. 8-134 is hereby amended to read as follows: 8-134. (a)
 33 Every vehicle registration under this act shall expire December 31 of each
 34 year, except passenger vehicles and vehicles provided for in K.S.A. 8-
 35 134a, and amendments thereto. The registration of vehicles to which
 36 K.S.A. 8-134a, and amendments thereto, applies shall expire in 1982 and
 37 thereafter in accordance with the provisions of subsections (b) and (c).
 38 Registration of vehicles shall be renewed annually upon application by the
 39 owner and by payment of the fees required by law. Except vehicles subject
 40 to K.S.A. 8-134a, and amendments thereto, and passenger vehicles, the
 41 renewal shall take effect on January 1 of each year, but the owner of the
 42 vehicle shall have until and including the last day of February of each year
 43 ~~within which~~ to make application for such renewal. The division shall

1 issue for such vehicles a February month decal to correspond with the
2 statutory grace period. Criminal sanctions provided in K.S.A. 8-142, and
3 amendments thereto, for failure to display any license plate or plates or
4 any registration decal required to be affixed to any such license plate for
5 the current registration year shall not be enforced until March 1 of each
6 year. An owner who has made proper application for renewal of
7 registration of a vehicle prior to January 1, but who has not received the
8 license plate or registration card for the ensuing year, shall be entitled to
9 operate or permit the operation of such vehicle upon the highways upon
10 displaying thereon the license plate issued for the preceding year for such
11 time as the director of vehicles finds necessary for issuance of such new
12 license plate.

13 (b) Every passenger vehicle required by this act to be registered,
14 except as otherwise provided, shall be registered for a period of 12
15 consecutive months. The division of vehicles, in order to initiate a system
16 of registering or reregistering passenger vehicles during any month of a
17 calendar year, may register or reregister a passenger vehicle for less than a
18 ~~twelve-month~~ 12-month period, prorating the annual registration fee, when
19 in the director's opinion such proration tends to fulfill the purpose of the
20 monthly registration system.

21 (c) Passenger vehicle registration, and the authority to legally operate,
22 use, or tow such vehicle on the highway shall expire at 12 midnight on the
23 last day of the last month of the ~~twelve-month~~ 12-month period for which
24 such vehicle was registered, and the owner shall see that such vehicle is
25 reregistered as required by this act. The director of vehicles shall designate
26 the registration period for each passenger vehicle in order to as nearly as
27 feasible equalize registration or reregistration within the 12 months of the
28 year. Any vehicle after having once been registered shall upon
29 reregistration, be registered for the same twelve-month period except when
30 the certificate of title has been transferred as provided by law. In this case,
31 the vehicle shall be registered by the division of vehicles in accordance
32 with the system adopted.

33 (d) For the purpose of this act, hearses and electrically propelled
34 vehicles shall be classified as passenger vehicles.

35 (e) Every owner who registers or reregisters a vehicle in a calendar
36 year, and in any calendar year in which a license plate is not issued for the
37 renewal of registration of such vehicle, shall be furnished by the division
38 one decal for the license plate issued for such vehicle and required by
39 K.S.A. 8-133, and amendments thereto, to be affixed to the rear of such
40 vehicle. Such decal shall be affixed to the number plate affixed to the rear
41 of such vehicle and shall contain the letters designating the county in
42 which such vehicle is registered, as provided in K.S.A. 8-147, and
43 amendments thereto, shall indicate the license plate number for which the

1 decal is to be affixed and shall indicate the year in which such registration
 2 expires. The color of a decal shall be such that it contrasts with the color of
 3 the license plate to which it is to be affixed, and the director of vehicles
 4 shall change the color of such decals each year, without duplicating the
 5 same color in any five-year period or such extended period as the director
 6 designates under K.S.A. 8-132(b), and amendments thereto. Such decals
 7 shall be so constructed that once a decal has been affixed to a license plate
 8 it cannot be removed without destroying the decal, and the surface of such
 9 decals shall be capable of reflecting light. Consistent with the foregoing,
 10 the director of vehicles shall prescribe the size of and material to be used
 11 in the production of such decals, and the director of vehicles shall
 12 designate the location on a number plate where such decal shall be affixed.

13 (f) (1) The owner of a vehicle may, at the time of such registration or
 14 reregistration, purchase a park and recreation motor vehicle permit. Such
 15 permit shall cost \$15 until such time as the amount for such permit is
 16 changed by rules and regulations of the secretary of wildlife; *and parks*
 17 ~~and tourism~~.

18 (2) Such permit shall be nontransferable and shall expire on the date
 19 of expiration of the vehicle registration.

20 (3) Except as provided in subsection (f)(4), the county treasurer shall
 21 remit all such moneys paid to the county treasurer to the state treasurer in
 22 accordance with the provisions of K.S.A. 75-4215, and amendments
 23 thereto. Upon receipt of each such remittance, the state treasurer shall
 24 deposit the entire amount in the state treasury and shall be credited as
 25 provided in K.S.A. 32-991, and amendments thereto.

26 (4) The county treasurer may collect and retain a service charge fee of
 27 up to \$.50 for each park and recreation motor vehicle permit issued or sold
 28 by the county treasurer.

29 (5) As a condition of receiving the park and recreation motor vehicle
 30 permit, the applicant shall consent to the sharing of information, including,
 31 but not limited to, the applicant's name, address, email address and phone
 32 number, with the secretary of wildlife; *and parks*~~and tourism~~ by the
 33 division of motor vehicles.

34 (g) The secretary of revenue shall adopt rules and regulations
 35 necessary to accomplish the purpose of this act.

36 Sec. 4. K.S.A. 2022 Supp. 19-2803b is hereby amended to read as
 37 follows: 19-2803b. The board of commissioners of any county ~~which~~ *that*
 38 has previously acquired real estate under K.S.A. 19-2801, and
 39 amendments thereto, or its predecessors, and ~~which~~ has not constructed
 40 and completed a lake or park facility thereon, is hereby authorized, without
 41 an election, to convey the fee simple title to such real estate to the Kansas
 42 department of wildlife; *and parks*~~and tourism~~ by a proper deed of
 43 conveyance.

1 Sec. 5. K.S.A. 2022 Supp. 19-2803d is hereby amended to read as
2 follows: 19-2803d. The board of county commissioners may receive
3 donations and bequests of either money or property for the purpose of
4 establishing and maintaining such lake and recreational grounds. The
5 board shall make all regulations necessary for the supervision and conduct
6 of such lake and recreational grounds, subject to the rules and regulations
7 of the secretary of wildlife; ~~and parks and tourism~~, and may employ a
8 supervisor and such other assistants as may be necessary to properly care
9 for and manage the same.

10 Sec. 6. K.S.A. 2022 Supp. 19-2817 is hereby amended to read as
11 follows: 19-2817. The board of county commissioners of any county to
12 which this act applies and the secretary of wildlife; ~~and parks and tourism~~
13 are each authorized and empowered to enter into an agreement to provide
14 for the building and construction of one or more reservoirs, lakes, dams or
15 embankments for impounding water on lands in the park and recreational
16 grounds of any such county and to provide for the use, control and
17 maintenance of such park and recreational grounds. Nothing in such
18 agreement shall be construed to prohibit the secretary of wildlife; ~~and~~
19 ~~parks and tourism~~ or the Kansas department of wildlife; ~~and parks and~~
20 ~~tourism~~ from the right to exercise the same functions, rights and authority
21 as though the lands for such park and recreational grounds had been
22 acquired for the department, and the agreement between any such county
23 and the secretary shall expressly provide that, notwithstanding the title to
24 such lands shall be vested in such county, all rights therein or thereon,
25 waters and water rights, and for keeping, improving and maintaining them
26 for the use and benefit of the department shall be unimpaired and shall
27 likewise be public park and recreational grounds for the use and enjoyment
28 of the public.

29 Sec. 7. K.S.A. 2022 Supp. 19-2822 is hereby amended to read as
30 follows: 19-2822. The board of county commissioners of any county to
31 which this act applies and the secretary of wildlife; ~~and parks and tourism~~
32 are each authorized and empowered to enter into an agreement to provide
33 for the building and construction of one or more reservoirs, lakes, dams or
34 embankments for impounding water on lands in the park and recreational
35 grounds of any such county and to provide for the use, control and
36 maintenance of such park and recreational grounds. Nothing in such
37 agreement shall be construed to prohibit the secretary of wildlife; ~~and~~
38 ~~parks and tourism~~ or the Kansas department of wildlife; ~~and parks and~~
39 ~~tourism~~ from the right to exercise the same functions, rights and authority
40 as though the lands for such park and recreational grounds had been
41 acquired by the department, and the agreement between any such county
42 and the secretary shall expressly provide that, notwithstanding the title to
43 such lands shall be vested in such county, all rights therein or thereon,

1 waters and water rights, and for keeping, improving and maintaining them
2 for the use and benefit of the department shall be unimpaired and shall
3 likewise be public park and recreational grounds for the use and enjoyment
4 of the public.

5 Sec. 8. K.S.A. 2022 Supp. 19-2835 is hereby amended to read as
6 follows: 19-2835. The board of county commissioners of any such county
7 shall have the right to aid, assist, furnish and pay for a part or the whole of
8 any real estate or property or constructing the whole or a part of any dam
9 or construction work deemed by them necessary or proper in the aiding or
10 assisting the Kansas department of wildlife; ~~and parks and tourism~~ in the
11 acquisition of a lake, park and recreational site or sites and in the
12 construction of dams, lakes and reservoirs or construction work thereon, so
13 as to insure the completion of a lake, park or recreational grounds in such
14 county. The control and direction of the construction work shall be as
15 determined by the board of county commissioners and the department
16 should the department be in whole or in part interested in such project as
17 such. The title to such real estate or part of such real estate as may be paid
18 for exclusively by such board of county commissioners shall be taken in
19 the name of the county or in the name of the state of Kansas, as the board
20 of county commissioners and the department may agree, but the real estate
21 paid for exclusively by the county shall revert to the county should such
22 project ever be abandoned as a park or recreational project.

23 Sec. 9. K.S.A. 2022 Supp. 19-2836 is hereby amended to read as
24 follows: 19-2836. (a) Before any board of county commissioners is
25 authorized to proceed under this act, there shall be filed with such board
26 under the certificate of the engineer for the Kansas department of wildlife;
27 ~~and parks and tourism~~, or the county engineer of such county, maps, plans
28 and specifications showing:

- 29 (1) The description or outline of the land to be in such project;
- 30 (2) the portion of such land, if any, owned by the state of Kansas or
31 the department;
- 32 (3) the portion of the land to be purchased by the county, if any;
- 33 (4) the probable acre surface area of water to be impounded,
34 estimating such acreage at low-water time; *and*
- 35 (5) a brief outline of the proposed plan of construction and of
36 estimated cost thereof, including the estimated part of the cost, if any, to be
37 borne by the county, the part of the cost, if any, to be borne by the
38 department and the part of the cost, if any, to be borne by any other state or
39 federal agencies or individuals.

40 (b) The cost of such maps, plans, specifications and preliminary work
41 may be paid for by the county out of its general fund.

42 Sec. 10. K.S.A. 2022 Supp. 19-2839 is hereby amended to read as
43 follows: 19-2839. The construction work may be let by contract or done by

1 day labor, as the board of county commissioners and the secretary of
2 wildlife; ~~and parks and tourism~~ may agree upon, and such board and such
3 secretary are hereby authorized to accept funds from the state or any
4 federal agencies or donations or bequests from any individuals in the
5 promotion and completion of such work.

6 Sec. 11. K.S.A. 2022 Supp. 19-2844 is hereby amended to read as
7 follows: 19-2844. The boards of county commissioners of any counties to
8 which this act applies and the secretary of wildlife; ~~and parks and tourism~~
9 are authorized and empowered to enter into an agreement to provide for
10 the building and construction of one or more reservoirs, lakes, dams or
11 embankments for impounding water on lands in the park and recreational
12 grounds of any such counties and to provide for the use, control and
13 maintenance of such park and recreational grounds. Nothing in such
14 agreement shall be construed to prohibit the secretary of wildlife; ~~and~~
15 ~~parks and tourism~~ or the Kansas department of wildlife; ~~and parks and~~
16 ~~tourism~~ from the right to exercise the same functions, rights and authority
17 as though the lands for such park and recreational grounds had been
18 acquired for the department, and the agreement between any such counties
19 and the secretary shall expressly provide that, notwithstanding the title to
20 such lands shall be vested in such counties, all rights therein or thereon,
21 waters and water rights, and for keeping, improving and maintaining them
22 for the use and benefit of the department shall be unimpaired and shall
23 likewise be public park and recreational grounds for the use and enjoyment
24 of the public.

25 Sec. 12. K.S.A. 2022 Supp. 19-2844a is hereby amended to read as
26 follows: 19-2844a. Whenever a lake is being constructed by the Kansas
27 department of wildlife; ~~and parks and tourism~~ in any county within three
28 miles of the county line of an adjoining county, the board of county
29 commissioners of such adjoining county is hereby authorized to construct
30 or aid in the construction of roads and bridges around such lake in the
31 county in which such lake is situated and access roads thereto. The board
32 of county commissioners of such adjoining county shall, by resolution,
33 find that the lake is of public benefit to its county and fix the amount of
34 money from its road and bridge fund to be expended for such purpose.
35 Such board is authorized to enter into such agreements as may be
36 necessary with the board of county commissioners of the county in which
37 the lake is situated for the separate or joint construction and maintenance
38 of such roads and bridges. Any roads so constructed shall have access to
39 roads in such adjoining county.

40 Sec. 13. K.S.A. 2022 Supp. 19-2855 is hereby amended to read as
41 follows: 19-2855. (a) The county board of park commissioners shall be
42 vested with all the power, authority and control previously vested in the
43 board of county commissioners relating to county parks, parkways and

1 recreational areas, county lakes, roads and park drives, including all
2 buildings, grounds and other structures located within such county parks,
3 parkways and recreational areas. It shall have power to make bylaws, rules
4 and regulations for the orderly transaction and management of its business.
5 It is further empowered to enter into agreements with the secretary of
6 wildlife; ~~and parks and tourism~~, by and with the consent of the board of
7 county commissioners, for the building and construction of one or more
8 reservoirs, lakes, dams or embankments for impounding water on lands in
9 the park and recreational grounds of the county. Nothing in such
10 agreements shall be construed to prohibit the secretary and the Kansas
11 department of wildlife; ~~and parks and tourism~~ from the right to exercise
12 the same functions, rights and authority as though the lands for such park
13 and recreational grounds had been acquired by the department, and any
14 agreement between any such county board of park commissioners and the
15 secretary shall expressly provide that, notwithstanding the title to such
16 lands shall be vested in such county, all rights therein or thereon, waters
17 and water rights, and for keeping, improving and maintaining them for the
18 use and benefit of the department shall be unimpaired and shall likewise
19 be public park and recreational grounds for the use and enjoyment of the
20 public. All bonds required or authorized by law to be issued relating to
21 parks, parkways and recreational areas, and all taxes levied for the
22 maintenance or improvement thereof, shall be issued and levied by the
23 board of county commissioners, and for the purpose of creating such
24 county park and recreational fund, hereinafter referred to, and for the
25 purpose of enlarging existing park areas or acquiring additional park and
26 recreational grounds or sites and for the making of permanent
27 improvements to and for maintaining such park, recreational grounds or
28 sites now owned or hereafter acquired by such county and to pay a portion
29 of the principal and interest on bonds issued under the authority of K.S.A.
30 12-1774, and amendments thereto, by cities located in the county, the
31 board of county commissioners is hereby authorized to levy an annual tax
32 on all taxable tangible property in the county.

33 (b) Such new or additional grounds or sites for park and recreational
34 purposes may be acquired by the board of county commissioners of such
35 county by purchase, donation, long term leases or easements or the
36 exercise of the right of eminent domain, as provided for in chapter 26 of
37 the Kansas Statutes Annotated, and amendments thereto. Following the
38 acquisition of such grounds or sites, the county board of park
39 commissioners shall improve, maintain and supervise all such park and
40 recreational areas in the manner now provided by law. The board of county
41 commissioners of any such county, with the consent of the board of park
42 commissioners of any such county, may convey title to such portion or
43 portions of the new park and recreational areas so acquired under the

1 provisions of this act to any federal nonprofit corporation or foundation
2 created under the laws of the United States, for the purpose of establishing
3 and maintaining any national shrine, park or memorial upon any land in
4 such county, ~~which~~ *that* adjoins, abuts or is adjacent to the new park and
5 recreational areas so acquired by any such county under the provisions of
6 this act. The board of county commissioners shall have the power and
7 duty, upon recommendation of the county board of park commissioners, to
8 adopt resolutions from time to time for the regulation and orderly
9 government of parks, parkways, recreational areas, county lakes, roads,
10 park drives and public grounds, and to prescribe fines and penalties for the
11 violation of the provisions of such resolutions.

12 Sec. 14. K.S.A. 2022 Supp. 19-2868 is hereby amended to read as
13 follows: 19-2868. The board shall have power to:

14 (a) Finance, operate, improve and maintain the parks and playgrounds
15 of the district as provided in this act;

16 (b) accept by gift or devise; purchase, lease and condemn real estate
17 for use as parks and playgrounds for the district; sell any improvements of
18 any real estate so acquired not usable for park purposes or take down such
19 improvements and use or dispose of the salvage and use any of the
20 proceeds thereof for park purposes without regard to budget limitations;
21 and contract with school boards for joint use and improvement of school
22 lands for park and playground purposes;

23 (c) improve the parks and playgrounds for the recreation, amusement
24 and enjoyment of the inhabitants of the district;

25 (d) levy taxes for the acquisition of lands and improvements and
26 operation, improvement and maintenance of the parks and playgrounds as
27 authorized and limited by this act;

28 (e) issue bonds of the district for acquiring real estate and the
29 improvement thereof for park and playground purposes upon authorization
30 of the qualified electors of the district by election and within the
31 limitations provided by this act;

32 (f) appoint park and recreation supervisory personnel and employ
33 such other employees, servants, police and agents as may be necessary for
34 the proper and adequate operation, improvement and maintenance of the
35 park and recreation district, and may appoint, employ or retain attorneys,
36 engineers, landscape architects, surveyors and other professional or
37 technical persons or firms for a period or for specified projects and pay the
38 necessary compensation therefor;

39 (g) adopt, promulgate and enforce reasonable rules and regulations
40 for the operation and use of the parks and playgrounds and the conduct of
41 persons using such parks and playgrounds as provided by this act;

42 (h) sell or salvage equipment found to be worn out or beyond repair
43 or dangerous to use or to trade it in as part payment on new equipment,

1 and the proceeds when respent or the trade-in value shall not be charged
2 against the budget but may be in addition to the amount authorized for
3 expenditure by the budget;

4 (i) sell and convey real estate acquired by purchase, condemnation,
5 gift or devise when it appears such property is no longer needed for park,
6 playground or recreational purposes, or is poorly situated for such
7 purposes, or is poorly suited for such purposes, with the proceeds of such
8 sale to be deposited in the land acquisition fund authorized by K.S.A. 19-
9 2873b, and amendments thereto. No such sale shall be made except upon
10 authorization of the majority of the votes cast by the qualified electors of
11 the district at an election called and held for such purpose as provided by
12 this act. If the instrument of gift or devise vests fee title in the district or
13 authorizes the district to sell the real property, such property may be sold
14 by the procedure herein provided. The board, when in its judgment
15 deemed advisable and to the best interests of the district, by proper
16 conveyances, may exchange any tract of land for lands similar in value, or
17 exchange money and land for other land suitable for park or recreation
18 purposes, or exchange land for land and money totaling the value of the
19 land conveyed, provided that the money involved does not exceed 25% of
20 the total value of the land involved, without vote of the qualified electors
21 of the park district, subject to a public hearing having first been held with
22 respect to such proposed exchange of lands, after notice of the time, place
23 and purpose thereof, including a legal description of said lands, published
24 once each week for two consecutive weeks prior thereto, in the official
25 county paper, and subject further to final approval of such proposed
26 exchange of lands, by the board of county commissioners of Johnson
27 county, Kansas. The board may by proper conveyance exchange, transfer,
28 sell, or lease any tract of district land with or without improvements to the
29 state of Kansas, a political subdivision thereof, or an agency of the United
30 States government, if the board determines that such property can properly
31 be maintained and operated as park, playground, or recreational facilities
32 by such governmental agency, or that such property may be utilized in
33 whole or part in a contract with said governmental agencies in, on, or
34 around other property of such governmental units, all or any part of which
35 is located within boundaries of such district;

36 (j) adopt, change and modify a seal for the district and to use such
37 seal in attestations by the secretary and in all other cases where a seal is
38 required or advisable;

39 (k) cooperate with the Kansas department of wildlife, ~~and parks and~~
40 ~~tourism~~ and with Miami county in the operation, improvement and
41 maintenance of Hillsdale state park and to enforce rules and regulations for
42 the operation of such park land; and

43 (l) do all other things provided by this act, and amendments thereto,

1 have all the powers prescribed by this act and carry out and exercise the
2 powers of the district as its governing body.

3 Sec. 15. K.S.A. 2022 Supp. 19-2873 is hereby amended to read as
4 follows: 19-2873. (a) The board may by resolution adopt rules and
5 regulations for the operation of the park and recreation district and rules
6 and regulations applying to any particular park or playground and
7 prescribe penalties for violation of any rules and regulations relating to the
8 conduct of persons in the parks and playgrounds or park or playgrounds.
9 Such penalties shall not exceed imprisonment in the county jail for not to
10 exceed three months or a fine not to exceed \$100 or both. Any rules and
11 regulations for the conduct of persons, applying to all parks or any park
12 and providing penalties, shall be published once in the official county
13 paper and copies of the rules and regulations shall be posted and kept
14 posted in all parks to which they are applicable, and the violation of any
15 penal rule or regulation when so published and posted shall constitute a
16 misdemeanor.

17 (b) No charge shall be made for entrance into any park and no
18 admission charge shall be made for use of any of the facilities of any park.
19 The board may lease sites for food, soft drinks, boat rentals, amusements
20 and other concessions as in its judgment may be deemed appropriate and
21 lawful for the comfort, convenience and enjoyment of the public, and may
22 limit purchase and use charges to be made by concessionaires in operating
23 the same. The board may establish and operate food, soft drinks, boat
24 rentals, amusements and other lawful and appropriate conveniences as
25 may in its judgment be necessary or appeal to the public comfort and
26 enjoyment, all in accordance with K.S.A. 19-2873a, and amendments
27 thereto. A reasonable fee may be charged for recreational activities and the
28 board may regulate and control all fishing and boating within the
29 boundaries of park property, including daily and possession limits of fish
30 caught and time limits when fishing may be restricted, subject to law and
31 rules and regulations of the secretary of wildlife; ~~and parks and tourism~~
32 with respect to such fishing and boating; and may require a park permit for
33 fishing and boating for which a reasonable fee may be charged all persons
34 so engaged.

35 (c) A separate schedule of fees may be established for nonresidents.
36 The board may enter into long term leases for such authorized
37 concessions, not to exceed 50 years, under the terms of which the
38 concessionaires (lessees), shall at their own expense, construct and install
39 the facilities and improvements to be occupied and used under such lease,
40 upon such terms, conditions and control as the park and recreation district
41 may require and subject in all such long term leases to unconditional
42 reversion of title to such facilities and improvements so constructed by the
43 concessionaire to the district upon the expiration of the term of such lease

1 or upon abandonment or forfeiture thereof by the concessionaire prior to
2 its expiration.

3 Sec. 16. K.S.A. 2022 Supp. 19-2894 is hereby amended to read as
4 follows: 19-2894. (a) The park board may by resolution adopt rules and
5 regulations for the operation of the park district and prescribe penalties for
6 violation of any rules and regulations relating to the conduct of persons in
7 the area where improvements are established. Such penalties shall not
8 exceed imprisonment in the county jail for not to exceed three months or a
9 fine of not to exceed \$100 or both. Any rules and regulations for the
10 conduct of persons and providing penalties shall be published once in the
11 official county paper and copies of the rules and regulations shall be
12 posted and kept posted in all areas to which they are applicable, and the
13 violation of any penal rule or regulation when so published and posted
14 shall constitute a misdemeanor.

15 (b) No charge shall be made for entrance into any improved area and
16 no admission charge shall be made for use of any of the facilities, except
17 that the park board may lease sites for food, soft drinks, boat rentals,
18 amusements and other concessions as in its judgment may be deemed
19 appropriate and lawful for the comfort, convenience and enjoyment of the
20 public, and may limit purchase and use charges to be made by
21 concessionaires in operating them. The park board may regulate and
22 control all fishing and boating within the boundaries of park property,
23 including daily and possession limits of fish caught and time limits when
24 fishing may be restricted, subject to law and rules and regulations of the
25 secretary of wildlife; ~~and parks and tourism~~, and may require a park permit
26 for fishing and boating for which a reasonable fee may be charged all
27 persons so engaged.

28 Sec. 17. K.S.A. 2022 Supp. 19-3543 is hereby amended to read as
29 follows: 19-3543. The board shall have power to construct and maintain
30 water lines through, under, across or along any public highway. The board
31 is hereby authorized to enter into contracts with the secretary of wildlife;
32 ~~and parks and tourism~~ for the purchase of water for use by the district and
33 for the sale of the same for domestic or other uses.

34 Sec. 18. K.S.A. 2022 Supp. 20-302b is hereby amended to read as
35 follows: 20-302b. (a) Subject to assignment pursuant to K.S.A. 20-329,
36 and amendments thereto, a district magistrate judge shall have the
37 jurisdiction and power, in any case in which a violation of the laws of the
38 state is charged, to conduct the trial of traffic infractions, violations of the
39 wildlife; ~~and parks and tourism~~ laws of this state or rules and regulations
40 adopted thereunder, cigarette or tobacco infractions or misdemeanor
41 charges, to conduct felony first appearance hearings and the preliminary
42 examination of felony charges and to hear misdemeanor or felony
43 arraignments. A district magistrate judge shall have jurisdiction over

1 uncontested actions for divorce. Except as otherwise specifically provided
2 in this section, a district magistrate judge shall have jurisdiction over
3 actions filed under the code of civil procedure for limited actions, K.S.A.
4 61-2801 et seq., and amendments thereto, and all other civil cases, and
5 shall have concurrent jurisdiction, powers and duties with a district judge.
6 Except with consent of the parties, or as otherwise specifically provided in
7 this section, a district magistrate judge shall not have jurisdiction or
8 cognizance over the following actions:

9 (1) Any action, other than an action seeking judgment for an
10 unsecured debt not sounding in tort and arising out of a contract for the
11 provision of goods, services or money, in which the amount in controversy,
12 exclusive of interests and costs, exceeds \$10,000. The provisions of this
13 subsection shall not apply to actions filed under the code of civil procedure
14 for limited actions, K.S.A. 61-2801 et seq., and amendments thereto. In
15 actions of replevin, the affidavit in replevin or the verified petition fixing
16 the value of the property shall govern the jurisdiction. Nothing in this
17 paragraph shall be construed as limiting the power of a district magistrate
18 judge to hear any action pursuant to the Kansas probate code or to issue
19 support orders as provided by subsection (a)(6);

20 (2) actions against any officers of the state, or any subdivisions
21 thereof, for misconduct in office;

22 (3) actions for specific performance of contracts for real estate;

23 (4) actions in which title to real estate is sought to be recovered or in
24 which an interest in real estate, either legal or equitable, is sought to be
25 established. Nothing in this paragraph shall be construed as limiting the
26 right to bring an action for forcible detainer as provided in the acts
27 contained in K.S.A. 61-3801 through 61-3808, and amendments thereto.
28 Nothing in this paragraph shall be construed as limiting the power of a
29 district magistrate judge to hear any action pursuant to the Kansas probate
30 code;

31 (5) actions to foreclose real estate mortgages or to establish and
32 foreclose liens on real estate as provided in the acts contained in article 11
33 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;

34 (6) contested actions for divorce, separate maintenance or custody of
35 minor children. Nothing in this paragraph shall be construed as limiting
36 the power of a district magistrate judge to:

37 (A) Except as provided in subsection (e), hear any action pursuant to
38 the Kansas code for care of children or the revised Kansas juvenile justice
39 code;

40 (B) establish, modify or enforce orders of support, including, but not
41 limited to, orders of support pursuant to the Kansas parentage act, K.S.A.
42 2022 Supp. 23-2201 et seq., and amendments thereto, the uniform
43 interstate family support act, K.S.A. 2022 Supp. 23-36,101 et seq., and

1 amendments thereto, articles 29 or 30 of chapter 23 of the Kansas Statutes
2 Annotated, and amendments thereto, K.S.A. 39-709, 39-718b or 39-755 or
3 K.S.A. 2022 Supp. 23-3101 through 23-3113, 38-2348, 38-2349 or 38-
4 2350, and amendments thereto; or

5 (C) enforce orders granting visitation rights or parenting time;
6 (7) habeas corpus;
7 (8) receiverships;
8 (9) declaratory judgments;
9 (10) mandamus and quo warranto;
10 (11) injunctions;
11 (12) class actions; and
12 (13) actions pursuant to K.S.A. 59-29a01 et seq., and amendments
13 thereto.

14 (b) Notwithstanding the provisions of subsection (a), in the absence,
15 disability or disqualification of a district judge, a district magistrate judge
16 may:

17 (1) Grant a restraining order, as provided in K.S.A. 60-902, and
18 amendments thereto;

19 (2) appoint a receiver, as provided in K.S.A. 60-1301, and
20 amendments thereto; and

21 (3) make any order authorized by K.S.A. 23-2707, and amendments
22 thereto.

23 (c) (1) Every action or proceeding before a district magistrate judge
24 regularly admitted to practice law in Kansas shall be on the record if such
25 action or proceeding would be on the record before a district judge.

26 (2) In accordance with the limitations and procedures prescribed by
27 law, and subject to any rules of the supreme court relating thereto, any
28 appeal permitted to be taken from an order or final decision of a district
29 magistrate judge:

30 (A) Who is not regularly admitted to practice law in Kansas shall be
31 tried and determined de novo by a district judge, except that in civil cases
32 where a record was made of the action or proceeding before the district
33 magistrate judge, the appeal shall be tried and determined on the record by
34 a district judge; and

35 (B) who is regularly admitted to practice law in Kansas shall be to the
36 court of appeals.

37 (d) Except as provided in subsection (e), upon motion of a party, the
38 chief judge may reassign an action from a district magistrate judge to a
39 district judge.

40 (e) Upon motion of a party, the chief judge shall reassign a petition or
41 motion requesting termination of parental rights pursuant to K.S.A. 38-
42 2266 and 38-2267, and amendments thereto, from a district magistrate
43 judge to a district judge.

1 (f) This section shall apply to every action or proceeding on or after
2 July 1, 2014, regardless of the date such action or proceeding was filed or
3 commenced.

4 Sec. 19. K.S.A. 2022 Supp. 21-5810 is hereby amended to read as
5 follows: 21-5810. (a) Criminal hunting is knowingly hunting, shooting, fur
6 harvesting, pursuing any bird or animal, or fishing:

7 (1) Upon any land or nonnavigable body of water of another, without
8 having first obtained permission of the owner or person in possession of
9 such premises;

10 (2) upon or from any public road, public road right-of-way or railroad
11 right-of-way that adjoins occupied or improved premises, without having
12 first obtained permission of the owner or person in possession of such
13 premises; or

14 (3) upon any land or nonnavigable body of water of another by a
15 person who knows such person is not authorized or privileged to do so,
16 and:

17 (A) Such person remains therein and continues to hunt, shoot, fur
18 harvest, pursue any bird or animal or fish in defiance of an order not to
19 enter or to leave such premises or property personally communicated to
20 such person by the owner thereof or other authorized person; or

21 (B) such premises or property are posted in a manner consistent with
22 K.S.A. 32-1013, and amendments thereto.

23 (b) Criminal hunting as defined in:

24 (1) Subsection (a)(1) or (a)(2) is a class C *nonperson* misdemeanor.
25 Upon the first conviction of subsection (a)(1) or (a)(2), in addition to any
26 authorized sentence imposed by the court, such court may require the
27 forfeiture of the convicted person's hunting, fishing or fur harvesting
28 license, or all, or, in any case where such person has a combination license,
29 the court may require forfeiture of a part or all of such license and the
30 court may order such person to refrain from hunting, fishing or fur
31 harvesting, or all, for up to one year from the date of such conviction.
32 Upon a second or subsequent conviction of subsection (a)(1) or (a)(2), in
33 addition to any authorized sentence imposed by the court, such court shall
34 require the forfeiture of the convicted person's hunting, fishing or fur
35 harvesting license, or all, or, in any case where such person has a
36 combination license, the court shall require the forfeiture of a part or all of
37 such license and the court shall order such person to refrain from hunting,
38 fishing or fur harvesting, or all, for one year from the date of such
39 conviction. A person licensed to hunt and following or pursuing a
40 wounded game bird or animal upon any land of another without
41 permission of the landowner or person in lawful possession thereof shall
42 not be deemed to be in violation of this provision while in such pursuit,
43 except that this provision shall not authorize a person to remain on such

1 land if instructed to leave by the owner thereof or other authorized person.
2 For the purpose of determining whether a conviction is a first, second or
3 subsequent conviction of subsection (a)(1) or (a)(2), "conviction" or
4 "convicted" includes being convicted of a violation of ~~subsection (a) of~~
5 K.S.A. 21-3728(a), prior to its repeal, or subsection (a)(1) or (a)(2); and

6 (2) subsection (a)(3) is a class B *nonperson* misdemeanor. Upon the
7 first conviction or a diversion agreement of subsection (a)(3), in addition
8 to any authorized sentence imposed by the court, the court shall require
9 forfeiture of such person's hunting, fishing or fur harvesting license, or all,
10 or in the case where such person has a combination license, the court shall
11 require forfeiture of a part or all of such license for six months. Upon the
12 second conviction of subsection (a)(3), in addition to any authorized
13 sentence imposed by the court, such court shall require the forfeiture of the
14 convicted person's hunting, fishing or fur harvesting license, or all, or in
15 the case where such person has a combination license, the court shall
16 require forfeiture of a part or all of such license for one year. Upon the
17 third or subsequent conviction of subsection (a)(3), in addition to any
18 authorized sentence imposed by the court, such court shall require
19 forfeiture of the convicted person's hunting, fishing or fur harvesting
20 license, or all, or in the case where such person has a combination license,
21 the court shall require forfeiture of a part or all of such license for five
22 years. For the purpose of determining whether a conviction is a first,
23 second, third or subsequent conviction of subsection (a)(3), "conviction"
24 or "convicted" includes being convicted of a violation of ~~subsection (b) of~~
25 K.S.A. 21-3728(b), prior to its repeal, or subsection (a)(3).

26 (c) The court shall notify the Kansas department of wildlife; *and*
27 ~~parks and tourism~~ of any conviction or diversion for a violation of this
28 section.

29 Sec. 20. K.S.A. 2022 Supp. 21-6308a is hereby amended to read as
30 follows: 21-6308a. (a) Unlawful discharge of a firearm is the reckless
31 discharge of a firearm within or into the corporate limits of any city.

32 (b) This section shall not apply to the discharge of any firearm within
33 or into the corporate limits of any city if:

34 (1) The firearm is discharged in the lawful defense of one's person,
35 another person or one's property;

36 (2) the firearm is discharged at a private or public shooting range;

37 (3) the firearm is discharged to lawfully take wildlife unless
38 prohibited by the department of wildlife; *and* ~~parks and tourism~~ or the
39 governing body of the city;

40 (4) the firearm is discharged by authorized law enforcement officers,
41 animal control officers or a person who has a wildlife control permit issued
42 by the Kansas department of wildlife; *and* ~~parks and tourism~~;

43 (5) the firearm is discharged by special permit of the chief of police

1 or by the sheriff when the city has no police department;

2 (6) the firearm is discharged using blanks; or

3 (7) the firearm is discharged in lawful self-defense or defense of
4 another person against an animal attack.

5 (c) A violation of subsection (a) shall be a class B nonperson
6 misdemeanor.

7 Sec. 21. K.S.A. 2022 Supp. 21-6416 is hereby amended to read as
8 follows: 21-6416. (a) Inflicting harm, disability or death to a police dog,
9 arson dog, assistance dog, game warden dog or search and rescue dog is
10 knowingly, and without lawful cause or justification poisoning, inflicting
11 great bodily harm, permanent disability or death, upon a police dog, arson
12 dog, assistance dog, game warden dog or search and rescue dog.

13 (b) Inflicting harm, disability or death to a police dog, arson dog,
14 assistance dog, game warden dog or search and rescue dog is a nonperson
15 felony. Upon conviction of this subsection, a person shall be sentenced to
16 not less than 30 days or more than one year's imprisonment and be fined
17 not less than \$500 nor more than \$5,000. The person convicted shall not be
18 eligible for release on probation, suspension or reduction of sentence or
19 parole until the person has served the minimum mandatory sentence as
20 provided herein. During the mandatory 30 days imprisonment, such
21 offender shall have a psychological evaluation prepared for the court to
22 assist the court in determining conditions of probation. Such conditions
23 shall include, but not be limited to, the completion of an anger
24 management program.

25 (c) As used in this section:

26 (1) "Arson dog" means any dog ~~which~~ *that* is owned, or the service of
27 which is employed, by the state fire marshal or a fire department for the
28 principal purpose of aiding in the detection of liquid accelerants in the
29 investigation of fires;

30 (2) "assistance dog" ~~has the meaning provided by~~ *means the same as*
31 *defined in K.S.A. 39-1113, and amendments thereto;*

32 (3) "fire department" means a public fire department under the
33 control of the governing body of a city, township, county, fire district or
34 benefit district or a private fire department operated by a nonprofit
35 corporation providing fire protection services for a city, township, county,
36 fire district or benefit district under contract with the governing body of
37 the city, township, county or district;

38 (4) "game warden dog" means any dog ~~which~~ *that* is owned, or the
39 service of which is employed, by the Kansas department of wildlife; ~~and~~
40 ~~parks and tourism~~ for the purpose of aiding in detection of criminal
41 activity, enforcement of laws, apprehension of offenders or location of
42 persons or wildlife;

43 (5) "police dog" means any dog ~~which~~ *that* is owned, or the service of

1 which is employed, by a law enforcement agency for the principal purpose
2 of aiding in the detection of criminal activity, enforcement of laws or
3 apprehension of offenders; and

4 (6) "search and rescue dog" means any dog ~~which~~ *that* is owned or
5 the service of which is employed, by a law enforcement or emergency
6 response agency for the purpose of aiding in the location of persons
7 missing in disasters or other times of need.

8 Sec. 22. K.S.A. 2022 Supp. 22-2512 is hereby amended to read as
9 follows: 22-2512. (a) Property seized under a search warrant or validly
10 seized without a warrant shall be safely kept by the officer seizing the
11 same unless otherwise directed by the magistrate, and shall be so kept as
12 long as necessary for the purpose of being produced as evidence on any
13 trial. The property seized may not be taken from the officer having it in
14 custody so long as it is or may be required as evidence in any trial. The
15 officer seizing the property shall give a receipt to the person detained or
16 arrested particularly describing each article of property being held and
17 shall file a copy of such receipt with the magistrate before whom the
18 person detained or arrested is taken. Where seized property is no longer
19 required as evidence in the prosecution of any indictment or information,
20 the court which has jurisdiction of such property may transfer the same to
21 the jurisdiction of any other court, including courts of another state or
22 federal courts, where it is shown to the satisfaction of the court that such
23 property is required as evidence in any prosecution in such other court.

24 (b) (1) Notwithstanding the provisions of subsection (a) and with the
25 approval of the affected court, any law enforcement officer who seizes
26 hazardous materials as evidence related to a criminal investigation may
27 collect representative samples of such hazardous materials, and lawfully
28 destroy or dispose of, or direct another person to lawfully destroy or
29 dispose of the remaining quantity of such hazardous materials.

30 (2) In any prosecution, representative samples of hazardous materials
31 accompanied by photographs, videotapes, laboratory analysis reports or
32 other means used to verify and document the identity and quantity of the
33 material shall be deemed competent evidence of such hazardous materials
34 and shall be admissible in any proceeding, hearing or trial as if such
35 materials had been introduced as evidence.

36 (3) As used in this section, the term "hazardous materials" means any
37 substance ~~which~~ *that* is capable of posing an unreasonable risk to health,
38 safety and property. ~~It shall include "Hazardous materials" includes~~ any
39 substance ~~which~~ *that* by its nature is explosive, flammable, corrosive,
40 poisonous, radioactive, a biological hazard or a material ~~which~~ *that* may
41 cause spontaneous combustion. ~~It shall include "Hazardous materials"~~
42 *includes*, but *is not* ~~be~~ limited to, substances listed in the table of
43 hazardous materials contained in the code of federal regulations title 49

1 and national fire protection association's fire protection guide on hazardous
2 materials.

3 (4) The provisions of this subsection shall not apply to ammunition
4 and components thereof.

5 (c) When property seized is no longer required as evidence, it shall be
6 disposed of as follows:

7 (1) Property stolen, embezzled, obtained by false pretenses, or
8 otherwise obtained unlawfully from the rightful owner thereof shall be
9 restored to the owner;

10 (2) money shall be restored to the owner unless it was contained in a
11 slot machine or otherwise used in unlawful gambling or lotteries, in which
12 case it shall be forfeited, and shall be paid to the state treasurer pursuant to
13 K.S.A. 20-2801, and amendments thereto;

14 (3) property ~~which~~ *that* is unclaimed or the ownership of which is
15 unknown shall be sold at public auction to be held by the sheriff and the
16 proceeds, less the cost of sale and any storage charges incurred in
17 preserving it, shall be paid to the state treasurer pursuant to K.S.A. 20-
18 2801, and amendments thereto;

19 (4) articles of contraband shall be destroyed, except that any such
20 articles the disposition of which is otherwise provided by law shall be
21 dealt with as so provided and any such articles the disposition of which is
22 not otherwise provided by law and which may be capable of innocent use
23 may in the discretion of the court be sold and the proceeds disposed of as
24 provided in subsection (c)(3);

25 (5) explosives, bombs and like devices, ~~which~~ *that* have been used in
26 the commission of crime; may be returned to the rightful owner, or in the
27 discretion of the court having jurisdiction of the property, destroyed or
28 forfeited to the Kansas bureau of investigation;

29 (6) (A) except as provided in subsections (c)(6)(B) and (d), any
30 weapon or ammunition, in the discretion of the court having jurisdiction of
31 the property, shall be *forfeited to*:

32 (i) ~~Forfeited to~~—The law enforcement agency seizing the weapon for
33 use within such agency, for sale to a properly licensed federal firearms
34 dealer, for trading to a properly licensed federal firearms dealer for other
35 new or used firearms or accessories for use within such agency or for
36 trading to another law enforcement agency for that agency's use;

37 (ii) ~~forfeited to~~—the Kansas bureau of investigation for law
38 enforcement, testing or comparison by the Kansas bureau of investigation
39 forensic laboratory;

40 (iii) ~~forfeited to~~—a county regional forensic science center; or other
41 county forensic laboratory for testing, comparison or other forensic
42 science purposes; or

43 (iv) ~~forfeited to~~—the Kansas department of wildlife; *and parks*—~~and~~

1 ~~tourism~~ for use pursuant to the conditions set forth in K.S.A. 32-1047, and
2 amendments thereto.

3 (B) Except as provided in subsection (d), any weapon ~~which that~~
4 cannot be forfeited pursuant to subsection (c)(6)(A) due to the condition of
5 the weapon, and any weapon which was used in the commission of a
6 felony as described in K.S.A. 2022 Supp. 21-5401, 21-5402, 21-5403, 21-
7 5404 or 21-5405, and amendments thereto, shall be destroyed.

8 (7) controlled substances forfeited for violations of K.S.A. 2022
9 Supp. 21-5701 through 21-5717, and amendments thereto, shall be dealt
10 with as provided under K.S.A. 60-4101 through 60-4126, and amendments
11 thereto;

12 (8) unless otherwise provided by law, all other property shall be
13 disposed of in such manner as the court in its sound discretion shall direct.

14 (d) If a weapon is seized from an individual and the individual is not
15 convicted of or adjudicated as a juvenile offender for the violation for
16 which the weapon was seized, then within 30 days after the declination or
17 conclusion of prosecution of the case against the individual, including any
18 period of appeal, the law enforcement agency that seized the weapon shall
19 verify that the weapon is not stolen, and upon such verification shall notify
20 the person from whom it was seized that the weapon may be retrieved.
21 Such notification shall include the location where such weapon may be
22 retrieved.

23 (e) If weapons are sold as authorized by subsection (c)(6)(A), the
24 proceeds of the sale shall be credited to the asset seizure and forfeiture
25 fund of the seizing agency.

26 (f) For purposes of this section, the term "weapon" means a weapon
27 described in K.S.A. 2022 Supp. 21-6301, and amendments thereto.

28 Sec. 23. K.S.A. 2022 Supp. 32-701 is hereby amended to read as
29 follows: 32-701. As used in the wildlife, *and parks* ~~and tourism~~ laws of
30 this state, unless the context otherwise requires or specifically defined
31 otherwise:

32 (a) "Big game animal" means any antelope, deer or elk.

33 (b) "Commission" means the Kansas wildlife and parks commission
34 created by K.S.A. 32-805, and amendments thereto.

35 (c) "Department" means the Kansas department of wildlife and parks.

36 (d) "Fish," as a verb, means take, in any manner, any fish.

37 (e) "Furbearing animal" means any badger, beaver, bobcat, grey fox,
38 lynx, marten, mink, muskrat, opossum, otter, raccoon, red fox, spotted
39 skunk, striped skunk, swift fox or weasel.

40 (f) "Furharvest" means:

41 (1) Take, in any manner, any furbearing animal; or

42 (2) trap or attempt to trap any coyote.

43 (g) "Game animal" means any big game animal, wild turkey or small

1 game animal.

2 (h) "Game bird" means any grouse, partridge, pheasant, prairie
3 chicken or quail.

4 (i) "Hunt" means:

5 (1) Take, in any manner, any wildlife other than a fish, bullfrog,
6 furbearing animal or coyote; or

7 (2) take, in any manner other than by trapping, any coyote.

8 (j) "Motor vehicle" means a vehicle, other than a motorized
9 wheelchair or electric-assisted bicycle, that is self-propelled.

10 (k) "Motorized wheelchair" means any self-propelled vehicle
11 designed specifically for use by a physically disabled person that is
12 incapable of a speed in excess of 15 miles per hour.

13 (l) "Nonresident" means any person who has not been a bona fide
14 resident of this state for the immediately preceding 60 days.

15 (m) "On a commercial basis" means for valuable consideration.

16 (n) "Person" means any individual or any unincorporated association,
17 trust, partnership, public or private corporation or governmental entity,
18 including foreign governments, or any officer, employee, agent or agency
19 thereof.

20 (o) "Private water fishing impoundment" means one or more water
21 impoundments:

22 (1) Constructed by man rather than natural, located wholly within the
23 boundary of the lands owned or leased by the person operating the private
24 water impoundments; and

25 (2) entirely isolated from other surface water so that the
26 impoundment does not have any connection either continuously or at
27 intervals, except during periods of floods, with streams or other bodies of
28 water so as to permit the fish to move between streams or other bodies of
29 water and the private water impoundments, except that the private water
30 impoundments may be connected with a stream or other body of water by
31 a pipe or conduit if fish will be prevented at all times from moving
32 between streams or other bodies of water and the private water
33 impoundment by screening the flow or by other means.

34 (p) "Resident" means any person who has maintained the person's
35 place of permanent abode in this state for a period of 60 days immediately
36 preceding the person's application for any license, permit, stamp or other
37 issue of the department. Domiciliary intent is required to establish that a
38 person is maintaining the person's place or permanent abode in this state.
39 Mere ownership of property is not sufficient to establish domiciliary
40 intent. Evidence of domiciliary intent includes, without limitation, the
41 location where the person votes, pays personal income taxes or obtains a
42 driver's license.

43 (q) "Secretary" means the secretary of wildlife and parks.

1 (r) "Small game" means any game bird, hare, rabbit or squirrel.

2 (s) "Species" includes any subspecies of wildlife and any other group
3 of wildlife of the same species or smaller taxa in common spatial
4 arrangement that interbreed when mature.

5 (t) "Take" means harass, harm, pursue, shoot, wound, kill, molest,
6 trap, capture, collect, catch, possess or otherwise take, or attempt to
7 engage in any such conduct.

8 (u) (1) "Wildlife" means any member of the animal kingdom,
9 including, without limitation, any mammal, fish, bird, amphibian, reptile,
10 mollusk, crustacean, arthropod or other invertebrate, and includes any part,
11 product, egg or offspring thereof, or the dead body or parts thereof.

12 (2) "Wildlife" does not include agricultural livestock, including, but
13 not limited to, cattle, swine, sheep, goats, horses, mules and other equines,
14 and poultry, including, but not limited to, domestic chickens, turkeys and
15 guinea fowl.

16 Sec. 24. K.S.A. 32-801 is hereby amended to read as follows: 32-801.

17 (a) In order to reorganize the administration, planning and regulation of the
18 state's parks, wildlife and other natural resources, there is hereby
19 established within the executive branch of government the Kansas
20 department of wildlife; ~~and parks and tourism~~, which shall be administered
21 under the direction and supervision of a secretary of wildlife; ~~and parks~~
22 ~~and tourism~~ who shall be appointed by the governor, with the consent of
23 the senate as provided in K.S.A. 75-4315b, and amendments thereto.
24 Except as provided by K.S.A. 46-2601, and amendments thereto, no
25 person appointed as secretary shall exercise any power, duty or function as
26 secretary until confirmed by the senate.

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

34 (c) The provisions of the Kansas governmental operations
35 accountability law apply to the Kansas department of wildlife; ~~and parks~~
36 ~~and tourism~~, and the department is subject to audit, review and evaluation
37 under such law.

38 Sec. 25. K.S.A. 32-802 is hereby amended to read as follows: 32-802.

39 (a) The secretary *of wildlife and parks* shall appoint an assistant secretary
40 for administration; ~~an assistant secretary for wildlife, fisheries and boating~~
41 and an assistant secretary for ~~parks and tourism~~ *operations*. The assistant
42 secretary for administration shall be fully qualified by education, training
43 and experience in administration. The assistant secretary for ~~wildlife,~~

1 ~~fisheries and boating operations~~ shall be fully qualified by education,
2 training and experience in wildlife, natural resources or a related field. ~~The~~
3 ~~assistant secretary for parks and tourism shall be fully qualified by~~
4 ~~education, training and experience in parks, tourism or related field.~~ All
5 assistant secretaries shall have a demonstrated executive and
6 administrative ability to discharge the duties of the office of assistant
7 secretary. The assistant secretaries shall serve at the pleasure of the
8 secretary. The assistant secretaries shall be in the unclassified service
9 under the Kansas civil service act and shall receive an annual salary fixed
10 by the secretary with the approval of the governor. The secretary also may
11 appoint such other staff assistants and employees as are necessary to
12 enable the secretary to carry out the duties of the office. Except as
13 otherwise provided in this section, K.S.A. 75-2935 and 32-801, and
14 amendments thereto, such staff assistants and employees shall be within
15 the classified service under the Kansas civil service act.

16 (b) The assistant secretaries and such other staff assistants and
17 employees shall have such powers, duties and functions as are assigned to
18 them by the secretary or are prescribed by law. The assistant secretaries,
19 staff assistants and employees shall act for and exercise the powers of the
20 secretary to the extent authority to do so is delegated by the secretary.

21 (c) The assistant secretary for administration shall maintain an office
22 in Shawnee county, Kansas. The assistant secretary for ~~wildlife, fisheries~~
23 ~~and boating operations~~ shall maintain an office in Pratt county, Kansas.
24 ~~The assistant secretary for parks and tourism shall maintain an office in~~
25 ~~Shawnee county, Kansas.~~ The secretary may maintain offices and facilities
26 to carry out the functions of the department in other locations in this state.

27 (d) The secretary shall supervise the wildtrust program which shall be
28 responsible for the receipt and expenditure of moneys through gifts and
29 donations.

30 Sec. 26. K.S.A. 32-805 is hereby amended to read as follows: 32-805.

31 (a) There is hereby created within and as a part of the department the
32 Kansas wildlife; ~~and parks and tourism~~ commission ~~which, and such~~
33 ~~commission~~ shall be composed of seven members. The governor shall
34 appoint residents of this state to be members of the commission. One
35 member of the commission shall be chosen from each fish and wildlife
36 administration region as established by the department. In the appointment
37 of members of the commission, the governor shall give consideration to
38 the appointment of licensed hunters, fishermen and furharvesters, park
39 users and to nonconsumptive users of wildlife and park resources. No
40 more than a majority of the members shall be of the same political party.
41 Each member of the commission shall hold office for a term of four years
42 and until a successor is appointed and qualified, ~~except that in appointing~~
43 ~~the original commission members, the governor shall designate one~~

1 ~~member for a term ending July 1, 1988, one member for a term ending~~
2 ~~July 1, 1989, and two members for terms ending July 1, 1990.~~ The
3 governor shall fill any vacancy on the commission prior to the expiration
4 of a term by appointment for the unexpired term.

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

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

13 (d) The commission shall have such powers, duties and functions as
14 prescribed by law. Other than rules and regulations pertaining to personnel
15 matters of the department, the secretary shall submit to the commission all
16 proposed rules and regulations. The commission shall either approve,
17 modify and approve, or reject such proposed rules and regulations. The
18 secretary shall adopt such rules and regulations so approved or so modified
19 and approved. Fees established for licenses, permits, stamps and other
20 issues of the department shall be subject to the approval of the
21 commission. It also shall be the duty of the commission to serve in an
22 advisory capacity to the governor and the secretary in the formulation of
23 policies and plans relating to the department.

24 (e) The governor shall designate one commission member to serve as
25 chairperson of the commission. Members of the commission attending
26 meetings of the commission, or attending a subcommittee meeting thereof
27 authorized by the commission, shall be paid compensation, subsistence
28 allowances, mileage and other expenses as provided in K.S.A. 75-3223,
29 and amendments thereto. A majority of the members of the commission
30 shall constitute a quorum for the transaction of business. Meetings may be
31 called by the chairperson and shall be called on the request of a majority of
32 the members of the commission.

33 Sec. 27. K.S.A. 32-806 is hereby amended to read as follows: 32-806.
34 The secretary of wildlife; ~~and parks and tourism~~ may organize the Kansas
35 department of wildlife; ~~and parks and tourism~~ in the manner the secretary
36 deems most efficient, so long as the same is not in conflict with the
37 provisions of this order or with the provisions of law, and the secretary
38 may establish policies governing the transaction of business of the
39 department and the administration of the department. The secretary shall
40 cause any compensation received by the Kansas department of wildlife;
41 ~~and parks and tourism~~, whether monetary, in-kind or otherwise, from
42 leases of real property under the control and jurisdiction of the secretary to
43 be accounted for and reflected in the budget of the Kansas department of

1 wildlife; ~~and parks and tourism~~.

2 Sec. 28. K.S.A. 32-807 is hereby amended to read as follows: 32-807.
3 The secretary *of wildlife and parks* shall have the power to:

4 (a) Adopt, in accordance with K.S.A. 32-805, and amendments
5 thereto, such rules and regulations as necessary to implement, administer
6 and enforce the provisions of the wildlife; ~~and parks and tourism~~ laws of
7 this state;

8 (b) enter into such contracts and agreements as necessary or
9 incidental to the performance of the powers and duties of the secretary;

10 (c) employ or contract for, and fix the compensation of, consulting
11 engineers, attorneys, accountants and construction and financial experts,
12 all of whom shall be in the unclassified service under the Kansas civil
13 service act;

14 (d) designate an official seal and alter it at the secretary's pleasure;

15 (e) sue, be sued, plead and be impleaded in the name of the
16 department;

17 (f) purchase, lease, accept gifts or grants of or otherwise acquire in
18 the name of the state such water, water rights, easements, facilities,
19 equipment, moneys and other real and personal property, and interests
20 therein, including any property abandoned on department lands and
21 waters, and maintain, improve, extend, consolidate, exchange and dispose
22 of such property, as the secretary deems appropriate to carry out the intent
23 and purposes of the wildlife; ~~and parks and tourism~~ laws of this state;

24 (g) acquire, establish, develop, construct, maintain and improve state
25 parks, state lakes, recreational grounds, wildlife areas and sanctuaries, fish
26 hatcheries, natural areas, physical structures, dams, lakes, reservoirs,
27 embankments for impounding water, roads, landscaping, habitats,
28 vegetation and other property, improvements and facilities for the purposes
29 of wildlife management, preservation of natural areas and historic sites and
30 providing recreational or cultural opportunities and facilities to the public
31 and for such other purposes as suitable to carry out the intent and purposes
32 of wildlife; ~~and parks and tourism~~ laws of this state;

33 (h) operate and regulate the use of state parks, state lakes, recreational
34 grounds, wildlife areas and sanctuaries, fish hatcheries, natural areas,
35 historic sites and other lands, waters and facilities under the jurisdiction
36 and control of the secretary, so as to promote the public health, safety and
37 decency and the purposes for which such lands, waters and facilities are
38 maintained and operated and to protect and safeguard such lands, waters
39 and facilities, including but not limited to:

40 (1) Regulating the demeanor, actions and activities of persons using
41 or within such lands, waters and facilities;

42 (2) providing for the inspection of boats, the issuance of permits for
43 operation of watercraft of all kinds and the charging and collection of fees

1 for the inspection and operation of such craft;

2 (3) prescribing the type, style, location and equipment of all wharves,
3 docks, anchorages, pavilions, restaurants and other structures or buildings
4 ~~which~~ *that* may be constructed along the shores or upon the water of any
5 body of water or land controlled by the department, and providing for the
6 licensing, inspection and supervision of such structures or buildings;

7 (4) granting and imposing charges for permits and for all commercial
8 uses or purposes for which any of the properties of the department may be
9 used;

10 (5) charging fees to use special facilities provided for the public or
11 giving written authorization to lessees of the department to charge such
12 fees; and

13 (6) operating, renting or leasing any such lands, waters and facilities
14 which in the judgment of the secretary are necessary or desirable for the
15 use and pleasure of visitors or for management of such lands, waters and
16 facilities and fixing and collecting reasonable fees, tolls, rentals and
17 charges for the use or operation thereof. All contracts or leases for the
18 exercise of any concession shall be entered into only upon the basis of
19 sealed proposals ~~which~~ *that* shall be made and let by the secretary except
20 that:

21 (A) Where a concessionaire has an existing lease with the secretary or
22 any agency of the federal government ~~which~~ *that* the secretary desires to
23 renew, renegotiate or acquire and sublease, such lease or sublease may be
24 negotiated directly in accordance with rules and regulations of the
25 secretary and without compliance with the requirements ~~hereinbefore~~
26 *specified of this paragraph*;

27 (B) any such contract or lease for a term of 30 days or less may be
28 made by the secretary directly in accordance with rules and regulations of
29 the secretary; and

30 (C) the secretary shall have authority to reject any or all proposals;

31 (i) have exclusive administrative control over state parks, state lakes,
32 recreational areas, wildlife areas and sanctuaries, fish hatcheries, natural
33 areas and other lands, waters and facilities under the jurisdiction of the
34 secretary;

35 (j) provide for protection against fire and storm damage to the lands,
36 waters and facilities under the jurisdiction of the secretary;

37 (k) contract with the federal government pursuant to public law 89-72
38 in order to acquire land by purchase, lease, agreement or otherwise on El
39 Dorado and Hillsdale reservoir project lands;

40 (l) apply for, receive and accept from any federal agency any federal
41 grants available for the purposes of the wildlife; *and* parks ~~and tourism~~
42 laws of this state;

43 (m) have authority, control and jurisdiction over all matters relating to

1 the development and conservation of wildlife and recreation resources of
2 the state insofar as it pertains to forests, woodlands, public lands,
3 submarginal lands, prevention of soil erosion, habitats and the control and
4 utilization of waters, including all lakes, streams, reservoirs and dams,
5 except that this subsection shall not prohibit any political subdivision of
6 the state or private corporation from having full control of any lake now
7 constructed and owned by it;

8 (n) conduct research in matters relating to the purposes of the
9 wildlife; ~~and parks and tourism~~ laws of this state and disseminate
10 information relating thereto for the public use and benefit;

11 (o) publicize to the citizens of this and other states the natural
12 resources and facilities existing in Kansas and encourage people to visit
13 Kansas by disseminating available information as to the natural resources
14 and recreational advantages of the state;

15 (p) develop public recreation as related to natural resources and
16 implement a state recreational plan ~~which~~ *that* may include, but ~~shall~~ not
17 be limited to, the general location, character and extent of state lands,
18 waters and facilities for public recreational purposes and methods for
19 better use of lands, waters and facilities ~~which~~ are within the scope of the
20 plan or the purpose of the wildlife; ~~and parks and tourism~~ laws of this state
21 but, before implementation of such plan or any part thereof, the secretary
22 shall submit it to any state agency affected thereby for such agency's
23 advice and recommendations;

24 (q) provide for the preservation, protection, introduction, distribution,
25 restocking and restoration of wildlife, and the public use thereof, in this
26 state, including, but not limited to:

27 (1) Establishing, by rules and regulations adopted in accordance with
28 K.S.A. 32-805, and amendments thereto, open seasons when wildlife may
29 be taken or transported in the state of Kansas, or in any part or area of the
30 state designated by counties, major streams, federal impoundments or
31 federal, state or county highways, or by other recognizable boundaries;
32 ~~which~~. *Such* open seasons may be established for a specified time in one
33 year only or for a specified time in an indefinite number of years and
34 ~~which~~ *that* open seasons on migratory birds shall not extend beyond or
35 exceed those in effect under federal laws and regulations;

36 (2) establishing, by rules and regulations adopted in accordance with
37 K.S.A. 32-805, and amendments thereto, the number of wildlife ~~which~~
38 *that* may be taken by a person, as the legal limit for any one calendar day
39 and for the open season; ~~which~~. *The* limit on migratory fowl shall not
40 extend beyond or exceed those limits in effect under federal laws and
41 regulations;

42 (3) establishing, by rules and regulations adopted in accordance with
43 K.S.A. 32-805, and amendments thereto, the legal size limits of fish or

1 frogs ~~which~~ *that* may be taken;

2 (4) establishing, by rules and regulations adopted in accordance with
3 K.S.A. 32-805, and amendments thereto, the conditions, procedure and
4 rules under which any person may sell, purchase, buy, deal or trade in
5 wildlife in the state of Kansas; and

6 (5) capturing, propagating, transporting, selling, exchanging, giving
7 or distributing any species of wildlife, by any means or manner, needed for
8 stocking or restocking any lands or waters in this state, except that the
9 power to capture any species of wildlife for any purpose shall not apply to
10 private property except by permission of the owners of the property or in
11 the case of an emergency threatening the public health or welfare;

12 (f) establish, by rules and regulations adopted in accordance with
13 K.S.A. 32-805, and amendments thereto, the period of time that a license,
14 permit, stamp or other issue of the department shall be in effect, unless
15 such period is otherwise established by law, and provisions for acceptance
16 of any issue of the department before its effective date as a valid issue if
17 the secretary determines such acceptance best serves the public good; and

18 (s) do such other acts and things as necessary and proper to carry out
19 the intent and purpose of the wildlife; ~~and parks and tourism~~ laws of this
20 state and to better protect, conserve, control, use, increase, develop and
21 provide for the enjoyment of the natural resources of this state.

22 Sec. 29. K.S.A. 32-809 is hereby amended to read as follows: 32-809.

23 (a) Unless otherwise provided by law, all moneys received from
24 agricultural production on state-owned property under the control and
25 jurisdiction of the secretary of wildlife; ~~and parks and tourism~~ shall be
26 remitted in accordance with the provisions of K.S.A. 75-4215, and
27 amendments thereto, to the state treasurer. The state treasurer shall deposit
28 the entire amount in the state treasury and credit it to the state agricultural
29 production fund, which is hereby created in the state treasury.

30 (b) The Kansas department of wildlife; ~~and parks and tourism~~ shall
31 establish separate accounts of the state agricultural production fund for
32 each state-owned property under the control and jurisdiction of the
33 secretary of wildlife; ~~and parks and tourism~~. Such accounts shall be used
34 for costs and expenses associated with management practices as
35 determined for each property.

36 (c) All expenditures from the state agricultural production fund shall
37 be made in accordance with appropriation acts upon warrants of the
38 director of accounts and reports issued pursuant to vouchers approved by
39 the secretary of wildlife; ~~and parks and tourism~~.

40 Sec. 30. K.S.A. 32-832 is hereby amended to read as follows: 32-832.

41 (a) The Kansas department of wildlife; ~~and parks and tourism~~ is authorized
42 to cooperate with and assist citizen-support organizations. For the purposes
43 of this act, the term "citizen-support organization" means an organization

1 ~~which that:~~

2 (1) Is a bona fide not-for-profit organization exempt from the
3 payment of federal income taxes pursuant to section 501(c)(3) of the
4 federal internal revenue code of 1986, as in effect on January 1, 1990;

5 (2) does not engage in, and has no officer, director or member who
6 engages in, any prohibited transaction, as defined by section 503(b) of the
7 internal revenue code of 1986, as in effect on January 1, 1990;

8 (3) is domiciled in this state;

9 (4) the secretary determines its activities are conducted in a manner
10 consistent with the goals, objectives and programs of the department and
11 state policies as established by K.S.A. 32-702, and amendments thereto;
12 and

13 (5) provide equal employment and membership opportunities to all
14 persons regardless of race, color, national origin, religion, sex or age.

15 (b) The secretary may assist organizers of a citizen-support
16 organization with its creation. The secretary may authorize any citizen-
17 support organization to use under such conditions as the secretary may
18 prescribe, department property, facilities or personnel to pursue the goals,
19 objectives and purposes of the department.

20 (c) A citizen-support organization—~~which that~~ uses department
21 property, facilities or personnel shall provide for and disclose to the
22 secretary an annual audit of its financial records and accounts in such
23 manner and at such times as may be required by the secretary.

24 (d) A citizen-support organization—~~which that~~ receives funding from
25 the department shall not use such funding for purposes of lobbying as
26 defined by K.S.A. 46-225, and amendments thereto.

27 Sec. 31. K.S.A. 32-833 is hereby amended to read as follows: 32-833.

28 (a) (1) Notwithstanding the provisions of K.S.A. 32-807(f), and
29 amendments thereto, or any other provisions of law to the contrary, the
30 secretary of wildlife, ~~and parks and tourism~~ shall not purchase any land
31 unless *the secretary of wildlife and parks*:

32 (A) ~~The secretary of wildlife, parks and tourism~~ Has certified that the
33 land proposed to be purchased is in compliance with the provisions of
34 article 13 of chapter 2 of the Kansas Statutes Annotated, and amendments
35 thereto, concerning control and management of noxious weeds after
36 consultation with the county weed supervisor and has developed a written
37 plan for controlling and managing noxious weeds on the land to be
38 purchased;

39 (B) ~~the secretary of wildlife, parks and tourism~~ shall agree to make
40 payment of moneys in lieu of taxes comparable to the ad valorem tax
41 payments of surrounding lands for any land purchased—~~which that~~ is
42 exempt from the payment of ad valorem taxes under the laws of the state
43 of Kansas; and

1 (C) ~~the secretary of wildlife, parks and tourism~~ has developed a
2 management plan for the property proposed to be purchased.

3 (2) In addition to the requirements prescribed by this section and
4 otherwise by law, any proposed purchase of a tract or tracts of land ~~which~~
5 *that* are greater than 160 acres in the aggregate shall be subject to approval
6 by act of the legislature, either as a provision in an appropriation act
7 pertaining to the specific property to be purchased or by any other act of
8 the legislature that approves the acquisition of the specific property
9 proposed to be purchased, or by approval by the state finance council
10 acting on this matter ~~which that~~ is hereby characterized as a matter of
11 legislative delegation and subject to the guidelines prescribed in K.S.A.
12 75-3711c(c), and amendments thereto.

13 (3) The provisions of this subsection shall not apply to any purchase
14 of land by the secretary, ~~which that~~ is less than 640 acres in the aggregate
15 and owned by a private individual; if the purchase price is an amount less
16 than such land's appraised valuation.

17 (b) (1) Notwithstanding the provisions of K.S.A. 32-807(f), and
18 amendments thereto, or any other provisions of law to the contrary, the
19 secretary of wildlife; ~~and parks and tourism~~ shall adopt guidelines and
20 procedures prescribing public notice requirements that the secretary shall
21 comply with before the selling of any land ~~which~~. *Such guidelines and*
22 *procedures* shall include, but not be limited to, the following:

23 (A) A written notice shall be posted in a conspicuous location on such
24 land stating the time and date of the sale, or the date after which the land
25 will be offered for sale; and a name and telephone number of a person who
26 may be contacted concerning the sale of such land;

27 (B) the secretary shall cause to be published in a newspaper of
28 general circulation in the county the land is located once a week for three
29 consecutive weeks, the secretary's intent to sell the land ~~which shall~~
30 ~~include that includes~~ a legal description of the land to be sold, the time and
31 date of the sale or the date after which the land will be offered for sale, the
32 general terms and conditions of such sale; and a name and telephone
33 number of a person who may be contacted concerning the sale of such
34 land; and

35 (C) the secretary shall publish in the Kansas register public notice of
36 the secretary's intent to sell the land which shall include a legal description
37 of the land to be sold, the time and date of the sale or the date after which
38 the land will be offered for sale, the place of the sale, the general terms and
39 conditions of such sale, and a name and telephone number of a person who
40 may be contacted concerning the sale of such land.

41 (2) The secretary shall have the land appraised by three disinterested
42 persons. In no case shall such land be sold for less than the average of its
43 appraised value as determined by such disinterested persons.

1 (3) The secretary shall list such land with a real estate agent who is
2 licensed by the Kansas real estate commission as a salesperson under the
3 real estate brokers' and salespersons' license act, ~~and who~~. *Such real estate*
4 *agent* shall publicly advertise that such land is for sale.

5 (4) Prior to closing the transaction on a contract for the sale of such
6 land, the secretary shall cause a survey to be conducted by a licensed land
7 surveyor. Such survey shall establish the precise legal description of such
8 land and shall be a condition precedent to the final closing on such sale.

9 (c) Any disposition of land by the secretary shall be in the best
10 interest of the state.

11 (d) The provisions of ~~paragraph~~ subsection (a)(2) shall not apply to
12 lands of less than 640 acres purchased with natural resource damage and
13 restoration funds in the southeast Kansas counties of Cherokee, Crawford,
14 Labette and Neosho.

15 Sec. 32. K.S.A. 32-834 is hereby amended to read as follows: 32-834.
16 (a) During the fiscal year ending June 30, 2014, in accordance with the
17 provisions of K.S.A. 32-833, and amendments thereto, the secretary of
18 wildlife, ~~and parks and tourism~~ is hereby authorized to acquire by
19 purchase the following tracts of land located in Jefferson county, Kansas,
20 more particularly described as:

21 Tract 1: All of the North half of the South East Quarter, Section 10,
22 Township 11 South, Range 19 East lying East of the center of County
23 Road, EXCEPT a tract described as follows: Beginning at a point on the
24 South line of the North half of the South East Quarter, 935.65 feet more or
25 less West of the South East corner of the North half of the South East
26 Quarter, thence West along said South line 556.76 feet to center of County
27 Road, thence North 12 degrees 02 minutes 23 seconds West 800 feet,
28 thence North 90 degrees 00 minutes 00 seconds East 556.76 feet, thence
29 South 12 degrees 02 minutes 23 seconds East 800 feet more or less to the
30 point of beginning, containing 39.73 acres more or less and subject to any
31 easement of record.

32 Tract 2: The Northeast Quarter (NE 1/4) of Section Ten (10), Township
33 Eleven South (T11S), Range Nineteen East (R19E) of the 6th P.M., in
34 Jefferson County, Kansas.

35 Tract 3: All that part of the South 1/2 of the Southeast 1/4 of Section
36 10, Township 11 South, Range 19 East of the 6th P.M., Jefferson County,
37 Kansas, lying East of the County Road. Contains 50 acres, more or less.

38 Tract 4: A tract beginning at the Northeast corner of the South Half of
39 the South Half of the Southwest Quarter (S 1/2 S 1/2 SW 1/4) of Section
40 Fifteen (15) Township Eleven (11) South, Range Nineteen (19) East of the
41 6th P.M., in Jefferson County, Kansas; thence South 00°23 '11" East a
42 distance of 300.00 feet, said point being on the East line of the Southwest
43 Quarter (SW 1/4) of Section 15; thence South 50°06'43" West a distance of

1 1353.10 feet; thence North 39°46'11" West a distance of 161.21 feet;
2 thence North 28 11' 59" East a distance of 1190.78 feet, said point being
3 on the North line of the South Half (S ½) of the South Half (S ½) of the
4 Southwest Quarter (SW ¼) of Section 15; thence South 89 15'55" East a
5 distance of 576.56 feet to the Point of Beginning, said tract also being a
6 part of the North Half (N ½) of the Northwest Quarter (NW ¼) of Section
7 22, Township 11 South, Range 19 East of the 6th P.M., Jefferson County,
8 Kansas; also known as Tract 5 of Certificate of Survey re-plot in Jefferson
9 County, Kansas, by Fred G. Roger, LS-64, on March 24, 1978, filed
10 March 27, 1978, and recorded in Plat Book 2, Page 588, a replat of Plat
11 Book 2, Page 575.

12 Tract 5: The South 120 acres of the Southeast Quarter (SE ¼) of
13 Section Fifteen (15), Township Eleven (11) South, Range Nineteen (19)
14 East of the 6th P.M., Jefferson County, Kansas, according to U.S.
15 Government Survey thereof.

16 Tract 6: The South 60 acres of the Northeast Quarter (NE ¼), AND the
17 North 40 acres of the Southeast Quarter (SE ¼), all in Section Fifteen (15),
18 Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M.,
19 Jefferson County, Kansas; EXCEPT all that part of the North 40 acres of
20 the Southeast Quarter (SE ¼) of said Section Fifteen (15), lying West of
21 the public highway, and EXCEPT all that part of the South 60 acres of the
22 Northeast Quarter (NE ¼) of said Section Fifteen (15), lying West of the
23 public highway.

24 Tract 7: The South Half (S ½) of the Southwest Quarter of Section
25 Fourteen (14): AND a tract beginning at the Southwest corner of the North
26 Half (N ½) of the Southwest Quarter (SW ¼) of Section Fourteen (14);
27 thence running North 12 rods; thence running East 57 rods; thence running
28 South 12 rods; thence running West 57 rods to the Point of Beginning, all
29 in Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M.,
30 Jefferson County, Kansas.

31 Tract 8: Beginning at the Southeast corner of the North Half of the
32 Northwest Quarter (N ½ NW ¼) of Section Twenty-two (22), Township
33 Eleven (11) South, Range Nineteen (19) East of the 6th P.M., Jefferson
34 County, Kansas; thence North 89 degrees 35 minutes 05 seconds West a
35 distance of 685.11 feet, said point being on the South line of the North
36 Half of the Northwest Quarter of Section 22; thence North 00 degrees 24
37 minutes 5S seconds East a distance of 361.05 feet; thence North 32
38 degrees 19 minutes 25 seconds West a distance of 227.14 feet; thence
39 North 49 degrees 07 minutes 07 seconds West a distance of 176.82 feet;
40 thence North 76 degrees 48 minutes 44 seconds East a distance of 959.44
41 feet, said point being on the East line of the Northwest Quarter of Section
42 22; thence South 00 degrees 13 minutes 24 seconds West a distance of
43 892.59 feet to the point of beginning; also known as Tract 7 of Certificate

1 of Survey re-Plat In Jefferson County, Kansas, prepared by Fred G.
2 Rogers, LS-64, on March 24, 1978, filed March 27, 1978 and recorded in
3 Plat Book 2, Page 588.

4 Tract 9: The Northwest Quarter (NW 1/4) of Section 15; and the North
5 100 acres of the Northeast Quarter (NE 1/4) of Section 15, all in Township
6 11 South, Range 19 East in Jefferson County, Kansas; and All that part of
7 the North 40 acres of the Southeast Quarter (SE 1/4) of Section 15,
8 Township 11 South, Range 19 East, lying West of the public highway, in
9 Jefferson County, Kansas; and All that part of the South 60 acres of the
10 Northeast Quarter (NE 1/4) of Section 15, Township 11 South, Range 19
11 East, lying West of the public highway, in Jefferson County, Kansas.

12 (b) Prior to payment for the purchase authorized by this section, the
13 secretary of wildlife; *and parks-and-tourism* shall determine that the
14 requirements prescribed by K.S.A. 32-833, and amendments thereto, have
15 been met.

16 (c) The provisions of K.S.A. 75-3043a and 75-3739, and amendments
17 thereto, shall not apply to the acquisition authorized by this section or any
18 contracts required therefor.

19 (d) In the event that the secretary of wildlife; *and parks-and-tourism*
20 determines that the legal description of the parcel described by this section
21 is incorrect, the secretary of wildlife; *and parks-and-tourism* may purchase
22 the property utilizing the correct legal description.

23 Sec. 33. K.S.A. 32-835 is hereby amended to read as follows: 32-835.

24 (a) Subject to the provisions of K.S.A. 32-833, and amendments thereto,
25 the secretary of wildlife; *and parks-and-tourism* is hereby authorized to
26 acquire by purchase the following tract of land located in Cherokee county,
27 Kansas, more particularly described as:

28 The Southeast Quarter (SE 1/4), the Northwest Quarter (NW 1/4), and the
29 West Half of the Northeast Quarter (W 1/2 NE 1/4), Section 29, Township 34
30 South, Range 22 East, in Cherokee County, Kansas, containing 397 acres
31 more or less.

32 (b) Prior to payment for the purchase authorized by this section, the
33 secretary of wildlife; *and parks-and-tourism* shall determine that the
34 requirements prescribed by K.S.A. 32-833, and amendments thereto, have
35 been met.

36 (c) The provisions of K.S.A. 75-3043a and 75-3739, and amendments
37 thereto, shall not apply to the acquisition authorized by this section or any
38 contracts required therefor.

39 (d) In the event that the secretary of wildlife; *and parks-and-tourism*
40 determines that the legal description of the parcel described by this section
41 is incorrect, the secretary of wildlife; *and parks-and-tourism* may purchase
42 the property utilizing the correct legal description.

43 Sec. 34. K.S.A. 32-836 is hereby amended to read as follows: 32-836.

1 (a) Subject to the provisions of K.S.A. 32-833, and amendments thereto,
 2 the secretary of wildlife; ~~and parks and tourism~~ is hereby authorized to
 3 acquire by purchase the following tract of land located in Pottawatomie
 4 county, Kansas, more particularly described as:

5 The Southeast Quarter (SE $\frac{1}{4}$) of Section 12, Township 6 South, Range
 6 7 East, and the Northeast Quarter (NE $\frac{1}{4}$) and the North Half (N $\frac{1}{2}$) of the
 7 Southwest Quarter (SW $\frac{1}{4}$) of Section 13, Township 6 South, Range 7
 8 East, and part of the Northeast Quarter (NE $\frac{1}{4}$) and Southeast Quarter (SE
 9 $\frac{1}{4}$) of Section 17, Township 6 South, Range 7 East, and part of the
 10 Northwest Quarter (NW $\frac{1}{4}$) and the North Half (N $\frac{1}{2}$) of the Southwest
 11 Quarter (SW $\frac{1}{4}$) of Section 18, Township 6 South, Range 8 East in
 12 Pottawatomie County, Kansas, containing 484 acres more or less.

13 (b) Prior to payment for the purchase authorized by this section, the
 14 secretary of wildlife; ~~and parks and tourism~~ shall determine that the
 15 requirements prescribed by K.S.A. 32-833, and amendments thereto, have
 16 been met.

17 (c) The provisions of K.S.A. 75-3043a and 75-3739, and amendments
 18 thereto, shall not apply to the acquisition authorized by this section or any
 19 contracts required therefor.

20 (d) In the event that the secretary of wildlife; ~~and parks and tourism~~
 21 determines that the legal description of the parcel described by this section
 22 is incorrect, the secretary of wildlife; ~~and parks and tourism~~ may purchase
 23 the property utilizing the correct legal description.

24 Sec. 35. K.S.A. 32-837 is hereby amended to read as follows: 32-837.

25 (a) The following parks have been designated as a part of the state park
 26 system:

- 27 (1) Kanopolis-Mushroom Rock state park in Ellsworth county;
- 28 (2) Cross Timbers state park at Toronto Lake in Woodson county;
- 29 (3) Fall River state park in Greenwood county;
- 30 (4) Cedar Bluff state park in Trego county;
- 31 (5) Tuttle Creek state park in Pottawatomie and Riley counties;
- 32 (6) Pomona state park in Osage county;
- 33 (7) Cheney state park in Kingman and Reno counties;
- 34 (8) Lake Crawford state park in Crawford county;
- 35 (9) Lovewell state park in Jewell county;
- 36 (10) Lake Meade state park in Meade county;
- 37 (11) Prairie Dog state park in Norton county;
- 38 (12) Webster state park in Rooks county;
- 39 (13) Wilson state park in Russell county;
- 40 (14) Milford state park in Geary county;
- 41 (15) Historic Lake Scott state park in Scott county;
- 42 (16) Elk City state park in Montgomery county;
- 43 (17) Perry state park in Jefferson county;

- 1 (18) Glen Elder state park in Mitchell county;
- 2 (19) El Dorado state park in Butler county;
- 3 (20) Eisenhower state park in Osage county;
- 4 (21) Clinton state park in Douglas and Shawnee counties;
- 5 (22) Sand Hills state park in Reno county;
- 6 (23) Hillsdale state park in Miami county;
- 7 (24) Kaw River state park in Shawnee county;
- 8 (25) Prairie Spirit rail trail state park in Franklin, Anderson and Allen
- 9 counties;
- 10 (26) Flint Hills trail state park in Miami, Franklin, Osage, Lyon,
- 11 Morris and Dickinson counties; and
- 12 (27) Little Jerusalem Badlands state park in Logan county.

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

15 (c) The hours that Kaw River state park in Shawnee county is open to
16 the public may be limited to those hours that parks of the city of Topeka
17 are open, except that such state park shall be open at all hours for
18 prescheduled events.

19 (d) The requirements found in K.S.A. 65-171d(j)(2), and amendments
20 thereto, shall not apply to subsection (a)(25) or (a)(26).

21 (e) For any state park listed in subsection (a) containing a recreational
22 trail created pursuant to 16 U.S.C. § 1247(d), the Kansas department of
23 wildlife, ~~and parks and tourism~~ shall carry out the duties listed in K.S.A.
24 58-3212(a)(1) through (a)(11), and amendments thereto.

25 Sec. 36. K.S.A. 32-839 is hereby amended to read as follows: 32-839.
26 The Cane creek area within stage 1 of the Milford lake wetlands wildlife
27 habitat restoration project, in Clay county, near the city of Wakefield, is
28 hereby designated as the Steve Lloyd wetlands. The secretary of wildlife,
29 ~~and parks and tourism~~ shall cause placement of suitable signs and an
30 observation deck to indicate the area is the Steve Lloyd wetlands. The
31 secretary may accept and administer gifts and donations for the purpose of
32 obtaining and installing such signs and observation deck.

33 Sec. 37. K.S.A. 32-840 is hereby amended to read as follows: 32-840.

34 (a) The secretary, in the name of the state of Kansas, may exercise the right
35 of eminent domain in accordance with the eminent domain procedure act,
36 K.S.A. 26-501 et seq., and amendments thereto, for the purpose of
37 acquiring lands, water and water rights necessary to:

38 (1) Carry out the provisions of the wildlife, ~~and parks and tourism~~
39 laws of this state and the purposes for which the department is created; or

40 (2) protect, add to and improve state parks, state lakes, recreational
41 areas, wildlife areas and sanctuaries, natural areas, fish hatcheries and
42 other lands, waters and facilities provided for by K.S.A. 32-807, and
43 amendments thereto.

1 (b) The taking, using and appropriating of property as authorized by
2 subsection (a)(2) for the purposes of protecting lands, waters and facilities
3 and their environs and preserving the view, appearance, light, air, health
4 and usefulness thereof by reselling such property with such restrictions in
5 the deeds of resale as will protect the property taken for such purposes is
6 hereby declared to be taking, using and appropriating of such property for
7 public use. The proceeds arising from the resale of any property so taken
8 shall be used by the secretary for the purpose of improving lands, waters
9 and facilities under the jurisdiction and control of the secretary.

10 (c) Upon request of the secretary, the attorney general shall proceed
11 by proper action to acquire by condemnation all lands, or rights therein or
12 thereon, and all water or water rights required by the department pursuant
13 to this section.

14 Sec. 38. K.S.A. 32-844 is hereby amended to read as follows: 32-844.

15 (a) The secretary of wildlife; ~~and parks and tourism~~ shall submit a report to
16 the legislature at the beginning of each regular session detailing all real
17 estate transactions ~~which that~~ are proposed or agreements ~~which that~~ have
18 been entered into between the Kansas department of wildlife; ~~and parks~~
19 ~~and tourism~~ and any other party, other than another state agency, ~~which~~
20 ~~that~~ relate to any acquisition or disposition of any real estate, or interest in
21 real estate, by the Kansas department of wildlife; ~~and parks and tourism~~ or
22 any such contracting party.

23 (b) (1) With regard to executed agreements, the report required by
24 this section shall include for each such acquisition to be reported:

- 25 (A) The legal description of the real estate or interest acquired;
26 (B) the purchase price;
27 (C) if appropriation of state moneys is required for the acquisition,
28 the appraised value of the real estate or interest acquired; and
29 (D) if the real estate or interest therein will remain subject to ad
30 valorem property taxation.

31 (2) With regard to proposed real estate transactions, the report
32 required by this section shall include for each such proposed transaction to
33 be reported:

- 34 (A) The legal description of the real estate or interest acquired;
35 (B) if appropriation of state moneys is required for the proposed
36 transaction, the appraised value of the real estate or interest proposed to be
37 acquired; and
38 (C) if the real estate or interest therein will remain subject to ad
39 valorem property taxation.

40 (c) The reporting requirements of this section shall not apply to real
41 estate or interest therein acquired under the wildtrust program until such
42 time as the deeds are filed for record.

43 (d) Agreements ~~which that~~ have been entered into and are required to

1 be reported pursuant to this section shall be published in the Kansas
2 register within 30 days of the execution of any such agreement.

3 Sec. 39. K.S.A. 32-845 is hereby amended to read as follows: 32-845.

4 (a) Neither the Kansas department of wildlife; ~~and parks and tourism~~, nor
5 any officer or employee of the state on behalf of the department, shall
6 enter into any contract for the acquisition or lease of real estate with the
7 corps of engineers or the bureau of reclamation ~~which~~ *that* will require any
8 future appropriation unless the contract is first approved by the legislature
9 as provided by subsection (b).

10 (b) A contract subject to the provisions of subsection (a) shall be
11 approved by the legislature by:

12 (1) Law or concurrent resolution; or

13 (2) approval of the contract by the legislative coordinating council.

14 (c) Any contract entered into without approval of the legislature when
15 required by this section is null and void.

16 (d) The provisions of this section shall not apply to contracts
17 requiring future appropriations of only:

18 (1) Moneys that are received from the corps of engineers or the
19 bureau of reclamation or from a private source; or

20 (2) moneys to be expended in response to a major disaster declared
21 by the president of the United States. In addition, the provisions of this
22 section shall not apply to lease renewals with the corps of engineers or
23 bureau of reclamation, except the department shall notify the chairperson,
24 vice-chairperson and ranking minority member of both the house and
25 senate energy and natural resources committees on or before the first day
26 of a legislative session of any such lease renewals pending for that
27 calendar year.

28 (e) As used in this section, "future appropriation" means an
29 appropriation for a fiscal year commencing more than one year after the
30 date the contract is entered.

31 Sec. 40. K.S.A. 32-846 is hereby amended to read as follows: 32-846.

32 (a) Pursuant to K.S.A. 32-845, and amendments thereto, the Kansas
33 department of wildlife; ~~and parks and tourism~~ is hereby authorized to enter
34 into a project cooperative agreement and related lease with the ~~U.S.~~
35 *United States* department of the army to modify and restore approximately
36 2,550 acres of permanent and seasonal wetland habitat located on the
37 Republican River floodplain within the flood control pool of Milford Lake
38 subject to the following: The proposed project shall be developed in the
39 following three stages and moneys to pay the nonfederal share of project
40 costs for each stage shall be secured before commencement of such stage:

41 (1) Stage 1, in the areas of Lower Refuge, Cane Creek, Mall Creek
42 and Smith Bottoms, totaling approximately 1,030 acres;

43 (2) stage 2, in the areas of Quimby Creek, Smith Bottoms addition,

1 Beichter Bottoms, East Broughton 1 and 3 and West Broughton 1 and 2,
2 totaling approximately 895 acres; and

3 (3) stage 3, in the areas of West Broughton 3 and 4, Martin, East
4 Broughton 2 and 4 and Sugar Bowl, totaling approximately 415 acres.

5 (b) The Kansas department of wildlife; ~~and parks and tourism~~ is
6 hereby authorized to assume costs associated with the operation,
7 maintenance, repair, replacement and rehabilitation of the area in each
8 stage of the Milford Lake wetlands wildlife habitat restoration project after
9 completion of such stage by the ~~U.S.~~ *United States* department of the
10 army. Such costs shall be paid from wildlife-related fee funds of the
11 department and from any nonstate moneys available for that purpose.

12 Sec. 41. K.S.A. 32-869 is hereby amended to read as follows: 32-869.
13 The Kansas development finance authority is hereby authorized to issue,
14 pursuant to K.S.A. 32-857 through 32-864, and amendments thereto,
15 revenue bonds in an amount or amounts not to exceed \$30,000,000 for any
16 one resort. The proceeds from the sale of such bonds shall be used,
17 together with any other funds available for such purpose, to construct and
18 equip a resort on state-owned or leased property under the jurisdiction of
19 the Kansas department of wildlife; ~~and parks and tourism~~. The bonds, and
20 interest thereon, issued pursuant to this section shall be payable by the
21 private sector developer from revenues ~~to include~~ *including*, but not
22 limited to, resort charges, rentals and fees, such payment to be in lieu of
23 lease payments and shall never be deemed to be an obligation or
24 indebtedness of the state within the meaning of article 11, section 6 of the
25 *constitution of the state of Kansas-constitution*.

26 Sec. 42. K.S.A. 32-873 is hereby amended to read as follows: 32-873.
27 Notwithstanding the provisions of K.S.A. 32-867 through 32-872, the
28 selection of any site by the secretary of wildlife; ~~and parks and tourism~~
29 and secretary of commerce pursuant to K.S.A. 32-874d, and amendments
30 thereto, shall not become final, nor shall any revenue bonds be issued for
31 the resort development, until the site so selected and the amount of the
32 bonds proposed to be issued have been approved by the legislature or the
33 state finance council acting on this matter ~~which that~~ *that* is hereby
34 characterized as a matter of legislative delegation and subject to the
35 guidelines prescribed in ~~subsection (c)~~ *subsection (c)* of K.S.A. 75-3711c(c), and
36 amendments thereto.

37 Sec. 43. K.S.A. 32-874 is hereby amended to read as follows: 32-874.
38 (a) The secretary of commerce and the secretary of wildlife; ~~and parks and~~
39 ~~tourism, together~~, shall direct and implement a feasibility study regarding
40 the potential of developing lake resorts in Kansas. The study shall consider
41 ready access from nearby interstate and interstate connected controlled
42 access highways, public transportation systems, facilities and any other
43 factors that may affect tourism to a given site. The study shall consider

1 only sites at existing state parks or lakes.

2 (b) The feasibility study shall be completed by January 1, 1998, with
3 a joint report on the study's results and recommendations derived
4 therefrom to be presented to the legislature, house committee on tourism,
5 senate committee on transportation and tourism and to the governor during
6 the 1998 legislative session.

7 Sec. 44. K.S.A. 32-874a is hereby amended to read as follows: 32-
8 874a. The feasibility study required under K.S.A. 32-874, and amendments
9 thereto, being completed, the secretary of commerce, the secretary of
10 wildlife; ~~and parks and tourism~~ and the secretary of transportation will
11 develop an incentive plan outlining the state of Kansas' commitment
12 toward building a lake resort ~~which~~ *that* shall include, but not limited to,
13 infrastructure improvements, utility improvements and tax incentives to be
14 offered for sites at, including, but not limited to, the six state parks selected
15 in the feasibility study reported to the 1998 legislature: Cheney, Clinton, El
16 Dorado, Hillsdale, Perry and Milford.

17 Sec. 45. K.S.A. 32-874b is hereby amended to read as follows: 32-
18 874b. Once the state incentive packages are agreed upon, the secretary of
19 wildlife; ~~and parks and tourism~~, under K.S.A. 32-807, 32-830 and 32-831,
20 and amendments thereto, and the secretary of commerce under K.S.A. 74-
21 5005, and amendments thereto, will take the incentive package for each
22 lake resort site to communities adjacent to each state park, revealing what
23 the state is willing to commit to the development of a lake resort near each
24 lake resort community and negotiate and determine what each community
25 is willing to offer as an incentive to have the lake resort develop near its
26 community.

27 Sec. 46. K.S.A. 32-874c is hereby amended to read as follows: 32-
28 874c. The secretary of wildlife; ~~and parks and tourism~~, if necessary, shall
29 negotiate and contract with the United States corps of engineers, bureau of
30 reclamation, or other federal agency under K.S.A. 32-824, 32-825, 32-826
31 and 32-845, and amendments thereto, regarding a selected site and seek
32 the necessary legislative approval under K.S.A. 32-843, and amendments
33 thereto.

34 Sec. 47. K.S.A. 32-874d is hereby amended to read as follows: 32-
35 874d. (a) When the incentive packages for each of the lake resorts is
36 determined, the secretary of wildlife; ~~and parks and tourism~~ and the
37 secretary of commerce shall develop requests for proposals ~~which~~ *that*
38 include the incentive packages for each site. The proposals received from
39 developers under ~~subsection (h)(6) of~~ K.S.A. 32-807(h)(6), and
40 amendments thereto, shall be sealed.

41 (b) (1) The Kansas department of wildlife; ~~and parks and tourism~~ and
42 the department of commerce shall advertise for proposal plans with bids
43 for development of sites selected under K.S.A. 32-867, 32-868, 32-871

1 and 32-872, and amendments thereto. Advertisements for proposals with
2 bids shall be published in the Kansas register and once each week for two
3 consecutive weeks in a newspaper having general circulation in the
4 community at least 60 days before the time for receiving the proposals
5 with bids. The advertisement shall also be posted on readily accessible
6 bulletin boards in all offices of the two departments and on the information
7 network of Kansas. The advertisement shall identify the area to be
8 developed, the purpose of the development and shall state that such further
9 information as is available may be obtained from either departments' office
10 in Topeka.

11 (2) The two secretaries shall consider all proposals with bids
12 submitted, the financial and legal ability of the private sector developers
13 making such proposals with bids to carry them out and may negotiate with
14 any private sector developer for a proposal with bid. The secretaries may
15 accept such proposal with bid as it deems to be in the public interest and in
16 furtherance of the purposes of this act.

17 (c) Once proposals are received from developers wishing to contract
18 for building the resort, the secretary of wildlife; ~~and parks and tourism~~
19 utilizing powers and authority granted under K.S.A. 32-807, 32-862, 32-
20 863 and 32-867 through 32-872, and amendments thereto, and the
21 secretary of commerce under K.S.A. 74-5005, and amendments thereto,
22 shall select, negotiate and contract for the construction of a lake resort
23 ~~which~~ that shall be operated as a private concession and developed with
24 private funding to include, but not limited to, the issuance of revenue
25 bonds under K.S.A. 32-857 through 32-864, and amendments thereto.

26 (d) The secretary of wildlife; ~~and parks and tourism~~ and the secretary
27 of commerce may engage a private consultant to assist in the development
28 of a contract for the selected site. Consistent with the powers and authority
29 granted to the secretary of wildlife; ~~and parks and tourism~~, the secretary
30 may waive any relevant park fees, obtain revenue from the resort and
31 resort facilities and include penalty provisions in the contract regarding
32 nonperformance by the operator and developer of the resort.

33 (e) The secretary of wildlife; ~~and parks and tourism~~ and the secretary
34 of commerce shall not seek approval under K.S.A. 32-873, and
35 amendments thereto, until the requirements of subsections (a) through (d)
36 are satisfied.

37 Sec. 48. K.S.A. 32-874e is hereby amended to read as follows: 32-
38 874e. The secretary of wildlife; ~~and parks and tourism~~ and the secretary of
39 commerce shall present a joint report concerning negotiations, site
40 selection, and status of the resort to the legislature, house committee on
41 tourism, senate committee on transportation and tourism and to the
42 governor during the 1999 legislative session.

43 Sec. 49. K.S.A. 32-886 is hereby amended to read as follows: 32-886.

1 (a) Contingent upon a favorable response from federal agencies regarding
2 development of shared resources, the secretary of wildlife; ~~and parks and~~
3 ~~tourism~~ shall identify and select sites suitable for the development of
4 commercial, family oriented lodging areas at the following state parks:
5 Clinton, Hillsdale, Kanopolis, El Dorado, Cheney, Wilson, Milford, Tuttle
6 Creek, Pomona and such other state parks as the secretary deems
7 appropriate.

8 (b) Such identification and selection of the sites shall take into
9 consideration the mission of the facility, the environmental considerations
10 and the availability of needed utilities.

11 (c) Family oriented lodging shall not include the development of lake
12 resorts.

13 Sec. 50. K.S.A. 32-887 is hereby amended to read as follows: 32-887.
14 The secretary of wildlife; ~~and parks and tourism~~ is then authorized to
15 negotiate for a long-term lease with a private sector developer for
16 improvement and development of any selected state park site. All such
17 leases shall be on such terms as the secretary prescribes and adhere to the
18 purposes and considerations of K.S.A. 32-886, and amendments thereto.

19 Sec. 51. K.S.A. 32-888 is hereby amended to read as follows: 32-888.

20 (a) The Kansas department of wildlife; ~~and parks and tourism~~ shall
21 advertise for proposal plans with bids for development of sites selected
22 under K.S.A. 32-886, and amendments thereto. Advertisements for
23 proposals with bids shall be published once each week for two consecutive
24 weeks in a newspaper having general circulation in the community at least
25 60 days before the time for receiving the proposals with bids. The
26 advertisement shall also be posted on readily accessible bulletin boards in
27 all offices of the department. The advertisement shall identify the area to
28 be developed, the purpose of the development and shall state that such
29 further information as is available may be obtained from the department's
30 office in Topeka.

31 (b) The secretary shall consider all proposals with bids submitted, the
32 financial and legal ability of the private sector developers making such
33 proposals with bids to carry them out and may negotiate with any private
34 sector developer for a proposal with bid. The secretary may accept such
35 proposal with bid as it deems to be in the public interest and in furtherance
36 of the purposes of this act.

37 Sec. 52. K.S.A. 32-906 is hereby amended to read as follows: 32-906.

38 (a) Except as otherwise provided by law or rules and regulations of the
39 secretary of *wildlife and parks*, a valid Kansas fishing license is required to
40 fish or to take any bullfrog in this state.

41 (b) The provisions of subsection (a) do not apply to fishing by:

42 (1) A person, or a member of a person's immediate family domiciled
43 with such person, on land owned by such person or on land leased or

- 1 rented by such person for agricultural purposes;
- 2 (2) a person who is less than 16 years of age;
- 3 (3) a resident of this state who is 75 years of age or more;
- 4 (4) a person fishing in a private water fishing impoundment unless
- 5 waived pursuant to K.S.A. 32-975, and amendments thereto;
- 6 (5) a resident of an adult care home, as defined by K.S.A. 39-923,
- 7 and amendments thereto, licensed by the secretary—~~of~~ *for aging and*
- 8 *disability services*;
- 9 (6) a person on dates designated pursuant to subsection (f);
- 10 (7) a person fishing under a valid institutional group fishing license
- 11 issued pursuant to subsection (g); or
- 12 (8) a participant in a fishing clinic sponsored or cosponsored by the
- 13 department, during the period of time that the fishing clinic is being
- 14 conducted.
- 15 (c) The fee for a fishing license shall be the amount prescribed
- 16 pursuant to K.S.A. 32-988, and amendments thereto.
- 17 (d) Unless otherwise provided by law or rules and regulations of the
- 18 secretary, a fishing license is valid throughout the state.
- 19 (e) Unless otherwise provided by law or rules and regulations of the
- 20 secretary, a fishing license is valid from the date of issuance and expires
- 21 on December 31 following its issuance, except that the secretary may issue
- 22 a:
- 23 (1) Permanent license pursuant to K.S.A. 32-929, and amendments
- 24 thereto;
- 25 (2) lifetime license pursuant to K.S.A. 32-930, and amendments
- 26 thereto;
- 27 (3) nonresident fishing license valid for a period of five days; and
- 28 (4) resident or nonresident fishing license valid for a period of 24
- 29 hours.
- 30 (f) The secretary may designate by resolution two days each calendar
- 31 year during which persons may fish by legal means without having a valid
- 32 fishing license.
- 33 (g) (1) The secretary shall issue an annual institutional group fishing
- 34 license to each facility operating under the jurisdiction of or licensed by
- 35 the secretary for aging and disability services and to any veterans
- 36 administration medical center in the state of Kansas upon application by
- 37 such facility or center to the secretary of wildlife; *and parks and tourism*
- 38 ~~and tourism~~ for such license.
- 39 (2) All applications for facilities under the jurisdiction of the
- 40 secretary for aging and disability services shall be made with the approval
- 41 of the secretary for aging and disability services and shall provide such
- 42 information as the secretary of wildlife; *and parks and tourism* requires.
- 43 All applications for any veterans administration medical center shall be

1 made with the approval of the director of such facility and shall provide
2 such information as the secretary of wildlife; ~~and parks and tourism~~
3 requires. Persons who have been admitted to and are currently residing at
4 the facility or center, not to exceed 20 at any one time, may fish under an
5 institutional group fishing license within the state while on a group trip,
6 group outing or other group activity which is supervised by the facility or
7 center. Persons fishing under an institutional group fishing license shall not
8 be required to obtain a fishing license but shall be subject to all other laws
9 and to all rules and regulations relating to fishing.

10 (3) The staff personnel of the facility or center supervising the group
11 trip, group outing or other group activity shall have in their possession the
12 institutional license when engaged in supervising any activity requiring the
13 license. Such staff personnel may assist group members in all aspects of
14 their fishing activity.

15 (h) (1) The secretary may issue a special nonprofit group fishing
16 license to any community, civic or charitable organization which is
17 organized as a not-for-profit corporation, for use by such community, civic
18 or charitable organization for the sole purpose of conducting group fishing
19 activities for handicapped or developmentally disabled individuals. All
20 applications for a special nonprofit group fishing license shall be made to
21 the secretary or the secretary's designee and shall provide such information
22 as required by the secretary. ~~Handicapped or developmentally disabled~~
23 ~~individuals~~

24 (2) *Persons with a physical or developmental disability*, not to exceed
25 20 at any one time, may fish under a special nonprofit group fishing
26 license while on a group trip, outing or activity which is supervised by the
27 community, civic or charitable organization. Individuals fishing under a
28 special nonprofit group fishing license shall not be required to obtain a
29 fishing license but shall be subject to all other laws and rules and
30 regulations relating to fishing.

31 (3) The staff personnel of the community, civic or charitable
32 organization supervising the group trip, outing or activity shall have in
33 their possession the special nonprofit group fishing license when engaged
34 in supervising any activity requiring the special nonprofit group fishing
35 license. Such staff personnel may assist group members in all aspects of
36 their fishing activity.

37 (i) The provisions of ~~paragraph~~ subsection (b)(3) shall expire on June
38 30, 2020.

39 Sec. 53. K.S.A. 32-918 is hereby amended to read as follows: 32-918.
40 (a) Upon request of the secretary for children and families, the secretary of
41 wildlife; ~~and parks and tourism~~ shall not allow any license, permit, stamp,
42 tag or other issue of the Kansas department of wildlife; ~~and parks and~~
43 ~~tourism~~ to be purchased by any applicant except as provided in this

1 section. The secretary for children and families may make such a request
2 by providing the secretary of wildlife; ~~and parks and tourism~~, on a
3 quarterly basis, a listing of names and other information sufficient to allow
4 the secretary of wildlife; ~~and parks and tourism~~ to match applicants against
5 the list with reasonable accuracy. The secretary for children and families
6 may include an individual on the listing if, at the time the listing is
7 compiled, the individual owes arrearages under a support order in a title
8 IV-D case or has failed, after appropriate notice, to comply with an
9 outstanding warrant or subpoena directed to the individual in a title IV-D
10 case. The secretary for children and families shall include an individual on
11 the listing if, at the time the listing is compiled, the individual owes
12 arrearages under a support order, as reported to the secretary for children
13 and families by the court trustee or has failed, after appropriate notice, to
14 comply with a subpoena directed to the individual by the court trustee and
15 as reported to the secretary for children and families by the court trustee.

16 (b) If any applicant for a license, permit, stamp, tag or other issue of
17 the Kansas department of wildlife; ~~and parks and tourism~~ is not allowed to
18 complete a purchase pursuant to this section, the vendor of the license,
19 permit, stamp, tag or other issue of the Kansas department of wildlife; ~~and~~
20 ~~parks and tourism~~ shall immediately deliver to the applicant a written
21 notice, furnished by the state of Kansas, stating the basis for the action and
22 how the applicant may dispute the action or request other relief. Such
23 notice shall inform the applicant who owes arrearages in an IV-D case to
24 contact the department for children and families and in a non-IV-D case to
25 contact the court trustee.

26 (c) Immediately upon receiving a release executed by an authorized
27 agent of the secretary for children and families or the court trustee, the
28 secretary of wildlife; ~~and parks and tourism~~ may allow the applicant to
29 purchase any license, permit, stamp, tag or other issue of the Kansas
30 department of wildlife; ~~and parks and tourism~~. The applicant shall have the
31 burden of obtaining and delivering the release. The secretary for children
32 and families or the court trustee may limit the duration of the release.

33 (d) Upon request, the secretary for children and families shall issue a
34 release if, as appropriate:

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

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

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

42 (4) the applicant has complied with the warrant or subpoena or the
43 warrant or subpoena has been quashed or withdrawn; or

1 (5) the court trustee notifies the secretary for children and families
2 that the applicant has paid the arrearages in full or has complied with the
3 subpoena or the subpoena has been quashed or withdrawn.

4 (e) Individuals previously included in a quarterly listing may be
5 omitted from any subsequent listing by the secretary for children and
6 families. When a new listing takes effect, the secretary of wildlife; *and*
7 parks ~~and tourism~~ may allow any individual not included in the new listing
8 to purchase any license, permit, stamp, tag or other issue of the Kansas
9 department of wildlife; *and* parks ~~and tourism~~, whether or not the applicant
10 had been included in a previous listing.

11 (f) Nothing in this section shall be construed to require or permit the
12 secretary of wildlife; *and* parks ~~and tourism~~ to determine any issue related
13 to a child support order or related to the title IV-D case, including
14 questions of mistaken identity or the adequacy of any notice provided
15 pursuant to this section. In a title IV-D case, the secretary for children and
16 families shall provide an opportunity for fair hearing pursuant to K.S.A.
17 75-3306, and amendments thereto, to any person who has been denied any
18 license, permit, stamp, tag or other issue of the Kansas department of
19 wildlife; *and* parks ~~and tourism~~ pursuant to this section, provided that the
20 person complies with the requirements of the secretary for children and
21 families for requesting such fair hearing. In a non-IV-D case, the applicant
22 shall contact the court trustee.

23 (g) The term "title IV-D" ~~has the meaning ascribed thereto~~ *means the*
24 *same as provided in K.S.A. 32-930, and amendments thereto.*

25 (h) The secretary for children and families and the secretary of
26 wildlife; *and* parks ~~and tourism~~ may enter into an agreement for
27 administering the provisions of this section.

28 (i) The secretary for children and families and the secretary of
29 wildlife; *and* parks ~~and tourism~~ may each adopt rules and regulations
30 necessary to carry out the provisions of this section.

31 (j) Upon receipt of such list, the secretary of wildlife; *and* parks ~~and~~
32 ~~tourism~~ shall send by first class mail; a letter to any new individual on the
33 listing who has a current license, permit, stamp, tag or other issue of the
34 Kansas department of wildlife; *and* parks ~~and tourism~~ informing such
35 individual of the provisions of this section.

36 Sec. 54. K.S.A. 32-930 is hereby amended to read as follows: 32-930.

37 (a) (1) Except as provided in subsection (c), the secretary *of wildlife and*
38 *parks* or the secretary's designee is authorized to issue to any Kansas
39 resident a lifetime fishing, hunting or furharvester or combination hunting
40 and fishing license upon proper application made therefor to the secretary
41 or the secretary's designee and payment of a license fee as follows:

42 (A) A total payment made at the time of purchase in the amount
43 prescribed pursuant to K.S.A. 32-988, and amendments thereto; or

1 (2)(B) payment may be made over a two-year period in eight quarter-
2 annual installments in the amount prescribed pursuant to K.S.A. 32-988,
3 and amendments thereto.

4 (2) If payment is in installments, the license shall not be issued until
5 the final installment has been paid. A person making installment payments
6 shall not be required to obtain the appropriate annual license, and each
7 installment payment shall be deemed to be such an annual license for a
8 period of one year following the date of the last installment payment made.
9 If an installment payment is not received within 30 days after it is due and
10 owing, the secretary may consider the payments in default and may retain
11 any payments previously received.

12 (3) Any lifetime license issued to a Kansas resident shall not be made
13 invalid by reason of the holder thereof subsequently residing outside the
14 state of Kansas. Any nonresident holder of a Kansas lifetime hunting or
15 combination hunting and fishing license shall be eligible under the same
16 conditions as a Kansas resident for a big game or wild turkey permit upon
17 proper application to the secretary. Any nonresident holder of a lifetime
18 fishing license issued before July 1, 1989, shall be eligible under the same
19 conditions as a Kansas resident for a big game or wild turkey permit upon
20 proper application to the secretary.

21 (b) ~~For the purposes of~~ *As used in* subsection (a), the term
22 "resident" ~~shall have the meaning defined means the same as provided in~~
23 K.S.A. 32-701, and amendments thereto, except that a person shall have
24 maintained that person's place of permanent abode in this state for a period
25 of not less than one year immediately preceding the person's application
26 for a lifetime fishing, hunting or furharvester or combination hunting and
27 fishing license.

28 (c) (1) Upon request of the secretary for children and families, the
29 secretary of wildlife, ~~and parks and tourism~~ shall not issue a lifetime
30 fishing, hunting or furharvester or combination hunting and fishing license
31 to an applicant except as provided in this subsection. The secretary for
32 children and families may make such a request if, at the time of the
33 request, the applicant:

34 (A) Owed arrearages under a support order in a title IV-D case being
35 administered by the secretary for children and families;

36 (B) had outstanding a warrant or subpoena, directed to the applicant,
37 in a title IV-D case being administered by the secretary for children and
38 families;

39 (C) owes arrearages under a support order, as reported to the
40 secretary for children and families by the court trustee; or

41 (D) has failed, after appropriate notice, to comply with a subpoena
42 directed to the individual by the court trustee as reported to the secretary
43 for children and families by the court trustee.

1 (2) Upon receiving a release from an authorized agent of the secretary
2 for children and families or the court trustee, the secretary of wildlife; *and*
3 ~~parcs-and-tourism~~ may issue the lifetime fishing, hunting or furharvester or
4 combination hunting and fishing license. The applicant shall have the
5 burden of obtaining and delivering the release.

6 (3) The secretary for children and families shall issue a release upon
7 request if, as appropriate:

8 (A) The arrearages are paid in full or a tribunal of competent
9 jurisdiction has determined that no arrearages are owed;

10 (B) an income withholding order has been served upon the applicant's
11 current employer or payor;

12 (C) an agreement has been completed or an order has been entered
13 setting minimum payments to defray the arrearages, together with receipt
14 of the first minimum payment;

15 (D) the applicant has complied with the warrant or subpoena or the
16 warrant or subpoena has been quashed or withdrawn; or

17 (E) the court trustee notifies the secretary for children and families
18 that the applicant has paid the arrearages in full or has complied with the
19 subpoena or the subpoena has been quashed or withdrawn.

20 (d) (1) Upon request of the secretary for children and families, the
21 secretary of wildlife; *and* ~~parcs-and-tourism~~ shall suspend a lifetime
22 fishing, hunting or furharvester or combination hunting and fishing license
23 to a licensee as provided in this subsection. The secretary for children and
24 families may make such a request if, at the time of the request, the
25 applicant owed arrearages under a support order or had outstanding a
26 warrant or subpoena as stated in subsection (c)(1).

27 (2) Upon receiving a release from an authorized agent of the secretary
28 for children and families or the court trustee, the secretary of wildlife; *and*
29 ~~parcs-and-tourism~~ may reinstate the lifetime fishing, hunting or
30 furharvester or combination hunting and fishing license. The licensee shall
31 have the burden of obtaining and delivering the release.

32 (3) The secretary for children and families shall issue a release upon
33 request if the requirements of subsection (c)(3) are met.

34 (e) Nothing in subsection (c) or (d) shall be construed to require or
35 permit the secretary of wildlife; *and* ~~parcs-and-tourism~~ to determine any
36 issue related to a child support order or related to the title IV-D case
37 including to resolve questions of mistaken identity or determine the
38 adequacy of any notice relating to subsection (c) or (d) that the secretary of
39 wildlife; *and* ~~parcs-and-tourism~~ provides to the applicant.

40 (f) "Title IV-D" means part D of title IV of the federal social security
41 act, 42 U.S.C. § 651 et seq., as in effect on December 31, 2001, relating to
42 child support enforcement services.

43 (g) The secretary of *wildlife and parks*, in accordance with K.S.A. 32-

1 805, and amendments thereto, may adopt rules and regulations necessary
2 to carry out the provisions of this section.

3 Sec. 55. K.S.A. 32-932 is hereby amended to read as follows: 32-932.

4 (a) Any person having a permanent disability to the extent that such person
5 cannot physically use a conventional long bow or compound bow, as
6 certified by a person licensed to practice the healing arts in any state, shall
7 be authorized to hunt and take deer, antelope, elk or wild turkey with a
8 crossbow.

9 (b) The secretary of wildlife; ~~and parks and tourism~~ shall adopt, in
10 accordance with K.S.A. 32-805, and amendments thereto, rules and
11 regulations requiring permits to hunt deer, antelope, elk or wild turkey
12 pursuant to subsection (a) and providing for the approval of applicants for
13 such permits and the issuance thereof. In addition, the secretary may adopt
14 rules and regulations limiting the times and areas for hunting and taking
15 deer, antelope, elk and wild turkey and limiting the number of deer,
16 antelope, elk and wild turkey ~~which~~ that may be taken pursuant to
17 subsection (a).

18 (c) Falsely obtaining or using a permit authorized by this section is a
19 class C *nonperson* misdemeanor.

20 Sec. 56. K.S.A. 32-938 is hereby amended to read as follows: 32-938.

21 The Kansas department of wildlife; ~~and parks and tourism~~ may reissue big
22 game or wild turkey limited draw permits to military personnel forced to
23 forfeit their limited draw permit due to deployment in the event of armed
24 conflict or war upon application and payment of the prescribed fee to the
25 department and sufficient proof of such deployment. The permit, if
26 reissued, shall be the same type, season and species permit that was
27 forfeited and shall be valid during the next available hunting season upon
28 return from the armed conflict or war by the applicant provided that the
29 secretary may defer the reissuance of a permit to a future hunting season if
30 the overall demand for reissued permits exceeds the anticipated annual
31 sustainable harvest for that species. The reissuance of a permit shall be
32 based on a first come, first served basis.

33 Sec. 57. K.S.A. 32-960a is hereby amended to read as follows: 32-

34 960a. (a) ~~On or before January 1, 1998;~~ The secretary of *wildlife and parks*
35 shall adopt, in accordance with K.S.A. 32-805, and amendments thereto,
36 rules and regulations establishing procedures for developing and
37 implementing recovery plans for all species listed as in need of
38 conservation, threatened or endangered. The secretary shall give priority to
39 development of recovery plans for particular species based on a
40 cumulative assessment of the scientific evidence available. Based on the
41 priority ranking, the secretary shall develop and begin implementation of
42 recovery plans for at least two listed species on or before January 1, 1999.

43 (b) Whenever a species is added to the list of threatened or

1 endangered species, the secretary shall establish a volunteer local advisory
2 committee composed of members broadly representative of the area
3 affected by the addition of the species to the list. Members shall include
4 representatives of specialists from academic institutions, agribusiness and
5 other trade organizations, state environmental and conservation
6 organizations and other interested organizations and individuals. In
7 addition, the membership shall include, if appropriate, landowners and
8 public officials representing state, local and tribal governments. To the
9 maximum extent possible, committee membership shall evenly balance the
10 interests of all potentially affected groups and institutions.

11 (c) The advisory committee shall:

12 (1) Work with the secretary to adapt the listing of the species and the
13 recovery plan for the species to the social and economic conditions of the
14 affected area; and

15 (2) disseminate information to the public about the scientific basis of
16 the decision to list the species, the regulatory process and incentives
17 available to landowners pursuant to this act.

18 (d) If a species in need of conservation receives a priority ranking to
19 develop and begin implementation of a recovery plan, the secretary shall
20 establish a volunteer local advisory committee in the same manner as
21 provided by subsection (b) to work with the secretary to adapt the recovery
22 plan and disseminate information to the public.

23 (e) In implementing a recovery plan for a species, the secretary shall
24 consider any data, recommendations and information provided by the
25 advisory committee.

26 (f) The secretary shall cause each developed and implemented
27 recovery plan to be published and maintained on the official website of the
28 department of wildlife, ~~and parks and tourism~~.

29 Sec. 58. K.S.A. 32-966 is hereby amended to read as follows: 32-966.
30 The secretary of wildlife, ~~and parks and tourism~~ and the secretary of
31 transportation shall cooperate in developing a management plan to address
32 reduction of motor vehicle accidents involving deer in those areas of the
33 state experiencing high numbers of such accidents. The management plan
34 shall include methods to identify those areas and methods to inform and
35 communicate with landowners and tenants in those areas regarding
36 measures to reduce local deer populations.

37 Sec. 59. K.S.A. 32-976 is hereby amended to read as follows: 32-976.
38 Except for research, scientific or demonstration purposes, the secretary of
39 wildlife, ~~and parks and tourism~~ shall not stock or restock fish in any
40 private water impoundment constructed by ~~man~~ humans and located
41 wholly within lands owned or leased by the individual maintaining such
42 impoundment unless the fish are secured from a private fish grower. These
43 private waters do not include any impoundment constructed, owned,

1 leased or operated by a federal, state or local governmental agency or by a
2 person who has entered into an agreement with a federal, state or local
3 governmental agency that such impoundment will be open to public access
4 and use.

5 Sec. 60. K.S.A. 32-996 is hereby amended to read as follows: 32-996.

6 (a) All federal moneys received pursuant to federal assistance, federal-aid
7 funds and federal-aid grant reimbursements related to the wildlife
8 conservation fund under the control, authorities and duties of the Kansas
9 department of wildlife; ~~and parks-and-tourism~~, shall be remitted to the
10 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
11 amendments thereto. Upon receipt of the remittance, the state treasurer
12 shall deposit the entire amount in the state treasury and credit it to the
13 ~~wildlife-conservation restoration fund — federal, which is hereby created.~~
14 ~~The wildlife conservation fund — federal is hereby redesignated as the~~
15 ~~wildlife restoration fund.~~

16 (b) No moneys derived from sources described in subsection (a) or
17 (c) shall be used for any purpose other than the administration of matters
18 ~~which~~ *that* relate to purposes authorized in K.S.A. 32-992, and
19 amendments thereto, and ~~which~~ are under the control, authorities and
20 duties of the secretary of wildlife; ~~and parks-and-tourism~~ and the Kansas
21 department of wildlife; ~~and parks-and-tourism~~ as provided by law.

22 (c) On or before the 10th of each month, the director of accounts and
23 reports shall transfer from the state general fund to the wildlife restoration
24 fund interest earnings based on:

25 (1) The average daily balance of moneys in the wildlife restoration
26 fund, for the preceding month; and

27 (2) the net earnings rate of the pooled money investment portfolio for
28 the preceding month.

29 (d) All expenditures from the wildlife restoration fund, shall be made
30 in accordance with the appropriation acts upon warrants of the director of
31 accounts and reports issued pursuant to vouchers approved by the
32 secretary of wildlife; ~~and parks-and-tourism~~.

33 Sec. 61. K.S.A. 32-997 is hereby amended to read as follows: 32-997.

34 (a) All federal moneys received pursuant to federal assistance, federal-aid
35 funds and federal-aid grant reimbursements related to the wildlife fee fund,
36 under the control, authorities and duties of the Kansas department of
37 wildlife; ~~and parks-and-tourism~~ shall be remitted to the state treasurer in
38 accordance with the provisions of K.S.A. 75-4215, and amendments
39 thereto. Upon receipt of the remittance, the state treasurer shall deposit the
40 entire amount in the state treasury and credit it to the ~~wildlife fund —~~
41 ~~federal, which is hereby created.~~ ~~The wildlife fund — federal is hereby~~
42 ~~redesignated as the sport fish restoration fund.~~

43 (b) No moneys derived from sources described in subsection (a) or

1 (c) shall be used for any purpose other than the administration of matters
2 ~~which~~ *that* relate to purposes authorized under K.S.A. 32-990, and
3 amendments thereto, and ~~which~~ are under the control, authorities and
4 duties of the secretary of wildlife; *and parks* ~~and tourism~~ and the Kansas
5 department of wildlife; *and parks* ~~and tourism~~ as provided by law.

6 (c) On or before the 10th of each month, the director of accounts and
7 reports shall transfer from the state general fund to the sport fish
8 restoration fund interest earnings based on:

9 (1) The average daily balance of moneys in the sport fish restoration
10 fund, for the preceding month; and

11 (2) the net earnings rate of the pooled money investment portfolio for
12 the preceding month.

13 (d) All expenditures from the sport fish restoration fund shall be
14 made in accordance with appropriation acts upon warrants of the director
15 of accounts and reports issued pursuant to vouchers approved by the
16 secretary of wildlife; *and parks* ~~and tourism~~.

17 Sec. 62. K.S.A. 32-998 is hereby amended to read as follows: 32-998.

18 (a) All moneys received by the Kansas department of wildlife; *and parks*
19 ~~and tourism~~ from sources other than those identified and restricted in
20 K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173, and
21 amendments thereto, or identified and allocated to a restricted fund by any
22 appropriation act, shall be remitted to the state treasurer in accordance
23 with the provisions of K.S.A. 75-4215, and amendments thereto. The state
24 treasurer shall deposit the entire amount of the remittance in the state
25 treasury and credit it to the wildlife and parks nonrestricted fund, which is
26 hereby created. ~~The wildlife and parks nonrestricted fund is hereby~~
27 ~~redesignated as the wildlife, parks and tourism nonrestricted fund.~~

28 (b) All expenditures from the wildlife; *and parks* ~~and tourism~~
29 nonrestricted fund may be for federal aid eligible expenditures at the
30 discretion of the secretary.

31 (c) On or before the 10th day of each month, the director of accounts
32 and reports shall transfer from the state general fund to the wildlife; *and*
33 ~~parks and tourism~~ nonrestricted fund interest earnings based on:

34 (1) The average daily balance of moneys in the wildlife; *and parks*
35 ~~and tourism~~ nonrestricted fund for the preceding month; and

36 (2) the net earnings rate of the pooled money investment portfolio for
37 the preceding month.

38 (d) All expenditures from the wildlife; *and parks* ~~and tourism~~
39 nonrestricted fund shall be made in accordance with appropriation acts
40 upon warrants of the director of accounts and reports issued pursuant to
41 vouchers approved by the secretary.

42 Sec. 63. K.S.A. 32-999 is hereby amended to read as follows: 32-999.

43 (a) The secretary of wildlife; *and parks* ~~and tourism~~ is authorized, with the

1 approval of the Kansas wildlife; ~~and parks and tourism~~ commission, to
2 establish fees for the public use of cabins owned or operated by the
3 department. At a public meeting, the secretary, with consideration by the
4 commission, shall set an amount for each fee that encourages use of such
5 cabins and that enables the department to maintain and operate such
6 cabins.

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

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

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

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

11 (c) Fees for the use of cabins owned and operated by the Kansas
12 department of wildlife; ~~and parks and tourism~~ shall be exempt from the
13 provisions of K.S.A. 77-415 through 77-437, and amendments thereto.

14 Sec. 64. K.S.A. 32-9,100 is hereby amended to read as follows: 32-
15 9,100. On and after January 1, 2013, the Kansas department of wildlife;
16 ~~and parks and tourism~~ shall offer a resident senior combination hunting
17 and fishing pass to residents of this state who are 65 years of age or more.
18 The fee for such pass shall be an amount not to exceed $\frac{1}{8}$ the fee for a
19 general combination lifetime hunting and fishing license. The provisions
20 of this section shall expire on June 30, 2020.

21 Sec. 65. K.S.A. 32-1001 is hereby amended to read as follows: 32-
22 1001. (a) It is unlawful for any person to:

23 (1) Participate or engage in any activity for which such person is
24 required to have obtained a license, permit, stamp or other issue of the
25 department under the wildlife; ~~and parks and tourism~~ laws of this state or
26 under rules and regulations of the secretary unless such person has
27 obtained a currently valid ~~such~~ license, permit, stamp or other issue issued
28 to such person;

29 (2) fail to carry in such person's possession a currently valid license,
30 permit, stamp or other issue of the department, issued to such person,
31 while participating or engaging in any activity for which such person is
32 required to have obtained such license, permit, stamp or other issue under
33 the wildlife; ~~and parks and tourism~~ laws of this state or under rules and
34 regulations of the secretary;

35 (3) refuse to allow examination of any license, permit, stamp or other
36 issue of the department while participating or engaging in any activity for
37 which such person is required to have obtained such license, permit, stamp
38 or other issue under the wildlife; ~~and parks and tourism~~ laws of this state
39 or under rules and regulations of the secretary, upon demand by any officer
40 or employee of the department or any officer authorized to enforce the
41 laws of this state or rules and regulations of the secretary;

42 (4) while participating or engaging in fishing or hunting:

43 (A) Fail to carry in such person's possession a card or other evidence

1 that such person is required to carry pursuant to K.S.A. 32-980, and
2 amendments thereto; or

3 (B) refuse to allow inspection of such card or other evidence upon
4 demand of any officer or employee of the department or any officer
5 authorized to enforce the laws of this state or rules and regulations of the
6 secretary; or

7 (5) make any false representation to secure any license, permit, stamp
8 or other issue of the department, or duplicate thereof, or to make any
9 alteration in any such license, permit, stamp or other issue.

10 (b) No person charged with violating subsection (a)(1) for failure to
11 obtain a vehicle or camping permit for use of any state park, or any portion
12 thereof or facility therein, or any other area or facility for which a vehicle
13 or camping permit is required pursuant to rules and regulations of the
14 secretary shall be convicted thereof unless such person refuses to purchase
15 such permit after receiving a permit violation notice, ~~which~~. *Such* notice
16 shall require the procurement of:

17 (1) The proper daily permit or permits and payment within 24 hours
18 of a late payment fee of \$15; or

19 (2) an annual vehicle or camping permit, as the case may be, if such
20 permit has been established by rule and regulation and adopted by the
21 secretary.

22 (c) (1) In any prosecution charging a violation of subsection (a)(1) for
23 failure to obtain a permit required by K.S.A. 32-901, and amendments
24 thereto, proof that the particular vehicle described in the complaint was in
25 violation, together with proof that the defendant named in the complaint
26 was at the time of the violation the registered owner of such vehicle, shall
27 constitute in evidence a prima facie presumption that the registered owner
28 of such vehicle was the person who parked or placed such vehicle at the
29 time when and place where the violation occurred.

30 (2) Proof of a written lease of, or rental agreement for, a particular
31 vehicle described in the complaint, on the date and at the time of the
32 violation, which lease or rental agreement includes the name and address
33 of the person to whom the vehicle was leased or rented at the time of the
34 violation, shall rebut the prima facie evidence that the registered owner
35 was the person who parked or placed the vehicle at the time when and
36 place where the violation occurred.

37 (d) No person who is a resident of this state and charged with
38 violating subsection (a)(1) or (a)(2) shall be convicted thereof if such
39 person produces in court or the office of the arresting officer the
40 appropriate license, permit, stamp or other issue of the department,
41 lawfully issued to such person and valid at the time of such person's
42 alleged violation.

43 (e) Any person convicted of violating provisions of this section shall

1 be subject to the penalties prescribed in K.S.A. 32-1031, and amendments
2 thereto, except as provided in K.S.A. 32-1032, and amendments thereto,
3 relating to big game and wild turkey.

4 Sec. 66. K.S.A. 32-1004 is hereby amended to read as follows: 32-
5 1004. (a) It is unlawful for any person to:

6 (1) Possess a carcass of a big game animal, taken within this state,
7 unless a carcass tag, issued by the secretary, is attached to it in accordance
8 with rules and regulations adopted by the secretary;

9 (2) possess a carcass of a wild turkey, taken in this state, unless a
10 carcass tag, if required and issued by the secretary, is attached to it, in
11 accordance with rules and regulations adopted by the secretary;

12 (3) possess a carcass of a big game animal or wild turkey, taken
13 within the state, unless a check station tag, if required and issued by the
14 secretary, is attached to it, in accordance with rules and regulations
15 adopted by the secretary;

16 (4) possess any wildlife unlawfully killed or otherwise unlawfully
17 taken outside this state;

18 (5) cause to be shipped within, from or into this state any illegally
19 taken or possessed wildlife;

20 (6) intentionally import into this state, or possess or release in this
21 state, any species of wildlife prohibited pursuant to K.S.A. 32-956, and
22 amendments thereto;

23 (7) refuse to allow any conservation officer or deputy conservation
24 officer or any law enforcement officer to inspect and count any wildlife in
25 such person's possession; or

26 (8) refuse to allow any conservation officer or deputy conservation
27 officer or any law enforcement officer to inspect any devices or facilities
28 of such person which are used in taking, possessing, transporting, storing
29 or processing any wildlife subject to the wildlife; ~~and parks and tourism~~
30 laws of this state or rules and regulations of the secretary.

31 (b) The provisions of subsection (a)(1), (a)(2) and (a)(3) do not apply
32 to animals sold in surplus property disposal sales of department exhibit
33 herds or animals legally taken outside this state.

34 (c) Any person convicted of violating provisions of this section shall
35 be subject to the penalties prescribed in K.S.A. 32-1031, and amendments
36 thereto, except as provided in K.S.A. 32-1032, and amendments thereto,
37 relating to big game and wild turkey.

38 Sec. 67. K.S.A. 32-1005 is hereby amended to read as follows: 32-
39 1005. (a) Commercialization of wildlife is knowingly committing any of
40 the following, except as permitted by statute or rules and regulations:

41 (1) Capturing, killing or possessing, for profit or commercial
42 purposes, all or any part of any wildlife protected by this section;

43 (2) selling, bartering, purchasing or offering to sell, barter or

1 purchase, for profit or commercial purposes, all or any part of any wildlife
2 protected by this section;

3 (3) shipping, exporting, importing, transporting or carrying; causing
4 to be shipped, exported, imported, transported or carried; or delivering or
5 receiving for shipping, exporting, importing, transporting or carrying all or
6 any part of any wildlife protected by this section, for profit or commercial
7 purposes; or

8 (4) purchasing, for personal use or consumption, all or any part of
9 any wildlife protected by this section.

10 (b) The wildlife protected by this section and the minimum value
11 thereof are as follows:

12 (1) Eagles, \$1,000;

13 (2) deer or antelope, \$1,000;

14 (3) elk or buffalo, \$1,500;

15 (4) furbearing animals, except bobcats, \$25;

16 (5) bobcats, \$200;

17 (6) wild turkey, \$200;

18 (7) owls, hawks, falcons, kites, harriers or ospreys, \$500;

19 (8) game birds, migratory game birds, resident and migratory
20 nongame birds, game animals and nongame animals, \$50 unless a higher
21 amount is specified above;

22 (9) fish and mussels, the value for which shall be no less than the
23 value listed for the appropriate fish or mussels species in the monetary
24 values of freshwater fish or mussels and fish kill counting guidelines of the
25 American fisheries society, special publication number 35;

26 (10) turtles, \$25 each for unprocessed turtles or \$16 per pound or
27 fraction of a pound for processed turtle parts;

28 (11) bullfrogs, \$4, whether dressed or not dressed;

29 (12) any wildlife classified as threatened or endangered, \$500 unless
30 a higher amount is specified above; and

31 (13) any other wildlife not listed above, \$25.

32 (c) Possession of wildlife, in whole or in part, captured or killed in
33 violation of law and having an aggregate value of \$1,000 or more, as
34 specified in subsection (b), is prima facie evidence of possession for profit
35 or commercial purposes.

36 (d) Commercialization of wildlife having an aggregate value of
37 \$1,000 or more, as specified in subsection (b), is a severity level 10,
38 nonperson felony. Commercialization of wildlife having an aggregate
39 value of less than \$1,000, as specified in subsection (b), is a class A
40 nonperson misdemeanor.

41 (e) In addition to any other penalty provided by law, a court
42 convicting a person of the crime of commercialization of wildlife may:

43 (1) Confiscate all equipment used in the commission of the crime and

1 may revoke for a period of up to 20 years all licenses and permits issued to
2 the convicted person by the Kansas department of wildlife; ~~and parks and~~
3 ~~tourism~~; and

4 (2) order restitution to be paid to the Kansas department of wildlife;
5 ~~and parks and tourism~~ for the wildlife taken. Such restitution shall be in an
6 amount not less than the aggregate value of the wildlife, as specified in
7 subsection (b).

8 (f) The provisions of this section shall apply only to wildlife illegally
9 harvested and possessed by any person having actual knowledge that such
10 wildlife was illegally harvested.

11 Sec. 68. K.S.A. 32-1031 is hereby amended to read as follows: 32-
12 1031. (a) Unless otherwise provided by law or rules and regulations of the
13 secretary, violation of any provision of the wildlife; ~~and parks and tourism~~
14 laws of this state or rules and regulations adopted thereunder is a class C
15 *nonperson* misdemeanor.

16 (1) Upon a second conviction of a wildlife violation that is a class C
17 *nonperson* misdemeanor, a fine of not less than \$250 shall be imposed.

18 (2) Upon a third conviction of a wildlife violation that is a class C
19 *nonperson* misdemeanor, a fine of not less than \$300 shall be imposed.

20 (3) Upon a fourth and any subsequent convictions of a wildlife
21 violation that is a class C *nonperson* misdemeanor, a fine of not less than
22 \$400 shall be imposed and a minimum of not less than 7 days in the
23 county jail shall be served.

24 (b) Any conviction for a wildlife violation that is a class C *nonperson*
25 misdemeanor that occurs before July 1, 2005, shall not be considered for
26 purposes of this section.

27 Sec. 69. K.S.A. 32-1032 is hereby amended to read as follows: 32-
28 1032. (a) ~~(1)~~ Violation of any provision of the wildlife; ~~and parks and~~
29 ~~tourism~~ laws of this state or rules and regulations of the secretary relating
30 to big game or wild turkey permits and game tags, taking big game or wild
31 turkey during a closed season, taking big game or wild turkey in violation
32 of ~~subsections (a)(1), (2) or (7) of K.S.A. 32-1003(a)(1), (a)(2) or (a)(7),~~
33 and amendments thereto, or taking big game or wild turkey in violation of
34 ~~subsection (a)(2) or (3) of K.S.A. 32-1004(a)(2) or (a)(3),~~ and
35 amendments thereto, or taking big game or wild turkey in violation of
36 K.S.A. 32-1013, and amendments thereto, is a misdemeanor, subject to the
37 provisions of subsection (b), punishable by a fine or by imprisonment in
38 the county jail, or by both.

39 ~~(1)(2)~~ Upon a first or second conviction for a violation of the wildlife;
40 ~~and parks and tourism~~ laws of this state or the rules and regulations of the
41 secretary relating to this section, the violator shall not be fined less than
42 \$500 nor more than \$1,000 or be imprisoned in the county jail for not
43 more than six months, or both.

1 (2)(3) Upon a third conviction for a violation of the wildlife; *and*
 2 ~~parcs-and-tourism~~ laws of this state or the rules and regulations of the
 3 secretary relating to this section, the violator shall not be fined less than
 4 \$1,000 and shall be imprisoned in the county jail for not less than 30 days.
 5 A third conviction shall be a class B nonperson misdemeanor.

6 (3)(4) Upon a fourth conviction for a violation of the wildlife; *and*
 7 ~~parcs-and-tourism~~ laws of this state or the rules and regulations of the
 8 secretary relating to this section, the violator shall not be fined less than
 9 \$1,000 and shall be imprisoned in the county jail for not less than 60 days.
 10 A fourth conviction shall be a class A nonperson misdemeanor.

11 (4)(5) Upon the fifth or subsequent convictions for a violation of the
 12 wildlife; *and* ~~parcs-and-tourism~~ laws of the state or the rules and
 13 regulations of the secretary relating to this section, the violator shall not be
 14 fined less than \$1,000 and shall be imprisoned in the county jail for not
 15 less than 90 days. A fifth or subsequent conviction shall be a class A
 16 nonperson misdemeanor.

17 (6) Any conviction for a wildlife violation that occurs before July 1,
 18 2005, shall not be considered for purposes of this subsection.

19 (b) (1) In addition to any other penalty prescribed by law, the
 20 unlawful intentional taking of a trophy big game animal shall be
 21 punishable by a fine of not less than \$5,000.

22 (2) A trophy big game animal shall include any animal meeting the
 23 following criteria:

24 (A) An antlered whitetail deer having an inside spread measurement
 25 of at least 16 inches;

26 (B) an antlered mule deer having an inside spread measurement of at
 27 least 20 inches;

28 (C) an antlered elk having at least six points on one antler; or

29 (D) an antelope having at least one horn greater than 14 inches in
 30 length.

31 (3) In addition to any other penalty prescribed by law, the defendant
 32 shall pay the restitution value of any deer, elk or antelope taken in
 33 violation of K.S.A. 32-1001, 32-1002, 32-1003, 32-1004, 32-1005 or 32-
 34 1013, and amendments thereto, with a gross score of more than 125 inches
 35 for deer, 250 inches for elk and 75 inches for antelope. Such restitution
 36 value shall be in an amount not less than the value prescribed for such
 37 animal in K.S.A. 32-1005, and amendments thereto. The restitution value
 38 for deer shall equal: $(\text{gross score} - 100)^2 \times \2 . The restitution value for elk
 39 shall equal: $(\text{gross score} - 200)^2 \times \2 . The restitution value for antelope
 40 shall equal: $(\text{gross score} - 40)^2 \times \2 . The gross score shall be determined
 41 by taking measurements as provided by rules and regulations of the
 42 secretary, which shall be made to the nearest $\frac{1}{8}$ of an inch using a $\frac{1}{4}$ inch
 43 wide flexible steel tape. All restitution collected pursuant to this

1 ~~subparagraph~~ *paragraph* shall be paid into the state treasury and shall be
2 credited to the wildlife fee fund created by K.S.A. 32-990, and
3 amendments thereto.

4 (4) Antlers or horns may be measured pursuant to the manner
5 described in subsection (b)(3) at any time; No drying time is required.

6 (5) The secretary may adopt, in accordance with K.S.A. 32-805, and
7 amendments thereto, such rules and regulations that the secretary deems
8 necessary to implement and define the terms of this section.

9 (c) In addition to any other penalty imposed by the convicting court,
10 if a person is convicted of a violation of K.S.A. 32-1001, 32-1002, 32-
11 1003, 32-1004 or 32-1013, and amendments thereto, that involves taking
12 of a big game animal or wild turkey, or if a person is convicted of a
13 violation of K.S.A. 32-1005, and amendments thereto, that involves
14 commercialization of a big game animal or wild turkey:

15 (1) Upon the first such conviction, the court may order forfeiture of
16 the person's hunting privileges for one year from the date of conviction
17 and:

18 (A) Revocation of the person's hunting license, unless such license is
19 a lifetime hunting license; or

20 (B) if the person possesses a lifetime hunting license, suspension of
21 such license for one year from the date of conviction.

22 (2) Upon the second such conviction, the court shall order forfeiture
23 of the person's hunting privileges for three years from the date of
24 conviction and:

25 (A) Revocation of the person's hunting license, unless such license is
26 a lifetime hunting license; or

27 (B) if the person possesses a lifetime hunting license, suspension of
28 such license for three years from the date of conviction.

29 (3) Upon the third or a subsequent such conviction, the court shall
30 order forfeiture of the person's hunting privileges for five years from the
31 date of conviction and:

32 (A) Revocation of the person's hunting license, unless such license is
33 a lifetime hunting license; or

34 (B) if the person possesses a lifetime hunting license, suspension of
35 such license for five years from the date of conviction.

36 (d) If a person convicted of a violation described in subsection (c) has
37 been issued a combination hunting and fishing license or a combination
38 lifetime license, only the hunting portion of such license shall be revoked
39 or suspended pursuant to subsection (c).

40 (e) Nothing in this section shall be construed to prevent a convicting
41 court from suspending a person's hunting privileges or ordering the
42 forfeiture or suspension of the person's license, permit, stamp or other
43 issue of the department for a period longer than provided in this section, if

1 such forfeiture or suspension is otherwise provided for by law.

2 Sec. 70. K.S.A. 32-1040 is hereby amended to read as follows: 32-
3 1040. The court hearing the prosecution of any child 16 or 17 years of age
4 who is charged with a violation of any provision of the wildlife; *and parks*
5 ~~and tourism~~ laws of this state or rules and regulations adopted thereunder
6 may impose any fine authorized by law for the offense or may order that
7 the child be placed in a juvenile detention facility.

8 Sec. 71. K.S.A. 32-1041 is hereby amended to read as follows: 32-
9 1041. (a) (1) Upon the first conviction of violating any provision of the
10 wildlife; *and parks and tourism* laws of this state or rules and regulations
11 of the secretary, and in addition to any authorized sentence imposed by the
12 convicting court, such court may *order*:

13 (A) ~~Order~~ Such person to refrain from engaging in any activity, legal
14 or illegal, *related to* the activity for which convicted for up to one year
15 from the date of conviction; and

16 (B) ~~order~~ the forfeiture of any license, permit, stamp or other issue of
17 the department, other than a lifetime license, ~~which~~ *that* is held by the
18 convicted person and pertains to the activity for which the person was
19 convicted for up to one year from the date of conviction.

20 (2) Upon any subsequent conviction of violating any provision of the
21 wildlife; *and parks and tourism* laws of this state, or rules and regulations
22 adopted thereunder, and in addition to any authorized sentence imposed by
23 the convicting court, such court shall *order*:

24 (A) ~~Order~~ Such person to refrain from any activity, legal or illegal,
25 related to the activity for which convicted for one year from the date of
26 conviction; and

27 (B) ~~order~~ the forfeiture of any license, permit, stamp or other issue of
28 the department, other than a lifetime license, ~~which~~ *that* is held by the
29 convicted person and pertains to the activity for which the person was
30 convicted for one year from the date of conviction.

31 (b) (1) Upon the first conviction of violating any provision of the
32 wildlife; *and parks and tourism* laws of this state, or rules and regulations
33 adopted thereunder, by a person who has been issued a lifetime hunting or
34 fishing license or a combination thereof, and in addition to any authorized
35 sentence imposed by the convicting court, such court may order the
36 suspension of such license for up to one year from the date of conviction.

37 (2) Upon any subsequent conviction of violating any provision of the
38 wildlife; *and parks and tourism* laws of this state, or rules and regulations
39 adopted thereunder, by a person who has been issued a lifetime hunting or
40 fishing license or a combination thereof, and in addition to any authorized
41 sentence imposed by the convicting court, such court shall order the
42 suspension of such license for one year from the date of conviction.

43 (c) If a convicted person has been issued a combination hunting and

1 fishing license or a combination lifetime license, only that portion of such
2 license which pertains to the activity for which such person is convicted
3 shall be subject to forfeiture or suspension pursuant to this section. In such
4 case, the order of conviction shall indicate that part of the license which is
5 forfeited or suspended, and such order shall become a temporary license
6 under which the offender may either hunt or fish as the order indicates.

7 (d) Whenever a judge orders forfeiture or suspension of a license,
8 permit, stamp or other issue of the department *of wildlife and parks*
9 pursuant to this section, such physical license, permit, stamp or other issue
10 shall be surrendered to the court and the judge shall forward it, along with
11 a copy of the conviction order, to the department.

12 (e) A person whose license, permit, stamp or other issue of the
13 department has been forfeited or suspended pursuant to subsection (a)(1)
14 or (b)(1) shall not be eligible to purchase another such issue within 30 days
15 of the conviction. A person whose license, permit, stamp or other issue of
16 the department has been forfeited or suspended pursuant to subsection (a)
17 (2) or (b)(2) shall not be eligible to purchase another such issue within one
18 year from the date of conviction.

19 (f) A judge, upon a finding of multiple, repeated or otherwise
20 aggravated violations by a defendant, may order forfeiture or suspension
21 of the defendant's license, permit, stamp or other issue of the department
22 for a period longer than otherwise provided by this section and may order
23 the defendant to refrain from any activity, legal or illegal, related to the
24 activity for which convicted for a period longer than otherwise provided
25 by this section.

26 Sec. 72. K.S.A. 32-1049 is hereby amended to read as follows: 32-
27 1049. (a) Whenever a person is charged for any violation of any of the
28 wildlife, *and parks and tourism* ~~and tourism~~ laws of this state or the provisions of
29 article 11 of chapter 32 of the Kansas Statutes Annotated, and amendments
30 thereto, or rules and regulations adopted thereunder, punishable as a
31 misdemeanor and is not immediately taken before a judge of the district
32 court as required or permitted pursuant to K.S.A. 32-1048 and 32-1179,
33 and amendments thereto, the officer may prepare a written citation
34 containing a notice to appear in court, the name and address of the person,
35 the offense charged, the time and place when and where the person shall
36 appear in court and such other pertinent information as may be necessary.

37 (b) The time specified in the citation ~~must~~ *shall* be at least five days
38 after the alleged violation unless the person charged with the violation
39 shall demand an earlier hearing.

40 (c) The place specified in the citation ~~must~~ *shall* be before a judge of
41 the district court within the county in which the offense is alleged to have
42 been committed and who has jurisdiction of the offense and is nearest or
43 most accessible with reference to the place where the alleged violation

1 occurred.

2 (d) The person charged with the violation may give a written promise
3 to appear in court by signing at least one copy of the written citation
4 prepared by the officer, in which event the officer shall deliver a copy of
5 the citation to the person, and thereupon the officer shall not take the
6 person into physical custody for the violation.

7 (e) In the event the form of citation provided for in this section
8 includes information required by law and is signed by the officer preparing
9 the same, such citation when filed with a court having jurisdiction shall be
10 deemed to be a lawful complaint for the purpose of prosecution under law.

11 Sec. 73. K.S.A. 32-1049a is hereby amended to read as follows: 32-
12 1049a. (a) (1) Failure to comply with a wildlife; ~~and parks and tourism~~
13 citation means failure to:

14 ~~(1)(A)~~ Appear before any district court in response to a wildlife; ~~and~~
15 ~~parks and tourism~~ citation and pay in full any fine, court costs,
16 assessments or fees imposed;

17 ~~(2)(B)~~ fully pay or satisfy all fines, court costs, assessments or fees
18 imposed as a part of the sentence of any district court for violation of the
19 wildlife; ~~and parks and tourism~~ laws of this state; or

20 ~~(3)(C)~~ otherwise comply with a wildlife; ~~and parks and tourism~~
21 citation as provided in K.S.A. 32-1049, and amendments thereto.

22 (2) Failure to comply with a wildlife; ~~and parks and tourism~~ citation
23 is a class C *nonperson* misdemeanor, regardless of the disposition of the
24 charge for which such citation, complaint or charge was originally issued.

25 (b) The term "citation" means any complaint, summons, notice to
26 appear, ticket, warrant, penalty assessment or other official document
27 issued for the prosecution of the wildlife; ~~and parks and tourism~~ laws or
28 rules and regulations of this state.

29 (c) In addition to penalties of law applicable under subsection (a)
30 when a person fails to comply with a wildlife; ~~and parks and tourism~~
31 citation or sentence for a violation of wildlife; ~~and parks and tourism~~ laws
32 or rules and regulations, the district court in which the person should have
33 complied shall mail a notice to the person that if the person does not
34 appear in the district court or pay all fines, court costs, assessments or fees,
35 and any penalties imposed within 30 days from the date of mailing, the
36 Kansas department of wildlife; ~~and parks and tourism~~ shall be notified to
37 forfeit or suspend any license, permit, stamp or other issue of the
38 department. Upon receipt of a report of a failure to comply with a wildlife;
39 ~~and parks and tourism~~ citation under this section, and amendments thereto,
40 the department shall notify the violator and suspend or forfeit the license,
41 permit, stamp or other issue of the department held by the violator until
42 satisfactory evidence of compliance with the wildlife; ~~and parks and~~
43 ~~tourism~~ citation or sentence of the district court for violation of the

1 wildlife; ~~and parks and tourism~~ laws or rules and regulations of this state
2 are furnished to the informing court. Upon receipt of notification of such
3 compliance from the informing court, the department shall terminate the
4 suspension action, unless the violator is otherwise suspended.

5 (d) Except as provided in subsection (e), when the district court
6 notifies the department of a failure to comply with a wildlife; ~~and parks~~
7 ~~and tourism~~ citation or failure to comply with a sentence of the district
8 court imposed on violation of a wildlife; ~~and parks and tourism~~ law or rule
9 and regulation, the court shall assess a reinstatement fee of \$50 for each
10 charge or sentence on which the person failed to make satisfaction,
11 regardless of the disposition of the charge for which such citation was
12 originally issued. Such reinstatement fee shall be in addition to any fine,
13 court costs and other assessments, fees or penalties. The court shall remit
14 all reinstatement fees to the state treasurer in accordance with the
15 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
16 each remittance, the state treasurer shall deposit the entire amount in the
17 state treasury and shall credit such moneys to the state general fund.

18 (e) The district court shall waive the reinstatement fee provided for in
19 subsection (d), if the failure to comply with a wildlife; ~~and parks and~~
20 ~~tourism~~ citation was the result of such person enlisting in or being drafted
21 into the armed services of the United States of America, being called into
22 service as a member of a reserve component of the military service of the
23 United States of America, or volunteering for such active duty or being
24 called into service as a member of the Kansas national guard or
25 volunteering for such active duty and being absent from Kansas because of
26 such military service. The state treasurer and the director of accounts and
27 reports shall prescribe procedures for all such reimbursement payments
28 and shall create appropriate accounts, make appropriate accounting entries
29 and issue such appropriate vouchers and warrants as may be required to
30 make such reimbursement payments.

31 (f) Except as provided further, the reinstatement fee established in
32 subsection (d) shall be the only fee collected or moneys in the nature of a
33 fee collected for such reinstatement. Such fee shall only be established by
34 an act of the legislature and no other authority is established by law or
35 otherwise to collect a fee. On and after July 1, 2019, through June 30,
36 2025, the supreme court may impose an additional charge, not to exceed
37 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

38 Sec. 74. K.S.A. 32-1050 is hereby amended to read as follows: 32-
39 1050. (a) Whenever any person is issued a citation by a conservation
40 officer or deputy conservation officer of the wildlife and parks
41 conservation service or by any law enforcement officer for any of the
42 violations described in subsection (b), the officer may require such person
43 to give bond in the amount specified in subsection (b) for the offense for

1 which the person was charged,~~which~~. Such bond shall be subject to
 2 forfeiture if the person does not appear at the court at the time specified in
 3 the written citation. The bond shall be a cash bond and shall be payable
 4 using cash or legal tender identified as travelers checks, certified checks,
 5 cashiers checks, personal checks and postal money orders. The cash bond
 6 shall be taken in the following manner: The officer shall furnish the person
 7 charged with a stamped envelope addressed to the judge or clerk of the
 8 court named in the written citation and the person shall place in such
 9 envelope the amount of the bond, and in the presence of the officer shall
 10 deposit the same in the United States mail. After having complied with
 11 these requirements, the person charged need not sign the citation, but the
 12 officer shall note the amount of the bond mailed on the citation and shall
 13 give a copy of such citation to the person.

14 (b) The offenses for which a cash bond may be required as provided
 15 in subsection (a) and the amounts thereof shall be as follows, subject to
 16 increase at the discretion of the court:

17 Engaging in any activity without a required valid license or
 18 permit, other than a big game or wild turkey permit or
 19 license or permit for commercial activity..... \$100
 20 Engaging in any activity without a required stamp or other
 21 issue of the department..... 75
 22 Engaging in any commercial activity without a required valid
 23 license or permit..... 500
 24 Engaging in any big game or wild turkey hunting without a
 25 required valid big game or wild turkey permit..... 500
 26 Making misrepresentation to secure license, permit, stamp or
 27 other
 28 issue of the department..... 250
 29 Taking wildlife, except big game or wild turkey, unlawfully
 30 (including but not limited to taking wildlife before or after
 31 legal taking hours,
 32 during closed season, or using unlawful equipment, means
 33 or method)..... 100
 34 Carrying unplugged shotgun..... 75
 35 Exceeding bag or possession limit, except big game or wild
 36 turkey — \$25 for each animal in excess of the bag or
 37 possession limit, plus..... 75
 38 Exceeding big game or wild turkey bag or possession limit —
 39 \$100 for each animal in excess of the bag or possession

1 limit, plus..... 250

2 Unlawful transporting of wildlife..... 150

3 Taking big game or wild turkey unlawfully (including, but not

4 limited to, taking big game or wild turkey before or after

5 legal taking hours, during closed season, or using unlawful

6 equipment, means or method)..... 500

7 Failing to wear and properly display required

8 clothing during a big game hunting season..... 75

9 Taking wildlife when operating an amount of

10 equipment in excess of that legally authorized..... 75

11 Exceeding creel or possession limit — \$25 for each animal in

12 excess of the creel or possession limit, plus..... 75

13 Operating vessel without a certificate of number or

14 registration..... 50

15 Operating vessel without proper display of required

16 identification

17 number..... 50

18 Failing to properly display required lights

19 on vessel between sunset and sunrise..... 50

20 Operating vessel without correct number or approved types of

21 adult personal flotation devices — \$25 for each adult

22 personal flotation device violation, plus..... 50

23 Operating vessel without correct number or approved types of

24 child personal flotation devices — \$50 for each child

25 personal flotation device violation, plus..... 100

26 Operating vessel without required number of personal

27 flotation devices readily accessible and in good and

28 serviceable condition — \$25 for each

29 personal flotation device violation, plus..... 50

30 Operating vessel without required number or approved types

31 of

32 fire extinguishers..... 50

33 Operating vessel in restricted area..... 50

34 Operating vessel without required observer or rearview mirror

35 on vessel..... 50

36 Operating vessel without required equipment or in

1 excess of capacity plate limitations..... 50
 2 Unlawful altering, destroying or removing of capacity plate
 3 100

4 (c) For any violation of the wildlife; ~~and parks and tourism~~ laws of
 5 this state or rules and regulations adopted thereunder for which a cash
 6 bond is not specified in subsection (b), the court may establish a cash bond
 7 amount.

8 (d) There shall be added to the amount of cash bond required
 9 pursuant to subsections (b) and (c) the amount of the docket fee as
 10 prescribed by K.S.A. 28-172a, and amendments thereto, for crimes defined
 11 in chapter 32 of the Kansas Statutes Annotated, and amendments thereto.

12 (e) In the event of forfeiture of any of the bonds set forth in this
 13 section, the amount added by *subsection* (d) to the amount of the cash
 14 bond shall be regarded as a docket fee.

15 Sec. 75. K.S.A. 32-1051 is hereby amended to read as follows: 32-
 16 1051. (a) It shall be the duty of all conservation officers and deputy
 17 conservation officers of the wildlife; ~~and parks and tourism~~ conservation
 18 service and all law enforcement officers authorized to enforce the laws of
 19 this state to diligently inquire into and prosecute all violations of the
 20 wildlife; ~~and parks and tourism~~ laws of this state and rules and regulations
 21 of the secretary. Any such officers having knowledge or notice of any such
 22 violation shall ~~forthwith~~ make complaint before a court of competent
 23 jurisdiction and venue. No such officer making complaint shall be liable
 24 for costs unless it is found by the court or jury that the complaint was filed
 25 for malicious purposes and without probable cause.

26 (b) Nothing in this section shall be construed to prevent the use of
 27 warnings or the issuance of warning tickets, in lieu of making a complaint,
 28 when circumstances warrant.

29 Sec. 76. K.S.A. 32-1052 is hereby amended to read as follows: 32-
 30 1052. In a prosecution of any person or persons for a violation of any of
 31 the wildlife; ~~and parks and tourism~~ laws of this state or rules and
 32 regulations of the secretary, it shall not be necessary to:

33 (a) State in the complaint the true or scientific name of the wildlife
 34 involved in the alleged violation; or

35 (b) state in the complaint or to prove at the trial that the taking or
 36 possessing of any wildlife involved in the alleged violation was not for the
 37 sole purpose of using or preserving it as a specimen for scientific purposes.

38 Sec. 77. K.S.A. 32-1053 is hereby amended to read as follows: 32-
 39 1053. It shall be the duty of each county or district attorney to prosecute
 40 any person or persons charged with a violation of any of the wildlife; ~~and~~
 41 ~~parks and tourism~~ laws of this state or rules and regulations of the
 42 secretary. The attorney so prosecuting shall receive the fee established by
 43 law or by the court having jurisdiction over the matter for each prosecution

1 in a district court, and such fee shall be taxed to the defendant in every
2 case where conviction shall be had.

3 Sec. 78. K.S.A. 32-1054 is hereby amended to read as follows: 32-
4 1054. It shall be the duty of every judge or clerk of the court before whom
5 any prosecution for a violation of the wildlife; ~~and parks-and-tourism~~ laws
6 of this state or rules and regulations of the secretary is commenced or goes
7 on appeal, within 20 days after disposition thereof or the occurrence of a
8 failure to comply with a wildlife; ~~and parks-and-tourism~~ citation, to report
9 in writing to the department the result thereof. The report of any
10 disposition or failure to comply with a wildlife; ~~and parks-and-tourism~~
11 citation shall include the sentence of the court, the nature of the conviction
12 or charge upon which the prosecution is based, the fines, fees, assessments
13 and other penalties imposed and the forfeiture or suspension of any
14 license, permit, stamp or other issue of the Kansas department of wildlife;
15 ~~and parks-and-tourism~~, if any.

16 Sec. 79. K.S.A. 32-1062 is hereby amended to read as follows: 32-
17 1062. The secretary of the Kansas department of wildlife; ~~and parks-and-~~
18 ~~tourism~~ shall make and publish such rules and regulations, not inconsistent
19 with law, as deemed necessary to carry out the purposes of the wildlife
20 violator compact.

21 Sec. 80. K.S.A. 32-1063 is hereby amended to read as follows: 32-
22 1063. It shall be unlawful for any person whose license, privilege, or right
23 to hunt, fish, trap, possess; or transport wildlife, having been suspended or
24 revoked pursuant to the wildlife violator compact, to exercise that right or
25 privilege within this state or to purchase or possess such a license-~~which~~
26 grants such right or privilege.

27 (a) Any person who knowingly hunts, fishes, traps, possesses; or
28 transports any wildlife, or attempts to do any of the same, within this state
29 in violation of such suspension or revocation pursuant to the wildlife
30 violator compact shall be guilty of a class A nonperson misdemeanor and
31 sentenced to the following:

32 (1) A fine of not less than \$1,500 nor more than \$5,000; and

33 (2) any privilege or right to hunt, fish, trap or otherwise take, possess
34 or transport any wildlife in this state, or purchase or possess any license,
35 permit, stamp or other issue of the Kansas department of wildlife; ~~and~~
36 ~~parks-and-tourism~~ shall be forfeited or suspended for a period of not less
37 than two years nor more than five years in addition to and consecutive to
38 the original revocation or suspension set forth by the provisions of the
39 compact;

40 (3) the sentencing judge may impose other sanctions pursuant to
41 K.S.A. 2022 Supp. 21-6602 and 21-6604, and amendments thereto.

42 (b) Any person who knowingly purchases or possesses, or attempts to
43 purchase or possess, a license to hunt, fish, trap, possess or transport

1 wildlife in this state in violation of such suspension or revocation pursuant
2 to the wildlife violator compact shall be guilty of a class A nonperson
3 misdemeanor and sentenced to the following:

4 (1) A fine of not less than \$750 nor more than \$2,500; and

5 (2) any privilege or right to hunt, fish, trap or otherwise take, possess
6 or transport any wildlife in this state, or purchase or possess any license,
7 permit, stamp or other issue of the Kansas department of wildlife; *and*
8 parks ~~and tourism~~ shall be forfeited or suspended for a period of not less
9 than two years in addition to and consecutive to the original revocation or
10 suspension set forth by the provisions of the compact;

11 (3) the sentencing judge may impose other sanctions pursuant to
12 K.S.A. 2022 Supp. 21-6602 and 21-6604, and amendments thereto.

13 Sec. 81. K.S.A. 32-1064 is hereby amended to read as follows: 32-
14 1064. As used in the compact, the term "licensing authority," with
15 reference to this state, means the Kansas department of wildlife; *and* parks
16 ~~and tourism~~. The secretary of wildlife; *and* parks ~~and tourism~~ shall furnish
17 to the appropriate authorities of party states any information or documents
18 reasonably necessary to facilitate the administration of the compact.

19 Sec. 82. K.S.A. 32-1066 is hereby amended to read as follows: 32-
20 1066. The secretary of the Kansas department of wildlife; *and* parks ~~and~~
21 ~~tourism~~ shall appoint the director or head administrator of the department's
22 law enforcement division or section to serve on the board of compact
23 administrators as the compact administrator for this state as required by
24 section 1 subsection (a) of article VII of the wildlife violator compact.

25 Sec. 83. K.S.A. 32-1074 is hereby amended to read as follows: 32-
26 1074. (a) The lesser prairie chicken and the greater prairie chicken are
27 non-migratory species that are native to the grasslands of Kansas.

28 (b) The lesser prairie chicken and the greater prairie chicken do not
29 inhabit or swim in any static bodies of water, navigable waterways or non-
30 navigable waterways.

31 (c) The existence and management of the lesser prairie chicken and
32 the greater prairie chicken do not have a substantial effect on commerce
33 among the states.

34 (d) The Kansas department of wildlife; *and* parks ~~and tourism~~, and its
35 predecessor agencies, have successfully managed lesser prairie chickens
36 and greater prairie chickens in the state and have provided for the adequate
37 preservation of the habitats of such species.

38 Sec. 84. K.S.A. 32-1075 is hereby amended to read as follows: 32-
39 1075. (a) The state of Kansas, acting through the Kansas legislature and
40 through the Kansas department of wildlife; *and* parks ~~and tourism~~,
41 possesses the sole regulatory authority to govern the management,
42 habitats, hunting and possession of lesser prairie chickens and greater
43 prairie chickens that exist within the state of Kansas.

1 (b) The lesser prairie chickens and the greater prairie chickens that
 2 exist within the state and the habitats of such species, are not subject to the
 3 endangered species act of 1973, as in effect on the effective date of this
 4 act, or any federal regulation or executive action pertaining thereto, under
 5 the authority of congress to regulate interstate commerce.

6 (c) Any federal regulation or executive action pertaining to the
 7 endangered species act of 1973, as in effect on the effective date of this
 8 act, that purports to regulate the following has no effect within the state:

- 9 (1) The lesser prairie chicken;
- 10 (2) the greater prairie chicken;
- 11 (3) the habitats of such species;
- 12 (4) farming practices that affect such species; or
- 13 (5) other human activity that affects such species or the habitats of
 14 such species.

15 Sec. 85. K.S.A. 32-1077 is hereby amended to read as follows: 32-
 16 1077. (a) This act shall not be construed to infringe on the authority of the
 17 United States department of agriculture to administer conservation
 18 programs that apply to:

- 19 (1) The lesser prairie chicken;
- 20 (2) the greater prairie chicken;
- 21 (3) the habitats of such species;
- 22 (4) farming practices that affect such species; or
- 23 (5) other human activity that affects such species or habitats of such
 24 species.

25 (b) This act shall not be construed to infringe on the authority of the
 26 United States environmental protection agency, or the state of Kansas
 27 under delegated authority, to administer the federal water pollution
 28 prevention and control act, as in effect on the effective date of this act, or
 29 the clean air act, as in effect on the effective date of this act, to the extent it
 30 may apply to:

- 31 (1) The lesser prairie chicken;
- 32 (2) the greater prairie chicken;
- 33 (3) the habitats of such species;
- 34 (4) farming practices that affect such species; or
- 35 (5) other human activity that affects such species or habitats of such
 36 species.

37 (c) This act shall not be construed to infringe on the authority of the
 38 Kansas department of wildlife; *and* parks ~~and tourism~~ or any private
 39 citizen of this state to operate or participate in the range wide lesser prairie
 40 chicken management plan, the stakeholder conservation strategy for the
 41 lesser prairie chicken, or any other management or conservation plan
 42 pertaining to the lesser prairie chicken that may be developed with the
 43 assistance and participation of the United States fish and wildlife service

1 and apply to:

- 2 (1) The lesser prairie chicken;
- 3 (2) the greater prairie chicken;
- 4 (3) the habitats of such species;
- 5 (4) farming practices that affect such species; or
- 6 (5) other human activity that affects such species or habitats of such
- 7 species.

8 Sec. 86. K.S.A. 32-1102 is hereby amended to read as follows: 32-
9 1102. As used in article 11 of chapter 32 of the Kansas Statutes Annotated,
10 and amendments thereto, unless the context clearly requires a different
11 meaning:

12 (a) "Vessel" means any watercraft designed to be propelled by
13 machinery, oars, paddles or wind action upon a sail for navigation on the
14 water.

15 (b) "Motorboat" means any vessel propelled by machinery, whether
16 or not such machinery is the principal source of propulsion.

17 (c) "Owner" means a person, other than a lienholder, having the
18 property in or title to a vessel. ~~The term "Owner" includes a person~~
19 ~~entitled to the use or possession of a vessel subject to an interest in another~~
20 ~~person, reserved or created by agreement and securing payment or~~
21 ~~performance of an obligation, but the term excludes. "Owner" does not~~
22 ~~include a lessee under a lease not intended as security.~~

23 (d) "Waters of this state" means any waters within the territorial limits
24 of this state.

25 (e) "Person" means an individual, partnership, firm, corporation,
26 association or other entity.

27 (f) "Operate" means to navigate or otherwise use a motorboat or a
28 vessel.

29 (g) "Department" means the Kansas department of wildlife; *and* parks
30 ~~and tourism.~~

31 (h) "Secretary" means the secretary of wildlife; *and* parks ~~and~~
32 ~~tourism.~~

33 (i) "Length" means the length of the vessel measured from end to end
34 over the deck excluding sheer.

35 (j) "Operator" means the person who operates or has charge of the
36 navigation or use of a motorboat or a vessel.

37 (k) "Undocumented vessel" means a vessel ~~which~~ *that* is not required
38 to have, and does not have, a valid marine document issued by the United
39 States coast guard or federal agency successor thereto.

40 (l) "Reportable boating accident" means an accident, collision or
41 other casualty involving a vessel subject to this act ~~which~~ *that* results in
42 loss of life, injury sufficient to require first aid or medical attention, or
43 actual physical damage to property, including a vessel, in excess of an

1 amount established by rules and regulations adopted by the secretary in
2 accordance with K.S.A. 32-805, and amendments thereto.

3 (m) "Marine sewage" means any substance that contains any of the
4 waste products, excrement or other discharges from the bodies of human
5 beings or animals, or foodstuffs or materials associated with foodstuffs
6 intended for human consumption.

7 (n) "Marine toilet" means any latrine, head, lavatory or toilet ~~which~~
8 *that* is intended to receive marine sewage and ~~which~~ is located on or in any
9 vessel.

10 (o) "Passenger" means any individual who obtains passage or is
11 carried in or on a vessel.

12 (p) "Sail board" means a surfboard using for propulsion a free sail
13 system comprising one or more swivel-mounted rigs (mast, sail and
14 booms) supported in an upright position by the crew and the wind.

15 (q) "Dealer" means any person who:

16 (1) For a commission or with an intent to make a profit or gain of
17 money or other thing of value, sells, barter, exchanges, leases or rents
18 with the option to purchase, offers, attempts to sell, or negotiates the sale
19 of any vessel, whether or not the vessel is owned by such person;

20 (2) maintains an established place of business with sufficient space to
21 display vessels at least equal in number to the number of dealer certificates
22 of number the dealer has been assigned; and

23 (3) maintains signage easily visible from the street identifying the
24 established place of business.

25 (r) "Demonstrate" means to operate a vessel on the waters of this state
26 for the purpose of selling, trading, negotiating or attempting to negotiate
27 the sale or exchange of interests in new or used vessels or for the purpose
28 of testing the design or operation of a vessel.

29 (s) "Sailboat" means any vessel, other than a sail board, that is
30 designed to be propelled by wind action upon a sail for navigation on the
31 water.

32 (t) "Boat livery" means any person offering a vessel or vessels of
33 varying types for rent.

34 (u) "Cargo" means the items placed within or on a vessel and ~~shall~~
35 ~~include~~ *includes* any persons or objects towed on water skis, surfboards,
36 tubes or similar devices behind the vessel.

37 (v) "State of principal use" means the state on the waters of which a
38 vessel is used or to be used most during the calendar year.

39 (w) "Use" means to operate, navigate or employ.

40 (x) "Abandoned vessel" means any vessel on public waters or public
41 or private land ~~which~~ *that* remains unclaimed for a period of 15
42 consecutive days.

43 Sec. 87. K.S.A. 32-1112 is hereby amended to read as follows: 32-

1 1112. (a) A licensed dealer demonstrating, displaying or exhibiting on the
2 waters of this state any vessel of a type required to be numbered under the
3 laws of this state may obtain from the department *of wildlife and parks*, in
4 lieu of obtaining a certificate of number for each such vessel, dealer
5 certificates of number for use in demonstrating, displaying or exhibiting
6 any such vessel. No such dealer certificate of number shall be issued by
7 the department except upon application to the secretary upon forms
8 prescribed by the secretary and upon payment of the required fees. The
9 dealer certificate of number must accompany the vessel and the number
10 assigned by such dealer certificate must be temporarily placed on the
11 vessel while it is being demonstrated, displayed or exhibited on the waters
12 of this state. During the calendar year for which issued, such dealer
13 certificate may be transferred from one such vessel to another owned or
14 operated by such dealer. Such dealer certificate of number may be used in
15 lieu of a regular certificate of number for the purposes of demonstrating,
16 displaying or exhibiting vessels held in inventory of such dealer. Such
17 dealer certificate of number may also be used on such dealer's service
18 vessel, or substitute vessels owned by the dealer but loaned to a customer
19 when the dealer is repairing such customer's vessel.

20 (b) No dealer in vessels of a type required to be numbered under the
21 laws of this state shall cause or permit any such vessel owned by such
22 dealer to be on the waters of this state unless the original dealer certificate
23 of number accompanies the vessel and the number assigned by such dealer
24 certificate is temporarily placed on the vessel as required by this section. A
25 dealer who wishes to operate or allow operation of more than one vessel
26 simultaneously on the waters of this state shall apply for additional dealer
27 certificates as provided by the secretary.

28 (c) No dealer certificate of number shall be issued to any dealer
29 unless such dealer at the time of making application therefor exhibits to
30 the secretary or the secretary's agent a receipt showing that the applicant
31 has paid all personal property taxes and sales tax levied against such dealer
32 for the preceding year, including taxes assessed against vessels of such
33 dealer ~~which~~ *that* were assessed as stock in trade, or unless the dealer
34 exhibits satisfactory evidence that the dealer had no taxable personal
35 property for the preceding year. If application for registration is made
36 before June 21, the receipt may show payment of only $\frac{1}{2}$ of the preceding
37 year's taxes.

38 (d) To determine the number of dealer certificates of number a dealer
39 needs, the secretary may base the decision on the dealer's past sales,
40 inventory and any other pertinent factors as the secretary may determine.
41 After the end of the first year of licensure as a dealer, not more than one
42 dealer certificate of number shall be issued to any dealer who has not
43 reported to the secretary the sale of at least five vessels in the preceding

1 year. There shall be no refund of fees for dealer certificates of number in the event of suspension, revocation or voluntary cancellation of such certificates of number.

(e) Any dealer of vessels may authorize use of dealer certificates of number assigned to such dealer by the following:

(1) The licensed dealer and such dealer's spouse;

(2) any employee of such dealer when the use thereof is directly connected to a particular business transaction of such dealer; and

(3) the dealer's customer when operating a vessel in connection with negotiations to purchase such vessel or during a demonstration of such vessel, as stated in a written agreement between the dealership and the customer, with such required information as deemed necessary by the secretary.

(f) Except as hereinafter provided, every dealer of vessels shall:

(1) On or before the 20th day of the month following the end of a calendar quarter, file a report for such quarter report, on a form prescribed and furnished by the secretary, listing all sales or transfers, including the name and address of the purchaser or transferee, date of sale, the serial or identification number of the vessel, and such other information as the secretary may require. The Kansas department of wildlife, *and* parks ~~and tourism~~ shall make a copy of the report available to the department of revenue.

(2) Whenever a dealer sells or otherwise disposes of such dealer's business, or for any reason suspends or goes out of business as a dealer, such dealer shall notify the secretary and return the dealer's license and dealer certificates of number and, upon receipt of such notice, license and certificates of number, the secretary shall cancel the dealer's certificates of number, except that such dealer, upon payment of 50% of the annual dealer's license fee to the secretary, may have the license and dealer certificates of number assigned to the purchaser of the business.

(g) The secretary shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for the administration of provisions of this section, including, but not limited to, dealer certificate of number applications and renewals, temporary placement of numbers and possession of dealer certificates of number.

Sec. 88. K.S.A. 32-1129 is hereby amended to read as follows: 32-1129. (a) (1) No operator of any vessel may operate such vessel while any person 12 years of age or under is aboard or being towed by such vessel unless such person is either:

(A) Wearing a United States coast guard-approved personal flotation device as prescribed in rules and regulations of the secretary of wildlife, *and* parks ~~and tourism~~; or

(B) is below decks or in an enclosed cabin.

1 (2) A life belt or ring shall not satisfy the requirement of this section.

2 (b) Violation of subsection (a) shall constitute a class C *nonperson*
3 misdemeanor.

4 Sec. 89. K.S.A. 32-1174 is hereby amended to read as follows: 32-
5 1174. (a) All federal moneys received pursuant to federal assistance,
6 federal-aid funds or federal-aid grant reimbursements related to boating or
7 boating programs under the control, authorities and duties of the Kansas
8 department of wildlife; ~~and parks and tourism~~ shall be remitted to the state
9 treasurer in accordance with the provisions of K.S.A. 75-4215, and
10 amendments thereto. Upon receipt of the remittance, the state treasurer
11 shall deposit the entire amount in the state treasury and credit it to the
12 boating fund—*federal safety financial assistance fund*, which is hereby
13 created, to be dedicated and used for the purposes authorized in K.S.A. 32-
14 1173, and amendments thereto. ~~The boating fund—federal is hereby~~
15 ~~redesignated as the boating safety financial assistance fund.~~

16 (b) No moneys derived from sources described in subsection (a) or
17 (c) shall be used for any purpose other than the administration of matters
18 ~~which that~~ are under the control, authorities and duties of the secretary of
19 wildlife; ~~and parks and tourism~~ and the Kansas department of wildlife;
20 ~~and parks and tourism~~ as provided by law.

21 (c) On or before the 10th of each month, the director of accounts and
22 reports shall transfer from the state general fund to the boating safety
23 financial assistance fund, interest earnings based on:

24 (1) The average daily balance of moneys in the boating safety
25 financial assistance fund, for the preceding month; and

26 (2) the net earnings rate of the pooled money investment portfolio for
27 the preceding month.

28 (d) All expenditures from the boating safety financial assistance fund;
29 shall be made in accordance with the appropriation acts upon warrants of
30 the director of accounts and reports issued pursuant to vouchers approved
31 by the secretary of wildlife; ~~and parks and tourism~~.

32 Sec. 90. K.S.A. 32-1203 is hereby amended to read as follows: 32-
33 1203. (a) In accordance with the provisions of this act, the secretary of
34 wildlife; ~~and parks and tourism~~ shall develop and administer a grant
35 program to award grants to Kansas local governments for capital
36 improvements for local government outdoor recreation facilities. The
37 grants shall be awarded annually on a competitive basis in accordance with
38 guidelines and criteria prescribed by rules and regulations adopted by the
39 secretary of wildlife; ~~and parks and tourism~~. Each grant shall be matched
40 by the local government receiving the grant on the basis of \$1 provided by
41 the local government for each \$1 provided under the grant for the capital
42 improvement.

43 (b) The secretary of wildlife; ~~and parks and tourism~~ shall designate

1 annually a portion of all moneys appropriated for local government
2 outdoor recreation grants for renovations and repairs to provide safety
3 improvements ~~and handicapped~~, *accessibility for persons with physical or*
4 *developmental disabilities* and other improvements, including
5 improvements to attain compliance with the requirements imposed under
6 the federal Americans with disabilities act.

7 Sec. 91. K.S.A. 32-1306 is hereby amended to read as follows: 32-
8 1306. (a) All dangerous regulated animals shall be confined within a cage
9 of sufficient strength and design for the purposes of maintaining and
10 housing or transporting the animal. The requirements for sufficient caging
11 shall be established by rules and regulations adopted by the secretary of
12 wildlife; ~~and parks and tourism~~. Any cage or confinement structure shall
13 be constructed in such a manner that prohibits physical contact with any
14 person other than such persons listed in subsection (d).

15 (b) No dangerous regulated animal shall be allowed to be tethered,
16 leashed or chained outdoors, or allowed to run at large.

17 (c) A dangerous regulated animal shall not be mistreated, neglected,
18 abandoned or deprived of necessary food, water and sustenance.

19 (d) A dangerous regulated animal shall not be allowed to come into
20 physical contact with any person other than the person possessing the
21 animal, the registered designated handler or a veterinarian administering
22 medical examination, treatment or care.

23 (e) A dangerous regulated animal shall not be brought to any public
24 property or commercial or retail establishment, except to bring the animal
25 to a licensed veterinarian or veterinarian clinic.

26 Sec. 92. K.S.A. 32-1308 is hereby amended to read as follows: 32-
27 1308. Exemptions to the provisions set forth in this act are as follows:

28 (a) Institutions accredited by the American zoo and aquarium
29 association or the zoological association of America shall be exempt from
30 K.S.A. 32-1302 and 32-1303, and amendments thereto.

31 (b) A wildlife sanctuary registered with the local animal control
32 authority shall be exempt from K.S.A. 32-1302, and amendments thereto.

33 (c) The Kansas department of wildlife; ~~and parks and tourism~~, or a
34 person issued a permit by the secretary pursuant to K.S.A. 32-952, and
35 amendments thereto, shall be exempt from this act.

36 (d) A licensed or accredited research or medical institution shall be
37 exempt from K.S.A. 32-1302 and 32-1303, and amendments thereto.

38 (e) A United States department of agriculture licensed exhibitor of
39 dangerous regulated animals while transporting or as part of a circus,
40 carnival, rodeo or fair shall be exempt from this act.

41 Sec. 93. K.S.A. 32-1310 is hereby amended to read as follows: 32-
42 1310. (a) Annually, on or before April 1, a local animal control authority
43 shall report to the secretary of wildlife; ~~and parks and tourism~~ on

1 dangerous regulated animals registered with the local animal control
2 authority during the preceding calendar year. The report shall include all
3 registration information submitted to the local animal control authority
4 under ~~subsection (b) of K.S.A. 32-1303(b)~~, and amendments thereto, and
5 information on enforcement actions taken under this act.

6 (b) It shall be a violation of this act for a person who does not own
7 the dangerous regulated animal, to care for, have custody or control of
8 such animal unless such person is a registered designated handler. Any
9 such person applying for a designated handler registration shall file an
10 application on a form prescribed by the local animal control authority.
11 Application for such registration shall be accompanied by an application
12 fee not exceeding \$25. If the local animal control authority finds the
13 applicant to be qualified to be a registered designated handler after
14 meeting the training, experience and ability requirements determined by
15 the secretary of wildlife; ~~and parks and tourism~~, the local animal control
16 authority shall issue a designated handler registration ~~which that~~ shall
17 expire at the end of the calendar year.

18 (c) The secretary of wildlife; ~~and parks and tourism~~ shall provide
19 educational training programs for the local animal control authority
20 concerning the provisions of this act and the handling of dangerous
21 regulated animals.

22 (d) The secretary of wildlife; ~~and parks and tourism~~ shall adopt rules
23 and regulations:

24 (1) Establishing training, experience and ability requirements for
25 registered designated handlers; and

26 (2) to implement the provisions of this act.

27 Sec. 94. K.S.A. 32-1401 is hereby amended to read as follows: 32-
28 1401. The secretary of ~~wildlife, parks and tourism~~ *commerce* is hereby
29 authorized to negotiate and enter into contracts for promotional advertising
30 services for the performance of the powers, duties and functions of the
31 Kansas department of ~~wildlife, parks and tourism~~ *commerce*. All such
32 contracts shall be exempt from the competitive bidding requirements of
33 K.S.A. 75-3739, and amendments thereto.

34 Sec. 95. K.S.A. 32-1402 is hereby amended to read as follows: 32-
35 1402. There is hereby established within and as a part of the Kansas
36 department of ~~wildlife, parks and tourism~~ *commerce* a division of tourism,
37 the head of which shall be the director of tourism. The purpose of the
38 division of tourism shall be to increase the number of visitors to Kansas by
39 promoting the state as a travel and learning opportunity to both Kansans
40 and non-Kansans alike. Under the supervision of the secretary of ~~wildlife,~~
41 ~~parks and tourism~~ *commerce*, the director of tourism shall administer the
42 division of tourism. The secretary of ~~wildlife, parks and tourism~~ *commerce*
43 shall appoint the director of tourism and the director shall serve at the

1 pleasure of the secretary. The director of tourism shall be in the
 2 unclassified service under the Kansas civil service act and shall receive an
 3 annual salary fixed by the secretary of ~~wildlife, parks and tourism~~
 4 *commerce* and approved by the governor.

5 Sec. 96. K.S.A. 32-1403 is hereby amended to read as follows: 32-
 6 1403. The division of tourism of the Kansas department of ~~wildlife, parks~~
 7 ~~and tourism~~ *commerce* is hereby authorized and empowered to:

8 (a) Encourage and promote the traveling public to visit this state by
 9 publicizing information as to the recreational, historic and natural
 10 advantages of the state and its facilities for transient travel and to contract
 11 with organizations for the purpose of promoting tourism within the state;

12 (b) request other state agencies such as, but not limited to, the Kansas
 13 water office the department of ~~commerce~~ *wildlife and parks* and the
 14 department of transportation, for assistance and all such agencies shall
 15 coordinate information and their respective efforts with the department to
 16 most efficiently and economically carry out the purpose and intent of this
 17 subsection; and

18 (c) solicit and receive moneys from any public or private source and
 19 administer a program of matching grants to provide assistance to those
 20 entities described in K.S.A. 32-1420, and amendments thereto, in the
 21 promotion of tourism and the development of quality tourist attractions in
 22 this state.

23 Sec. 97. K.S.A. 32-1410 is hereby amended to read as follows: 32-
 24 1410. (a) (1) There is hereby established the council on travel and tourism.
 25 The council shall consist of 17 voting members as follows:

26 (1)(A) The chairperson of the standing committee on commerce of the
 27 senate, or a member of the senate appointed by the president of the senate;

28 (2)(B) the ~~vice chairperson~~ *vice chairperson* of the standing
 29 committee on commerce of the senate, or a member of the senate
 30 appointed by the president of the senate;

31 (3)(C) the ranking minority member of the standing committee on
 32 commerce of the senate, or a member of the senate appointed by the
 33 minority leader of the senate;

34 (4)(D) the chairperson of the standing committee on ~~tourism and~~
 35 ~~parks~~ *agriculture and natural resources* of the house of representatives, or
 36 its successor committee, or a member of the house of representatives
 37 appointed by the speaker of the house of representatives;

38 (5)(E) the ~~vice chairperson~~ *vice chairperson* of the standing
 39 committee on ~~tourism and parks~~ *agriculture and natural resources* of the
 40 house of representatives, or its successor committee, or a member of the
 41 house of representatives appointed by the speaker of the house of
 42 representatives;

43 (6)(F) the ranking minority member of the standing committee on

1 ~~tourism and parks~~ *agriculture and natural resources* of the house of
2 representatives, or its successor committee, or a member of the house of
3 representatives appointed by the minority leader of the house of
4 representatives; and

5 ~~(7)(G)~~ eleven members appointed by the governor. Of the 11
6 members appointed by the governor, one shall be appointed from a list of
7 three nominations made by the travel industry association of Kansas, one
8 shall be an individual engaged in the lodging industry and appointed from
9 a list of three nominations made by the Kansas restaurant and hospitality
10 association, one shall be an individual engaged in the restaurant industry
11 and appointed from a list of three nominations made by the Kansas
12 restaurant and hospitality association, one shall be appointed from a list of
13 three nominations made by the petroleum marketers and convenience store
14 association of Kansas, one shall be appointed from a list of three
15 nominations by the Kansas sport hunting association and six shall be
16 appointed to represent the general public.

17 (2) In addition to the voting members of the council, four members of
18 the council shall serve ex officio: The secretary of commerce, the secretary
19 of transportation, the secretary of wildlife; *and parks and tourism* and the
20 executive director of the state historical society. Each ex officio member of
21 the council may designate an officer or employee of the state agency of the
22 ex officio member to serve on the council in place of the ex officio
23 member. The ex officio members of the council, or their designees, shall
24 be nonvoting members of the council and shall provide information and
25 advice to the council.

26 (b) Legislator members shall be appointed for terms coinciding with
27 the terms for which such members are elected. Of the 11 members first
28 appointed by the governor, six shall be appointed for terms of three years
29 and five shall be appointed for terms of two years as determined by the
30 governor. Thereafter, all members appointed by the governor shall be
31 appointed for terms of three years. All members appointed to fill vacancies
32 in the membership of the council and all members appointed to succeed
33 members appointed to membership on the council shall be appointed in
34 like manner as that provided for the original appointment of the member
35 succeeded.

36 (c) On July 1 of each year the council shall elect a chairperson and
37 vice-chairperson from among its members. The council shall meet at least
38 four times each year at the call of the chairperson of the council. Nine
39 voting members of the council shall constitute a quorum.

40 (d) Members of the council attending meetings of such council, or
41 attending a subcommittee meeting thereof authorized by such council,
42 shall be paid amounts for mileage as provided in ~~subsection (e) of K.S.A.~~
43 *75-3223(c)*, and amendments thereto, or a lesser amount as determined by

1 the ~~Kansas department of wildlife, parks and tourism~~ *secretary of*
2 *commerce*. Amounts paid under this subsection to ex officio members of
3 the council, or their designees, shall be from appropriations to the state
4 agencies of which such members are officers or employees upon warrants
5 of the director of accounts and reports issued pursuant to vouchers
6 approved by the chief administrative officers of such agencies. Amounts
7 paid under this subsection to voting members of the council shall be from
8 moneys available for the payment of such amounts upon warrants of the
9 director of accounts and reports issued pursuant to vouchers approved by
10 the chairperson of the council.

11 Sec. 98. K.S.A. 32-1411 is hereby amended to read as follows: 32-
12 1411. The council on travel and tourism shall:

13 (a) Advise the ~~Kansas department of wildlife, parks and tourism~~
14 *commerce* in the development and implementation of the state's tourism
15 marketing and business development program including, but not limited to
16 to, long-range strategies for attracting visitors to the state;

17 (b) report to the ~~Kansas department of wildlife, parks and tourism~~
18 *commerce* information for preparation of the annual budget for the division
19 of ~~travel and~~ tourism development;

20 (c) identify and review tourism related issues and current state
21 policies and programs which directly or indirectly affect travel and tourism
22 in the state and, as appropriate, recommend the adoption of new, or the
23 modification of existing, policies and programs; and

24 (d) perform such other acts as may be necessary in carrying out the
25 duties of the council.

26 Sec. 99. K.S.A. 32-1412 is hereby amended to read as follows: 32-
27 1412. (a) There is hereby established in the state treasury the state tourism
28 fund. All moneys credited to the state tourism fund shall only be used for
29 expenditures for the purposes of developing new tourism attractions in
30 Kansas and to significantly expand existing tourism attractions in Kansas.
31 Both public and private entities shall be eligible to apply for funds under
32 the provisions of this act.

33 (b) The ~~secretary of wildlife, parks and tourism~~ *commerce* shall
34 administer the provisions of this act. The secretary may adopt rules and
35 regulations establishing criteria for obtaining grants and other expenditures
36 from such fund and other matters deemed necessary for the administration
37 of this act.

38 (c) All expenditures from such fund shall be made in accordance with
39 appropriation acts upon warrants of the director of accounts and reports
40 issued pursuant to vouchers approved by the ~~secretary of wildlife, parks~~
41 ~~and tourism~~ *commerce* or the secretary's designee.

42 (d) The ~~secretary of wildlife, parks and tourism~~ *commerce* shall
43 prepare and submit budget estimates for all proposed expenditures from

1 the state tourism fund in accordance with the provisions of K.S.A. 75-3717
2 and 75-3717b, and amendments thereto. Such budget estimates shall
3 include detailed information regarding all proposed expenditures for
4 programs, projects, activities and other matters and shall set forth
5 separately each program, project, activity or other expenditure for which
6 the proposed expenditures from the state tourism fund for a fiscal year are
7 for an amount that is equal to \$50,000 or more. Appropriations for the
8 Kansas department of ~~wildlife, parks and tourism~~ *commerce* of moneys in
9 the state tourism fund for each program, project, activity or other
10 expenditure for a fiscal year for an amount that is equal to \$50,000 or more
11 shall be made as a separate item of appropriation.

12 (e) The legislature shall approve or disapprove of any itemized
13 expenditure from the state tourism fund.

14 (f) On or before the 10th of each month, the director of accounts and
15 reports shall transfer from the state general fund to the state tourism fund
16 established in subsection (a) interest earnings based on:

17 (1) The average daily balance of moneys in the state tourism fund for
18 the preceding month; and

19 (2) the net earnings rate of the pooled money investment portfolio for
20 the preceding month.

21 Sec. 100. K.S.A. 32-1413 is hereby amended to read as follows: 32-
22 1413. (a) The council on travel and tourism, established under K.S.A. 32-
23 1410, and amendments thereto, shall oversee all matters concerning the
24 state tourism fund and expenditures therefrom.

25 (b) The council, by a majority vote, shall determine for inclusion in
26 the Kansas department of ~~wildlife, parks and tourism~~ *commerce* budget
27 expenditures from the state tourism fund.

28 Sec. 101. K.S.A. 32-1420 is hereby amended to read as follows: 32-
29 1420. (a) There is hereby established a state matching grant program to
30 provide assistance in the promotion of tourism and development of quality
31 tourist attractions within the state of Kansas. Grants awarded under this
32 program shall be limited to not more than 40% of the cost of any proposed
33 project. Applicants shall not utilize any state moneys to meet the matching
34 requirements under the provisions of this program. Both public and private
35 entities shall be eligible to apply for a grant under the provisions of this
36 act. Not less than 75% of all moneys granted under this program shall be
37 allocated to public entities or entities exempt from taxation under the
38 provisions of 501(c)(3) of the federal internal revenue code of 1986, and
39 amendments thereto. No more than 20% of moneys granted to public or
40 nonprofit entities shall be granted to any single such entity. Furthermore,
41 no more than 20% of moneys granted to private entities shall be granted to
42 any single such entity. The secretary of ~~wildlife, parks and tourism~~
43 *commerce* shall administer the provisions of this act and the secretary may

1 adopt rules and regulations establishing criteria for qualification for a
2 matching grant and such other matters deemed necessary by the secretary
3 for the administration of this act.

4 (b) For the purpose of K.S.A. 32-1420 through 32-1422, and
5 amendments thereto, "tourist attraction" means a site that is of significant
6 interest to tourists as a historic, cultural, scientific, educational,
7 recreational or architecturally unique site, or as a site of natural scenic
8 beauty or an area naturally suited for outdoor recreation, however, under
9 no circumstances shall "tourist attraction" mean a race track facility, as
10 defined in K.S.A. 74-8802, and amendments thereto, or any casino or
11 other establishment ~~which~~ *that* operates class three games, as defined in
12 ~~the 1991 version of~~ 25 U.S.C. § 2703, *as in effect on July 1, 1991.*

13 Sec. 102. K.S.A. 32-1421 is hereby amended to read as follows: 32-
14 1421. (a) There is hereby established the Kansas tourist attraction
15 evaluation committee within the Kansas department of ~~wildlife, parks and~~
16 ~~tourism~~ *commerce*. The committee shall consist of three members, all of
17 whom shall have appropriate experience and expertise in the area of travel
18 and tourism. The members of the committee shall be appointed by the
19 secretary of ~~wildlife, parks and tourism~~ *commerce* and shall serve at the
20 secretary's pleasure.

21 (b) The committee shall screen, evaluate and approve or disapprove
22 all applications for matching grants by those entities described in K.S.A.
23 32-1420, and amendments thereto, for the promotion of tourism and the
24 development of tourist attractions in the state. The committee shall also
25 provide technical advice upon request to any local tourist attraction upon
26 ways to improve its operations.

27 (c) The director of tourism shall serve as a nonvoting chairperson of
28 the committee and the committee shall annually elect a vice-chairperson
29 from among its members. The committee shall meet upon call of the
30 chairperson or upon call of any two of its members. Two voting members
31 shall constitute a quorum for the transaction of business.

32 (d) All members of the committee shall serve without compensation
33 or any other allowances authorized under the provisions of article 32 of
34 chapter 75 of the Kansas Statutes Annotated, *and amendments thereto.*

35 Sec. 103. K.S.A. 32-1422 is hereby amended to read as follows: 32-
36 1422. (a) There is hereby established the Kansas tourist attraction
37 matching grant development fund in the state treasury. The Kansas tourist
38 attraction matching grant development fund shall be administered by the
39 secretary of ~~wildlife, parks and tourism~~ *commerce*. All moneys in the
40 Kansas tourist attraction matching grant development fund shall be used to
41 provide matching grants to provide assistance in the promotion of tourism
42 and the development of quality tourist attractions within this state in
43 accordance with this act.

1 (b) All moneys received pursuant to ~~subsection (e)~~ of K.S.A. 74-
2 5032a(c), and amendments thereto, shall be remitted to the state treasurer
3 in accordance with the provisions of K.S.A. 75-4215, and amendments
4 thereto. Upon receipt of each such remittance, the state treasurer shall
5 deposit the entire amount in the state treasury to the credit of the Kansas
6 tourist attraction matching grant development fund.

7 (c) On or before the 10th of each month, the director of accounts and
8 reports shall transfer from the state general fund to the Kansas tourist
9 attraction matching grant development fund interest earnings based on:

10 (1) The average daily balance of moneys in the Kansas tourist
11 attraction matching grant development fund for the preceding month; and

12 (2) the net earnings rate for the pooled money investment portfolio
13 for the preceding month.

14 Sec. 104. K.S.A. 32-1432 is hereby amended to read as follows: 32-
15 1432. As used in K.S.A. 32-1430 through 32-1438, and amendments
16 thereto:

17 (a) "Agritourism activity" means any activity which allows members
18 of the general public, for recreational, entertainment or educational
19 purposes, to view or enjoy rural activities, including, but not limited to,
20 farming activities, ranching activities or historic, cultural or natural
21 attractions. An activity may be an agritourism activity whether or not the
22 participant pays to participate in the activity. An activity is not an
23 agritourism activity if the participant is paid to participate in the activity.

24 (b) "Inherent risks of a registered agritourism activity" means those
25 dangers or conditions which are an integral part of such agritourism
26 activity including, but not limited to, certain hazards such as surface and
27 subsurface conditions; natural conditions of land, vegetation, and waters;
28 the behavior of wild or domestic animals; and ordinary dangers of
29 structures or equipment ordinarily used in farming or ranching operations.
30 "Inherent risks of a registered agritourism activity" also includes the
31 potential of a participant to act in a negligent manner that may contribute
32 to injury to the participant or others, such as failing to follow instructions
33 given by the registered agritourism operator or failing to exercise
34 reasonable caution while engaging in the registered agritourism activity.

35 (c) "Participant" means any person who engages in a registered
36 agritourism activity.

37 (d) "Registered agritourism activity" means any agritourism activity
38 registered with the secretary pursuant to K.S.A. 32-1433, and amendments
39 thereto.

40 (e) "Registered agritourism location" means a specific parcel of land
41 which is registered with the secretary pursuant to K.S.A. 32-1433, and
42 amendments thereto, and where a registered agritourism operator engages
43 in registered agritourism activities.

1 (f) "Registered agritourism operator" means any person who is
2 engaged in the business of providing one or more agritourism activities
3 and is registered with the secretary pursuant to K.S.A. 32-1433, and
4 amendments thereto.

5 (g) "Secretary" means the secretary of ~~wildlife, parks and tourism~~
6 *commerce*.

7 Sec. 105. K.S.A. 32-1433 is hereby amended to read as follows: 32-
8 1433. (a) Any person who is engaged in the business of providing one or
9 more agritourism activities may register with the secretary of ~~wildlife,~~
10 ~~parks and tourism~~ *commerce*. The registration shall contain all of the
11 following:

12 (1) Information describing the agritourism activity ~~which~~ *that* the
13 person conducts or intends to conduct.

14 (2) Information describing the location where the person conducts or
15 intends to conduct such agritourism activity.

16 (b) The secretary shall maintain a list of all registered agritourism
17 operators, the registered agritourism activities conducted by each operator
18 and the registered agritourism location where the operator conducts such
19 activities. Such list shall be made available to the public. The secretary, in
20 conjunction with other agritourism and rural economic efforts of the
21 secretary, shall promote and publicize registered agritourism operators,
22 activities and locations to advance the purpose of this act by promoting
23 and encouraging tourism.

24 (c) Registration pursuant to this section shall be for a period of five
25 years.

26 (d) No fee shall be charged to persons registering under this section.

27 Sec. 106. K.S.A. 32-1438 is hereby amended to read as follows: 32-
28 1438. (a) For taxable years commencing on and after December 31, 2003,
29 December 31, 2004, December 31, 2005, December 31, 2006, and
30 December 31, 2007, there shall be allowed as a credit against the tax
31 liability of a taxpayer imposed under the Kansas income tax act, an
32 amount equal to 20% of the cost of liability insurance paid by a registered
33 agritourism operator who operates an agritourism activity on the effective
34 date of this act. No tax credit claimed pursuant to this subsection shall
35 exceed \$2,000. If the amount of such tax credit exceeds the taxpayer's
36 income tax liability for such taxable year, the amount thereof ~~which~~ *that*
37 exceeds such tax liability may be carried over for deduction from the
38 taxpayer's income tax liability in the next succeeding taxable year or years
39 until the total amount of tax credit has been deducted from tax liability,
40 except that no such tax credit shall be carried forward for deduction after
41 the third taxable year succeeding the taxable year in which the tax credit is
42 claimed.

43 (b) For the first five taxable years commencing after a taxpayer opens

1 such taxpayer's business, after the effective date of this act, there shall be
 2 allowed as a credit against the tax liability of a taxpayer imposed under the
 3 Kansas income tax act, an amount equal to 20% of the cost of liability
 4 insurance paid by a registered agritourism operator who starts an
 5 agritourism activity after the effective date of this act. No tax credit
 6 claimed pursuant to this subsection shall exceed \$2,000. If the amount of
 7 such tax credit exceeds the taxpayer's income tax liability for such taxable
 8 year, the amount thereof ~~which~~ *that* exceeds such tax liability may be
 9 carried over for deduction from the taxpayer's income tax liability in the
 10 next succeeding taxable year or years until the total amount of tax credit
 11 has been deducted from tax liability, except that no such tax credit shall be
 12 carried forward for deduction after the third taxable year succeeding the
 13 taxable year in which the tax credit is claimed.

14 (c) The secretary of ~~wildlife, parks and tourism~~ *commerce* shall adopt
 15 rules and regulations establishing criteria for determining those costs
 16 which qualify as costs of liability insurance for agritourism activities of a
 17 registered agritourism operator.

18 ~~(d) On or before the 15th day of the regular legislative session in~~
 19 ~~2006, the secretary of commerce shall submit to the senate standing~~
 20 ~~committee on commerce and the house standing committee on tourism and~~
 21 ~~parks a report on the implementation and use of the tax credit provided by~~
 22 ~~this section.~~

23 (e) As used in this section, terms ~~have the meanings~~ *mean the same*
 24 *as* provided by K.S.A. 32-1432, and amendments thereto.

25 ~~(f)~~*(e)* For tax year 2013 and all tax years thereafter, the income tax
 26 credit provided by this section shall only be available to taxpayers subject
 27 to the income tax on corporations imposed pursuant to ~~subsection (e)~~
 28 K.S.A. 79-32,110(c), and amendments thereto, and shall be applied only
 29 against such taxpayer's corporate income tax liability.

30 Sec. 107. K.S.A. 2022 Supp. 41-719 is hereby amended to read as
 31 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
 32 8-1599, and amendments thereto, no person shall drink or consume
 33 alcoholic liquor on the public streets, alleys, roads or highways or inside
 34 vehicles while on the public streets, alleys, roads or highways.

35 (2) Alcoholic liquor may be consumed on public streets, alleys, roads,
 36 sidewalks or highways when:

37 (A) A temporary permit has been issued pursuant to K.S.A. 41-1201
 38 or 41-2703, and amendments thereto, for such an event;

39 (B) a caterer's licensee has provided the required notification for a
 40 catered event pursuant to K.S.A. 41-2643, and amendments thereto; or

41 (C) a public venue, hotel, hotel caterer, drinking establishment caterer
 42 or drinking establishment licensee has been authorized to extend its
 43 licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.

1 (3) Consumption of alcoholic liquor on public streets, alleys, roads,
2 sidewalks or highways must be approved, by ordinance or resolution, by
3 the local governing body of any city, county or township where such
4 consumption will occur. No alcoholic liquor may be consumed inside
5 vehicles while on public streets, alleys, roads or highways at any time.

6 (4) No person shall remove any alcoholic liquor from inside the
7 boundaries of an event as designated by the governing body of any city,
8 county or township, from the boundaries of a catered event or from the
9 extended licensed premises of a public venue, hotel, hotel caterer, drinking
10 establishment caterer or drinking establishment. Such boundaries shall be
11 clearly marked by signs, a posted map or other means which reasonably
12 identify the area in which alcoholic liquor may be possessed or consumed.

13 (b) Alcoholic liquor may be consumed within common consumption
14 areas designated by a city or county on public streets, alleys, roads,
15 sidewalks or highways pursuant to K.S.A. 41-2659, and amendments
16 thereto, except that no alcoholic liquor may be consumed inside vehicles
17 while on public streets, alleys, roads or highways within a common
18 consumption area. Further, no person shall remove any alcoholic liquor
19 from inside the boundaries of the common consumption area which shall
20 be clearly designated by a physical barrier.

21 (c) No person shall drink or consume alcoholic liquor on private
22 property except:

23 (1) On premises where the sale of liquor by the individual drink is
24 authorized by the club and drinking establishment act;

25 (2) upon private property by a person occupying such property as an
26 owner or lessee of an owner and by the guests of such person, if no charge
27 is made for the serving or mixing of any drink or drinks of alcoholic liquor
28 or for any substance mixed with any alcoholic liquor and if no sale of
29 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
30 takes place;

31 (3) in a lodging room of any hotel, motel or boarding house by the
32 person occupying such room and by the guests of such person, if no charge
33 is made for the serving or mixing of any drink or drinks of alcoholic liquor
34 or for any substance mixed with any alcoholic liquor and if no sale of
35 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
36 takes place;

37 (4) in a private dining room of a hotel, motel or restaurant, if the
38 dining room is rented or made available on a special occasion to an
39 individual or organization for a private party and if no sale of alcoholic
40 liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

41 (5) on the premises of a manufacturer, microbrewery, microdistillery
42 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or 41-
43 354, and amendments thereto;

1 (6) on the premises of an unlicensed business as authorized pursuant
2 to subsection (j); or

3 (7) within a common consumption area established pursuant to
4 K.S.A. 41-2659, and amendments thereto.

5 (d) No person shall drink or consume alcoholic liquor on public
6 property except:

7 (1) On real property leased by a city to others under the provisions of
8 K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real
9 property is actually being used for hotel or motel purposes or purposes
10 incidental thereto.

11 (2) In any state-owned or operated building or structure, and on the
12 surrounding premises, which is furnished to and occupied by any state
13 officer or employee as a residence.

14 (3) On premises licensed as a club or drinking establishment and
15 located on property owned or operated by an airport authority created
16 pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments
17 thereto, or established by a city.

18 (4) On the state fair grounds on the day of any race held thereon
19 pursuant to the Kansas parimutuel racing act.

20 (5) On the state fairgrounds, within boundaries that have been marked
21 with a three-dimensional barrier, if: (A) The alcoholic liquor is domestic
22 beer or wine or wine imported under K.S.A. 41-308a(e), and amendments
23 thereto, and is consumed only for purposes of judging competitions; (B)
24 the alcoholic liquor is wine or beer that is sold during the days of the
25 Kansas state fair, or as authorized by the Kansas state fair board, by the
26 holder of a temporary permit in accordance with the provisions of K.S.A.
27 41-1201(g), and amendments thereto; or (C) the alcoholic liquor is
28 consumed on nonfair days in conjunction with bona fide scheduled events
29 involving not less than 75 invited guests and the state fair board, in its
30 discretion, authorizes the consumption of the alcoholic liquor, subject to
31 any conditions or restrictions the board may require.

32 (6) In the state historical museum provided for by K.S.A. 76-2036,
33 and amendments thereto, on the surrounding premises and in any other
34 building on such premises, as authorized by rules and regulations of the
35 state historical society.

36 (7) On the premises of any state-owned historic site under the
37 jurisdiction and supervision of the state historical society, on the
38 surrounding premises and in any other building on such premises, as
39 authorized by rules and regulations of the state historical society.

40 (8) In a lake resort within the meaning of K.S.A. 32-867, and
41 amendments thereto, on state-owned or leased property.

42 (9) On the premises of any Kansas national guard regional training
43 center or armory, and any building on such premises, as authorized by

1 rules and regulations of the adjutant general and upon approval of the
2 Kansas military board.

3 (10) On the premises of any land or waters owned or managed by the
4 department of wildlife; ~~and parks and tourism~~, except as otherwise
5 prohibited by rules and regulations of the department adopted by the
6 secretary pursuant to K.S.A. 32-805, and amendments thereto.

7 (11) On property exempted from this subsection pursuant to
8 subsection (e), (f), (g), (h) or (i).

9 (12) On the premises of the state capitol building or on its
10 surrounding premises during an official state function of a nonpartisan
11 nature that has been approved by the legislative coordinating council.

12 (13) On premises of a common consumption area established by
13 K.S.A. 41-2659, and amendments thereto.

14 (e) Any city may exempt, by ordinance, from the provisions of
15 subsection (d) specified property the title of which is vested in such city.

16 (f) The board of county commissioners of any county may exempt,
17 by resolution, from the provisions of subsection (d) specified property the
18 title of which is vested in such county.

19 (g) The state board of regents may exempt from the provisions of
20 subsection (d) the Sternberg museum on the campus of Fort Hays state
21 university, or other specified property which is under the control of such
22 board and which is not used for classroom instruction, where alcoholic
23 liquor may be consumed in accordance with policies adopted by such
24 board.

25 (h) The board of regents of Washburn university may exempt from
26 the provisions of subsection (d) the Mulvane art center and the Bradbury
27 Thompson alumni center on the campus of Washburn university, and other
28 specified property the title of which is vested in such board and which is
29 not used for classroom instruction, where alcoholic liquor may be
30 consumed in accordance with policies adopted by such board.

31 (i) The board of trustees of a community college may exempt from
32 the provisions of subsection (d) specified property that is under the control
33 of such board and is not used for classroom instruction, where alcoholic
34 liquor may be consumed in accordance with policies adopted by such
35 board.

36 (j) (1) An unlicensed business may authorize patrons or guests of
37 such business to consume alcoholic liquor on the premises of such
38 business provided:

39 (A) Such alcoholic liquor is in the personal possession of the patron
40 and is not sold, offered for sale or given away by the owner of such
41 business or any employees thereof;

42 (B) possession and consumption of alcoholic liquor shall not be
43 authorized between the hours of 12 a.m. and 9 a.m.;

1 (C) the business, or any owner thereof, shall not have had a license
2 issued under either the Kansas liquor control act or the club and drinking
3 establishment act revoked for any reason; and

4 (D) no charge of any sort may be made by the business for the
5 privilege of possessing or consuming alcoholic liquor on the premises, or
6 for mere entry onto the premises.

7 (2) It shall be a violation of this section for any unlicensed business to
8 authorize the possession or consumption of alcoholic liquor by a patron of
9 such business when such authorization is not in accordance with the
10 provisions of this subsection.

11 (3) For the purposes of this subsection, "patron" means a natural
12 person who is a customer or guest of an unlicensed business.

13 (k) Violation of any provision of this section is ~~a~~ *an unclassified*
14 misdemeanor punishable by a fine of not less than \$50 or more than \$200
15 or by imprisonment for not more than six months, or both.

16 (l) For the purposes of this section, "common consumption area"
17 means the same as that term is defined in K.S.A. 41-2659, and
18 amendments thereto.

19 Sec. 108. K.S.A. 47-2101 is hereby amended to read as follows: 47-
20 2101. (a) It shall be unlawful for any person to possess domesticated deer
21 unless such person has obtained from the animal health commissioner a
22 domesticated deer permit. Application for such permit shall be made in
23 writing on a form provided by the commissioner. The permit period shall
24 be for the permit year ending on September 30 following the issuance date.

25 (b) Each application for issuance or renewal of a permit shall be
26 accompanied by a fee of not more than \$400 as established by the
27 commissioner in rules and regulations.

28 (c) The animal health commissioner shall adopt any rules and
29 regulations necessary to enforce the provisions of article 21 of chapter 47
30 of the Kansas Statutes Annotated, and amendments thereto, ensure
31 compliance with federal requirements and protect domestic animals and
32 wildlife from disease risks related to domestic deer production.

33 (d) Any person who fails to obtain a permit as prescribed in
34 subsection (a) shall be deemed guilty of a class C nonperson misdemeanor
35 and upon conviction shall be punished by a fine not exceeding \$1,000.
36 Continued operation, after a conviction, shall constitute a separate offense
37 for each day of operation.

38 (e) The commissioner may refuse to issue or renew or may suspend
39 or revoke any permit for any one of the following reasons:

40 (1) Material misstatement in the application for the original permit or
41 in the application for any renewal of a permit;

42 (2) the conviction of any crime, an essential element of which is
43 misstatement, fraud or dishonesty, or relating to the theft of or cruelty to

1 animals;

2 (3) substantial misrepresentation;

3 (4) the person who is issued a permit is found to be poaching or
4 illegally obtaining deer; or

5 (5) the permit holder's willful disregard of any rule or regulation
6 adopted under this section.

7 (f) Any refusal to issue or renew a permit and any suspension or
8 revocation of a permit under this section shall be in accordance with the
9 provisions of the Kansas administrative procedure act and shall be subject
10 to review in accordance with the Kansas judicial review act.

11 (g) Each domesticated deer, regardless of age, that enters a premises
12 alive or leaves a premises alive or dead for any purpose, other than for
13 direct movement to a licensed or registered slaughter facility in Kansas,
14 shall have official identification, as prescribed by rules and regulations of
15 the commissioner. Any person who receives a permit issued pursuant to
16 subsection (a) shall keep records of such deer as required by rules and
17 regulations adopted pursuant to this section.

18 (h) (1) The animal health commissioner or the commissioner's
19 representatives may inspect the premises and records of any person issued
20 a domesticated deer permit, but shall not inspect such premises and
21 records more than once each permit year, unless the commissioner has:

22 (A) Discovered a violation of article 21 of chapter 47 of the Kansas
23 Statutes Annotated, and amendments thereto; or

24 (B) received a complaint that such premises is not being operated,
25 managed or maintained in accordance with rules and regulations adopted
26 pursuant to this section.

27 (2) The commissioner or the commissioner's representatives may
28 inspect unlicensed premises when the commissioner has reasonable
29 grounds to believe that a person is violating the provisions of this section.

30 (i) The animal health commissioner, on an annual basis, shall transmit
31 to the secretary of wildlife; ~~and parks and tourism~~ a current list of persons
32 issued a permit pursuant to this section. The Kansas department of
33 agriculture may request assistance from the department of wildlife; ~~and~~
34 ~~parks and tourism~~ to assist in implementing and enforcing article 21 of
35 chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

36 (j) All moneys received under this section shall be remitted to the
37 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
38 amendments thereto. Upon receipt of each such remittance, the state
39 treasurer shall deposit the entire amount in the state treasury to the credit
40 of the animal disease control fund.

41 (k) As used in this section:

42 (1) "Deer" means any member of the family cervidae.

43 (2) "Domesticated deer" means any member of the family cervidae

1 that was legally obtained and is being sold or raised in a confined area for:

- 2 (A) Breeding stock;
- 3 (B) any carcass, skin or part of such animal;
- 4 (C) exhibition; or
- 5 (D) companionship.

6 Sec. 109. K.S.A. 2022 Supp. 49-408 is hereby amended to read as
7 follows: 49-408. (a) All land affected by surface coal mining and
8 reclamation operations, except as otherwise provided in this act, shall be
9 reclaimed and all operations shall be conducted, in accordance with the
10 requirements and specifications of the national surface mining control and
11 reclamation act of 1977-~~(, public law 95-87)~~, and federal rules and
12 regulations adopted pursuant thereto. The secretary shall issue such
13 regulations as may be required to conform to the requirements of the
14 national act.

15 (b) All waters in existence on mined land after reclamation is
16 completed shall become public waters to the extent they may be stocked
17 with fish from the state or federal hatcheries and shall be under the law
18 enforcement jurisdiction of the Kansas department of wildlife; *and parks*
19 ~~and tourism~~. The owner of the mined land containing such waters shall
20 retain all other rights consistent with the ownership thereof.

21 Sec. 110. K.S.A. 2022 Supp. 58-3221 is hereby amended to read as
22 follows: 58-3221. As used in this act:

23 (a) "Generally accepted operation practice" means those safety
24 practices adopted, pursuant to rules and regulations, by the Kansas
25 department of wildlife; *and parks*~~and tourism~~ and established by a
26 nationally recognized nonprofit membership organization that provides
27 voluntary firearms safety programs ~~which~~ *that* include training individuals
28 in the safe handling and use of firearms and ~~which~~ *that* practices are
29 developed with consideration of all information reasonably available
30 regarding the operation of shooting ranges.

31 (b) "Local unit of government" means a county, city, township or any
32 other political subdivision of the state, or any agency, authority, institution
33 or instrumentality thereof.

34 (c) "Person" means an individual, proprietorship, partnership,
35 corporation, club, governmental entity or other legal entity.

36 (d) "Sport shooting range" or "range" means an area designed and
37 operated for the use of archery, rifles, shotguns, pistols, semiautomatic
38 firearms, skeet, trap, black powder or any other similar sport shooting.

39 Sec. 111. K.S.A. 2022 Supp. 58-3225 is hereby amended to read as
40 follows: 58-3225. The secretary of wildlife; *and parks*~~and tourism~~ is
41 hereby authorized to adopt rules and regulations necessary to implement
42 the provisions of this act.

43 Sec. 112. K.S.A. 65-189e is hereby amended to read as follows: 65-

1 189e. The provisions of this act shall not apply to:

2 (a) Land used exclusively for agricultural purposes as defined in this
3 act or to land under the control of the Kansas department of wildlife; *and*
4 ~~parks and tourism~~, but the department shall not develop any land under its
5 control without providing water, sewage disposal and refuse disposal
6 facilities that are in conformity with these standards and have submitted
7 plans therefor to the secretary of health and environment and obtained the
8 secretary's approval;

9 (b) subdivisions platted and approved by the board of county
10 commissioners prior to August 1, 1965, except that this exemption shall
11 not be extended to any construction other than a single family residence
12 and shall not permit violation of any local ordinance or code or the
13 creation of any condition that is detrimental to the health or property of an
14 adjacent property owner; or

15 (c) land subject to a sanitary code or codes as defined in K.S.A. 19-
16 3701 through 19-3708, and amendments thereto, ~~which that~~ contain
17 provisions for control of the subsurface disposal of sewage, supplying of
18 water from on-lot wells and the disposal of refuse, if the county, city-
19 county or multicounty health department enforcing such sanitary codes
20 shall furnish to the secretary of health and environment such information
21 as the secretary may require concerning the number and types of such
22 sewage, water and refuse facilities installed in the sanitation zone.

23 Sec. 113. K.S.A. 65-3424b is hereby amended to read as follows: 65-
24 3424b. (a) The secretary shall establish a system of permits for mobile
25 waste tire processors, waste tire processing facilities, waste tire
26 transporters and waste tire collection centers. Such permits shall be issued
27 for a period of one year and shall require an application fee established by
28 the secretary in an amount not exceeding \$250 per year.

29 (b) The secretary shall adopt rules and regulations establishing
30 standards for mobile waste tire processors, waste tire processing facilities,
31 waste tire collection centers and waste tire transporters. Such standards
32 shall include a requirement that the permittee file with the secretary a bond
33 or other financial assurance in an amount determined by the secretary to be
34 sufficient to pay any costs ~~which that~~ may be incurred by the state to
35 process any waste tires or dispose of any waste tires or processed waste
36 tires if the permittee ceases business or fails to comply with this act.

37 (c) Any person who contracts or arranges with another person to
38 collect or transport waste tires for storage, processing or disposal shall so
39 contract or arrange only with a person holding a permit from the secretary.
40 Any person contracting or arranging with a person, permitted by the
41 secretary, to collect or transport waste tires for storage, processing or,
42 disposal, transfers ownership of those waste tires to the permitted person
43 and the person contracting or arranging with the person holding such

1 permit to collect or transport such tires shall be released from liability
2 therefor. Any person contracting or arranging with any person, for the
3 collection, transportation, storage, processing, disposal or beneficial use of
4 such tires shall maintain a record of such transaction for a period of not
5 less than three years following the date of the transfer of such tires.
6 Record-keeping requirements for beneficial use shall not apply when tire
7 retailers allow customers to retain their old tires at the time of sale.

8 (d) The owner or operator of each site that contains a waste tire, used
9 tire or new tire accumulation of any size must control mosquito breeding
10 and other disease vectors.

11 (e) No person shall own or operate a waste tire processing facility or
12 waste tire collection center or act as a mobile waste tire processor or waste
13 tire transporter unless such person holds a valid permit issued therefor
14 pursuant to subsection (a), except that:

15 (1) A tire retreading business where fewer than 1,500 waste tires are
16 kept on the business premises may operate a waste tire collection center on
17 the premises;

18 (2) a business that, in the ordinary course of business, removes tires
19 from motor vehicles where fewer than 1,500 of these tires are kept on the
20 business premises may operate a waste tire collection center or a waste tire
21 processing facility or both on the premises;

22 (3) a retail tire-selling business where fewer than 1,500 waste tires
23 are kept on the business premises may operate a waste tire collection
24 center or a waste tire processing facility or both on the premises;

25 (4) the Kansas department of wildlife; ~~and parks and tourism~~ may
26 perform one or more of the following to facilitate a beneficial use of waste
27 tires:

28 (A) Operate a waste tire collection center on the premises of any state
29 park, state wildlife area or state fishing lake;

30 (B) operate a waste tire processing facility on the premises of any
31 state park, state wildlife area or state fishing lake; or

32 (C) act as a waste tire transporter to transport waste tires to any state
33 park, state wildlife area or state fishing lake;

34 (5) a person engaged in a farming or ranching activity, including the
35 operation of a feedlot as defined by K.S.A. 47-1501, and amendments
36 thereto, may perform one or more of the following to facilitate a beneficial
37 use of waste tires:

38 (A) Operate an on-site waste tire collection center;

39 (B) operate an on-site waste tire processing facility; or

40 (C) act as a waste tire transporter to transport waste tires to the farm,
41 ranch or the feedlot;

42 (6) a watershed district may perform one or more of the following to
43 facilitate a beneficial use of waste tires:

- 1 (A) Operate a waste tire collection center on the premises of a
2 watershed district project or work of improvement;
- 3 (B) operate a waste tire processing facility on the district's property;
4 or
- 5 (C) act as a waste tire transporter to transport waste tires to the
6 district's property;
- 7 (7) a person may operate a waste tire collection center if:
- 8 (A) Fewer than 1,500 used tires are kept on the premises; or
9 (B) 1,500 or more used tires are kept on the premises, if the owner
10 demonstrates through sales and inventory records that such tires have
11 value, as established in accordance with standards adopted by rules and
12 regulations of the secretary;
- 13 (8) local units of government managing waste tires at solid waste
14 processing facilities or solid waste disposal areas permitted by the
15 secretary under the authority of K.S.A. 65-3407, and amendments thereto,
16 may perform one or more of the following in accordance with the
17 conditions of the solid waste permit:
- 18 (A) Operate a waste tire collection center on the premises of the
19 permitted facility;
- 20 (B) operate a waste tire processing facility on the premises of the
21 permitted facility;
- 22 (C) act as a waste tire transporter to transport waste tires to the
23 permitted facility; or
- 24 (D) act as a mobile waste tire processor;
- 25 (9) a person may act as a waste tire transporter to transport:
- 26 (A) Waste tires mixed with other municipal solid waste;
27 (B) fewer than five waste tires for lawful disposal;
28 (C) waste tires generated by the business, farming activities of the
29 person or the person's employer;
- 30 (D) waste tires for a beneficial use approved by statute, rules and
31 regulations, or by the secretary;
- 32 (E) waste tires from an illegal waste tire accumulation to a person
33 who has been issued a permit by the secretary pursuant to K.S.A. 65-3407
34 or 65-3424b, and amendments thereto, provided approval has been
35 obtained from the secretary; or
- 36 (F) five to 50 waste tires for lawful disposal, provided the
37 transportation act is a one time occurrence to abate a legal accumulation of
38 waste tires; or
- 39 (10) a tire retailer that in the ordinary course of business also serves
40 as a tire wholesaler to other tire retailers may act as a waste tire transporter
41 to transport waste tires from those retailers back to a central location
42 owned or operated by the wholesaler for consolidation and final disposal
43 or recycling.

1 (f) All fees collected by the secretary pursuant to this section shall be
2 remitted to the state treasurer in accordance with the provisions of K.S.A.
3 75-4215, and amendments thereto. Upon receipt of each such remittance,
4 the state treasurer shall deposit the entire amount in the state treasury to
5 the credit of the waste tire management fund.

6 Sec. 114. K.S.A. 65-5703 is hereby amended to read as follows: 65-
7 5703. (a) There is hereby created the state emergency response
8 commission for the purpose of carrying out all requirements of the federal
9 act and for the purpose of providing assistance in the coordination of state
10 agency activities relating to:

11 (1) Chemical emergency training, preparedness, and response; and
12 (2) chemical release reporting and prevention, transportation,
13 manufacture, storage, handling and use.

14 (b) The commission shall consist of:

15 (1) The following state officers or their appointed designees: The
16 lieutenant governor, the secretary of wildlife; ~~and parks and tourism~~, the
17 secretary of labor, the secretary of agriculture, the secretary of health and
18 environment, the adjutant general, the superintendent of the Kansas
19 highway patrol, the state fire marshal, the secretary of transportation, the
20 attorney general, the chairperson of the state corporation commission, and
21 the governor;

22 (2) three members appointed by the governor to represent the general
23 public; and

24 (3) two members appointed by the governor to represent owners and
25 operators of facilities regulated pursuant to this act.

26 (c) Members of the commission appointed by the governor shall
27 serve for terms of two years. Any vacancy in the office of an appointed
28 member of the commission shall be filled for the unexpired term by
29 appointment by the governor.

30 (d) A chairperson shall be elected annually by the members of the
31 commission. A vice-chairperson shall be designated by the chairperson to
32 serve in the absence of the chairperson.

33 (e) Members of the commission attending meetings of such board, or
34 attending a subcommittee meeting thereof authorized by such board, shall
35 be paid compensation, subsistence allowances, mileage and other expenses
36 as provided in K.S.A. 75-3223, and amendments thereto.

37 (f) The commission shall perform such duties as are specified in the
38 federal act to be performed by such commissions and, in addition thereto,
39 such duties as are specified in the laws of this state or as are deemed
40 necessary and appropriate by the commission to achieving its purposes. In
41 accordance with the requirements of the federal act, the commission shall
42 establish local planning districts, subject to approval by the secretary of
43 health and environment and the adjutant general, and shall appoint a local

1 planning committee for each such district. Local planning committees
2 shall perform such duties as are specified in the federal act to be performed
3 by such committees, and in addition thereto, such duties as are assigned by
4 the commission or by any member of the commission acting on behalf of
5 or at the direction of the commission, or as are deemed necessary and
6 appropriate by each such committee to achieving its purposes. The duties
7 of the commission and the local planning committees shall be performed
8 in accordance with rules and regulations adopted pursuant to this act.

9 Sec. 115. K.S.A. 68-406 is hereby amended to read as follows: 68-

10 406. (a) The secretary of transportation shall designate, adopt and establish
11 and may lay out, open, relocate, alter, vacate, remove, redesignate and
12 reestablish highways in every county in the state, the total mileage of
13 which shall not exceed 10,000 miles. The total mileage of such highways
14 in each county shall be not less than the sum of the north to south and east
15 to west diameters of the county. The highways so designated shall connect
16 the county seats and principal cities and market centers, and all such
17 highways, including bridges and culverts thereon, shall comprise the state
18 highway system. The secretary of transportation shall make such revisions,
19 classifications or reclassifications in the state highway system as are found
20 on the basis of engineering and traffic study to be necessary, and such
21 revisions, classifications or reclassifications may include, after due public
22 hearing, removal from the system of roads ~~which~~ that have little or no
23 statewide significance, and the addition of roads ~~which~~ that have statewide
24 importance and will provide relief for traffic congestion on existing routes
25 on the system. All roads ~~which~~ that have been placed upon the state
26 highway system shall be a part of the state highway system, but changes
27 may be made in the state highway system when the public safety,
28 convenience, economy, classification or reclassification requires such
29 change. The total mileage of the state highway system shall not be
30 extended except by act of the legislature. Highways designated under this
31 section shall be state highways, and all other highways outside of the city
32 limits of cities shall be either county roads or township roads as provided
33 for by law. The state highway system thus designated shall be constructed,
34 improved, reconstructed and maintained by the secretary of transportation
35 from funds provided by law.

36 (b) In addition to highways of the state highway system, the secretary
37 of transportation shall designate in those cities on such system certain
38 streets as city connecting links. "City connecting link" means a routing
39 inside the city limits of a city ~~which~~ that:

- 40 (1) Connects a state highway through a city;
- 41 (2) connects a state highway to a city connecting link of another state
42 highway;
- 43 (3) is a state highway ~~which~~ that terminates within such city;

1 (4) connects a state highway with a road or highway under the
2 jurisdiction of the Kansas turnpike authority; or

3 (5) begins and ends within a city's limits and is designated as part of
4 the national system of interstate and defense highways.

5 (c) The secretary of transportation may mark and maintain existing
6 roads as detours, but detour roads shall not be a part of the state highway
7 system, except that such roads shall be marked and maintained by the
8 secretary of transportation only until that portion of the state highway
9 system for which such road is substituted is completed and open for travel.

10 (d) The secretary of transportation may use moneys appropriated
11 from the state highway fund for the purchase of right-of-way, construction,
12 improvement, reconstruction and maintenance of a highway over the most
13 direct and practicable routes from state highways to a state lake, a federal
14 lake or reservoir established by federal authority, any property managed or
15 controlled by the Kansas department of wildlife, ~~and parks and tourism,~~
16 national monuments and national historical sites, military reservations,
17 motor carrier inspection stations, approaches and connections within an
18 urban area, as defined by federal highway laws, places of major scenic
19 attractions which possess unusual historical interest, as defined by
20 ~~subsections (1) and (2) of K.S.A. 76-2018(1) and (2), and amendments~~
21 ~~thereto, on which the state now holds or may hereafter hold a long-term~~
22 ~~lease, a state institution, from the city limits of the nearest city to a state~~
23 ~~institution, a state-owned natural and scientific preserve, as defined by~~
24 ~~subsection (b) of K.S.A. 74-6603(b), and amendments thereto, or such~~
25 ~~road or roads located within the boundaries of a state park and not~~
26 ~~presently maintained by a federal agency as shall be designated by the~~
27 ~~secretary of transportation. Such highways or roads shall not be a part of~~
28 ~~the state highway system, and the secretary of transportation is not~~
29 ~~required to plan, design or construct such highways or roads in conformity~~
30 ~~with the standards applicable to the state highway system.~~

31 (e) The secretary of transportation may make reroutings of any
32 portion of the state highway system if such rerouting is required in writing
33 by the United States department of transportation of the federal highway
34 administration before it will permit federal funds to be used thereon. The
35 secretary of transportation shall have control and regulation for purposes
36 of posting speed limits and establishing access and egress facilities on any
37 and all portions of streets and roads ~~which that~~ are, or have been, a part of
38 the state highway system, and ~~which that~~ have been or may be, placed
39 inside of the limits of an incorporated city by the creation of a new
40 municipality or by the extension of the limits or boundaries of any existing
41 municipality.

42 (f) Except pursuant to article 21 of chapter 68 of Kansas Statutes
43 Annotated, *and amendments thereto*, only the secretary of transportation

1 may authorize temporary closing of any part of the state highway system
 2 by any person for any purpose in the interest of the state. Every
 3 authorization granted under this subsection shall be granted subject to
 4 conditions specified by the secretary to provide for:

5 (1) Proper detours, signing and markings;

6 (2) timing ~~which~~ *that* will not unreasonably inconvenience the public;
 7 and

8 (3) such additional conditions as are appropriate to avoid
 9 unreasonable risk of injury to any person. Such requests shall be made in
 10 writing and submitted to the secretary at least five days prior to the closing
 11 date. In emergencies, temporary closing may be authorized by the
 12 secretary by oral communications. The secretary may waive all or any part
 13 of the notice otherwise required by this subsection.

14 (g) Except as provided in subsection ~~(g)~~ (h), any person failing or
 15 neglecting to comply with the provisions of this subsection, upon
 16 conviction, shall be guilty of a nonperson unclassified misdemeanor.

17 ~~(g)~~(h) In cases of sudden emergency, temporary closing of any part of
 18 the state highway system may be authorized by order of a person
 19 designated by the board of county commissioners for an area outside of
 20 any city or a person designated by the governing body of a city for an area
 21 within such city. In such cases of sudden emergency the person authorizing
 22 such closing shall inform the secretary of transportation thereof as soon as
 23 practicable and obtain the authorization of the secretary for any additional
 24 time thereafter for such closing.

25 Sec. 116. K.S.A. 74-134 is hereby amended to read as follows: 74-
 26 134. On July 1, 1988, all books, records and other property of the joint
 27 council on recreation abolished by K.S.A. 74-131, and amendments
 28 thereto, are hereby transferred to the custody of the Kansas department of
 29 wildlife, *and parks and tourism*.

30 Sec. 117. K.S.A. 74-5,133 is hereby amended to read as follows: 74-
 31 5,133. (a) (1) There is hereby established in the state treasury the Arkansas
 32 river gaging fund, which shall be administered by the secretary of
 33 agriculture. All expenditures from the Arkansas river gaging fund shall be
 34 for the operation and maintenance of:

35 (A) The gages along the Arkansas river necessary to manage the river
 36 under the Arkansas river compact; and

37 (B) the stateline groundwater gage sites in the Arkansas river basin
 38 necessary to manage the quantity and quality of such groundwater.

39 (2) After all expenditures are made during the fiscal year for the
 40 purposes listed in paragraph (1), then, expenditures shall be made in
 41 accordance with the following priorities and subject to the expenditure
 42 limitations prescribed therefor:

43 (A) First, any remaining moneys authorized to be expended from the

1 fund for the fiscal year shall be expended for the purposes of livestock
2 market reporting in an amount not to exceed \$20,000 in a fiscal year; and

3 (B) second, if there are any remaining moneys authorized to be
4 expended from the fund for the fiscal year after the expenditures for
5 livestock market reporting, then expenditures shall be made from the fund
6 for the purpose of funding the bluestem pasture report in an amount not to
7 exceed \$5,000.

8 (3) All expenditures from the Arkansas river gaging fund shall be
9 made in accordance with appropriation acts upon warrants of the director
10 of accounts and reports issued pursuant to vouchers approved by the
11 secretary of agriculture or the designee of the secretary of agriculture.

12 (b) All moneys received as royalties from the state's oil and gas leases
13 in Hamilton, Kearny, Finney, Gray and Ford counties, except those
14 moneys arising from leases on lands under the control of the secretary of
15 wildlife, ~~and parks and tourism~~ as provided by K.S.A. 32-854, and
16 amendments thereto, shall be deposited in the state treasury in accordance
17 with the provisions of K.S.A. 75-4215, and amendments thereto, and shall
18 be credited to the Arkansas river gaging fund. During each fiscal year,
19 when the total amount of moneys credited to the fund is equal to \$95,000,
20 no further moneys shall be credited to the fund. The remainder of the
21 moneys received for such royalties for such fiscal year shall be credited to
22 the state general fund.

23 Sec. 118. K.S.A. 74-2622 is hereby amended to read as follows: 74-
24 2622. (a) (1) There is hereby established within and as a part of the Kansas
25 water office the Kansas water authority. The authority shall be composed
26 of 24 members, of whom 13 shall be appointed as follows:

27 ~~(+)~~(A) One member shall be appointed by the governor, subject to
28 confirmation by the senate as provided in K.S.A. 75-4315b, and
29 amendments thereto. Except as provided by K.S.A. 46-2601, and
30 amendments thereto, such person shall not exercise any power, duty or
31 function as a member or chairperson of the water authority until confirmed
32 by the senate. Such member shall serve at the pleasure of the governor and
33 shall be the chairperson of the authority;

34 ~~(2)~~(B) except as provided by subsection (b), 10 members shall be
35 appointed by the governor for terms of four years. Of the members
36 appointed under this provision one shall be a representative of large
37 municipal water users, one shall be representative of small municipal
38 water users, one shall be a board member of a western Kansas
39 groundwater management district, one shall be a board member of a
40 central Kansas groundwater management district, one shall be a member
41 of the Kansas association of conservation districts, one shall be
42 representative of industrial water users, one shall be a member of the state
43 association of watershed districts, one shall have a demonstrated

1 background and interest in water use conservation and environmental
2 issues, and two shall be representative of the general public. The member
3 who is representative of large municipal water users shall be appointed
4 from three nominations submitted by the league of Kansas municipalities.
5 The member who is representative of small municipal water users shall be
6 appointed from three nominations submitted by the Kansas rural water
7 district's association. The member who is representative of a western
8 Kansas groundwater management district shall be appointed from three
9 nominations submitted by the presidents of the groundwater management
10 district boards No. 1, 3 and 4. The member who is representative of a
11 central Kansas groundwater management district shall be appointed from
12 three nominations submitted by the presidents of the groundwater
13 management district boards No. 2 and 5. The member who is
14 representative of industrial water users shall be appointed from three
15 nominations submitted by the Kansas association of commerce and
16 industry. The member who is representative of the state association of
17 watershed districts shall be appointed from three nominations submitted by
18 the state association of watershed districts. The member who is
19 representative of the Kansas association of conservation districts shall be
20 appointed from three nominations submitted by the state association of
21 conservation districts. If the governor cannot make an appointment from
22 the original nominations, the nominating authority shall be so advised and,
23 within 30 days thereafter, shall submit three new nominations. Members
24 appointed by the governor shall be selected with special reference to
25 training and experience with respect to the functions of the Kansas water
26 authority, and no more than six of such members shall belong to the same
27 political party;

28 ~~(3)~~(C) one member shall be appointed by the president of the senate
29 for a term of two years; and

30 ~~(4)~~(D) one member shall be appointed by the speaker of the house of
31 representatives for a term of two years. The state geologist, the state
32 biologist, the chief engineer of the division of water resources of the
33 Kansas department of agriculture, the director of the division of
34 environment of the department of health and environment, the chairperson
35 of the state corporation commission, the secretary of commerce, the
36 director of the Kansas water office, the secretary of wildlife; ~~and parks and~~
37 ~~tourism~~, the administrative officer of the state conservation commission,
38 the secretary of agriculture and the director of the agricultural experiment
39 stations of Kansas state university of agriculture and applied science shall
40 be nonvoting members ex officio of the authority. The director of the
41 Kansas water office shall serve as the secretary of the authority.

42 (b) A member appointed pursuant to subsection ~~(a)(2)~~ (a)(1)(B) shall
43 be appointed for a term expiring on January 15 of the fourth calendar year

1 following appointment and until a successor is appointed and qualified.

2 (c) In the case of a vacancy in the appointed membership of the
3 Kansas water authority, the vacancy shall be filled for the unexpired term
4 by appointment in the same manner that the original appointment was
5 made. Appointed members of the authority attending regular or special
6 meetings thereof shall be paid compensation, subsistence allowances,
7 mileage and other expenses as provided in K.S.A. 75-3223, and
8 amendments thereto.

9 (d) The Kansas water authority shall:

10 (1) Consult with and be advisory to the governor, the legislature and
11 the director of the Kansas water office.

12 (2) Review plans for the development, management and use of the
13 water resources of the state by any state or local agency.

14 (3) Make a study of the laws of this state, other states and the federal
15 government relating to conservation and development of water resources,
16 appropriation of water for beneficial use, flood control, construction of
17 levees, drainage, irrigation, soil conservation, watershed development,
18 stream control, gauging of stream and stream pollution for the purpose of
19 determining the necessity or advisability of the enactment of new or
20 amendatory legislation in this state on such subjects.

21 (4) Make recommendations to other state agencies and political
22 subdivisions of the state for the coordination of their activities relating to
23 flood control, construction of levees, drainage, irrigation, soil
24 conservation, watershed development, stream control, gauging of stream,
25 stream pollution and groundwater studies.

26 (5) Make recommendations to each regular session of the legislature
27 and to the governor at such times as the authority considers advisable
28 concerning necessary or advisable legislation relating to any of the matters
29 or subjects ~~which~~ that it is required by this act to study for the purpose of
30 making recommendations to the legislature. All such recommendations to
31 the legislature shall be in drafted bill form together with such explanatory
32 information and data as the authority considers advisable.

33 (6) Approve, prior to submission to the legislature by the Kansas
34 water office or its director:

35 (A) Any contract entered into pursuant to the state water plan storage
36 act;

37 (B) any amendments to the state water plan or the state water
38 planning act; and

39 (C) any other legislation concerning water resources of the state.

40 (7) Approve, before they become effective, any policy changes
41 proposed by the Kansas water office concerning the pricing of water for
42 sale pursuant to the state water plan storage act.

43 (8) Approve, before it becomes effective, any agreement entered into

1 with the federal government by the Kansas water office.

2 (9) Request any agency of the state, which shall have the duty upon
3 that request, to submit its budget estimate pertaining to the state's water
4 resources and any plans or programs related thereto and, upon the
5 authority's receipt of such budget estimate, review and evaluate it and
6 furnish recommendations relating thereto to the governor and the
7 legislature.

8 (10) Approve, prior to adoption by the director of the Kansas water
9 office, rules and regulations authorized by law to be adopted.

10 (11) Approve, prior to adoption by the director of the Kansas water
11 office, guidelines for conservation plans and practices developed pursuant
12 to ~~subsection (e) of K.S.A. 74-2608(c)~~, and amendments thereto.

13 (e) The Kansas water authority may appoint citizens' advisory
14 committees to study and advise on any subjects upon which the authority
15 is required or authorized by this act to study or make recommendations.

16 (f) The provisions of the Kansas governmental operations
17 accountability law apply to the Kansas water authority, and the authority is
18 subject to audit, review and evaluation under such law.

19 Sec. 119. K.S.A. 74-3322 is hereby amended to read as follows: 74-
20 3322. (a) The state forestry, fish and game commission is hereby
21 empowered and directed to convey by quitclaim deed, without
22 consideration, to the city of Oberlin, Kansas, all of the following described
23 real estate located in Decatur county, Kansas, to wit:

24 All that part of the E1/2 SE1/4 Sec. 31 and all that part of the W1/2
25 W1/2 SW1/4 Sec. 32, Twp. 2, South, Range 28, West 6th P.M. lying North
26 of the C.B.&Q. Railroad Right-of-Way. Containing 112 acres more or less.

27 The SW1/4 NW1/4 Sec. 32, Twp. 2 South, Range 28 West 6th P.M.
28 Also a tract of land out of the SW1/4 NE1/4 Sec. 31, Twp. 2 South, Range
29 28 West 6th P.M. more particularly described as follows: Beginning at the
30 southeast corner of the SW1/4 NE1/4 of said Sec. 31, thence north parallel
31 with the East line of Sec. 31, 405 feet, thence in a southwesterly direction
32 114°13' a distance of 1003 feet to intersect the south line of said NE1/4,
33 this point being 396 feet east of the southwest corner of the NE1/4, thence
34 east along the south line of the NE1/4 924 feet to place of beginning.

35 The E1/2 NE1/4 Sec. 31, Twp. 2 South, Range 28 West 6th P.M. except
36 a tract of land described as follows: Beginning at a point 1072.5 feet west
37 of the Northeast corner of the NE1/4 thence south parallel with the East
38 line of the NE1/4 1485 feet, thence West at right angles 247.5 feet, thence
39 north parallel with the east line of said NE1/4 1485 feet, thence East at
40 right angles and along the north line of said NE1/4 247.5 feet to place of
41 beginning; total acreage conveyed 116.1 acres more or less.

42 A tract of land out of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
43 28 West 6th P.M. more particularly described as follows: Commencing at

1 the Northeast corner of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
2 28, West 6th P.M., thence west along the north line of said NW1/4 SE1/4
3 56 rods; thence south at right angles 70 rods, thence east at right angles 56
4 rods, thence north along the East line of said NW1/4 SE1/4 70 rods to the
5 place of beginning, containing about 24 1/2 acres more or less.

6 A tract of land out of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
7 28 West 6th P.M. more particularly described as follows: Beginning at the
8 Northwest corner of the SE1/4 of said Sec. 31, thence East along said half
9 section line 24 rods, thence south at right angles 70 rods, thence West at
10 right angles and parallel with the North line of said SE1/4 24 rods, thence
11 North along the half section line 70 rods to place of beginning. Containing
12 10.5 acres more or less.

13 NW1/4 NW1/4; E1/2 NW1/4; W1/2 W1/2 NE1/4 Sec. 32, Twp. 2,
14 Range 28, West of the 6th P.M.

15 A tract of land described as follows: Beginning at the Southwest corner
16 of the SW1/4 of Sec. 29, Twp. 2 South, Range 28 West 6th P.M. thence
17 North along and upon the West line of said SW1/4 95 feet, thence East at
18 right angles and parallel with the South line of said SW1/4 575 feet, thence
19 in a northeasterly direction at an angle of 27°15' left 490 feet, thence North
20 at an angle of 29°15' left 639 feet, thence East at an angle of 46°30' right
21 1288 feet to the East line of said SW1/4, thence South along and upon the
22 East line of said SW1/4 855 feet to the Southeast corner of the SW1/4;
23 thence West along and upon the South line of said SW1/4 2640 feet to
24 place of beginning.

25 A tract of land out of the SE1/4 Sec. 29, Twp. 2 South, Range 28, West
26 6th P.M. more particularly described as follows: Beginning at the
27 Southwest corner of the SE1/4 of Sec. 29, in Twp. 2, Range 28, West 6th
28 P.M. thence North along the half section line 855 feet, thence East at right
29 angle and parallel with South line of said Section 1019 feet, thence South
30 at right angle and parallel with East line of said Section 855 feet, thence
31 West along the South line of said section 1019 feet to place of beginning,
32 containing 20 acres more or less.

33 A tract of land out of the NE1/4 of Sec. 32, Twp. 2, Range 28 West of
34 the 6th P.M. described as follows: Beginning at a point 1224.7 feet north
35 of the southeast corner of the W1/2 W1/2 NE1/4 of said Sec. 32, thence
36 northeasterly at an angle of 59°23' right, 170.6 feet, thence north at an
37 angle of 61°54' left, 123.3 feet, thence northwesterly at an angle of 25°48'
38 left, 298.5 feet, to the east line of the W1/2 W1/2 NE1/4 of said Sec. 32,
39 thence south 473.9 feet, along said line to point of beginning. Containing .
40 98 acre more or less.

41 (b) The instruments of conveyance of such real estate authorized by
42 this act shall be executed in the name of the state forestry, fish and game
43 commission by its chairman and secretary.

1 (c) ~~As soon as is practicable after the effective date of this act,~~ The
2 secretary of wildlife; ~~and parks and tourism~~ shall convey by quitclaim
3 deed, without consideration, any title or interest of the Kansas department
4 of wildlife; ~~and parks and tourism~~ in the property described in subsection
5 (a).

6 Sec. 120. K.S.A. 74-4722 is hereby amended to read as follows: 74-
7 4722. (a) The Kansas department of wildlife; ~~and parks and tourism~~ shall
8 purchase vessel liability insurance for the protection and benefit of the
9 state, the department and officers, agents and employees of the department
10 responsible for the operation of vessels owned, operated, maintained or
11 controlled by the department, and of persons while riding in or upon such
12 vessels.

13 (b) As used in this section, the term "vessel" includes motorized and
14 nonmotorized vessels; and other methods of aquatic transportation used by
15 the department.

16 Sec. 121. K.S.A. 74-4911f is hereby amended to read as follows: 74-
17 4911f. (a) Subject to procedures or limitations prescribed by the governor,
18 any person who is not an employee and who becomes a state officer may
19 elect to not become a member of the system. The election to not become a
20 member of the system must be filed within 90 days of assuming the
21 position of state officer. Such election shall be irrevocable. If such election
22 is not filed by such state officer, such state officer shall be a member of the
23 system.

24 (b) Any such state officer who is a member of the Kansas public
25 employees retirement system, on or after the effective date of this act, may
26 elect to not be a member by filing an election with the office of the
27 retirement system. The election to not become a member of the system
28 must be filed within 90 days of assuming the position of state officer. If
29 such election is not filed by such state officer, such state officer shall be a
30 member of the system.

31 (c) Subject to limitations prescribed by the board, the state agency
32 employing any employee who has filed an election as provided under
33 subsection (a) or (b) and who has entered into an employee participation
34 agreement, as provided in K.S.A. 74-49b10, and amendments thereto, for
35 deferred compensation pursuant to the Kansas public employees deferred
36 compensation plan shall contribute to such plan on such employee's behalf
37 an amount equal to 8% of the employee's salary, as such salary has been
38 approved pursuant to K.S.A. 75-2935b, and amendments thereto, or as
39 otherwise prescribed by law. With regard to a state officer who is a
40 member of the legislature who has retired pursuant to the Kansas public
41 employees retirement system and who files an election as provided in this
42 section, employee's salary means per diem compensation as provided by
43 law as a member of the legislature.

1 (d) As used in this section and K.S.A. 74-4927k, and amendments
2 thereto, "state officer" means the secretary of administration, secretary for
3 aging and disability services, secretary of commerce, secretary of
4 corrections, secretary of health and environment, secretary of labor,
5 secretary of revenue, secretary for children and families, secretary of
6 transportation, secretary of wildlife, ~~and parks and tourism~~, superintendent
7 of the Kansas highway patrol, secretary of agriculture, executive director
8 of the Kansas lottery, executive director of the Kansas racing commission,
9 president of the Kansas development finance authority, state fire marshal,
10 state librarian, securities commissioner, adjutant general, members and
11 chief hearing officer of the state board of tax appeals, members of the state
12 corporation commission, any unclassified employee on the staff of officers
13 of both houses of the legislature, any unclassified employee appointed to
14 the governor's or lieutenant governor's staff, any person employed by the
15 legislative branch of the state of Kansas, other than any such person
16 receiving service credited under the Kansas public employees retirement
17 system or any other retirement system of the state of Kansas therefor, who
18 elected to be covered by the provisions of this section as provided in
19 K.S.A. 46-1302(e), and amendments thereto, or who is first employed on
20 or after July 1, 1996, by the legislative branch of the state of Kansas and
21 any member of the legislature who has retired pursuant to the Kansas
22 public employees retirement system.

23 (e) The provisions of this section shall not apply to any state officer
24 who has elected to remain eligible for assistance by the state board of
25 regents as provided in K.S.A. 74-4925(a), and amendments thereto.

26 Sec. 122. K.S.A. 74-5005 is hereby amended to read as follows: 74-
27 5005. The department shall be the lead agency of the state for economic
28 development of commerce through the promotion of business, industry
29 ~~and~~ trade *and tourism* within the state. In general, but not by way of
30 limitation, the department shall have, exercise and perform the following
31 powers and duties:

32 (a) To assume central responsibility for implementing all facets of a
33 comprehensive, long-term, economic development strategy and for
34 coordinating the efforts of both state agencies and local economic
35 development groups as they relate to that objective;

36 (b) to coordinate the implementation of the strategy with all other
37 state and local agencies and offices and state educational institutions which
38 do research work, develop materials and programs, gather statistics, or
39 which perform functions related to economic development; and such state
40 and local agencies and offices and state educational institutions shall
41 advise and cooperate with the department in the planning and
42 accomplishment of the purposes of this act;

43 (c) to advise and cooperate with all federal departments, research

1 institutions, educational institutions and agencies, quasi-public
2 professional societies, private business and agricultural organizations and
3 associations, and any other party, public or private, and to call upon such
4 parties for consultation and assistance in their respective fields of interest,
5 to the end that all up-to-date available technical advice, information and
6 assistance be gathered for the use of the department, the governor, the
7 legislature and the people of this state;

8 (d) to enter into agreements necessary to carry out the purposes of
9 this act;

10 (e) to conduct an effective business information service, keeping up-
11 to-date information on such things as manufacturing industries, labor
12 supply and economic trends in employment, income, savings and
13 purchasing power within the state, utilizing the services and information
14 available from the division of the budget of the department of
15 administration;

16 (f) to support a coordinated program of scientific and industrial
17 research with the objective of developing additional uses of the state's
18 natural resources, agriculture, agricultural products, new and better
19 industrial products and processes, and the best possible utilization of the
20 raw materials in the state; and to coordinate this responsibility with the
21 state educational institutions, with all state and federal agencies, and all
22 public and private institutions within or outside the state, all in an effort to
23 assist and encourage new industries or expansion of existing industries
24 through basic research, applied research and new development;

25 (g) to maintain and keep current all available information regarding
26 the industrial opportunities and possibilities of the state, including raw
27 materials and by-products; power and water resources; transportation
28 facilities; available markets and the marketing limitations of the state;
29 labor supply; banking and financing facilities; availability of industrial
30 sites; and the advantages the state and its particular sections have as
31 industrial locations; and such information shall be used for the
32 encouragement of new industries in the state and the expansion of existing
33 industries within the state;

34 (h) to publicize information and the economic advantages of the state
35 ~~which~~ *that* make it a desirable place for commercial and industrial
36 operations and a good place in which to live;

37 (i) to establish a clearinghouse for the collection and dissemination of
38 information concerning the number and location of public and private
39 postsecondary vocational and technical education programs in areas
40 critical to economic development;

41 (j) to acquaint the people of this state with the industries within the
42 state and encourage closer cooperation between the farming, commercial
43 and industrial enterprises and the people of the state;

1 (k) to participate in economic development and planning assistance
2 programs of the federal government to political subdivisions;

3 (l) to assist counties and cities in industrial development through the
4 establishment of industrial development corporations, including site
5 surveys, small business administration situations, and render such other
6 similar assistance as may be required; and in those instances where it is
7 deemed appropriate, to contract with and make a service charge to the
8 county or city involved for such services rendered;

9 (m) to render assistance to private enterprise on planning problems
10 and site surveys upon request and shall make a reasonable service charge
11 for such services rendered; and any moneys received for services rendered,
12 as provided in this subsection, shall be deposited in the fund and expended
13 therefrom, as provided in subsection (n);

14 (n) to make agreements with other states and with the United States
15 government, or its agencies, and to accept funds from the federal
16 government, or its agencies, or any other source for research studies,
17 investigation, planning and other purposes related to the duties of the
18 department; and any funds so received shall be remitted to the state
19 treasurer in accordance with the provisions of K.S.A. 75-4215, and
20 amendments thereto. Upon receipt of each such remittance, the state
21 treasurer shall deposit the entire amount in the state treasury to the credit
22 of a special revenue fund which is hereby created and shall be known as
23 the "economic development fund" or used in accordance with or direction
24 of the contributing federal agencies; and expenditures from such fund may
25 be made for any purpose in keeping with the responsibilities, functions and
26 authority of the department; and warrants on such fund shall be drawn in
27 the same manner as required of other state agencies upon vouchers signed
28 by the secretary;

29 (o) to do other and further acts as shall be necessary and proper in
30 fostering and promoting the industrial development and economic welfare
31 of the state;

32 (p) to organize, or cause to be organized, an advisory board or boards
33 representing interested groups, including industry, labor, agriculture,
34 scientific research, the press, the professions, industrial associations, civic
35 groups, etc.; and such board or boards shall advise with the department as
36 to its work and the department shall, as far as practicable, cooperate with
37 such board or boards, and secure the active aid thereof in the
38 accomplishment of the aims and objectives of the department;

39 (q) to perform the duties imposed under the Kansas venture capital
40 company act;

41 (r) to serve as the central agency and clearinghouse to collect and
42 disseminate ideas and information bearing on local planning problems;
43 and, in so doing, the department, upon request of the board of county

1 commissioners of any county or the governing body of any city in the
2 state, may make a study and report upon any planning problem of such
3 county or city submitted to it;

4 (s) to disseminate to the public information concerning economic
5 development programs available in the state, regardless of whether such
6 programs are administered by the department or some other agency and
7 the department shall make available audio-visual and written materials
8 describing the economic development programs to local chambers of
9 commerce, economic development organizations, banks and public
10 libraries and shall take other measures as may be necessary to effectuate
11 the purpose of this subsection;

12 (t) to perform the duties imposed under the individual development
13 account program act, K.S.A. 74-50,201 through 74-50,208, and
14 amendments thereto; ~~and~~

15 (u) except as otherwise provided by law, perform the duties and carry
16 out the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through
17 74-8111, and amendments thereto; *and*

18 (v) *to encourage and promote the traveling public to visit this state*
19 *by publicizing information as to the recreational, historic and natural*
20 *advantage of the state and its facilities for transient travel and to contract*
21 *with organizations for the purpose of promoting tourism within the state,*
22 *and the department may request other state agencies, including, but not*
23 *limited to, the Kansas water office, the Kansas department of*
24 *transportation and the Kansas department of wildlife and parks, for*
25 *assistance and all such agencies shall coordinate information and their*
26 *respective efforts with the department to most efficiently and economically*
27 *carryout the purpose and intent of this subsection.*

28 Sec. 123. K.S.A. 2022 Supp. 74-5602 is hereby amended to read as
29 follows: 74-5602. As used in the Kansas law enforcement training act:

30 (a) "Training center" means the law enforcement training center
31 within the university of Kansas, created by K.S.A. 74-5603, and
32 amendments thereto.

33 (b) "Commission" means the Kansas commission on peace officers'
34 standards and training, created by K.S.A. 74-5606, and amendments
35 thereto, or the commission's designee.

36 (c) "Chancellor" means the chancellor of the university of Kansas, or
37 the chancellor's designee.

38 (d) "Director of police training" means the director of police training
39 at the law enforcement training center.

40 (e) "Director" means the executive director of the Kansas commission
41 on peace officers' standards and training.

42 (f) "Law enforcement" means the prevention or detection of crime
43 and the enforcement of the criminal or traffic laws of this state or of any

1 municipality thereof.

2 (g) (1) "Police officer" or "law enforcement officer" means a full-time
3 or part-time salaried officer or employee of the state, a county or a city,
4 whose duties include the prevention or detection of crime and the
5 enforcement of the criminal or traffic laws of this state or of any
6 municipality thereof. ~~Such terms shall include~~

7 (2) "*Police officer*" or "*law enforcement officer*" includes, but is not
8 ~~be~~ limited to: The sheriff, undersheriff and full-time or part-time salaried
9 deputies in the sheriff's office in each county; deputy sheriffs deputized
10 pursuant to K.S.A. 19-2858, and amendments thereto; conservation
11 officers of the Kansas department of wildlife; ~~and parks and tourism~~;
12 university police officers, as defined in K.S.A. 22-2401a, and amendments
13 thereto; campus police officers, as defined in K.S.A. 22-2401a, and
14 amendments thereto; law enforcement agents of the director of alcoholic
15 beverage control; law enforcement agents designated by the secretary of
16 revenue pursuant to K.S.A. 75-5157, and amendments thereto; law
17 enforcement agents of the Kansas lottery; law enforcement agents of the
18 Kansas racing commission; deputies and assistants of the state fire marshal
19 having law enforcement authority; capitol police, existing under the
20 authority of K.S.A. 75-4503, and amendments thereto; special agents of
21 the department of corrections; special investigators designated by the
22 secretary of labor; and law enforcement officers appointed by the adjutant
23 general pursuant to K.S.A. 48-204, and amendments thereto. ~~Such terms~~
24 ~~shall also include~~; railroad policemen appointed pursuant to K.S.A. 66-
25 524, and amendments thereto; school security officers designated as school
26 law enforcement officers pursuant to K.S.A. 72-6146, and amendments
27 thereto; the manager and employees of the horsethief reservoir benefit
28 district pursuant to K.S.A. 82a-2212, and amendments thereto; and the
29 director of the Kansas commission on peace officers' standards and
30 training and any other employee of such commission designated by the
31 director pursuant to K.S.A. 74-5603, and amendments thereto, as a law
32 enforcement officer. ~~Such terms shall~~ "*Police officer*" or "*law enforcement*
33 *officer*" includes any officer appointed or elected on a provisional basis.

34 (2) "*Police officer*" or "*law enforcement officer*" does not include any
35 elected official, other than a sheriff, serving in the capacity of a law
36 enforcement or police officer solely by virtue of such official's elected
37 position; any attorney-at-law having responsibility for law enforcement
38 and discharging such responsibility solely in the capacity of an attorney;
39 any employee of the secretary of corrections other than a special agent;
40 any employee of the secretary for children and families; any deputy
41 conservation officer of the Kansas department of wildlife; ~~and parks and~~
42 ~~tourism~~; or any employee of a city or county who is employed solely to
43 perform correctional duties related to jail inmates and the administration

1 and operation of a jail; or any full-time or part-time salaried officer or
2 employee whose duties include the issuance of a citation or notice to
3 appear provided such officer or employee is not vested by law with the
4 authority to make an arrest for violation of the laws of this state or any
5 municipality thereof, and is not authorized to carry firearms when
6 discharging the duties of such person's office or employment. ~~Such term
7 shall include any officer appointed or elected on a provisional basis.~~

8 (h) "Full-time" means employment requiring at least 1,000 hours of
9 law enforcement related work per year.

10 (i) "Part-time" means employment on a regular schedule or
11 employment which requires a minimum number of hours each payroll
12 period, but in any case requiring less than 1,000 hours of law enforcement
13 related work per year.

14 (j) "Misdemeanor crime of domestic violence" means a violation of
15 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or
16 K.S.A. 2022 Supp. 21-5414, and amendments thereto, or any other
17 misdemeanor under federal, municipal or state law that has as an element
18 the use or attempted use of physical force, or the threatened use of a
19 deadly weapon, committed against a person with whom the offender is
20 involved or has been involved in a "dating relationship" or is a "family or
21 household member" as defined in K.S.A. 2022 Supp. 21-5414, and
22 amendments thereto, at the time of the offense.

23 (k) "Auxiliary personnel" means members of organized nonsalaried
24 groups who operate as an adjunct to a police or sheriff's department,
25 including reserve officers, posses and search and rescue groups.

26 (l) "Active law enforcement certificate" means a certificate that
27 attests to the qualification of a person to perform the duties of a law
28 enforcement officer and that has not been suspended or revoked by action
29 of the Kansas commission on peace officers' standards and training and
30 has not lapsed by operation of law as provided in K.S.A. 74-5622, and
31 amendments thereto.

32 Sec. 124. K.S.A. 74-6614 is hereby amended to read as follows: 74-
33 6614. (a) There is hereby created the natural and scientific areas advisory
34 board. The advisory board shall be attached to the state biological survey
35 and shall be within the survey as a part thereof. All budgeting, purchasing
36 and related management functions of the advisory board shall be
37 administered under the direction and supervision of the state biological
38 survey. All vouchers for expenditures and all payrolls of the advisory
39 board shall be approved by the state biological survey. The board shall
40 consist of 11 members designated by the following: The state biologist; the
41 secretary of wildlife; ~~and parks and tourism~~; the state forester; the state
42 geologist; the director of the state historical society; the director of the
43 state water office; the chairperson of the nongame wildlife advisory

1 council; the secretary of health and environment; a member of the house of
2 representatives appointed by the speaker of the house; a member of the
3 senate appointed by the president of the senate; a representative of the
4 governor.

5 (b) Whenever a vacancy on the board shall occur by death,
6 resignation or otherwise of any member so appointed, the responsible
7 appointor shall fill the same by appointment.

8 Sec. 125. K.S.A. 74-7901 is hereby amended to read as follows: 74-
9 7901. There is hereby created a Kansas wildlife arts council which shall be
10 composed of five members. One member shall be a member of the Kansas
11 wildlife; ~~and parks and tourism~~ commission appointed by such
12 commission, one member shall be a member of the Kansas creative arts
13 industries commission appointed by such commission, one member shall
14 be the director of the Fort Hays state university Sternberg museum, and
15 two members shall be from the public at large appointed by the president
16 of Fort Hays state university. The director of the Fort Hays state university
17 Sternberg museum shall be chairperson of the council, and personnel of
18 the Fort Hays state university Sternberg museum shall provide such staff
19 and clerical services as the council may require.

20 Sec. 126. K.S.A. 74-9201 is hereby amended to read as follows: 74-
21 9201. (a) There is hereby established the Kansas film services commission.
22 The commission shall consist of 19 voting members as follows:

23 (1) One member of the senate appointed by the president of the
24 senate;

25 (2) one member of the senate appointed by the minority leader of the
26 senate;

27 (3) one member of the house of representatives appointed by the
28 speaker of the house of representatives;

29 (4) one member of the house of representatives appointed by the
30 minority leader of the house of representatives; and

31 (5) fifteen members appointed by the governor.

32 (b) Of the members appointed by the governor, one shall be
33 appointed from each United States congressional district. All members
34 appointed by the governor shall be appointed for terms of three years,
35 except that of the members first appointed, five shall be appointed for one-
36 year terms, five shall be appointed for two-year terms and five shall be
37 appointed for three-year terms. The governor shall designate the term for
38 which each of the members first appointed shall serve.

39 (c) In addition to the voting members of the commission, six
40 members of the commission shall serve ex officio: The secretary of
41 commerce, the secretary of transportation, the secretary of wildlife; ~~and~~
42 ~~parks and tourism~~, the secretary of health and environment, the executive
43 director of the Kansas arts commission and the secretary of the state

1 historical society. Each ex officio member of the commission may
2 designate an officer or employee of the state agency of the ex officio
3 member to serve on the commission in place of the ex officio member. The
4 ex officio members of the commission, or their designees, shall be
5 nonvoting members of the commission and shall provide information and
6 advice to the commission. In addition to the voting and ex officio members
7 of the commission, the governor may appoint such number of
8 representatives of the film industry to nonvoting membership on the
9 commission as may be recommended by the secretary of commerce.

10 ~~(b)~~(d) Legislative members shall be appointed for terms coinciding
11 with the terms for which such members are elected. All members
12 appointed to fill vacancies in the membership of the commission and all
13 members appointed to succeed members appointed to membership on the
14 commission shall be appointed in like manner as that provided for the
15 original appointment of the member succeeded. All members appointed to
16 fill vacancies of a member of the commission appointed by the governor
17 shall be appointed to fill the unexpired term of such member.

18 ~~(e)~~(e) The members of the commission shall elect annually a
19 chairperson and vice-chairperson for the commission from among its
20 members. The commission shall meet at least four times each year at the
21 call of the chairperson of the commission. Ten voting members of the
22 commission shall constitute a quorum.

23 ~~(d)~~(f) Members of the commission who are not legislators shall
24 receive mileage, tolls and parking as provided in K.S.A. 75-3223, and
25 amendments thereto, for attendance at any meeting of the commission or
26 any subcommittee meeting authorized by the commission. Legislative
27 members of the commission shall be paid amounts provided in ~~subsection~~
28 ~~(e)~~ of K.S.A. 75-3223(e), and amendments thereto, for attendance at any
29 meeting of the commission or any subcommittee meeting authorized by
30 the commission.

31 Sec. 127. K.S.A. 75-1253 is hereby amended to read as follows: 75-
32 1253. (a) Whenever it becomes necessary in the judgment of the secretary
33 of administration or in any case when the total cost of a project for the
34 construction of a building or for major repairs or improvements to a
35 building for a state agency is expected to exceed \$1,000,000, the secretary
36 of administration shall convene a negotiating committee. The state
37 building advisory commission shall prepare a list of at least three and not
38 more than five firms ~~which~~ that are, in the opinion of the state building
39 advisory commission, qualified to serve as project architect, engineer or
40 land surveyor for the project. Such list shall be submitted to the
41 negotiating committee, without any recommendation of preference or
42 other recommendation.

43 (b) The secretary of administration may combine two or more

1 separate projects for the construction of buildings or for major repairs or
2 improvements to buildings for state agencies, for the purpose of procuring
3 architectural, engineering or land surveying services for all such projects
4 from a single firm. In each case, the combined projects shall be construed
5 to be a single project for all purposes under the provisions of K.S.A. 75-
6 1250 through 75-1267, and amendments thereto.

7 (c) (1) This section shall not apply to any repetitive project with a
8 standard plan that was originally designed by the secretary of
9 administration or an agency architect pursuant to K.S.A. 75-1254(a)(2)
10 and (3), and amendments thereto. In such a case, the secretary of
11 administration or the agency architect may provide architectural services
12 for the repetitive project.

13 (2) "Repetitive project" means a project ~~which~~ that uses the same
14 standard design as was used for a project constructed previously,
15 including, but not limited to, sub-area shops and salt domes of the
16 department of transportation and showers and toilet buildings of the
17 Kansas department of wildlife; ~~and parks and tourism~~. The plans for the
18 project may be modified as required for current codes, operational needs
19 or cost control. The total floor area of the project may be increased by an
20 area of not more than 25% of the floor area of the originally constructed
21 project, except that not more than 25% of the linear feet of the exterior and
22 interior walls may be moved for such increase. A project shall not be
23 considered to be repetitive if it has been over four years between the
24 substantial completion of the last project using the design plans and the
25 appropriation of funds for the proposed project.

26 Sec. 128. K.S.A. 75-2720 is hereby amended to read as follows: 75-
27 2720. (a) The state historic sites board of review shall have the power and
28 duty to:

29 (1) Subject to the provisions of subsection (b), approve nominations
30 to the state and national registers of historic places.

31 (2) Review the state survey of historic properties undertaken in
32 accordance with the provisions of this act.

33 (3) Review the content of the state preservation plan developed in
34 accordance with the provisions of this act.

35 (4) Approve the removal of properties from the state register of
36 historic places.

37 (5) Recommend the removal of properties from the national register
38 of historic places.

39 (6) Otherwise act in an advisory capacity to the state historic
40 preservation agency.

41 (7) Upon request, to advise the legislature concerning matters relating
42 to historic properties and historic preservation.

43 (8) Elect a chairman and vice-chairman and establish such rules of

1 procedure as it deems necessary.

2 (b) The state historic sites board of review shall not consider or
3 approve any nomination of historic property located in an unincorporated
4 area of any county to either the state register of historic places or the
5 national register of historic places unless owners of land located within
6 500 feet of the boundaries of a proposed historic property have been
7 notified of the time and place of the board meeting at which such
8 nomination is to be considered or approved. Notification shall be by mail
9 or publication notice. Publication notice shall be published at least once
10 each week for two consecutive weeks in a newspaper of general
11 circulation in each county in which all, or any part, of the proposed
12 historic property is located. The last publication shall be at least 30 days,
13 but not more than 50 days, prior to the date of such board meeting.
14 Whenever the state historic sites board of review submits a notice to a
15 newspaper for publication under this subsection, such board shall, at the
16 same time, also submit a copy of such notice to the secretary of wildlife,
17 ~~and parks and tourism.~~

18 Sec. 129. K.S.A. 75-2935 is hereby amended to read as follows: 75-
19 2935. The civil service of the state of Kansas is hereby divided into the
20 unclassified and the classified services.

21 (1) The unclassified service comprises positions held by state officers
22 or employees who are:

23 (a) Chosen by election or appointment to fill an elective office;

24 (b) members of boards and commissions, heads of departments
25 required by law to be appointed by the governor or by other elective
26 officers, and the executive or administrative heads of offices, departments,
27 divisions and institutions specifically established by law;

28 (c) except as otherwise provided under this section, one personal
29 secretary to each elective officer of this state, and in addition thereto, 10
30 deputies, clerks or employees designated by such elective officer;

31 (d) all employees in the office of the governor;

32 (e) officers and employees of the senate and house of representatives
33 of the legislature and of the legislative coordinating council and all officers
34 and employees of the office of revisor of statutes, of the legislative
35 research department, of the division of legislative administrative services,
36 of the division of post audit and the legislative counsel;

37 (f) chancellor, president, deans, administrative officers, student health
38 service physicians, pharmacists, teaching and research personnel, health
39 care employees and student employees in the institutions under the state
40 board of regents, the executive officer of the board of regents and the
41 executive officer's employees other than clerical employees, and, at the
42 discretion of the state board of regents, directors or administrative officers
43 of departments and divisions of the institution and county extension

1 agents, except that this subsection ~~(1)(f)~~ shall not be construed to include
2 the custodial, clerical or maintenance employees, or any employees
3 performing duties in connection with the business operations of any such
4 institution, except administrative officers and directors; As used in this
5 subsection ~~(1)(f)~~, "health care employees" means employees of the
6 university of Kansas medical center who provide health care services at
7 the university of Kansas medical center and who are medical technicians
8 or technologists or respiratory therapists, who are licensed professional
9 nurses or licensed practical nurses, or who are in job classes ~~which~~ that are
10 designated for this purpose by the chancellor of the university of Kansas
11 upon a finding by the chancellor that such designation is required for the
12 university of Kansas medical center to recruit or retain personnel for
13 positions in the designated job classes; and employees of any institution
14 under the state board of regents who are medical technologists;

15 (g) operations, maintenance and security personnel employed to
16 implement agreements entered into by the adjutant general and the federal
17 national guard bureau, and officers and enlisted persons in the national
18 guard and the naval militia;

19 (h) persons engaged in public work for the state but employed by
20 contractors when the performance of such contract is authorized by the
21 legislature or other competent authority;

22 (i) persons temporarily employed or designated by the legislature or
23 by a legislative committee or commission or other competent authority to
24 make or conduct a special inquiry, investigation, examination or
25 installation;

26 (j) officers and employees in the office of the attorney general and
27 special counsel to state departments appointed by the attorney general,
28 except that officers and employees of the division of the Kansas bureau of
29 investigation shall be in the classified or unclassified service as provided
30 in K.S.A. 75-711, and amendments thereto;

31 (k) all employees of courts;

32 (l) client, patient and inmate help in any state facility or institution;

33 (m) all attorneys for boards, commissions and departments;

34 (n) the secretary and assistant secretary of the Kansas state historical
35 society;

36 (o) physician specialists, dentists, dental hygienists, pharmacists,
37 medical technologists and long term care workers employed by the Kansas
38 department for aging and disability services;

39 (p) physician specialists, dentists and medical technologists employed
40 by any board, commission or department or by any institution under the
41 jurisdiction thereof;

42 (q) student employees enrolled in public institutions of higher
43 learning;

1 (r) administrative officers, directors and teaching personnel of the
2 state board of education and the state department of education and of any
3 institution under the supervision and control of the state board of
4 education, except that this subsection ~~(1)(r)~~ shall not be construed to
5 include the custodial, clerical or maintenance employees, or any
6 employees performing duties in connection with the business operations of
7 any such institution, except administrative officers and directors;

8 (s) all officers and employees in the office of the secretary of state;

9 (t) one personal secretary and one special assistant to the following:
10 The secretary of administration, the secretary for aging and disability
11 services, the secretary of agriculture, the secretary of commerce, the
12 secretary of corrections, the secretary of health and environment, the
13 superintendent of the Kansas highway patrol, the secretary of labor, the
14 secretary of revenue, the secretary for children and families, the secretary
15 of transportation; *and* the secretary of wildlife; *and* parks ~~and tourism and~~
16 ~~the commissioner of juvenile justice;~~

17 (u) one personal secretary and one special assistant to the chancellor
18 and presidents of institutions under the state board of regents;

19 (v) one personal secretary and one special assistant to the executive
20 vice chancellor of the university of Kansas medical center;

21 (w) one public information officer and one chief attorney for the
22 following: The department of administration, the Kansas department for
23 aging and disability services, the department of agriculture, the department
24 of commerce, the department of corrections, the department of health and
25 environment, the department of labor, the department of revenue, the
26 Kansas department for children and families, the department of
27 transportation; *and* the Kansas department of wildlife; *and* parks ~~and~~
28 ~~tourism and the commissioner of juvenile justice;~~

29 (x) if designated by the appointing authority, persons in newly hired
30 positions, including any employee who is rehired into such position and
31 any current state employee who voluntarily transfers into, or is voluntarily
32 promoted or demoted into such position, on and after July 1, 2015, in any
33 state agency;

34 (y) one executive director, one general counsel and one director of
35 public affairs and consumer protection in the office of the state corporation
36 commission;

37 (z) specifically designated by law as being in the unclassified service;

38 (aa) any position that is classified as a position in the information
39 resource manager job class series, that is the chief position responsible for
40 all information resources management for a state agency, and that becomes
41 vacant on or after the effective date of this act. Nothing in this section shall
42 affect the classified status of any employee in the classified service who is
43 employed on the date immediately preceding the effective date of this act

1 in any position that is a classified position in the information resource
2 manager job class series and the unclassified status as prescribed by this
3 subsection shall apply only to a person appointed to any such position on
4 or after the effective date of this act that is the chief position responsible
5 for all information resources management for a state agency;

6 (bb) positions at state institutions of higher education that have been
7 converted to unclassified positions pursuant to K.S.A. 76-715a, and
8 amendments thereto; and

9 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 39-
10 1911, 44-510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-
11 4503, 65-2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569,
12 74-631, 74-1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-
13 2906a, 74-5014, 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501,
14 74-8704, 74-8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-
15 3148, 75-3702c, 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157,
16 75-5309, 75-5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-
17 5910, 75-7028, 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-
18 12a05, 76-12a08, 76-12a16, 76-3202 and 82a-1205 ~~and K.S.A. 39-1911,~~
19 and amendments thereto, any vacant position within the classified service
20 may be converted by the appointing authority to an unclassified position.

21 (2) The classified service comprises all positions now existing or
22 hereafter created ~~which~~ that are not included in the unclassified service.
23 Appointments in the classified service shall be made according to merit
24 and fitness from eligible pools ~~which~~ that so far as practicable shall be
25 competitive. No person shall be appointed, promoted, reduced or
26 discharged as an officer, clerk, employee or laborer in the classified
27 service in any manner or by any means other than those prescribed in the
28 Kansas civil service act and the rules adopted in accordance therewith.

29 (3) For positions involving unskilled, or semiskilled duties, the
30 secretary of administration, as provided by law, shall establish rules and
31 regulations concerning certifications, appointments, layoffs and
32 reemployment ~~which~~ that may be different from the rules and regulations
33 established concerning these processes for other positions in the classified
34 service.

35 (4) Officers authorized by law to make appointments to positions in
36 the unclassified service, and appointing officers of departments or
37 institutions whose employees are exempt from the provisions of the
38 Kansas civil service act because of the constitutional status of such
39 departments or institutions shall be permitted to make appointments from
40 appropriate pools of eligibles maintained by the division of personnel
41 services.

42 (5) On and after the effective date of this act, any state agency that
43 has positions in the classified service within the Kansas civil service act to

1 satisfy any requirement of maintaining personnel standards on a merit
2 basis pursuant to federal law or the rules and regulations promulgated
3 thereunder by the federal government or any agency thereof, shall adopt a
4 binding statement of agency policy pursuant to K.S.A. 77-415, and
5 amendments thereto, to satisfy such requirements if the appointing
6 authority has made any such position unclassified.

7 Sec. 130. K.S.A. 75-3339 is hereby amended to read as follows: 75-
8 3339. (a) The division of services for the blind of the Kansas department
9 for children and families shall:

10 (1) Make surveys of concession vending opportunities for blind
11 persons on state, county, city and other property;

12 (2) make surveys throughout the state of Kansas of industries with a
13 view to obtaining information that will assist blind persons to obtain
14 employment;

15 (3) make available to the public, especially to persons and
16 organizations engaged in work for the blind, information obtained as a
17 result of such surveys;

18 (4) issue licenses to blind persons who are citizens of the United
19 States for the operating of vending facilities on state, county, city and other
20 property for the vending of foods, beverages and other such articles or
21 services dispensed automatically or manually and prepared on or off the
22 premises in accordance with all applicable health laws, as determined by
23 the licensing agency; and

24 (5) take such other steps, including the adoption of rules and
25 regulations, as may be necessary and proper to carry out the provisions of
26 this act.

27 (b) The division of services for the blind, in issuing each such license
28 for the operation of a vending facility, shall give preference to blind
29 persons who are in need of employment. Each such license shall be issued
30 for an indefinite period but may be terminated by such division if it is
31 satisfied that the facility is not being operated in accordance with the rules
32 and regulations prescribed by such division. Such licenses shall be issued
33 only to applicants who are blind as defined by ~~subsection (b) of K.S.A. 75-~~
34 ~~3338(b)~~, and amendments thereto.

35 (c) The division of services for the blind, with the approval of the
36 head of the department or agency in control of the maintenance, operation,
37 and protection of the state, county and city or other property on which the
38 vending facility is to be located but subject to rules and regulations
39 prescribed pursuant to the provisions of this act, shall select a location for
40 such vending facility and the type of facility to be provided.

41 (d) In the design, construction or substantial alteration or renovation
42 of each public building after July 1, 1970, for use by any department,
43 agency or instrumentality of the state of Kansas, except the Kansas

1 department of wildlife; ~~and parks and tourism~~ and the Kansas turnpike
2 authority, there shall be included, after consultation with the division of
3 services for the blind a satisfactory site or sites with space and electrical
4 and plumbing outlets and other necessary requirements suitable for the
5 location and operation of a vending facility or facilities by a blind person
6 or persons. No space shall be rented, leased or otherwise acquired for use
7 by any department, agency or instrumentality of the state of Kansas after
8 July 1, 1970, except the Kansas department of wildlife; ~~and parks and~~
9 ~~tourism~~ and the Kansas turnpike authority, unless such space includes,
10 after consultation with the division of services for the blind, a satisfactory
11 site or sites with space and electrical and plumbing outlets and other
12 necessary requirements suitable for the location and operation of a vending
13 facility or facilities by a blind person or persons. All departments, agencies
14 and instrumentalities of the state of Kansas, except the Kansas department
15 of wildlife; ~~and parks and tourism~~ and the Kansas turnpike authority, shall
16 consult with the secretary for children and families or the secretary's
17 designee and the division of services for the blind in the design,
18 construction or substantial alteration or renovation of each public building
19 used by them, and in the renting, leasing or otherwise acquiring of space
20 for their use, to insure that the requirements set forth in this subsection are
21 satisfied. This subsection shall not apply when the secretary for children
22 and families or the secretary's designee and the division of services for the
23 blind determine that the number of people using the property is insufficient
24 to support a vending facility.

25 Sec. 131. K.S.A. 75-37,121 is hereby amended to read as follows: 75-
26 37,121. (a) There is created the office of administrative hearings within the
27 department of administration, to be headed by a director appointed by the
28 secretary of administration. The director shall be in the unclassified service
29 under the Kansas civil service act.

30 (b) The office may employ or contract with presiding officers, court
31 reporters and other support personnel as necessary to conduct proceedings
32 required by the Kansas administrative procedure act for adjudicative
33 proceedings of the state agencies, boards and commissions specified in
34 subsection (h). The office shall conduct adjudicative proceedings of any
35 state agency ~~which~~ *that* is specified in subsection (h) when requested by
36 such agency. Only a person admitted to practice law in this state or a
37 person directly supervised by a person admitted to practice law in this state
38 may be employed as a presiding officer. The office may employ regular
39 part-time personnel. Persons employed by the office shall be under the
40 classified civil service.

41 (c) If the office cannot furnish one of its presiding officers within 60
42 days in response to a requesting agency's request, the director shall
43 designate in writing a full-time employee of an agency other than the

1 requesting agency to serve as presiding officer for the proceeding, but only
2 with the consent of the employing agency. The designee ~~must~~ *shall* possess
3 the same qualifications required of presiding officers employed by the
4 office.

5 (d) The director may furnish presiding officers on a contract basis to
6 any governmental entity to conduct any proceeding other than a
7 proceeding as provided in subsection (h).

8 (e) The secretary of administration may adopt rules and regulations:

9 (1) To establish procedures for agencies to request and for the
10 director to assign presiding officers. An agency may neither select nor
11 reject any individual presiding officer for any proceeding except in
12 accordance with the Kansas administrative procedure act;

13 (2) to establish procedures and adopt forms, consistent with the
14 Kansas administrative procedure act, the model rules of procedure, and
15 other provisions of law, to govern presiding officers; and

16 (3) to facilitate the performance of the responsibilities conferred upon
17 the office by the Kansas administrative procedure act.

18 (f) The director may implement the provisions of this section and
19 rules and regulations adopted under its authority.

20 (g) The secretary of administration may adopt rules and regulations to
21 establish fees to charge a state agency for the cost of using a presiding
22 officer.

23 (h) The following state agencies, boards and commissions shall
24 utilize the office of administrative hearings for conducting adjudicative
25 hearings under the Kansas administrative procedure act in which the
26 presiding officer is not the agency head or one or more members of the
27 agency head:

28 (1) On and after July 1, 2005: Kansas department for children and
29 families, ~~juvenile justice authority~~ *department of corrections*, Kansas
30 department for aging and disability services, department of health and
31 environment, Kansas public employees retirement system, Kansas water
32 office, Kansas department of agriculture division of animal health and
33 Kansas insurance department.

34 (2) On and after July 1, 2006: Emergency medical services board,
35 emergency medical services council and Kansas human rights
36 commission.

37 (3) On and after July 1, 2007: Kansas lottery, Kansas racing and
38 gaming commission, state treasurer, pooled money investment board,
39 Kansas department of wildlife; *and parks and tourism* and state board of
40 tax appeals.

41 (4) On and after July 1, 2008: Department of human resources, state
42 corporation commission, Kansas department of agriculture division of
43 conservation, agricultural labor relations board, department of

1 administration, department of revenue, board of adult care home
2 administrators, Kansas state grain inspection department, board of
3 accountancy and Kansas wheat commission.

4 (5) On and after July 1, 2009, all other Kansas administrative
5 procedure act hearings not mentioned in subsections (1), (2), (3) and (4).

6 (i) (1) Effective July 1, 2005, any presiding officer in agencies
7 specified in subsection (h)(1)~~which~~ *that* conduct hearings pursuant to the
8 Kansas administrative procedure act, except those exempted pursuant to
9 K.S.A. 77-551, and amendments thereto, and support personnel for such
10 presiding officers, shall be transferred to and shall become employees of
11 the office of administrative hearings. Such personnel shall retain all rights
12 under the state personnel system and retirement benefits under the laws of
13 this state~~which~~ *that* had accrued to or vested in such personnel prior to the
14 effective date of this section. Such person's services shall be deemed to
15 have been continuous. All transfers of personnel positions in the classified
16 service under the Kansas civil service act shall be in accordance with civil
17 service laws and any rules and regulations adopted thereunder. This
18 section shall not affect any matter pending before an administrative
19 hearing officer at the time of the effective date of the transfer, and such
20 matter shall proceed as though no transfer of employment had occurred.

21 (2) Effective July 1, 2006, any presiding officer in agencies specified
22 in subsection (h)(2)~~which~~ *that* conduct hearings pursuant to the Kansas
23 administrative procedure act, except those exempted pursuant to K.S.A.
24 77-551, and amendments thereto, and support personnel for such presiding
25 officers, shall be transferred to and shall become employees of the office
26 of administrative hearings. Such personnel shall retain all rights under the
27 state personnel system and retirement benefits under the laws of this state
28 ~~which~~ *that* had accrued to or vested in such personnel prior to the effective
29 date of this section. Such person's services shall be deemed to have been
30 continuous. All transfers of personnel positions in the classified service
31 under the Kansas civil service act shall be in accordance with civil service
32 laws and any rules and regulations adopted thereunder. This section shall
33 not affect any matter pending before an administrative hearing officer at
34 the time of the effective date of the transfer, and such matter shall proceed
35 as though no transfer of employment had occurred.

36 (3) Effective July 1, 2007, any presiding officer in agencies specified
37 in subsection (h)(3)~~which~~ *that* conduct hearings pursuant to the Kansas
38 administrative procedure act, except those exempted pursuant to K.S.A.
39 77-551, and amendments thereto, and support personnel for such presiding
40 officers, shall be transferred to and shall become employees of the office
41 of administrative hearings. Such personnel shall retain all rights under the
42 state personnel system and retirement benefits under the laws of this state
43 ~~which~~ *that* had accrued to or vested in such personnel prior to the effective

1 date of this section. Such person's services shall be deemed to have been
2 continuous. All transfers of personnel positions in the classified service
3 under the Kansas civil service act shall be in accordance with civil service
4 laws and any rules and regulations adopted thereunder. This section shall
5 not affect any matter pending before an administrative hearing officer at
6 the time of the effective date of the transfer, and such matter shall proceed
7 as though no transfer of employment had occurred.

8 (4) Effective July 1, 2008, any full-time presiding officer in agencies
9 specified in subsection (h)(4)~~which~~ *that* conduct hearings pursuant to the
10 Kansas administrative procedure act, except those exempted pursuant to
11 K.S.A. 77-551, and amendments thereto, and support personnel for such
12 presiding officers, shall be transferred to and shall become employees of
13 the office of administrative hearings. Such personnel shall retain all rights
14 under the state personnel system and retirement benefits under the laws of
15 this state~~which~~ *that* had accrued to or vested in such personnel prior to the
16 effective date of this section. Such person's services shall be deemed to
17 have been continuous. All transfers of personnel positions in the classified
18 service under the Kansas civil service act shall be in accordance with civil
19 service laws and any rules and regulations adopted thereunder. This
20 section shall not affect any matter pending before an administrative
21 hearing officer at the time of the effective date of the transfer, and such
22 matter shall proceed as though no transfer of employment had occurred.

23 (5) Effective July 1, 2009, any full-time presiding officer in agencies
24 specified in subsection (h)(5)~~which~~ *that* conduct hearings pursuant to the
25 Kansas administrative procedure act, except those exempted pursuant to
26 K.S.A. 77-551, and amendments thereto, and support personnel for such
27 presiding officers, shall be transferred to and shall become employees of
28 the office of administrative hearings. Such personnel shall retain all rights
29 under the state personnel system and retirement benefits under the laws of
30 this state~~which~~ *that* had accrued to or vested in such personnel prior to the
31 effective date of this section. Such person's services shall be deemed to
32 have been continuous. All transfers of personnel positions in the classified
33 service under the Kansas civil service act shall be in accordance with civil
34 service laws and any rules and regulations adopted thereunder. This
35 section shall not affect any matter pending before an administrative
36 hearing officer at the time of the effective date of the transfer, and such
37 matter shall proceed as though no transfer of employment occurred.

38 Sec. 132. K.S.A. 75-3907 is hereby amended to read as follows: 75-
39 3907. Except as otherwise provided in this order, on the effective date of
40 this order, officers and employees who, immediately prior to such date,
41 were engaged in the performance of powers, duties or functions of any
42 state agency or office~~which~~ *that* is abolished by this order, or~~which~~ *that*
43 becomes a part of the Kansas department of wildlife; *and* parks~~and~~

1 ~~tourism~~, or the powers, duties and functions of which are transferred to the
2 secretary of wildlife; ~~and parks and tourism~~, and who, in the opinion of the
3 secretary of wildlife; ~~and parks and tourism~~, are necessary to perform the
4 powers, duties and functions of the Kansas department of wildlife; ~~and~~
5 ~~parks and tourism~~, shall be transferred to, and shall become officers and
6 employees of the department. Any such officer or employee shall retain all
7 retirement benefits and all rights of civil service ~~which~~ *that* had accrued to
8 or vested in such officer or employee prior to the effective date of this
9 order. The service of each such officer and employee so transferred shall
10 be deemed to have been continuous.

11 Sec. 133. K.S.A. 75-3908 is hereby amended to read as follows: 75-
12 3908. (a) When any conflict arises as to the disposition of any property,
13 power, duty or function or the unexpended balance of any appropriation as
14 a result of any abolition, transfer, attachment or change made by or under
15 authority of this order, such conflict shall be resolved by the governor,
16 whose decision shall be final.

17 (b) The Kansas department of wildlife; ~~and parks and tourism~~ shall
18 succeed to all property, property rights and records ~~which~~ *that* were used
19 for or pertain to the performance of the powers, duties and functions
20 transferred to the secretary of wildlife; ~~and parks and tourism~~. Any conflict
21 as to the proper disposition of property or records arising under this
22 section, and resulting from the transfer, attachment or abolition of any state
23 agency or office, or all or part of the powers, duties and functions thereof,
24 shall be determined by the governor, whose decision shall be final.

25 Sec. 134. K.S.A. 75-3910 is hereby amended to read as follows: 75-
26 3910. (a) On the effective date of this order, the balance of all funds
27 appropriated and reappropriated to any of the state agencies abolished by
28 this order is hereby transferred to the Kansas department of wildlife; ~~and~~
29 ~~parks and tourism~~ and shall be used only for the purpose for which the
30 appropriation was originally made.

31 (b) On the effective date of this order, the liability for all accrued
32 compensation or salaries of officers and employees who, immediately
33 prior to such date, were engaged in the performance of powers, duties or
34 functions of any state agency or office abolished by this order, or ~~which~~
35 *that* becomes a part of the Kansas department of wildlife; ~~and parks and~~
36 ~~tourism~~ established by this order, or the powers, duties and functions of
37 which are transferred to the secretary of wildlife; ~~and parks and tourism~~
38 provided for by this order, shall be assumed and paid by the Kansas
39 department of wildlife; ~~and parks and tourism~~ established by this order.

40 Sec. 135. K.S.A. 76-463 is hereby amended to read as follows: 76-
41 463. In connection with its duties, the section shall cooperate with the
42 Kansas department of wildlife; ~~and parks and tourism~~.

43 Sec. 136. K.S.A. 77-415 is hereby amended to read as follows: 77-

1 415. (a) K.S.A. 77-415 through 77-438, and amendments thereto, shall be
2 known and may be cited as the rules and regulations filing act.

3 (b) (1) Unless otherwise provided by statute or constitutional
4 provision, each rule and regulation issued or adopted by a state agency
5 shall comply with the requirements of the rules and regulations filing act.
6 Except as provided in this section, any standard, requirement or other
7 policy of general application may be given binding legal effect only if it
8 has complied with the requirements of the rules and regulations filing act.

9 (2) Notwithstanding the provisions of this section:

10 (A) An agency may bind parties, establish policies, and interpret
11 statutes or regulations by order in an adjudication under the Kansas
12 administrative procedure act or other procedures required by law, except
13 that such order shall not be used as precedent in any subsequent
14 adjudication against a person who was not a party to the original
15 adjudication unless the order is:

16 (i) Designated by the agency as precedent;

17 (ii) not overruled by a court or later adjudication; and

18 (iii) disseminated to the public in one of the following ways:

19 (a) Inclusion in a publicly available index, maintained by the agency
20 and published on its website, of all orders designated as precedent;

21 (b) publication by posting in full on an agency website in a format
22 capable of being searched by key terms; or

23 (c) being made available to the public in such other manner as may be
24 prescribed by the secretary of state.

25 (B) Any statement of agency policy may be treated as binding within
26 the agency if such statement of policy is directed to:

27 (i) Agency personnel relating to the performance of their duties.

28 (ii) The internal management of or organization of the agency.

29 No such statement of agency policy listed in clauses (i) and (ii) ~~of this~~
30 ~~subparagraph~~ may be relied on to bind the general public.

31 (C) An agency may provide forms, the content or substantive
32 requirements of which are prescribed by rule and regulation or statute,
33 except that no such form may give rise to any legal right or duty or be
34 treated as authority for any standard, requirement or policy reflected
35 therein.

36 (D) An agency may provide guidance or information to the public,
37 describing any agency policy or statutory or regulatory requirement except
38 that no such guidance or information may give rise to any legal right or
39 duty or be treated as authority for any standard, requirement or policy
40 reflected therein.

41 (E) None of the following shall be subject to the rules and regulations
42 filing act:

43 (i) Any policy relating to the curriculum of a public educational

1 institution or to the administration, conduct, discipline, or graduation of
2 students from such institution.

3 (ii) Any parking and traffic regulations of any state educational
4 institution under the control and supervision of the state board of regents.

5 (iii) Any rule and regulation relating to the emergency or security
6 procedures of a correctional institution, as defined in ~~subsection (d) of~~
7 K.S.A. 75-5202(d), and amendments thereto.

8 (iv) Any order issued by the secretary of corrections or any warden of
9 a correctional institution under K.S.A. 75-5256, and amendments thereto.

10 (F) When a statute authorizing an agency to issue rules and
11 regulations or take other action specifies the procedures for doing so, those
12 procedures shall apply instead of the procedures in the rules and
13 regulations filing act.

14 (c) As used in the rules and regulations filing act, and amendments
15 thereto, unless the context clearly requires otherwise:

16 (1) "Board" means the state rules and regulations board established
17 under the provisions of K.S.A. 77-423, and amendments thereto.

18 (2) "Environmental rule and regulation" means:

19 (A) A rule and regulation adopted by the secretary of agriculture, the
20 secretary of health and environment or the state corporation commission;
21 ~~which~~ *that* has as a primary purpose the protection of the environment; or

22 (B) a rule and regulation adopted by the secretary of wildlife; *and*
23 parks ~~and tourism~~ concerning threatened or endangered species of wildlife
24 as defined in K.S.A. 32-958, and amendments thereto.

25 (3) "Person" means an individual, firm, association, organization,
26 partnership, business trust, corporation, company or any other legal or
27 commercial entity.

28 (4) "Rule and regulation," "rule," and "regulation" means a standard,
29 requirement or other policy of general application that has the force and
30 effect of law, including amendments or revocations thereof, issued or
31 adopted by a state agency to implement or interpret legislation.

32 (5) "Rulemaking" ~~shall have the meaning ascribed to it~~ *means the*
33 *same as defined* in K.S.A. 77-602, and amendments thereto.

34 (6) "Small employer" means any person, firm, corporation,
35 partnership or association that employs not more than 50 employees, the
36 majority of whom are employed within this state.

37 (7) "State agency" means any officer, department, bureau, division,
38 board, authority, agency, commission or institution of this state, except the
39 judicial and legislative branches, which is authorized by law to promulgate
40 rules and regulations concerning the administration, enforcement or
41 interpretation of any law of this state.

42 Sec. 137. K.S.A. 2022 Supp. 77-421 is hereby amended to read as
43 follows: 77-421.(a) (1) Except as provided by subsection (a)(2), ~~subsection~~

1 (a)(3) or ~~subsection (a)(4)~~, prior to the adoption of any permanent rule and
2 regulation or any temporary rule and regulation ~~which~~ *that* is required to
3 be adopted as a temporary rule and regulation in order to comply with the
4 requirements of the statute authorizing the same and after any such rule
5 and regulation has been approved by the secretary of administration, the
6 attorney general and the director of the budget, the adopting state agency
7 shall give at least 60 days' notice of its intended action in the Kansas
8 register and to the secretary of state and to the joint committee on
9 administrative rules and regulations established by K.S.A. 77-436, and
10 amendments thereto. The notice shall be provided to the secretary of state
11 and to the chairperson, vice chairperson, ranking minority member of the
12 joint committee and legislative research department and shall be published
13 in the Kansas register. A complete copy of all proposed rules and
14 regulations and the complete economic impact statement required by
15 K.S.A. 77-416, and amendments thereto, shall accompany the notice sent
16 to the secretary of state. The notice shall contain:

17 (A) A summary of the substance of the proposed rules and
18 regulations;

19 (B) a summary of the economic impact statement indicating the
20 estimated economic impact on governmental agencies or units, persons
21 subject to the proposed rules and regulations and the general public;

22 (C) a summary of the environmental benefit statement, if applicable,
23 indicating the need for the proposed rules and regulations;

24 (D) the address where a complete copy of the proposed rules and
25 regulations, the complete economic impact statement, the environmental
26 benefit statement, if applicable, required by K.S.A. 77-416, and
27 amendments thereto, may be obtained;

28 (E) the time and place of the public hearing to be held; the manner in
29 which interested parties may present their views; and

30 (F) a specific statement that the period of 60 days' notice constitutes a
31 public comment period for the purpose of receiving written public
32 comments on the proposed rules and regulations and the address where
33 such comments may be submitted to the state agency. Publication of such
34 notice in the Kansas register shall constitute notice to all parties affected
35 by the rules and regulations.

36 (2) Prior to adopting any rule and regulation ~~which~~ *that* establishes
37 seasons and fixes bag, creel, possession, size or length limits for the taking
38 or possession of wildlife and after such rule and regulation has been
39 approved by the secretary of administration and the attorney general, the
40 secretary of wildlife, ~~and parks and tourism~~ shall give at least 30 days'
41 notice of its intended action in the Kansas register and to the secretary of
42 state and to the joint committee on administrative rules and regulations
43 created pursuant to K.S.A. 77-436, and amendments thereto. All other

1 provisions of subsection (a)(1) shall apply to such rules and regulations,
2 except that the statement required by subsection (a)(1)(F) shall state that
3 the period of 30 days' notice constitutes a public comment period on such
4 rules and regulations.

5 (3) Prior to adopting any rule and regulation ~~which~~ *that* establishes
6 any permanent prior authorization on a prescription-only drug pursuant to
7 K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or
8 reimbursement for pharmaceuticals under the pharmacy program of the
9 state medicaid plan, and after such rule and regulation has been approved
10 by the director of the budget, the secretary of administration and the
11 attorney general, the secretary of health and environment shall give at least
12 30 days' notice of its intended action in the Kansas register and to the
13 secretary of state and to the joint committee on administrative rules and
14 regulations created pursuant to K.S.A. 77-436, and amendments thereto.
15 All other provisions of subsection (a)(1) shall apply to such rules and
16 regulations, except that the statement required by subsection (a)(1)(F) shall
17 state that the period of 30 days' notice constitutes a public comment period
18 on such rules and regulations.

19 (4) Prior to adopting any rule and regulation pursuant to subsection
20 (c), the state agency shall give at least 60 days' notice of its intended action
21 in the Kansas register and to the secretary of state and to the joint
22 committee on administrative rules and regulations created pursuant to
23 K.S.A. 77-436, and amendments thereto. All other provisions of
24 subsection (a)(1) shall apply to such rules and regulations, except that the
25 statement required by subsection (a)(1)(F) shall state that the period of
26 notice constitutes a public comment period on such rules and regulations.

27 (b) (1) On the date of the hearing, all interested parties shall be given
28 reasonable opportunity to present their views or arguments on adoption of
29 the rule and regulation, either orally or in writing. At the time it adopts or
30 amends a rule and regulation, the state agency shall prepare a concise
31 statement of the principal reasons for adopting the rule and regulation or
32 amendment thereto, including:

33 (A) The agency's reasons for not accepting substantial arguments
34 made in testimony and comments; and

35 (B) the reasons for any substantial change between the text of the
36 proposed adopted or amended rule and regulation contained in the
37 published notice of the proposed adoption or amendment of the rule and
38 regulation and the text of the rule and regulation as finally adopted.

39 (2) Whenever a state agency is required by any other statute to give
40 notice and hold a hearing before adopting, amending, reviving or revoking
41 a rule and regulation, the state agency, in lieu of following the
42 requirements or statutory procedure set out in such other law, may give
43 notice and hold hearings on proposed rules and regulations in the manner

1 prescribed by this section.

2 (3) Notwithstanding the other provisions of this section, the secretary
3 of corrections may give notice or an opportunity to be heard to any inmate
4 in the custody of the secretary with regard to the adoption of any rule and
5 regulation.

6 (c) (1) The agency shall initiate new rulemaking proceedings under
7 this act, if a state agency proposes to adopt a final rule and regulation that:

8 (A) Differs in subject matter or effect in any material respect from the
9 rule and regulation as originally proposed; and

10 (B) is not a logical outgrowth of the rule and regulation as originally
11 proposed.

12 (2) For the purposes of this provision, a rule and regulation is not the
13 logical outgrowth of the rule and regulation as originally proposed if a
14 person affected by the final rule and regulation was not put on notice that
15 such person's interests were affected in the rule making.

16 (d) When, pursuant to this or any other statute, a state agency holds a
17 hearing on the adoption of a proposed rule and regulation, the agency shall
18 cause written minutes or other records, including a record maintained on
19 sound recording tape or on any electronically accessed media or any
20 combination of written or electronically accessed media records of the
21 hearing to be made. If the proposed rule and regulation is adopted and
22 becomes effective, the state agency shall maintain, for not less than three
23 years after its effective date, such minutes or other records, together with
24 any recording, transcript or other record made of the hearing and a list of
25 all persons who appeared at the hearing and who they represented, any
26 written testimony presented at the hearing and any written comments
27 submitted during the public comment period.

28 (e) No rule and regulation shall be adopted by a board, commission,
29 authority or other similar body except at a meeting which is open to the
30 public and notwithstanding any other provision of law to the contrary, no
31 rule and regulation shall be adopted by a board, commission, authority or
32 other similar body unless it receives approval by roll call vote of a
33 majority of the total membership thereof.

34 Sec. 138. K.S.A. 79-201a is hereby amended to read as follows: 79-
35 201a. The following described property, to the extent herein specified,
36 shall be exempt from all property or ad valorem taxes levied under the
37 laws of the state of Kansas:

38 *First.* All property belonging exclusively to the United States, except
39 property which congress has expressly declared to be subject to state and
40 local taxation.

41 *Second.* All property used exclusively by the state or any municipality
42 or political subdivision of the state. All property owned, being acquired
43 pursuant to a lease-purchase agreement or operated by the state or any

1 municipality or political subdivision of the state, including property which
2 is vacant or lying dormant, which is used or is to be used for any
3 governmental or proprietary function and for which bonds may be issued
4 or taxes levied to finance the same, shall be considered to be used
5 exclusively by the state, municipality or political subdivision for the
6 purposes of this section. The lease by a municipality or political
7 subdivision of the state of any real property owned or being acquired
8 pursuant to a lease-purchase agreement for the purpose of providing office
9 space necessary for the performance of medical services by a person
10 licensed to practice medicine and surgery or osteopathic medicine by the
11 board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments
12 thereto, dentistry services by a person licensed by the Kansas dental board
13 pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry
14 services by a person licensed by the board of examiners in optometry
15 pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-
16 1501 et seq., and amendments thereto, podiatry services by a person
17 licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq.,
18 and amendments thereto, or the practice of psychology by a person
19 licensed by the behavioral sciences regulatory board pursuant to K.S.A.
20 74-5301 et seq., and amendments thereto, shall be construed to be a
21 governmental function, and such property actually and regularly used for
22 such purpose shall be deemed to be used exclusively for the purposes of
23 this paragraph. The lease by a municipality or political subdivision of the
24 state of any real property, or portion thereof, owned or being acquired
25 pursuant to a lease-purchase agreement to any entity for the exclusive use
26 by it for an exempt purpose, including the purpose of displaying or
27 exhibiting personal property by a museum or historical society, if no
28 portion of the lease payments include compensation for return on the
29 investment in such leased property shall be deemed to be used exclusively
30 for the purposes of this paragraph. All property leased, other than motor
31 vehicles leased for a period of at least one year and property being
32 acquired pursuant to a lease-purchase agreement, to the state or any
33 municipality or political subdivision of the state by any private entity shall
34 not be considered to be used exclusively by the state or any municipality
35 or political subdivision of the state for the purposes of this section except
36 that the provisions of this sentence shall not apply to any such property
37 subject to lease on the effective date of this act until the term of such lease
38 expires but property taxes levied upon any such property prior to tax year
39 1989, shall not be abated or refunded. Any property constructed or
40 purchased with the proceeds of industrial revenue bonds issued prior to
41 July 1, 1963, as authorized by K.S.A. 12-1740 through 12-1749, and
42 amendments thereto, or purchased with proceeds of improvement district
43 bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, and

1 amendments thereto, or with proceeds of bonds issued prior to July 1,
2 1963, as authorized by K.S.A. 19-3815a and 19-3815b, and amendments
3 thereto, or any property improved, purchased, constructed, reconstructed
4 or repaired with the proceeds of revenue bonds issued prior to July 1,
5 1963, as authorized by K.S.A. 13-1238 through 13-1245, and amendments
6 thereto, or any property improved, reimproved, reconstructed or repaired
7 with the proceeds of revenue bonds issued after July 1, 1963, under the
8 authority of K.S.A. 13-1238 through 13-1245, and amendments thereto,
9 which had previously been improved, reconstructed or repaired with the
10 proceeds of revenue bonds issued under such act on or before July 1, 1963,
11 shall be exempt from taxation for so long as any of the revenue bonds
12 issued to finance such construction, reconstruction, improvement, repair or
13 purchase shall be outstanding and unpaid. Any property constructed or
14 purchased with the proceeds of any revenue bonds authorized by K.S.A.
15 13-1238 through 13-1245, and amendments thereto, 19-2776, 19-3815a
16 and 19-3815b, and amendments thereto, issued on or after July 1, 1963,
17 shall be exempt from taxation only for a period of 10 calendar years after
18 the calendar year in which the bonds were issued. Any property, all or any
19 portion of which is constructed or purchased with the proceeds of revenue
20 bonds authorized by K.S.A. 12-1740 through 12-1749, and amendments
21 thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall be
22 exempt from taxation only for a period of 10 calendar years after the
23 calendar year in which the bonds were issued. Except as hereinafter
24 provided, any property constructed or purchased wholly with the proceeds
25 of revenue bonds issued on or after July 1, 1981, under the authority of
26 K.S.A. 12-1740 through 12-1749, and amendments thereto, shall be
27 exempt from taxation only for a period of 10 calendar years after the
28 calendar year in which the bonds were issued. Except as hereinafter
29 provided, any property constructed or purchased in part with the proceeds
30 of revenue bonds issued on or after July 1, 1981, under the authority of
31 K.S.A. 12-1740 through 12-1749, and amendments thereto, shall be
32 exempt from taxation to the extent of the value of that portion of the
33 property financed by the revenue bonds and only for a period of 10
34 calendar years after the calendar year in which the bonds were issued. The
35 exemption of that portion of the property constructed or purchased with
36 the proceeds of revenue bonds shall terminate upon the failure to pay all
37 taxes levied on that portion of the property which is not exempt and the
38 entire property shall be subject to sale in the manner prescribed by K.S.A.
39 79-2301 et seq., and amendments thereto. Property constructed or
40 purchased in whole or in part with the proceeds of revenue bonds issued
41 on or after January 1, 1995, under the authority of K.S.A. 12-1740 through
42 12-1749, and amendments thereto, and used in any retail enterprise
43 identified under NAICS sectors 44 and 45, except facilities used

1 exclusively to house the headquarters or back office operations of such
2 retail enterprises identified thereunder, shall not be exempt from taxation.
3 For the purposes of the preceding provision "NAICS" means the North
4 American industry classification system, as developed under the authority
5 of the office of management and budget of the office of the president of
6 the United States. "Headquarters or back office operations" means a
7 facility from which the enterprise is provided direction, management,
8 administrative services, or distribution or warehousing functions in support
9 of transactions made by the enterprise. Property purchased, constructed,
10 reconstructed, equipped, maintained or repaired with the proceeds of
11 industrial revenue bonds issued under the authority of K.S.A. 12-1740 et
12 seq., and amendments thereto, ~~which~~ *that* is located in a redevelopment
13 project area established under the authority of K.S.A. 12-1770 et seq., and
14 amendments thereto, shall not be exempt from taxation. Property
15 purchased, acquired, constructed, reconstructed, improved, equipped,
16 furnished, repaired, enlarged or remodeled with all or any part of the
17 proceeds of revenue bonds issued under authority of K.S.A. 12-1740
18 through 12-1749a, and amendments thereto, for any poultry confinement
19 facility on agricultural land ~~which~~ *that* is owned, acquired, obtained or
20 leased by a corporation, as such terms are defined by K.S.A. 17-5903, and
21 amendments thereto, shall not be exempt from such taxation. Property
22 purchased, acquired, constructed, reconstructed, improved, equipped,
23 furnished, repaired, enlarged or remodeled with all or any part of the
24 proceeds of revenue bonds issued under the authority of K.S.A. 12-1740
25 through 12-1749a, and amendments thereto, for a rabbit confinement
26 facility on agricultural land which is owned, acquired, obtained or leased
27 by a corporation, as such terms are defined by K.S.A. 17-5903, and
28 amendments thereto, shall not be exempt from such taxation.

29 *Third.* All works, machinery and fixtures used exclusively by any rural
30 water district or township water district for conveying or production of
31 potable water in such rural water district or township water district, and all
32 works, machinery and fixtures used exclusively by any entity which
33 performed the functions of a rural water district on and after January 1,
34 1990, and the works, machinery and equipment of which were exempted
35 hereunder on March 13, 1995.

36 *Fourth.* All fire engines and other implements used for the
37 extinguishment of fires, with the buildings used exclusively for the
38 safekeeping thereof, and for the meeting of fire companies, whether
39 belonging to any rural fire district, township fire district, town, city or
40 village, or to any fire company organized therein or therefor.

41 *Fifth.* All property, real and personal, owned by county fair associations
42 organized and operating under the provisions of K.S.A. 2-125 et seq., and
43 amendments thereto.

1 *Sixth.* Property acquired and held by any municipality under the
2 municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto,
3 except that such exemption shall not apply to any portion of the project
4 used by a nondwelling facility for profit making enterprise.

5 *Seventh.* All property of a municipality, acquired or held under and for
6 the purposes of the urban renewal law, K.S.A. 17-4742 et seq., and
7 amendments thereto, except that such tax exemption shall terminate when
8 the municipality sells, leases or otherwise disposes of such property in an
9 urban renewal area to a purchaser or lessee ~~which~~ *that* is not a public body
10 entitled to tax exemption with respect to such property.

11 *Eighth.* All property acquired and held by the Kansas armory board for
12 armory purposes under the provisions of K.S.A. 48-317, and amendments
13 thereto.

14 *Ninth.* All property acquired and used by the Kansas turnpike authority
15 under the authority of K.S.A. 68-2001 et seq., and amendments thereto,
16 K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq.,
17 and amendments thereto, and K.S.A. 68-2070 et seq., and amendments
18 thereto.

19 *Tenth.* All property acquired and used for state park purposes by the
20 Kansas department of wildlife; ~~and parks and tourism~~. Property that is part
21 of a state park listed in K.S.A. 32-837(a)(25) or (a)(26), and amendments
22 thereto, and that is contained within or encumbered by any railroad rights-
23 of-way that have been transferred or conveyed to the Kansas department of
24 wildlife; ~~and parks and tourism~~ for interim use, pursuant to 16 U.S.C. §
25 1247(d), shall be deemed to be acquired and used for state park purposes
26 by the Kansas department of wildlife; ~~and parks and tourism~~ for the
27 purposes of this subsection.

28 *Eleventh.* The state office building constructed under authority of
29 K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which
30 such building is located.

31 *Twelfth.* All buildings erected under the authority of K.S.A. 76-6a01 et
32 seq., and amendments thereto, and all other student union buildings and
33 student dormitories erected upon the campus of any institution mentioned
34 in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit
35 corporation.

36 *Thirteenth.* All buildings, as the same is defined in K.S.A. 76-6a13(c),
37 and amendments thereto, ~~which~~ *that* are erected, constructed or acquired
38 under the authority of K.S.A. 76-6a13 et seq., and amendments thereto,
39 and building sites acquired therefor.

40 *Fourteenth.* All that portion of the waterworks plant and system of the
41 city of Kansas City, Missouri, now or hereafter located within the territory
42 of the state of Kansas pursuant to the compact and agreement adopted by
43 K.S.A. 79-205, and amendments thereto.

1 *Fifteenth.* All property, real and personal, owned by a groundwater
2 management district organized and operating pursuant to K.S.A. 82a-1020,
3 and amendments thereto.

4 *Sixteenth.* All property, real and personal, owned by the joint water
5 district organized and operating pursuant to K.S.A. 80-1616 et seq., and
6 amendments thereto.

7 *Seventeenth.* All property, including interests less than fee ownership,
8 acquired for the state of Kansas by the secretary of transportation or a
9 predecessor in interest—~~which~~ *that* is used in the administration,
10 construction, maintenance or operation of the state system of highways,
11 regardless of how or when acquired.

12 *Eighteenth.* Any building used primarily as an industrial training center
13 for academic or vocational education programs designed for and operated
14 under contract with private industry, and located upon a site owned, leased
15 or being acquired by or for an area vocational school, an area vocational-
16 technical school, a technical college, or a community college, as defined
17 by K.S.A. 74-32,407, and amendments thereto, and the site upon which
18 any such building is located.

19 *Nineteenth.* For all taxable years commencing after December 31,
20 1997, all buildings of an area vocational school, an area vocational-
21 technical school, a technical college or a community college, as defined by
22 K.S.A. 74-32,407, and amendments thereto, ~~which~~ *that* are owned and
23 operated by any such school or college as a student union or dormitory and
24 the site upon which any such building is located.

25 *Twentieth.* For all taxable years commencing after December 31, 1997,
26 all personal property—~~which~~ *that* is contained within a dormitory that is
27 exempt from property taxation and which is necessary for the
28 accommodation of the students residing therein.

29 *Twenty-First.* All real property from and after the date of its transfer by
30 the city of Olathe, Kansas, to the Kansas state university foundation, all
31 buildings and improvements thereafter erected and located on such
32 property, and all tangible personal property, ~~which~~ *that* is held, used or
33 operated for educational and research purposes at the Kansas state
34 university Olathe innovation campus located in the city of Olathe, Kansas.

35 *Twenty-Second.* All real property, and all tangible personal property,
36 owned by postsecondary educational institutions, as ~~that term~~ is defined in
37 K.S.A. 74-3201b, and amendments thereto, or by the board of regents on
38 behalf of the postsecondary educational institutions, ~~which~~ *that* is leased
39 by a for profit company and is actually and regularly used exclusively for
40 research and development purposes so long as any rental income received
41 by such postsecondary educational institution or the board of regents from
42 such a company is used exclusively for educational or scientific purposes.
43 Any such lease or occupancy described in this section shall be for a term

1 of no more than five years.

2 *Twenty-Third.* For all taxable years commencing after December 31,
3 2005, any and all housing developments and related improvements located
4 on United States department of defense military installations in the state of
5 Kansas,~~which~~ *that* are developed pursuant to the military housing
6 privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto,
7 and~~which~~ are provided exclusively or primarily for use by military
8 personnel of the United States and their families.

9 *Twenty-Fourth.* For all taxable years commencing after December 31,
10 2012, except as hereinafter provided, any property constructed or
11 purchased in part with the proceeds of revenue bonds issued on or after
12 July 1, 2013, under the authority of K.S.A. 12-1740 through 12-1749a, and
13 amendments thereto, shall be exempt from taxation to the extent of the
14 value of that portion of the property financed by the revenue bonds and
15 only for a period of 10 calendar years after the calendar year in which the
16 bonds were issued. The exemption of that portion of the property
17 constructed or purchased with the proceeds of revenue bonds shall
18 terminate upon the failure to pay all taxes levied on that portion of the
19 property~~which~~ *that* is not exempt and the entire property shall be subject
20 to sale in the manner prescribed by K.S.A. 79-2301 et seq., and
21 amendments thereto. Property constructed or purchased in whole or in part
22 with the proceeds of revenue bonds issued on or after January 1, 1995,
23 under the authority of K.S.A. 12-1740 through 12-1749a, and amendments
24 thereto, and used in any retail enterprise identified under NAICS sectors
25 44 and 45, except facilities used exclusively to house the headquarters or
26 back office operations of such retail enterprises identified thereunder, shall
27 not be exempt from taxation. For the purposes of the preceding provision
28 "NAICS" means the North American industry classification system, as
29 developed under the authority of the office of management and budget of
30 the office of the president of the United States. "Headquarters or back
31 office operations" means a facility from which the enterprise is provided
32 direction, management, administrative services, or distribution or
33 warehousing functions in support of transactions made by the enterprise.
34 Property purchased, constructed, reconstructed, equipped, maintained or
35 repaired with the proceeds of industrial revenue bonds issued under the
36 authority of K.S.A. 12-1740 et seq., and amendments thereto,~~which~~ *that*
37 is located in a redevelopment project area established under the authority of
38 K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from
39 taxation. Property purchased, acquired, constructed, reconstructed,
40 improved, equipped, furnished, repaired, enlarged or remodeled with all or
41 any part of the proceeds of revenue bonds issued under authority of K.S.A.
42 12-1740 through 12-1749a, and amendments thereto, for any poultry
43 confinement facility on agricultural land~~which~~ *that* is owned, acquired,

1 obtained or leased by a corporation, as such terms are defined by K.S.A.
2 17-5903, and amendments thereto, shall not be exempt from such taxation.
3 Property purchased, acquired, constructed, reconstructed, improved,
4 equipped, furnished, repaired, enlarged or remodeled with all or any part
5 of the proceeds of revenue bonds issued under the authority of K.S.A. 12-
6 1740 through 12-1749a, and amendments thereto, for a rabbit confinement
7 facility on agricultural land ~~which~~ that is owned, acquired, obtained or
8 leased by a corporation, as such terms are defined by K.S.A. 17-5903, and
9 amendments thereto, shall not be exempt from such taxation.

10 *Twenty-Fifth.* For all taxable years commencing after December 31,
11 2013, any and all utility systems and appurtenances located on United
12 States department of defense military installations in the state of Kansas,
13 ~~which~~ that have been acquired after December 31, 2013, pursuant to the
14 military utilities privatization initiative, 10 U.S.C. § 2688 et seq., or any
15 successor thereto, or ~~which~~ that have been installed after December 31,
16 2013, and ~~which~~ that are provided exclusively or primarily for use by the
17 military of the United States.

18 *Twenty-Sixth.* All land owned by a municipality that is a part of a public
19 levee that is leased pursuant to K.S.A. 13-1243, and amendments thereto.

20 Except as otherwise specifically provided, the provisions of this section
21 shall apply to all taxable years commencing after December 31, 2010.

22 Sec. 139. K.S.A. 79-3221e is hereby amended to read as follows: 79-
23 3221e. (a) The director of taxation of the department of revenue shall
24 determine annually the total amount designated for use in the Kansas
25 nongame wildlife improvement program pursuant to K.S.A. 79-3221d, and
26 amendments thereto, and shall report such amount to the state treasurer
27 who shall credit the entire amount thereof to the nongame wildlife
28 improvement fund ~~which fund~~ that is hereby established in the state
29 treasury. In the case where donations are made pursuant to K.S.A. 79-
30 3221d, and amendments thereto, the director shall remit the entire amount
31 thereof to the state treasurer who shall credit the same to such fund. All
32 moneys deposited in such fund shall be used solely for the purpose of
33 preserving, protecting, perpetuating and enhancing nongame wildlife in
34 this state. All expenditures from such fund shall be made in accordance
35 with appropriations acts upon warrants of the director of accounts and
36 reports issued pursuant to vouchers approved by the secretary of wildlife,
37 ~~and parks and tourism~~ or the secretary's designee.

38 (b) As used in K.S.A. 79-3221d, and amendments thereto, and this
39 section, "nongame wildlife" means any species of wildlife not legally
40 classified as a game species or furbearer by statute or by rules and
41 regulations adopted pursuant to statute.

42 Sec. 140. K.S.A. 79-3221h is hereby amended to read as follows: 79-
43 3221h. (a) All federal moneys received pursuant to federal assistance,

1 federal-aid funds and federal-aid grant reimbursements related to the
2 nongame wildlife improvement fund under the control, authorities and
3 duties of the Kansas department of wildlife; ~~and parks and tourism~~, shall
4 be remitted to the state treasurer in accordance with the provisions of
5 K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance,
6 the state treasurer shall deposit the entire amount in the state treasury and
7 credit it to ~~the nongame wildlife improvement fund — federal, which is~~
8 ~~hereby created. The nongame wildlife improvement fund — federal is~~
9 ~~hereby redesignated as the plant and animal disease and pest control fund.~~

10 (b) No moneys derived from sources described in subsection (a) shall
11 be used for any purpose other than the administration of matters ~~which~~
12 ~~that~~ relate to purposes authorized under K.S.A. 79-3221e, and
13 amendments thereto, and which are under the control, authorities and
14 duties of the secretary of wildlife; ~~and parks and tourism~~ and the Kansas
15 department of wildlife; ~~and parks and tourism~~ as provided by law.

16 (c) On or before the 10th of each month, the director of accounts and
17 reports shall transfer from the state general fund to the plant and animal
18 disease and pest control fund, interest earnings based on:

19 (1) The average daily balance of moneys in the plant and animal
20 disease and pest control fund; and

21 (2) the net earnings rate of the pooled money investment portfolio for
22 the preceding month.

23 (d) All expenditures from the plant and animal disease and pest
24 control fund, shall be made in accordance with appropriations acts upon
25 warrants of the director of accounts and reports issued pursuant to
26 vouchers approved by the secretary of wildlife; ~~and parks and tourism~~.

27 Sec. 141. K.S.A. 2022 Supp. 79-3234 is hereby amended to read as
28 follows: 79-3234. (a) All reports and returns required by this act shall be
29 preserved for three years and thereafter until the director orders them to be
30 destroyed.

31 (b) Except in accordance with proper judicial order, or as provided in
32 subsection (c) or in K.S.A. 17-7511, ~~K.S.A.~~ 46-1106(e), 46-1114; or 79-
33 32,153a, and amendments thereto, it shall be unlawful for the secretary, the
34 director, any deputy, agent, clerk or other officer, employee or former
35 employee of the department of revenue or any other state officer or
36 employee or former state officer or employee to divulge, or to make
37 known in any way, the amount of income or any particulars set forth or
38 disclosed in any report, return, federal return or federal return information
39 required under this act; and it shall be unlawful for the secretary, the
40 director, any deputy, agent, clerk or other officer or employee engaged in
41 the administration of this act to engage in the business or profession of tax
42 accounting or to accept employment, with or without consideration, from
43 any person, firm or corporation for the purpose, directly or indirectly, of

1 preparing tax returns or reports required by the laws of the state of Kansas,
2 by any other state or by the United States government, or to accept any
3 employment for the purpose of advising, preparing material or data, or the
4 auditing of books or records to be used in an effort to defeat or cancel any
5 tax or part thereof that has been assessed by the state of Kansas, any other
6 state or by the United States government.

7 (c) The secretary or the secretary's designee may:

8 (1) Publish statistics, so classified as to prevent the identification of
9 particular reports or returns and the items thereof;

10 (2) allow the inspection of returns by the attorney general or other
11 legal representatives of the state;

12 (3) provide the post auditor access to all income tax reports or returns
13 in accordance with and subject to the provisions of K.S.A. 46-1106(e) or
14 46-1114, and amendments thereto;

15 (4) disclose taxpayer information from income tax returns to persons
16 or entities contracting with the secretary of revenue where the secretary
17 has determined disclosure of such information is essential for completion
18 of the contract and has taken appropriate steps to preserve confidentiality;

19 (5) disclose to the secretary of commerce the following:

20 (A) Specific taxpayer information related to financial information
21 previously submitted by the taxpayer to the secretary of commerce
22 concerning or relevant to any income tax credits, for purposes of
23 verification of such information or evaluating the effectiveness of any tax
24 credit or economic incentive program administered by the secretary of
25 commerce;

26 (B) the amount of payroll withholding taxes an employer is retaining
27 pursuant to K.S.A. 74-50,212, and amendments thereto;

28 (C) information received from businesses completing the form
29 required by K.S.A. 74-50,217, and amendments thereto; and

30 (D) findings related to a compliance audit conducted by the
31 department of revenue upon the request of the secretary of commerce
32 pursuant to K.S.A. 74-50,215, and amendments thereto;

33 (6) disclose income tax returns to the state gaming agency to be used
34 solely for the purpose of determining qualifications of licensees of and
35 applicants for licensure in tribal gaming. Any information received by the
36 state gaming agency shall be confidential and shall not be disclosed except
37 to the executive director, employees of the state gaming agency and
38 members and employees of the tribal gaming commission;

39 (7) disclose the taxpayer's name, last known address and residency
40 status to the Kansas department of wildlife; *and* parks ~~and tourism~~ to be
41 used solely in its license fraud investigations;

42 (8) disclose the name, residence address, employer or Kansas
43 adjusted gross income of a taxpayer who may have a duty of support in a

1 title IV-D case to the secretary of the Kansas department for children and
2 families for use solely in administrative or judicial proceedings to
3 establish, modify or enforce such support obligation in a title IV-D case. In
4 addition to any other limits on use, such use shall be allowed only where
5 subject to a protective order which prohibits disclosure outside of the title
6 IV-D proceeding. As used in this section, "title IV-D case" means a case
7 being administered pursuant to part D of title IV of the federal social
8 security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person
9 receiving any information under the provisions of this subsection shall be
10 subject to the confidentiality provisions of subsection (b) and to the
11 penalty provisions of subsection (e);

12 (9) permit the commissioner of internal revenue of the United States,
13 or the proper official of any state imposing an income tax, or the
14 authorized representative of either, to inspect the income tax returns made
15 under this act and the secretary of revenue may make available or furnish
16 to the taxing officials of any other state or the commissioner of internal
17 revenue of the United States or other taxing officials of the federal
18 government, or their authorized representatives, information contained in
19 income tax reports or returns or any audit thereof or the report of any
20 investigation made with respect thereto, filed pursuant to the income tax
21 laws, as the secretary may consider proper, but such information shall not
22 be used for any other purpose than that of the administration of tax laws of
23 such state, the state of Kansas or of the United States;

24 (10) communicate to the executive director of the Kansas lottery
25 information as to whether a person, partnership or corporation is current in
26 the filing of all applicable tax returns and in the payment of all taxes,
27 interest and penalties to the state of Kansas, excluding items under formal
28 appeal, for the purpose of determining whether such person, partnership or
29 corporation is eligible to be selected as a lottery retailer;

30 (11) communicate to the executive director of the Kansas racing
31 commission as to whether a person, partnership or corporation has failed
32 to meet any tax obligation to the state of Kansas for the purpose of
33 determining whether such person, partnership or corporation is eligible for
34 a facility owner license or facility manager license pursuant to the Kansas
35 parimutuel racing act;

36 (12) provide such information to the executive director of the Kansas
37 public employees retirement system for the purpose of determining that
38 certain individuals' reported compensation is in compliance with the
39 Kansas public employees retirement act, K.S.A. 74-4901 et seq., and
40 amendments thereto;

41 (13) (A) provide taxpayer information of persons suspected of
42 violating K.S.A. 44-766, and amendments thereto, to the secretary of labor
43 or such secretary's designee for the purpose of determining compliance by

1 any person with the provisions of K.S.A. 44-703(i)(3)(D) and 44-766, and
2 amendments thereto. The information to be provided shall include all
3 relevant information in the possession of the department of revenue
4 necessary for the secretary of labor to make a proper determination of
5 compliance with the provisions of K.S.A. 44-703(i)(3)(D) and 44-766, and
6 amendments thereto, and to calculate any unemployment contribution
7 taxes due. Such information to be provided by the department of revenue
8 shall include, but not be limited to, withholding tax and payroll
9 information, the identity of any person that has been or is currently being
10 audited or investigated in connection with the administration and
11 enforcement of the withholding and declaration of estimated tax act,
12 K.S.A. 79-3294 et seq., and amendments thereto, and the results or status
13 of such audit or investigation;

14 (B) any person receiving tax information under the provisions of this
15 paragraph shall be subject to the same duty of confidentiality imposed by
16 law upon the personnel of the department of revenue and shall be subject
17 to any civil or criminal penalties imposed by law for violations of such
18 duty of confidentiality; and

19 (C) each of the secretary of labor and the secretary of revenue may
20 adopt rules and regulations necessary to effect the provisions of this
21 paragraph;

22 (14) provide such information to the state treasurer for the sole
23 purpose of carrying out the provisions of K.S.A. 58-3934, and
24 amendments thereto. Such information shall be limited to current and prior
25 addresses of taxpayers or associated persons who may have knowledge as
26 to the location of an owner of unclaimed property. For the purposes of this
27 paragraph, "associated persons" includes spouses or dependents listed on
28 income tax returns;

29 (15) after receipt of information pursuant to subsection (f), forward
30 such information and provide the following reported Kansas individual
31 income tax information for each listed defendant, if available, to the state
32 board of indigents' defense services in an electronic format and in the
33 manner determined by the secretary:

34 (A) The defendant's name;

35 (B) social security number;

36 (C) Kansas adjusted gross income;

37 (D) number of exemptions claimed; and

38 (E) the relevant tax year of such records. Any social security number
39 provided to the secretary and the state board of indigents' defense services
40 pursuant to this section shall remain confidential; and

41 (16) disclose taxpayer information that is received from income tax
42 returns to the department of commerce that may be disclosed pursuant to
43 the provisions of K.S.A. 2022 Supp. 74-50,227, and amendments thereto,

1 for the purpose of including such information in the database required by
2 K.S.A. 2022 Supp. 74-50,227, and amendments thereto.

3 (d) Any person receiving information under the provisions of
4 subsection (c) shall be subject to the confidentiality provisions of
5 subsection (b) and to the penalty provisions of subsection (e).

6 (e) Any violation of subsection (b) or (c) is a class A nonperson
7 misdemeanor and, if the offender is an officer or employee of the state,
8 such officer or employee shall be dismissed from office.

9 (f) For the purpose of determining whether a defendant is financially
10 able to employ legal counsel under the provisions of K.S.A. 22-4504, and
11 amendments thereto, in all felony cases with appointed counsel where the
12 defendant's social security number is accessible from the records of the
13 district court, the court shall electronically provide the defendant's name,
14 social security number, district court case number and county to the
15 secretary of revenue in the manner and format agreed to by the office of
16 judicial administration and the secretary.

17 (g) Nothing in this section shall be construed to allow disclosure of
18 the amount of income or any particulars set forth or disclosed in any
19 report, return, federal return or federal return information, where such
20 disclosure is prohibited by the federal internal revenue code as in effect on
21 September 1, 1996, and amendments thereto, related federal internal
22 revenue rules or regulations, or other federal law.

23 Sec. 142. K.S.A. 79-32,203 is hereby amended to read as follows: 79-
24 32,203. (a) There shall be allowed two types of credits against the tax
25 liability of a taxpayer imposed under the Kansas income tax act related to
26 real property that is both:

27 (1) Designated by the secretary of wildlife; ~~and parks and tourism~~
28 pursuant to the nongame and endangered species conservation act as
29 critical habitat for a threatened or endangered species or certified by the
30 secretary of wildlife; ~~and parks and tourism~~ as land known to support
31 populations of species in need of conservation; and

32 (2) included in management activities as part of a recovery plan, or an
33 agreement identified in ~~subsection (b) of~~ K.S.A. 32-962(b), and
34 amendments thereto, as approved by the secretary of wildlife; ~~and parks~~
35 ~~and tourism~~ for a species listed as threatened, endangered or in need of
36 conservation pursuant to the nongame and endangered species
37 conservation act.

38 (b) There shall be allowed as an annual credit against the tax liability
39 of a taxpayer imposed an amount equal to the total amount paid by the
40 taxpayer during the taxable year for ad valorem taxes and assessments that
41 are imposed by the state or by any political or taxing subdivision of the
42 state or related to real property described in subsection (a) for each year
43 that the management activities specified in the recovery plan or agreement

1 described in subsection (a)(2) remain in effect and apply to such real
2 property. The credit allowed by this subsection shall not exceed the
3 amount of tax imposed under the Kansas income tax act reduced by the
4 sum of any other credits allowable pursuant to law.

5 (c) There shall be allowed as a credit against the tax liability of a
6 taxpayer imposed under the Kansas income tax act an amount equal to
7 costs incurred by the taxpayer for habitat management or construction and
8 maintenance of improvements on real property described in subsection (a).
9 Such costs shall be for management or improvements in accordance with
10 management activities as a part of a recovery plan or conservation
11 agreement identified in ~~subsection (b) of K.S.A. 32-962(b)~~, and
12 amendments thereto, as approved by the secretary of wildlife; *and* parks
13 ~~and tourism~~, for a species listed as threatened, endangered or in need of
14 conservation pursuant to the nongame and endangered species
15 conservation act. The tax credit allowed by this subsection shall be
16 deducted from the taxpayer's income tax liability for the taxable year in
17 which the expenditures are made by the taxpayer. If the amount of such tax
18 credit exceeds the taxpayer's income tax liability for such taxable year, the
19 taxpayer may elect, at the time of filing the initial return upon which the
20 credit is claimed, to:

21 (1) Carry over the amount thereof that exceeds such tax liability for
22 deduction from the taxpayer's income tax liability in the next succeeding
23 taxable year or years until the total amount of the tax credit has been
24 deducted from tax liability; or

25 (2) receive reimbursement of the amount thereof that exceeds such
26 tax liability, to be paid from amounts appropriated to the secretary of
27 revenue for that purpose upon warrants of the director of accounts and
28 reports issued pursuant to vouchers approved by the secretary or a person
29 or persons designated by the secretary.

30 (d) The provisions of this section shall be applicable to all taxable
31 years commencing after December 31, 1997, but before January 1, 2003.

32 Sec. 143. K.S.A. 79-5212 is hereby amended to read as follows: 79-
33 5212. (a) Whenever a taxpayer liable to pay any tax, penalty or interest
34 assessed pursuant to K.S.A. 79-5205, and amendments thereto, refuses or
35 neglects to immediately pay the amount due, the director of taxation may
36 issue one or more warrants for the immediate collection of the amount due,
37 directed to the sheriff of any county of the state commanding the sheriff to
38 seize and sell the real and personal property of the taxpayer, or to seize,
39 appraise and dispose of the firearms of the taxpayer, found within the
40 sheriff's county to satisfy the amount specified on the warrant and the cost
41 of executing the warrant. The director of taxation may also issue one or
42 more warrants directed to any employee of the department of revenue
43 commanding the employee to seize and sell the real and personal property

1 of the taxpayer, or to seize, appraise and dispose of the firearms of the
2 taxpayer, found anywhere within the state of Kansas to satisfy the amount
3 specified on the warrant and the cost of executing the warrant. A copy of
4 the warrant shall also be mailed to the taxpayer at the taxpayer's last
5 known address or served upon the taxpayer in person.

6 (b) The sheriff or department of revenue employee shall proceed to
7 execute upon the warrant in the same manner as provided for attachment
8 orders by K.S.A. 60-706, 60-707 and 60-710, and amendments thereto,
9 except as otherwise provided herein. In the execution of a warrant issued
10 to a department of revenue employee, the employee shall have all of the
11 powers conferred by law upon sheriffs. Any law enforcement officer may
12 assist in the execution of a warrant if requested to do so by a department of
13 revenue employee.

14 (c) No law exempting any goods and chattels, land and tenements
15 from forced sale under execution shall apply to a seizure and sale, or in the
16 case of firearms, sale or disposal, under any warrant.

17 (d) A third party holding funds or other personal property of the
18 taxpayer shall immediately, or as soon thereafter as possible, after service
19 of the warrant on such third party, deliver such funds or other personal
20 property to the sheriff or department of revenue employee, who shall then
21 deliver such to the director of taxation or the director's designee for deposit
22 toward the balance due on the taxpayer's assessment.

23 (e) The sheriff or department of revenue employee shall make return
24 of such warrant to the director of taxation within 60 days from the date of
25 the warrant. If property is seized, then the sheriff or department of revenue
26 employee shall also make return of such warrant to the clerk of the district
27 court in the county where the property was seized.

28 (f) (1) If the taxpayer fails to appeal the assessment as provided by
29 ~~subsection (b) of~~ K.S.A. 79-5205(b), and amendments thereto, or if the
30 taxpayer requests a hearing and a final order has been entered by the
31 director of taxation as to the correctness of the assessment, then the sheriff
32 or department of revenue employee shall sell the seized property at public
33 auction, except that firearms may be sold at public auction or disposed of
34 as provided in ~~subsection~~ *paragraph* (2). The provisions of K.S.A. 60-
35 2406, and amendments thereto, shall apply to liens against the property
36 being sold. Notice of the sale of personal property shall be given in
37 accordance with K.S.A. 60-2409, and amendments thereto. Notice of the
38 sale of real property shall be given in accordance with K.S.A. 60-2410,
39 and amendments thereto. The taxpayer shall have the right to redeem real
40 property within a period of six months from the date of the sale.

41 (2) In the case of seized firearms not sold, the director of taxation
42 shall obtain an appraisal value performed by a federally licensed firearms
43 dealer or an employee thereof. Such value shall be credited against the

1 taxpayer's outstanding liability. Subsequent to such appraisal and credit
2 against the taxpayer's outstanding liability, the director shall transfer such
3 firearm or firearms as follows:

4 (A) If the firearm or firearms have historical significance, the director
5 may transfer the firearm or firearms to the Kansas state historical society;

6 (B) the director may transfer the firearm or firearms to the secretary
7 of wildlife; ~~and parks and tourism;~~

8 (C) the director may transfer the firearm or firearms to the director of
9 the Kansas bureau of investigation; or

10 (D) the director may transfer the firearm or firearms to such city or
11 county law enforcement agency where the firearm was seized.

12 (3) At least 30 days prior to the transfer of such firearm or firearms,
13 pursuant to this subsection, the director shall give written notice by mail to
14 the taxpayer at the taxpayer's last known address of the appraised value of
15 such firearm or firearms and the date that the director intends to transfer
16 such firearm or firearms. The taxpayer may appeal the appraised value of
17 any such firearm or firearms by filing a written request for a hearing
18 before the district court in which the tax warrant used to seize such firearm
19 or firearms was filed. Such request must be filed with the district court
20 within 15 days after such notice to the taxpayer was mailed by the director.
21 If no appeal is filed with the district court within 15 days, or if upon appeal
22 the district court rules against the taxpayer, the director shall transfer such
23 firearm or firearms.

24 (g) The director of taxation may also direct the sheriff or department
25 of revenue employee to file any warrant issued pursuant to subsection (a)
26 with the clerk of the district court of any county in Kansas, and thereupon
27 the clerk shall enter in the appearance docket the name of the taxpayer
28 mentioned in the warrant, the amount of the tax or portion of it, interest
29 and penalties for which the warrant is issued and the date such copy is
30 filed and note the taxpayer's name in the general index. No fee shall be
31 charged for such entry. The amount of such warrant shall thereupon
32 become a lien upon the title to, and interest in, the real property of the
33 taxpayer located within such county. Thereupon, the director of taxation
34 shall have the same remedies to collect the amount of the tax, penalty and
35 interest, as if the state of Kansas had recovered judgment against the
36 taxpayer, including immediately garnishing the wages or other property of
37 the taxpayer pursuant to K.S.A. 60-716 et seq., and amendments thereto.
38 Such remedies shall be in addition to the other collection remedies
39 provided herein.

40 (h) The director of taxation shall have the right at any time to issue
41 alias warrants until the full amount of the tax, penalty and interest is
42 collected.

43 Sec. 144. K.S.A. 82a-209 is hereby amended to read as follows: 82a-

1 209. (a) Whenever the channel, or any part thereof, of any navigable
2 stream in or bordering upon the state of Kansas has previously been, or
3 shall hereafter be, changed or altered by such stream establishing a new
4 channel by flood or avulsion, so that any land situated between the banks
5 of such stream at high-water mark shall be abandoned or no longer used as
6 a channel for such stream and the title to such channel is not controlled by
7 K.S.A. 24-454, and amendments thereto, or the provisions of article 2 of
8 chapter 82a of the Kansas Statutes Annotated, *and amendments thereto*,
9 are not applicable, the Kansas secretary of state shall cause such land to be
10 surveyed by a surveyor selected by the secretary of state, and may
11 thereafter sell and convey the same, or any part thereof, by grant or patent,
12 as hereinafter provided. Any such survey and appropriate field notes,
13 maps, records or other papers relating to such survey shall be filed with the
14 register of the state land office. A certified copy of such survey may be
15 filed in the office of the register of deeds of the county within which the
16 land is located. Such land, or any part thereof, may be conveyed to the
17 Kansas department of wildlife; ~~and parks and tourism~~ or may be sold at
18 the best price obtainable to be agreed upon between the secretary of state,
19 acting for and in behalf of the state of Kansas, and any person desiring to
20 buy the same. In any case where any such land has been a part of the bed
21 or channel of any navigable stream bordering on the state of Kansas and
22 the survey establishes parts of such land lying between the Kansas bank of
23 such stream at the high-water mark and the center of the main channel of
24 such stream to be the property of this state ~~which~~ *that* prior to the survey
25 has been occupied and claimed by any person under any patent,
26 conveyance or grant issued or made after April 1952, to such person from
27 a bordering state or a political subdivision thereof, the secretary of state
28 first shall offer such parts of such lands to such persons occupying and
29 claiming the same as aforesaid at a price represented by the proportionate
30 cost of such survey determined by applying the total cost of the survey to
31 the total acreage of lands covered by said survey. Upon satisfactory proof
32 made thereof, the secretary of state shall allow as a credit to such purchase
33 price the actual cash paid for any such patent, conveyance or grant and the
34 actual costs of any permanent improvements made to any such lands or
35 parts thereof by the person occupying and claiming the same. Upon the
36 refusal of any such offer to such person, the land may be sold by the
37 secretary of state as herein provided.

38 (b) If it is not possible for such prospective purchaser and the
39 secretary of state to agree on a price, then the land shall be sold by the
40 secretary of state as one tract, or in different tracts, as the secretary of state
41 may determine, under an appraisalment made by three disinterested persons
42 residing in the county or counties where such abandoned channel sought to
43 be sold is situated, which appraisers shall be appointed by the secretary of

1 state. Such sale shall be for not less than ~~three-fourths~~ ^{3/4} of the appraised
2 value. In no case shall such land be sold for less than the cost of surveying,
3 appraising and selling the same.

4 Sec. 145. K.S.A. 82a-220 is hereby amended to read as follows: 82a-
5 220. (a) As used in this act:

6 (1) "Conservation project" means any project or activity that the
7 director of the Kansas water office determines will assist in restoring,
8 protecting, rehabilitating, improving, sustaining or maintaining the banks
9 of the Arkansas, Kansas or Missouri rivers from the effects of erosion;

10 (2) "director" means the director of the Kansas water office; and

11 (3) "state property" means real property currently owned in full or in
12 part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in
13 and along the bed of the river to the ordinary high water mark on the banks
14 of such rivers.

15 (b) (1) The director is hereby authorized to negotiate and grant
16 easements on state property for construction and maintenance of
17 conservation projects with cooperating landowners in such projects for the
18 expected life of the project and with such terms and conditions as the
19 director, after consultation with the Kansas department of agriculture, the
20 Kansas department of health and environment, the Kansas department of
21 wildlife, ~~and parks and tourism~~ and the Kansas department of agriculture
22 division of conservation, may deem appropriate.

23 (2) Notice of the easement shall be given to the county or counties in
24 which the easement is proposed and to any municipality or other
25 governmental entity that, in the opinion of the director, holds a riparian
26 interest in the river and may have an interest in the project or results
27 thereof. Those persons or entities receiving notice shall have a period, not
28 to exceed 30 days, to provide comment on the proposed easement to the
29 director.

30 (3) In the event such an easement is proposed to be granted on state
31 property owned or managed by any other agency of the state, the director
32 shall give notice of the proposed easement and project to that agency and
33 shall jointly negotiate any easement so granted.

34 (4) A copy of all easements so entered shall be filed by the director
35 with the office of the secretary of state and the office of the register of
36 deeds for the county or counties in which the easement is located.

37 (c) The director shall adopt rules and regulations necessary to carry
38 out the provisions of this act.

39 Sec. 146. K.S.A. 82a-326 is hereby amended to read as follows: 82a-
40 326. When used in this act:

41 (a) "Water development project" means any project or plan ~~which~~
42 *that* requires a permit pursuant to K.S.A. 24-126, 24-1213, 82a-301 et seq.,
43 and amendments thereto, or the multipurpose small lakes program act;

- 1 (b) "environmental review agencies" means the:
2 (1) Kansas department of wildlife; ~~and parks and tourism~~;
3 (2) Kansas forest service;
4 (3) state biological survey;
5 (4) Kansas department of health and environment;
6 (5) state historical society;
7 (6) Kansas department of agriculture division of conservation; and
8 (7) state corporation commission.

9 Sec. 147. K.S.A. 82a-903 is hereby amended to read as follows: 82a-
10 903. In accordance with the policies and long-range goals and objectives
11 established by the legislature, the office shall formulate on a continuing
12 basis a comprehensive state water plan for the management, conservation
13 and development of the water resources of the state. Such state water plan
14 shall include sections corresponding with water planning areas as
15 determined by the office. The Kansas water office and the Kansas water
16 authority shall seek advice from the general public and from committees
17 consisting of individuals with knowledge of and interest in water issues in
18 the water planning areas. The plan shall set forth the recommendations of
19 the office for the management, conservation and development of the water
20 resources of the state, including the general location, character, and extent
21 of such existing and proposed projects, programs, and facilities as are
22 necessary or desirable in the judgment of the office to accomplish such
23 policies, goals and objectives. The plan shall specify standards for
24 operation and management of such projects, programs, and facilities as are
25 necessary or desirable. The plan shall be formulated and used for the
26 general purpose of accomplishing the coordinated management,
27 conservation and development of the water resources of the state. The
28 division of water resources of the Kansas department of agriculture, state
29 geological survey, the division of environment of the department of health
30 and environment, department of wildlife; ~~and parks and tourism~~, Kansas
31 department of agriculture division of conservation and all other interested
32 state agencies shall cooperate with the office in formulation of such plan.

33 Sec. 148. K.S.A. 82a-1501 is hereby amended to read as follows:
34 82a-1501. As used in the water transfer act:

35 (a) (1) "Water transfer" means the diversion and transportation of
36 water in a quantity of 2,000 acre feet or more per year for beneficial use at
37 a point of use outside a 35-mile radius from the point of diversion of such
38 water. In determining the amount of water transferred in the case of a
39 water transfer supplying water to multiple public water supply systems or
40 other water users, the amount of water transferred shall be considered to be
41 the aggregate amount of water ~~which~~ *that* will be supplied by the transfer
42 to all public water supply systems and other water users whose points of
43 use are located outside a 35-mile radius from the point of diversion of such

1 water.

2 (2) Water transfer does not include a release of water from a reservoir
3 to the water's natural watercourse for use within the natural watercourse or
4 watershed, made under the authority of the state water plan storage act~~(,~~
5 K.S.A. 82a-1301 et seq., and amendments thereto),~~or the water assurance~~
6 program act~~(,~~ K.S.A. 82a-1330 et seq., and amendments thereto).

7 (b) "Point of diversion" means:

8 (1) The point where the longitudinal axis of the dam crosses the
9 center line of the stream in the case of a reservoir;

10 (2) the location of the headgate or intake in the case of a direct
11 diversion from a river, stream or other watercourse;

12 (3) the location of a well in the case of groundwater diversion; or

13 (4) the geographical center of the points of diversion in the case of
14 multiple diversion points.

15 (c) "Point of use" means the geographical center of each water user's
16 proposed or authorized place of use where any water authorized by the
17 proposed transfer will be used.

18 (d) "Chief engineer" means the chief engineer of the division of water
19 resources of the Kansas department of agriculture.

20 (e) "Secretary" means the secretary of the department of health and
21 environment, or the director of the division of environment of the
22 department of health and environment if designated by the secretary.

23 (f) "Director" means the director of the Kansas water office.

24 (g) "Panel" means the water transfer hearing panel.

25 (h) (1) "Party" means:

26 ~~(1)~~(A) The applicant; or

27 ~~(2)~~(B) any person who successfully intervenes pursuant to K.S.A.
28 82a-1503, and amendments thereto, and actively participates in the
29 hearing.

30 (2) "Party" does not ~~mean~~ include a person who makes a limited
31 appearance for the purpose of presenting a statement for or against the
32 water transfer.

33 (i) "Commenting agencies" means groundwater management districts
34 and state natural resource and environmental agencies, including but not
35 limited to the Kansas department of health and environment, the Kansas
36 water office, the Kansas water authority, the Kansas department of
37 wildlife; ~~and parks and tourism~~ and the division of water resources of the
38 Kansas department of agriculture.

39 (j) "Public water supply system" means any water supply system,
40 whether publicly or privately owned, for which a permit is required
41 pursuant to K.S.A. 65-163, and amendments thereto.

42 Sec. 149. K.S.A. 82a-2001 is hereby amended to read as follows:
43 82a-2001. As used in this act:

1 (a) (1) "Classified stream segments" shall include all stream segments
2 that are waters of the state as defined in ~~subsection (a) of~~ K.S.A. 65-
3 161(a), and amendments thereto, and waters described in ~~subsection (d) of~~
4 K.S.A. 65-171d(d), and amendments thereto, that:

5 (A) Are indicated on the federal environmental protection agency's
6 reach file 1 (RF1) (1982) and have the most recent 10-year median flow of
7 equal to or in excess of one cubic foot per second based on data collected
8 and evaluated by the United States geological survey or in the absence of
9 stream segment flow data, calculations of flow conducted by extrapolation
10 methods provided by the United States geological survey;

11 (B) have the most recent 10-year median flow of equal to or in excess
12 of one cubic foot per second based on data collected and evaluated by the
13 United States geological survey or in the absence of stream segment flow
14 data, calculations of flow conducted by extrapolation methods provided by
15 the United States geological survey;

16 (C) are actually inhabited by threatened or endangered aquatic
17 species listed in rules and regulations promulgated by the Kansas
18 department of wildlife; ~~and parks and tourism~~ or the United States fish and
19 wildlife service;

20 (D) (i) scientific studies conducted by the department show that
21 during periods of flow less than one cubic foot per second stream
22 segments provide important refuges for aquatic life and permit biological
23 recolonization of intermittently flowing segments; and

24 (ii) a cost-benefit analysis conducted by the department and taking
25 into account the economic and social impact of classifying the stream
26 segment indicates that the benefits of classifying the stream segment
27 outweigh the costs of classifying the stream segment, as consistent with
28 the federal clean water act and federal regulations; or

29 (E) are at the point of discharge on the stream segment and
30 downstream from such point where the department has issued a national
31 pollutant discharge elimination system permit other than a permit for a
32 confined feeding facility, as defined in K.S.A. 65-171d, and amendments
33 thereto.

34 (2) Classified stream segments other than those described in
35 subsection (a)(1)(E) shall not include ephemeral streams; grass, vegetative
36 or other waterways; culverts; or ditches.

37 (3) Any definition of classified stream or "classified stream segment"
38 in rules and regulations or law that is inconsistent with this definition is
39 hereby declared null and void.

40 (b) "Department" means the department of health and environment.

41 (c) "Designated uses of classified stream segments" shall be defined
42 as follows:

43 (1) "Agricultural water supply use" means the use of a classified

1 stream segment for agricultural purposes, including the following:

2 (A) "Irrigation" means the withdrawal of water from a classified
3 stream segment for application onto land; or

4 (B) "livestock watering" means the provision of water from a
5 classified stream segment to livestock for consumption.

6 (2) "Aquatic life support use" means the use of a classified stream
7 segment for the maintenance of the ecological integrity of streams, lakes
8 and wetlands, including the sustained growth and propagation of native
9 aquatic life; naturalized, important, recreational aquatic life; and
10 indigenous or migratory semiaquatic or terrestrial wildlife directly or
11 indirectly dependent on surface water for survival. Categories of "aquatic
12 life support use" include:

13 (A) "Special aquatic life use waters" means classified stream
14 segments that contain combinations of habitat types and indigenous biota
15 not found commonly in the state, or classified stream segments that
16 contain representative populations of threatened or endangered species,
17 that are listed in rules and regulations promulgated by the Kansas
18 department of wildlife, ~~and parks and tourism~~ or the United States fish and
19 wildlife service.

20 (B) "Expected aquatic life use waters" means classified stream
21 segments containing habitat types and indigenous biota commonly found
22 or expected in the state.

23 (C) "Restricted aquatic life use waters" means classified stream
24 segments containing indigenous biota limited in abundance or diversity by
25 the physical quality or availability of habitat, due to natural deficiencies or
26 artificial modifications, compared to more suitable habitats in adjacent
27 waters.

28 (3) "Domestic water supply" means the use of a classified stream
29 segment, after appropriate treatment, for the production of potable water.

30 (4) "Food procurement use" means the use of a classified stream
31 segment for the obtaining of edible forms of aquatic or semiaquatic life for
32 human consumption.

33 (5) "Groundwater recharge use" means the use of a classified stream
34 segment for the replenishing of fresh or usable groundwater resources.
35 This use may involve the infiltration and percolation of surface water
36 through sediments and soils or the direct injection of surface water into
37 underground aquifers.

38 (6) "Industrial water supply use" means the use of a classified stream
39 segment for nonpotable purposes by industry, including withdrawals for
40 cooling or process water.

41 (7) (A) "Recreational use" means:

42 (i) Primary contact recreational use is use of a classified stream
43 segment for recreation during the period from April 1 through October 31

1 of each year, provided such classified stream segment is capable of
2 supporting the recreational activities of swimming, skin diving, water-
3 skiing, wind surfing, kayaking or mussel harvesting where the body is
4 intended to be immersed in surface water to the extent that some
5 inadvertent ingestion of water is probable.

6 (a) Primary contact recreational use-Class A: Use of a classified
7 stream segment for recreation during the period from April 1 through
8 October 31 of each year, and the classified stream segment is a designated
9 public swimming area. Water quality criterion for bacterial indicator
10 organisms applied to Class A waters shall be set at an illness rate of eight
11 or more per 1,000 swimmers. The classified stream segment shall only be
12 considered impaired for primary contact recreational use-Class A if the
13 calculated geometric mean of at least five samples collected in separate
14 24-hour periods within a 30-day period exceeds the corresponding water
15 quality criterion. The water quality criterion for primary contact
16 recreational use-Class A waters during the period November 1 through
17 March 31 of each year shall be equal to the criterion applied to secondary
18 contact recreational use-Class A waters.

19 (b) Primary contact recreational use-Class B: Use of a classified
20 stream segment for recreation, where moderate full body contact
21 recreation is expected, during the period from April 1 through October 31
22 of each year, and the classified stream segment is by law or written
23 permission of the landowner open to and accessible by the public. Water
24 quality criterion for bacterial indicator organisms applied to Class B waters
25 shall be set at an illness rate of 10 or more per 1,000 swimmers. The
26 classified stream segment shall only be considered impaired for primary
27 contact recreational use-Class B if the calculated geometric mean of at
28 least five samples collected in separate 24-hour periods within a 30-day
29 period exceeds the corresponding water quality criterion. The water quality
30 criterion for primary contact recreational use-Class B waters during the
31 period November 1 through March 31 of each year shall be equal to the
32 criterion applied to secondary contact recreational use-Class A waters.

33 (c) Primary contact recreational use-Class C: Use of a classified
34 stream segment for recreation, where full body contact recreation is
35 infrequent during the period from April 1 through October 31 of each year,
36 and is not open to and accessible by the public under Kansas law and is
37 capable of supporting the recreational activities of swimming, skin diving,
38 water-skiing, wind surfing, boating, mussel harvesting, wading or fishing.
39 Water quality criterion for bacterial indicator organisms applied to Class C
40 waters shall be set at an illness rate of 12 or more per 1,000 swimmers.
41 The classified stream segment shall only be considered impaired for
42 primary contact recreational use-Class C if the calculated geometric mean
43 of at least five samples collected in separate 24-hour periods within a 30-

1 day period exceeds the corresponding water quality criterion. The water
2 quality criterion for primary contact recreational use-Class C waters during
3 the period November 1 through March 31 of each year shall be equal to
4 the criterion applied to secondary contact recreational use-Class B waters.

5 (ii) Secondary contact recreational use is use of a classified stream
6 segment for recreation, provided such classified stream segment is capable
7 of supporting the recreational activities of wading, fishing, canoeing,
8 motor boating, rafting or other types of boating where the body is not
9 intended to be immersed and where ingestion of surface water is not
10 probable.

11 (a) Secondary contact recreational use-Class A: Use of a classified
12 stream segment for recreation capable of supporting the recreational
13 activities of wading or fishing and the classified stream segment is by law
14 or written permission of the landowner open to and accessible by the
15 public. Water quality criterion for bacterial indicator organisms applied to
16 secondary contact recreational use-Class A waters shall be nine times the
17 criterion applied to primary contact recreational use-Class B waters. The
18 classified stream segment shall only be considered impaired for secondary
19 contact recreational use-Class A if the calculated geometric mean of at
20 least five samples collected in separate 24-hour periods within a 30-day
21 period exceeds the corresponding water quality criterion.

22 (b) Secondary contact recreational use-Class B: Use of a classified
23 stream segment for recreation capable of supporting the recreational
24 activities of wading or fishing and the classified stream segment is not
25 open to and accessible by the public under Kansas law. Water quality
26 criterion for bacterial indicator organisms applied to secondary contact
27 recreational use-Class B waters shall be nine times the criterion applied to
28 primary contact recreational-Class C use waters. The classified stream
29 segment shall only be considered impaired for secondary contact
30 recreational use-Class B if the calculated geometric mean of at least five
31 samples collected in separate 24-hour periods within a 30-day period
32 exceeds the corresponding water quality criterion.

33 (B) If opposite sides of a classified stream segment would have
34 different designated recreational uses due to differences in public access,
35 the designated use of the entire classified stream segment may be the
36 higher attainable use, notwithstanding that such designation does not grant
37 the public access to both sides of such segment.

38 (C) Recreational use designations shall not apply to stream segments
39 where the natural, ephemeral, intermittent or low flow conditions or water
40 levels prevent recreational activities.

41 (d) "Ephemeral stream" means streams that flow only in response to
42 precipitation and whose channel is at all times above the water table.

43 (e) "Secretary" means the secretary of health and environment.

1 Sec. 150. K.S.A. 82a-2204 is hereby amended to read as follows:
2 82a-2204. (a) The governing board of the horsethief reservoir benefit
3 district shall consist of eight members, as follows:

4 (1) Four members to be appointed one each by the board of county
5 commissioners of the four counties in the district;

6 (2) one member to be appointed one each by the governing body of
7 the cities of Dodge City and Garden City;

8 (3) one member appointed by the Pawnee watershed district; and

9 (4) the secretary of wildlife; ~~and parks and tourism~~ or the secretary's
10 designee.

11 (b) The member appointed by the Pawnee watershed district shall
12 serve as chairperson of the governing board.

13 (c) The board shall meet upon call of the chairperson as necessary to
14 carry out its duties under this act.

15 (d) The initial appointment for the members appointed by Finney and
16 Gray counties and Dodge City shall be for a term of one year. The initial
17 appointment for the members appointed by Ford and Hodgeman counties,
18 Garden City and the Pawnee watershed district shall be for a term of two
19 years. For each subsequent appointment, each appointed member of the
20 board shall be appointed for a term of two years. Each member shall
21 continue in such position until a successor is appointed and qualified.
22 Members shall be eligible for reappointment. Whenever a vacancy occurs
23 in the membership of the board, a successor shall be selected to fill such
24 vacancy in the same manner as and for the unexpired term of the member
25 such person is succeeding.

26 (e) The governing body shall have the following powers and duties:

27 (1) Authority to impose a district wide sales tax pursuant to the
28 provisions of this act;

29 (2) authority to issue bonds pursuant to the provisions of this act; and

30 (3) authority to manage recreational facilities within the district.

31 (f) The governing body shall provide that any fee schedule imposed
32 for users of recreational facilities within the district may be set at a
33 reduced rate or schedule for residents of any county ~~which~~ *that* is a part of
34 the district.

35 Sec. 151. K.S.A. 2-1314d, 2-2473, 8-134, 32-801, 32-802, 32-805,
36 32-806, 32-807, 32-809, 32-810, 32-811, 32-812, 32-813, 32-814, 32-815,
37 32-816, 32-818, 32-832, 32-833, 32-834, 32-835, 32-836, 32-837, 32-839,
38 32-840, 32-844, 32-845, 32-846, 32-869, 32-873, 32-874, 32-874a, 32-
39 874b, 32-874c, 32-874d, 32-874e, 32-886, 32-887, 32-888, 32-906, 32-
40 918, 32-930, 32-932, 32-938, 32-960a, 32-966, 32-976, 32-996, 32-997,
41 32-998, 32-999, 32-9,100, 32-1001, 32-1004, 32-1005, 32-1031, 32-1032,
42 32-1040, 32-1041, 32-1049, 32-1049a, 32-1050, 32-1051, 32-1052, 32-
43 1053, 32-1054, 32-1062, 32-1063, 32-1064, 32-1066, 32-1074, 32-1075,

1 32-1077, 32-1102, 32-1112, 32-1129, 32-1174, 32-1203, 32-1306, 32-
2 1308, 32-1310, 32-1401, 32-1402, 32-1403, 32-1410, 32-1411, 32-1412,
3 32-1413, 32-1420, 32-1421, 32-1422, 32-1432, 32-1433, 32-1438, 47-
4 2101, 65-189e, 65-3424b, 65-5703, 68-406, 74-134, 74-5,133, 74-2622,
5 74-3322, 74-4722, 74-4911f, 74-5005, 74-6614, 74-7901, 74-9201, 75-
6 1253, 75-2720, 75-2935, 75-3339, 75-37,121, 75-3907, 75-3908, 75-3910,
7 76-463, 77-415, 79-201a, 79-3221e, 79-3221h, 79-32,203, 79-5212, 82a-
8 209, 82a-220, 82a-326, 82a-903, 82a-1501, 82a-2001 and 82a-2204 and
9 K.S.A. 2022 Supp. 19-2803b, 19-2803d, 19-2817, 19-2822, 19-2835, 19-
10 2836, 19-2839, 19-2844, 19-2844a, 19-2855, 19-2868, 19-2873, 19-2894,
11 19-3543, 20-302b, 21-5810, 21-6308a, 21-6416, 22-2512, 32-701, 41-719,
12 49-408, 58-3221, 58-3225, 74-5602, 77-421 and 79-3234 are hereby
13 repealed.

14 Sec. 152. This act shall take effect and be in force from and after its
15 publication in the statute book.