

SENATE BILL No. 569

By Committee on Ways and Means

3-16

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. 32-701,
5 32-801, 32-802, 32-805, 32-806, 32-807, 32-809, 32-832, 32-833, 32-
6 834, 32-835, 32-836, 32-837, 32-839, 32-840, 32-844, 32-845, 32-846,
7 32-869, 32-873, 32-874, 32-874a, 32-874b, 32-874c, 32-874d, 32-874e,
8 32-886, 32-887, 32-888, 32-906, 32-918, 32-930, 32-932, 32-938, 32-
9 960a, 32-966, 32-976, 32-996, 32-997, 32-998, 32-999, 32-9,100, 32-
10 1001, 32-1004, 32-1005, 32-1031, 32-1032, 32-1040, 32-1041, 32-
11 1049, 32-1049a, 32-1050, 32-1051, 32-1052, 32-1053, 32-1054, 32-
12 1062, 32-1063, 32-1064, 32-1066, 32-1074, 32-1075, 32-1077, 32-
13 1102, 32-1112, 32-1129, 32-1174, 32-1203, 32-1306, 32-1308, 32-
14 1310, 32-1401, 32-1402, 32-1403, 32-1410, 32-1411, 32-1412, 32-
15 1413, 32-1420, 32-1421, 32-1422, 32-1432, 32-1433, 32-1438, 41-719,
16 47-2101, 65-189e, 65-3424b, 65-5703, 68-406, 74-134, 74-5,133, 74-
17 2622, 74-3322, 74-4722, 74-4911f, 74-5005, 74-5602, 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, 77-421, 79-201a, 79-3221e,
20 79-3221h, 79-32,203, 79-5212, 82a-209, 82a-220, 82a-326, 82a-903,
21 82a-1501, 82a-2001 and 82a-2204 and K.S.A. 2021 Supp. 2-1314d, 2-
22 2473, 8-134, 19-2803b, 19-2803d, 19-2817, 19-2822, 19-2835, 19-
23 2836, 19-2839, 19-2844, 19-2844a, 19-2855, 19-2868, 19-2873, 19-
24 2894, 19-3543, 20-302b, 21-5810, 21-6308a, 21-6416, 22-2512, 49-
25 408, 58-3221, 58-3225 and 79-3234 and repealing the existing sections;
26 also repealing K.S.A. 32-810, 32-811, 32-812, 32-813, 32-814, 32-815,
27 32-816 and 32-818.

28

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

30 Section 1. K.S.A. 2021 Supp. 2-1314d is hereby amended to read as
31 follows: 2-1314d. (a) There is hereby created the state noxious weed
32 advisory committee, referred to in this act as the state advisory committee.
33 The state advisory committee shall consist of 13 voting members and the
34 secretary 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. 2021 Supp. 2-2473 is hereby amended to read as
37 follows: 2-2473. (a) (1) The pesticide management areas shall be
38 developed by examination of the following factors:

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

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

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

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

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

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

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

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

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

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

26 ~~(7)(G)~~ (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. 2021 Supp. 8-134 is hereby amended to read as
 33 follows: 8-134. (a) Every vehicle registration under this act shall expire
 34 December 31 of each year, except passenger vehicles and vehicles
 35 provided for in K.S.A. 8-134a, and amendments thereto. The registration
 36 of vehicles to which K.S.A. 8-134a, and amendments thereto, applies shall
 37 expire in 1982 and thereafter in accordance with the provisions of
 38 subsections (b) and (c). Registration of vehicles shall be renewed annually
 39 upon application by the owner and by payment of the fees required by law.
 40 Except vehicles subject to K.S.A. 8-134a, and amendments thereto, and
 41 passenger vehicles, the renewal shall take effect on January 1 of each year,
 42 but the owner of the vehicle shall have until and including the last day of
 43 February of each year ~~within which~~ to make application for such renewal.

1 The division shall issue for such vehicles a February month decal to
2 correspond with the statutory grace period. Criminal sanctions provided in
3 K.S.A. 8-142, and amendments thereto, for failure to display any license
4 plate or plates or any registration decal required to be affixed to any such
5 license plate for the current registration year shall not be enforced until
6 March 1 of each year. An owner who has made proper application for
7 renewal of registration of a vehicle prior to January 1, but who has not
8 received the license plate or registration card for the ensuing year, shall be
9 entitled to operate or permit the operation of such vehicle upon the
10 highways upon displaying thereon the license plate issued for the
11 preceding year for such time as the director of vehicles finds necessary for
12 issuance of such new 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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 2021 Supp. 23-2201 et seq., and amendments thereto, the uniform
43 interstate family support act, K.S.A. 2021 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. 2021 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. 2021 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 ~~parcs and tourism~~ of any conviction or diversion for a violation of this
28 section.

29 Sec. 20. K.S.A. 2021 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, 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* ~~parcs 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. 2021 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 K.S.A. 39-1113,
31 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. 2021 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. 2021 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. 2021
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. 2021 Supp. 21-6301, and amendments thereto.

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

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

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

34 (c) "Department" means the Kansas department of wildlife, ~~and parks~~
35 ~~and tourism~~.

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, which 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—~~and~~

1 ~~tourism.~~

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

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

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

9 (u) (1) "Wildlife" means any member of the animal kingdom,
10 including, ~~without limitation~~ *but not limited to*, any mammal, fish, bird,
11 amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate,
12 and includes any part, product, egg or offspring thereof, or the dead body
13 or parts thereof.

14 (2) "Wildlife" does not include:

15 (A) Agricultural livestock ~~(, including~~ cattle, swine, sheep, goats,
16 horses, mules and other equines); and

17 (B) poultry ~~(, including~~ domestic chickens, turkeys and guinea fowl).

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

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

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

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

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

41 (a) The secretary *of wildlife and parks* shall appoint an assistant secretary
42 for administration, ~~an assistant secretary for wildlife, fisheries and boating~~
43 and an assistant secretary for ~~parks and tourism~~ *operations*. The assistant

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

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

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

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

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

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

1 and until a successor is appointed and qualified, ~~except that in appointing~~
2 ~~the original commission members, the governor shall designate one~~
3 ~~member for a term ending July 1, 1988, one member for a term ending~~
4 ~~July 1, 1989, and two members for terms ending July 1, 1990.~~ The
5 governor shall fill any vacancy on the commission prior to the expiration
6 of a term by appointment for the unexpired term.

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

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

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

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

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

1 leases of real property under the control and jurisdiction of the secretary to
2 be accounted for and reflected in the budget of the Kansas department of
3 wildlife; ~~and parks and tourism~~.

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

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

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

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

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

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

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

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

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

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

1 (2) providing for the inspection of boats, the issuance of permits for
2 operation of watercraft of all kinds and the charging and collection of fees
3 for the inspection and operation of such craft;

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

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

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

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

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

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

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

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

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

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

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

1 laws of this state;

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

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

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

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

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

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

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

1 (3) establishing, by rules and regulations adopted in accordance with
2 K.S.A. 32-805, and amendments thereto, the legal size limits of fish or
3 frogs ~~which~~ *that* may be taken;

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

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

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

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

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

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

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

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

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

43 (a) The Kansas department of wildlife; ~~and parks and tourism~~ is authorized

1 to cooperate with and assist citizen-support organizations. For the purposes
 2 of this act, the term "citizen-support organization" means an organization
 3 ~~which that~~:

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

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

10 (3) is domiciled in this state;

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

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

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

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

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

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

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

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

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

1 exempt from the payment of ad valorem taxes under the laws of the state
2 of Kansas; and

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

5 (2) In addition to the requirements prescribed by this section and
6 otherwise by law, any proposed purchase of a tract or tracts of land ~~which~~
7 *that* are greater than 160 acres in the aggregate shall be subject to approval
8 by act of the legislature, either as a provision in an appropriation act
9 pertaining to the specific property to be purchased or by any other act of
10 the legislature that approves the acquisition of the specific property
11 proposed to be purchased, or by approval by the state finance council
12 acting on this matter ~~which that~~ is hereby characterized as a matter of
13 legislative delegation and subject to the guidelines prescribed in K.S.A.
14 75-3711c(c), and amendments thereto.

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

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

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

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

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

43 (2) The secretary shall have the land appraised by three disinterested

1 persons. In no case shall such land be sold for less than the average of its
2 appraised value as determined by such disinterested persons.

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

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

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

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

17 Sec. 32. K.S.A. 32-834 is hereby amended to read as follows: 32-834.

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

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

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

37 Tract 3: All that part of the South 1/2 of the Southeast 1/4 of Section
38 10, Township 11 South, Range 19 East of the 6th P.M., Jefferson County,
39 Kansas, lying East of the County Road. Contains 50 acres, more or less.

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

1 distance of 300.00 feet, said point being on the East line of the Southwest
2 Quarter (SW $\frac{1}{4}$) of Section 15; thence South $50^{\circ}06'43''$ West a distance of
3 1353.10 feet; thence North $39^{\circ}46'11''$ West a distance of 161.21 feet;
4 thence North 28 11' 59" East a distance of 1190.78 feet, said point being
5 on the North line of the South Half (S $\frac{1}{2}$) of the South Half (S $\frac{1}{2}$) of the
6 Southwest Quarter (SW $\frac{1}{4}$) of Section 15; thence South $89^{\circ}15'55''$ East a
7 distance of 576.56 feet to the Point of Beginning, said tract also being a
8 part of the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section
9 22, Township 11 South, Range 19 East of the 6th P.M., Jefferson County,
10 Kansas; also known as Tract 5 of Certificate of Survey re-plot in Jefferson
11 County, Kansas, by Fred G. Roger., LS-64, on March 24, 1978, filed
12 March 27, 1978, and recorded in Plat Book 2, Page 588, a replat of Plat
13 Book 2, Page 575.

14 Tract 5: The South 120 acres of the Southeast Quarter (SE $\frac{1}{4}$) of
15 Section Fifteen (15), Township Eleven (11) South, Range Nineteen (19)
16 East of the 6th P.M., Jefferson County, Kansas, according to U.S.
17 Government Survey thereof.

18 Tract 6: The South 60 acres of the Northeast Quarter (NE $\frac{1}{4}$), AND the
19 North 40 acres of the Southeast Quarter (SE $\frac{1}{4}$), all in Section Fifteen (15),
20 Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M.,
21 Jefferson County, Kansas; EXCEPT all that part of the North 40 acres of
22 the Southeast Quarter (SE $\frac{1}{4}$) of said Section Fifteen (15), lying West of
23 the public highway, and EXCEPT all that part of the South 60 acres of the
24 Northeast Quarter (NE $\frac{1}{4}$) of said Section Fifteen (15), lying West of the
25 public highway.

26 Tract 7: The South Half (S $\frac{1}{2}$) of the Southwest Quarter of Section
27 Fourteen (14): AND a tract beginning at the Southwest corner of the North
28 Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Fourteen (14);
29 thence running North 12 rods; thence running East 57 rods; thence running
30 South 12 rods; thence running West 57 rods to the Point of Beginning, all
31 in Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M.,
32 Jefferson County, Kansas.

33 Tract 8: Beginning at the Southeast corner of the North Half of the
34 Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Twenty-two (22), Township
35 Eleven (11) South, Range Nineteen (19) East of the 6th P.M., Jefferson
36 County, Kansas; thence North 89 degrees 35 minutes 05 seconds West a
37 distance of 685.11 feet, said point being on the South line of the North
38 Half of the Northwest Quarter of Section 22; thence North 00 degrees 24
39 minutes 55 seconds East a distance of 361.05 feet; thence North 32
40 degrees 19 minutes 25 seconds West a distance of 227.14 feet; thence
41 North 49 degrees 07 minutes 07 seconds West a distance of 176.82 feet;
42 thence North 76 degrees 48 minutes 44 seconds East a distance of 959.44
43 feet, said point being on the East line of the Northwest Quarter of Section

1 22; thence South 00 degrees 13 minutes 24 seconds West a distance of
2 892.59 feet to the point of beginning; also known as Tract 7 of Certificate
3 of Survey re-Plat In Jefferson County, Kansas, prepared by Fred G.
4 Rogers, LS-64, on March 24, 1978, filed March 27, 1978 and recorded in
5 Plat Book 2, Page 588.

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

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

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

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

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

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

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

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

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

41 (d) In the event that the secretary of wildlife; ~~and parks and tourism~~
42 determines that the legal description of the parcel described by this section
43 is incorrect, the secretary of wildlife; ~~and parks and tourism~~ may purchase

1 the property utilizing the correct legal description.

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

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

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

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

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

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

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

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

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

- 1 (16) Elk City state park in Montgomery county;
2 (17) Perry state park in Jefferson county;
3 (18) Glen Elder state park in Mitchell county;
4 (19) El Dorado state park in Butler county;
5 (20) Eisenhower state park in Osage county;
6 (21) Clinton state park in Douglas and Shawnee counties;
7 (22) Sand Hills state park in Reno county;
8 (23) Hillsdale state park in Miami county;
9 (24) Kaw River state park in Shawnee county;
10 (25) Prairie Spirit rail trail state park in Franklin, Anderson and Allen
11 counties;
12 (26) Flint Hills trail state park in Miami, Franklin, Osage, Lyon,
13 Morris and Dickinson counties; and
14 (27) Little Jerusalem Badlands state park in Logan county.
15 (b) No state park named in subsection (a) shall be removed from the
16 state park system without legislative approval.
17 (c) The hours that Kaw River state park in Shawnee county is open to
18 the public may be limited to those hours that parks of the city of Topeka
19 are open, except that such state park shall be open at all hours for
20 prescheduled events.
21 (d) The requirements found in K.S.A. 65-171d(j)(2), and amendments
22 thereto, shall not apply to subsection (a)(25) or (a)(26).
23 (e) For any state park listed in subsection (a) containing a recreational
24 trail created pursuant to 16 U.S.C. § 1247(d), the Kansas department of
25 wildlife; ~~and parks and tourism~~ shall carry out the duties listed in K.S.A.
26 58-3212(a)(1) through (a)(11), and amendments thereto.
27 Sec. 36. K.S.A. 32-839 is hereby amended to read as follows: 32-839.
28 The Cane creek area within stage 1 of the Milford lake wetlands wildlife
29 habitat restoration project, in Clay county, near the city of Wakefield, is
30 hereby designated as the Steve Lloyd wetlands. The secretary of wildlife;
31 ~~and parks and tourism~~ shall cause placement of suitable signs and an
32 observation deck to indicate the area is the Steve Lloyd wetlands. The
33 secretary may accept and administer gifts and donations for the purpose of
34 obtaining and installing such signs and observation deck.
35 Sec. 37. K.S.A. 32-840 is hereby amended to read as follows: 32-840.
36 (a) The secretary, in the name of the state of Kansas, may exercise the right
37 of eminent domain in accordance with the eminent domain procedure act,
38 K.S.A. 26-501 et seq., and amendments thereto, for the purpose of
39 acquiring lands, water and water rights necessary to:
40 (1) Carry out the provisions of the wildlife; ~~and parks and tourism~~
41 laws of this state and the purposes for which the department is created; or
42 (2) protect, add to and improve state parks, state lakes, recreational
43 areas, wildlife areas and sanctuaries, natural areas, fish hatcheries and

1 other lands, waters and facilities provided for by K.S.A. 32-807, and
2 amendments thereto.

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

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

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

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

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

27 (A) The legal description of the real estate or interest acquired;

28 (B) the purchase price;

29 (C) if appropriation of state moneys is required for the acquisition,
30 the appraised value of the real estate or interest acquired; and

31 (D) if the real estate or interest therein will remain subject to ad
32 valorem property taxation.

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

36 (A) The legal description of the real estate or interest acquired;

37 (B) if appropriation of state moneys is required for the proposed
38 transaction, the appraised value of the real estate or interest proposed to be
39 acquired; and

40 (C) if the real estate or interest therein will remain subject to ad
41 valorem property taxation.

42 (c) The reporting requirements of this section shall not apply to real
43 estate or interest therein acquired under the wildtrust program until such

1 time as the deeds are filed for record.

2 (d) Agreements~~which~~ *that* have been entered into and are required to
3 be reported pursuant to this section shall be published in the Kansas
4 register within 30 days of the execution of any such agreement.

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

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

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

14 (1) Law or concurrent resolution; or

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

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

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

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

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

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

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

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

43 (1) Stage 1, in the areas of Lower Refuge, Cane Creek, Mall Creek

1 and Smith Bottoms, totaling approximately 1,030 acres;

2 (2) stage 2, in the areas of Quimby Creek, Smith Bottoms addition,
3 Beichter Bottoms, East Broughton 1 and 3 and West Broughton 1 and 2,
4 totaling approximately 895 acres; and

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

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

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

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

39 Sec. 43. K.S.A. 32-874 is hereby amended to read as follows: 32-874.
40 (a) The secretary of commerce and the secretary of wildlife; ~~and parks and~~
41 ~~tourism, together,~~ shall direct and implement a feasibility study regarding
42 the potential of developing lake resorts in Kansas. The study shall consider
43 ready access from nearby interstate and interstate connected controlled

1 access highways, public transportation systems, facilities and any other
2 factors that may affect tourism to a given site. The study shall consider
3 only sites at existing state parks or lakes.

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

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

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

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

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

43 (b) (1) The Kansas department of wildlife; ~~and parks and tourism~~ and

1 the department of commerce shall advertise for proposal plans with bids
2 for development of sites selected under K.S.A. 32-867, 32-868, 32-871
3 and 32-872, and amendments thereto. Advertisements for proposals with
4 bids shall be published in the Kansas register and once each week for two
5 consecutive weeks in a newspaper having general circulation in the
6 community at least 60 days before the time for receiving the proposals
7 with bids. The advertisement shall also be posted on readily accessible
8 bulletin boards in all offices of the two departments and on the information
9 network of Kansas. The advertisement shall identify the area to be
10 developed, the purpose of the development and shall state that such further
11 information as is available may be obtained from either departments' office
12 in Topeka.

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

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

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

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

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

1 governor during the 1999 legislative session.

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

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

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

13 (c) Family oriented lodging shall not include the development of lake
14 resorts.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (i) The provisions of ~~paragraph~~ subsection (b)(3) shall expire on June
39 30, 2020.

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

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

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

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

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

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

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

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

43 (4) the applicant has complied with the warrant or subpoena or the

- 1 warrant or subpoena has been quashed or withdrawn; or
- 2 (5) the court trustee notifies the secretary for children and families
- 3 that the applicant has paid the arrearages in full or has complied with the
- 4 subpoena or the subpoena has been quashed or withdrawn.
- 5 (e) Individuals previously included in a quarterly listing may be
- 6 omitted from any subsequent listing by the secretary for children and
- 7 families. When a new listing takes effect, the secretary of wildlife; *and*
- 8 parks ~~and tourism~~ may allow any individual not included in the new listing
- 9 to purchase any license, permit, stamp, tag or other issue of the Kansas
- 10 department of wildlife; *and* parks ~~and tourism~~, whether or not the applicant
- 11 had been included in a previous listing.
- 12 (f) Nothing in this section shall be construed to require or permit the
- 13 secretary of wildlife; *and* parks ~~and tourism~~ to determine any issue related
- 14 to a child support order or related to the title IV-D case, including
- 15 questions of mistaken identity or the adequacy of any notice provided
- 16 pursuant to this section. In a title IV-D case, the secretary for children and
- 17 families shall provide an opportunity for fair hearing pursuant to K.S.A.
- 18 75-3306, and amendments thereto, to any person who has been denied any
- 19 license, permit, stamp, tag or other issue of the Kansas department of
- 20 wildlife; *and* parks ~~and tourism~~ pursuant to this section, provided that the
- 21 person complies with the requirements of the secretary for children and
- 22 families for requesting such fair hearing. In a non-IV-D case, the applicant
- 23 shall contact the court trustee.
- 24 (g) The term "title IV-D" ~~has the meaning ascribed thereto~~ *means the*
- 25 *same as provided in K.S.A. 32-930, and amendments thereto.*
- 26 (h) The secretary for children and families and the secretary of
- 27 wildlife; *and* parks ~~and tourism~~ may enter into an agreement for
- 28 administering the provisions of this section.
- 29 (i) The secretary for children and families and the secretary of
- 30 wildlife; *and* parks ~~and tourism~~ may each adopt rules and regulations
- 31 necessary to carry out the provisions of this section.
- 32 (j) Upon receipt of such list, the secretary of wildlife; *and* parks ~~and~~
- 33 ~~tourism~~ shall send by first class mail, a letter to any new individual on the
- 34 listing who has a current license, permit, stamp, tag or other issue of the
- 35 Kansas department of wildlife; *and* parks ~~and tourism~~ informing such
- 36 individual of the provisions of this section.
- 37 Sec. 54. K.S.A. 32-930 is hereby amended to read as follows: 32-930.
- 38 (a) (1) Except as provided in subsection (c), the secretary *of wildlife and*
- 39 *parks* or the secretary's designee is authorized to issue to any Kansas
- 40 resident a lifetime fishing, hunting or furharvester or combination hunting
- 41 and fishing license upon proper application made therefor to the secretary
- 42 or the secretary's designee and payment of a license fee as follows:
- 43 (A) A total payment made at the time of purchase in the amount

1 prescribed pursuant to K.S.A. 32-988, and amendments thereto; or

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

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

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

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

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

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

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

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

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

1 for children and families by the court trustee.

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

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

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

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

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

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

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

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

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

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

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

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

1 (g) The secretary of *wildlife and parks*, in accordance with K.S.A. 32-
2 805, and amendments thereto, may adopt rules and regulations necessary
3 to carry out the provisions of this section.

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

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

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

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

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

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

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

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

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

12 (c) The advisory committee shall:

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

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

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

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

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

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

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

1 do not include any impoundment constructed, owned, leased or operated
2 by a federal, state or local governmental agency or by a person who has
3 entered into an agreement with a federal, state or local governmental
4 agency that such impoundment will be open to public access 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 fund – federal, which is hereby created. The wildlife
14 conservation fund – federal is hereby redesignated as the wildlife
15 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; *and 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 parks ~~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 parks ~~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* parks ~~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, the activity for which convicted for up to one year from the date
15 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 permit, other | |
| 18 than a big game or wild turkey permit or license or permit for | |
| 19 commercial activity..... | \$100 |
| 20 Engaging in any activity without a required stamp or other issue of the | |
| 21 department..... | 75 |
| 22 Engaging in any commercial activity without a required valid license or | |
| 23 permit..... | 500 |
| 24 Engaging in any big game or wild turkey hunting without a required valid | |
| 25 big game or wild turkey permit..... | 500 |
| 26 Making misrepresentation to secure license, permit, stamp or other | |
| 27 issue of the department..... | 250 |
| 28 Taking wildlife, except big game or wild turkey, unlawfully (including but | |
| 29 not limited to taking wildlife before or after legal taking hours, | |
| 30 during closed season, or using unlawful equipment, means | |
| 31 or method)..... | 100 |
| 32 Carrying unplugged shotgun..... | 75 |
| 33 Exceeding bag or possession limit, except big game or wild turkey — \$25 | |
| 34 for each animal in excess of the bag or possession limit, plus..... | 75 |
| 35 Exceeding big game or wild turkey bag or possession limit — \$100 for | |
| 36 each animal in excess of the bag or possession limit, plus..... | 250 |
| 37 Unlawful transporting of wildlife..... | 150 |
| 38 Taking big game or wild turkey unlawfully (including but not limited to | |
| 39 taking big game or wild turkey before or after legal taking hours, during | |
| 40 closed season, or using unlawful equipment, means or method).... | 500 |
| 41 Failing to wear and properly display required | |
| 42 clothing during a big game hunting season..... | 75 |
| 43 Taking wildlife when operating an amount of | |

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

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

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

4 Operating vessel without a certificate of number or registration..... 50

5 Operating vessel without proper display of required identification

6 number..... 50

7 Failing to properly display required lights

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

9 Operating vessel without correct number or approved types of adult

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

11 device violation, plus..... 50

12 Operating vessel without correct number or approved types of child

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

14 device violation, plus..... 100

15 Operating vessel without required number of personal flotation devices

16 readily accessible and in good and serviceable condition — \$25 for

17 each personal flotation device violation, plus..... 50

18 Operating vessel without required number or approved types of

19 fire extinguishers..... 50

20 Operating vessel in restricted area..... 50

21 Operating vessel without required observer or rearview mirror

22 on vessel..... 50

23 Operating vessel without required equipment or in

24 excess of capacity plate limitations..... 50

25 Unlawful altering, destroying or removing of capacity plate..... 100

26 (c) For any violation of the wildlife; ~~and parks and tourism~~ laws of

27 this state or rules and regulations adopted thereunder for which a cash

28 bond is not specified in subsection (b), the court may establish a cash bond

29 amount.

30 (d) There shall be added to the amount of cash bond required

31 pursuant to subsections (b) and (c) the amount of the docket fee as

32 prescribed by K.S.A. 28-172a, and amendments thereto, for crimes defined

33 in chapter 32 of the Kansas Statutes Annotated, and amendments thereto.

34 (e) In the event of forfeiture of any of the bonds set forth in this

35 section, the amount added by *subsection* (d) to the amount of the cash

36 bond shall be regarded as a docket fee.

37 Sec. 75. K.S.A. 32-1051 is hereby amended to read as follows: 32-

38 1051. (a) It shall be the duty of all conservation officers and deputy

39 conservation officers of the wildlife; ~~and parks and tourism~~ conservation

40 service and all law enforcement officers authorized to enforce the laws of

41 this state to diligently inquire into and prosecute all violations of the

42 wildlife; ~~and parks and tourism~~ laws of this state and rules and regulations

43 of the secretary. Any such officers having knowledge or notice of any such

1 violation shall ~~forthwith~~ make complaint before a court of competent
2 jurisdiction and venue. No such officer making complaint shall be liable
3 for costs unless it is found by the court or jury that the complaint was filed
4 for malicious purposes and without probable cause.

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

8 Sec. 76. K.S.A. 32-1052 is hereby amended to read as follows: 32-
9 1052. In a prosecution of any person or persons for a violation of any of
10 the wildlife; ~~and parks-and-tourism~~ laws of this state or rules and
11 regulations of the secretary, it shall not be necessary to:

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

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

17 Sec. 77. K.S.A. 32-1053 is hereby amended to read as follows: 32-
18 1053. It shall be the duty of each county or district attorney to prosecute
19 any person or persons charged with a violation of any of the wildlife; ~~and~~
20 ~~parks-and-tourism~~ laws of this state or rules and regulations of the
21 secretary. The attorney so prosecuting shall receive the fee established by
22 law or by the court having jurisdiction over the matter for each prosecution
23 in a district court, and such fee shall be taxed to the defendant in every
24 case where conviction shall be had.

25 Sec. 78. K.S.A. 32-1054 is hereby amended to read as follows: 32-
26 1054. It shall be the duty of every judge or clerk of the court before whom
27 any prosecution for a violation of the wildlife; ~~and parks-and-tourism~~ laws
28 of this state or rules and regulations of the secretary is commenced or goes
29 on appeal, within 20 days after disposition thereof or the occurrence of a
30 failure to comply with a wildlife; ~~and parks-and-tourism~~ citation, to report
31 in writing to the department the result thereof. The report of any
32 disposition or failure to comply with a wildlife; ~~and parks-and-tourism~~
33 citation shall include the sentence of the court, the nature of the conviction
34 or charge upon which the prosecution is based, the fines, fees, assessments
35 and other penalties imposed and the forfeiture or suspension of any
36 license, permit, stamp or other issue of the Kansas department of wildlife;
37 ~~and parks-and-tourism~~, if any.

38 Sec. 79. K.S.A. 32-1062 is hereby amended to read as follows: 32-
39 1062. The secretary of the Kansas department of wildlife; ~~and parks-and~~
40 ~~tourism~~ shall make and publish such rules and regulations, not inconsistent
41 with law, as deemed necessary to carry out the purposes of the wildlife
42 violator compact.

43 Sec. 80. K.S.A. 32-1063 is hereby amended to read as follows: 32-

1 1063. It shall be unlawful for any person whose license, privilege, or right
2 to hunt, fish, trap, possess; or transport wildlife, having been suspended or
3 revoked pursuant to the wildlife violator compact, to exercise that right or
4 privilege within this state or to purchase or possess such a license ~~which~~
5 grants such right or privilege.

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

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

12 (2) any privilege or right to hunt, fish, trap or otherwise take, possess
13 or transport any wildlife in this state, or purchase or possess any license,
14 permit, stamp or other issue of the Kansas department of wildlife; *and*
15 parks ~~and tourism~~ shall be forfeited or suspended for a period of not less
16 than two years nor more than five years in addition to and consecutive to
17 the original revocation or suspension set forth by the provisions of the
18 compact;

19 (3) the sentencing judge may impose other sanctions pursuant to
20 K.S.A. 2021 Supp. 21-6602 and 21-6604, and amendments thereto.

21 (b) Any person who knowingly purchases or possesses, or attempts to
22 purchase or possess, a license to hunt, fish, trap, possess or transport
23 wildlife in this state in violation of such suspension or revocation pursuant
24 to the wildlife violator compact shall be guilty of a class A nonperson
25 misdemeanor and sentenced to the following:

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

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

33 (3) the sentencing judge may impose other sanctions pursuant to
34 K.S.A. 2021 Supp. 21-6602 and 21-6604, and amendments thereto.

35 Sec. 81. K.S.A. 32-1064 is hereby amended to read as follows: 32-
36 1064. As used in the compact, the term "licensing authority," with
37 reference to this state, means the Kansas department of wildlife; *and* parks
38 ~~and tourism~~. The secretary of wildlife; *and* parks ~~and tourism~~ shall furnish
39 to the appropriate authorities of party states any information or documents
40 reasonably necessary to facilitate the administration of the compact.

41 Sec. 82. K.S.A. 32-1066 is hereby amended to read as follows: 32-
42 1066. The secretary of the Kansas department of wildlife; *and* parks ~~and~~
43 ~~tourism~~ shall appoint the director or head administrator of the department's

1 law enforcement division or section to serve on the board of compact
2 administrators as the compact administrator for this state as required by
3 section 1 subsection (a) of article VII of the wildlife violator compact.

4 Sec. 83. K.S.A. 32-1074 is hereby amended to read as follows: 32-
5 1074. (a) The lesser prairie chicken and the greater prairie chicken are
6 non-migratory species that are native to the grasslands of Kansas.

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

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

13 (d) The Kansas department of wildlife; ~~and parks and tourism~~, and its
14 predecessor agencies, have successfully managed lesser prairie chickens
15 and greater prairie chickens in the state and have provided for the adequate
16 preservation of the habitats of such species.

17 Sec. 84. K.S.A. 32-1075 is hereby amended to read as follows: 32-
18 1075. (a) The state of Kansas, acting through the Kansas legislature and
19 through the Kansas department of wildlife; ~~and parks and tourism~~,
20 possesses the sole regulatory authority to govern the management,
21 habitats, hunting and possession of lesser prairie chickens and greater
22 prairie chickens that exist within the state of Kansas.

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

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

- 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 the habitats of
36 such species.

37 Sec. 85. K.S.A. 32-1077 is hereby amended to read as follows: 32-
38 1077. (a) This act shall not be construed to infringe on the authority of the
39 United States department of agriculture to administer conservation
40 programs that apply to:

- 41 (1) The lesser prairie chicken;
- 42 (2) the greater prairie chicken;
- 43 (3) the habitats of such species;

1 (4) farming practices that affect such species; or
2 (5) other human activity that affects such species or habitats of such
3 species.

4 (b) This act shall not be construed to infringe on the authority of the
5 United States environmental protection agency, or the state of Kansas
6 under delegated authority, to administer the federal water pollution
7 prevention and control act, as in effect on the effective date of this act, or
8 the clean air act, as in effect on the effective date of this act, to the extent it
9 may apply to:

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

16 (c) This act shall not be construed to infringe on the authority of the
17 Kansas department of wildlife; ~~and parks and tourism~~ or any private
18 citizen of this state to operate or participate in the range wide lesser prairie
19 chicken management plan, the stakeholder conservation strategy for the
20 lesser prairie chicken, or any other management or conservation plan
21 pertaining to the lesser prairie chicken that may be developed with the
22 assistance and participation of the United States fish and wildlife service
23 and apply to:

24 (1) The lesser prairie chicken;
25 (2) the greater prairie chicken;
26 (3) the habitats of such species;
27 (4) farming practices that affect such species; or
28 (5) other human activity that affects such species or habitats of such
29 species.

30 Sec. 86. K.S.A. 32-1102 is hereby amended to read as follows: 32-
31 1102. As used in article 11 of chapter 32 of the Kansas Statutes Annotated,
32 and amendments thereto, unless the context clearly requires a different
33 meaning:

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

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

39 (c) "Owner" means a person, other than a lienholder, having the
40 property in or title to a vessel. ~~The term "Owner" includes a person~~
41 entitled to the use or possession of a vessel subject to an interest in another
42 person, reserved or created by agreement and securing payment or
43 performance of an obligation, ~~but the term excludes. "Owner" does not~~

1 *include* a lessee under a lease not intended as security.

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

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

6 (f) "Operate" means to navigate or otherwise use a motorboat or a
7 vessel.

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

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

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

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

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

19 (l) "Reportable boating accident" means an accident, collision or
20 other casualty involving a vessel subject to this act ~~which~~ *that* results in
21 loss of life, injury sufficient to require first aid or medical attention, or
22 actual physical damage to property, including a vessel, in excess of an
23 amount established by rules and regulations adopted by the secretary in
24 accordance with K.S.A. 32-805, and amendments thereto.

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

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

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

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

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

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

42 (2) maintains an established place of business with sufficient space to
43 display vessels at least equal in number to the number of dealer certificates

1 of number the dealer has been assigned; and

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

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

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

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

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

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

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

19 (x) "Abandoned vessel" means any vessel on public waters or public
20 or private land ~~which~~ that remains unclaimed for a period of 15
21 consecutive days.

22 Sec. 87. K.S.A. 32-1112 is hereby amended to read as follows: 32-
23 1112. (a) A licensed dealer demonstrating, displaying or exhibiting on the
24 waters of this state any vessel of a type required to be numbered under the
25 laws of this state may obtain from the department *of wildlife and parks*, in
26 lieu of obtaining a certificate of number for each such vessel, dealer
27 certificates of number for use in demonstrating, displaying or exhibiting
28 any such vessel. No such dealer certificate of number shall be issued by
29 the department except upon application to the secretary upon forms
30 prescribed by the secretary and upon payment of the required fees. The
31 dealer certificate of number must accompany the vessel and the number
32 assigned by such dealer certificate must be temporarily placed on the
33 vessel while it is being demonstrated, displayed or exhibited on the waters
34 of this state. During the calendar year for which issued, such dealer
35 certificate may be transferred from one such vessel to another owned or
36 operated by such dealer. Such dealer certificate of number may be used in
37 lieu of a regular certificate of number for the purposes of demonstrating,
38 displaying or exhibiting vessels held in inventory of such dealer. Such
39 dealer certificate of number may also be used on such dealer's service
40 vessel, or substitute vessels owned by the dealer but loaned to a customer
41 when the dealer is repairing such customer's vessel.

42 (b) No dealer in vessels of a type required to be numbered under the
43 laws of this state shall cause or permit any such vessel owned by such

1 dealer to be on the waters of this state unless the original dealer certificate
2 of number accompanies the vessel and the number assigned by such dealer
3 certificate is temporarily placed on the vessel as required by this section. A
4 dealer who wishes to operate or allow operation of more than one vessel
5 simultaneously on the waters of this state shall apply for additional dealer
6 certificates as provided by the secretary.

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

17 (d) To determine the number of dealer certificates of number a dealer
18 needs, the secretary may base the decision on the dealer's past sales,
19 inventory and any other pertinent factors as the secretary may determine.
20 After the end of the first year of licensure as a dealer, not more than one
21 dealer certificate of number shall be issued to any dealer who has not
22 reported to the secretary the sale of at least five vessels in the preceding
23 year. There shall be no refund of fees for dealer certificates of number in
24 the event of suspension, revocation or voluntary cancellation of such
25 certificates of number.

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

- 28 (1) The licensed dealer and such dealer's spouse;
- 29 (2) any employee of such dealer when the use thereof is directly
30 connected to a particular business transaction of such dealer; and
- 31 (3) the dealer's customer when operating a vessel in connection with
32 negotiations to purchase such vessel or during a demonstration of such
33 vessel, as stated in a written agreement between the dealership and the
34 customer, with such required information as deemed necessary by the
35 secretary.

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

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

1 revenue.

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

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

15 Sec. 88. K.S.A. 32-1129 is hereby amended to read as follows: 32-
16 1129. (a) (1) No operator of any vessel may operate such vessel while any
17 person 12 years of age or under is aboard or being towed by such vessel
18 unless such person is either:

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

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

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

24 (b) Violation of subsection (a) shall constitute a class C *nonperson*
25 misdemeanor.

26 Sec. 89. K.S.A. 32-1174 is hereby amended to read as follows: 32-
27 1174. (a) All federal moneys received pursuant to federal assistance,
28 federal-aid funds or federal-aid grant reimbursements related to boating or
29 boating programs under the control, authorities and duties of the Kansas
30 department of wildlife; ~~and parks and tourism~~ shall be remitted to the state
31 treasurer in accordance with the provisions of K.S.A. 75-4215, and
32 amendments thereto. Upon receipt of the remittance, the state treasurer
33 shall deposit the entire amount in the state treasury and credit it to the
34 boating fund – federal, which is hereby created, to be dedicated and used
35 for the purposes authorized in K.S.A. 32-1173, and amendments thereto.
36 The boating fund – federal is hereby redesignated as the boating safety
37 financial assistance fund.

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

43 (c) On or before the 10th of each month, the director of accounts and

1 reports shall transfer from the state general fund to the boating safety
2 financial assistance fund, interest earnings based on:

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

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

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

11 Sec. 90. K.S.A. 32-1203 is hereby amended to read as follows: 32-
12 1203. (a) In accordance with the provisions of this act, the secretary of
13 wildlife; ~~and parks and tourism~~ shall develop and administer a grant
14 program to award grants to Kansas local governments for capital
15 improvements for local government outdoor recreation facilities. The
16 grants shall be awarded annually on a competitive basis in accordance with
17 guidelines and criteria prescribed by rules and regulations adopted by the
18 secretary of wildlife; ~~and parks and tourism~~. Each grant shall be matched
19 by the local government receiving the grant on the basis of \$1 provided by
20 the local government for each \$1 provided under the grant for the capital
21 improvement.

22 (b) The secretary of wildlife; ~~and parks and tourism~~ shall designate
23 annually a portion of all moneys appropriated for local government
24 outdoor recreation grants for renovations and repairs to provide safety
25 improvements and handicapped accessibility and other improvements,
26 including improvements to attain compliance with the requirements
27 imposed under the federal Americans with disabilities act.

28 Sec. 91. K.S.A. 32-1306 is hereby amended to read as follows: 32-
29 1306. (a) All dangerous regulated animals shall be confined within a cage
30 of sufficient strength and design for the purposes of maintaining and
31 housing or transporting the animal. The requirements for sufficient caging
32 shall be established by rules and regulations adopted by the secretary of
33 wildlife; ~~and parks and tourism~~. Any cage or confinement structure shall
34 be constructed in such a manner that prohibits physical contact with any
35 person other than such persons listed in subsection (d).

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

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

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

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

4 Sec. 92. K.S.A. 32-1308 is hereby amended to read as follows: 32-
5 1308. Exemptions to the provisions set forth in this act are as follows:

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

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

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

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

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

19 Sec. 93. K.S.A. 32-1310 is hereby amended to read as follows: 32-
20 1310. (a) Annually, on or before April 1, a local animal control authority
21 shall report to the secretary of wildlife; ~~and parks and tourism~~ on
22 dangerous regulated animals registered with the local animal control
23 authority during the preceding calendar year. The report shall include all
24 registration information submitted to the local animal control authority
25 under ~~subsection (b) of~~ K.S.A. 32-1303(b), and amendments thereto, and
26 information on enforcement actions taken under this act.

27 (b) It shall be a violation of this act for a person who does not own
28 the dangerous regulated animal, to care for, have custody or control of
29 such animal unless such person is a registered designated handler. Any
30 such person applying for a designated handler registration shall file an
31 application on a form prescribed by the local animal control authority.
32 Application for such registration shall be accompanied by an application
33 fee not exceeding \$25. If the local animal control authority finds the
34 applicant to be qualified to be a registered designated handler after
35 meeting the training, experience and ability requirements determined by
36 the secretary of wildlife; ~~and parks and tourism~~, the local animal control
37 authority shall issue a designated handler registration ~~which that~~ shall
38 expire at the end of the calendar year.

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

43 (d) The secretary of wildlife; ~~and parks and tourism~~ shall adopt rules

1 and regulations:

2 (1) Establishing training, experience and ability requirements for
3 registered designated handlers; and

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

5 Sec. 94. K.S.A. 32-1401 is hereby amended to read as follows: 32-
6 1401. The secretary of ~~wildlife, parks and tourism~~ *commerce* is hereby
7 authorized to negotiate and enter into contracts for promotional advertising
8 services for the performance of the powers, duties and functions of the
9 Kansas department of ~~wildlife, parks and tourism~~ *commerce*. All such
10 contracts shall be exempt from the competitive bidding requirements of
11 K.S.A. 75-3739, and amendments thereto.

12 Sec. 95. K.S.A. 32-1402 is hereby amended to read as follows: 32-
13 1402. There is hereby established within and as a part of the Kansas
14 department of ~~wildlife, parks and tourism~~ *commerce* a division of tourism,
15 the head of which shall be the director of tourism. The purpose of the
16 division of tourism shall be to increase the number of visitors to Kansas by
17 promoting the state as a travel and learning opportunity to both Kansans
18 and non-Kansans alike. Under the supervision of the secretary of ~~wildlife,~~
19 ~~parks and tourism~~ *commerce*, the director of tourism shall administer the
20 division of tourism. The secretary of ~~wildlife, parks and tourism~~ *commerce*
21 shall appoint the director of tourism and the director shall serve at the
22 pleasure of the secretary. The director of tourism shall be in the
23 unclassified service under the Kansas civil service act and shall receive an
24 annual salary fixed by the secretary of ~~wildlife, parks and tourism~~
25 *commerce* and approved by the governor.

26 Sec. 96. K.S.A. 32-1403 is hereby amended to read as follows: 32-
27 1403. The division of tourism of the Kansas department of ~~wildlife, parks~~
28 ~~and tourism~~ *commerce* is hereby authorized and empowered to:

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

33 (b) request other state agencies such as, but not limited to, the Kansas
34 water office the department of ~~commerce~~ *wildlife and parks* and the
35 department of transportation, for assistance and all such agencies shall
36 coordinate information and their respective efforts with the department to
37 most efficiently and economically carry out the purpose and intent of this
38 subsection; and

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

1 Sec. 97. K.S.A. 32-1410 is hereby amended to read as follows: 32-
2 1410. (a) (1) There is hereby established the council on travel and tourism.
3 The council shall consist of 17 voting members as follows:

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

6 (2)(B) the vice-chairperson of the standing committee on commerce
7 of the senate, or a member of the senate appointed by the president of the
8 senate;

9 (3)(C) the ranking minority member of the standing committee on
10 commerce of the senate, or a member of the senate appointed by the
11 minority leader of the senate;

12 (4)(D) the chairperson of the standing committee on tourism and
13 parks of the house of representatives, or its successor committee, or a
14 member of the house of representatives appointed by the speaker of the
15 house of representatives;

16 (5)(E) the vice-chairperson of the standing committee on tourism and
17 parks of the house of representatives, or its successor committee, or a
18 member of the house of representatives appointed by the speaker of the
19 house of representatives;

20 (6)(F) the ranking minority member of the standing committee on
21 tourism and parks of the house of representatives, or its successor
22 committee, or a member of the house of representatives appointed by the
23 minority leader of the house of representatives; and

24 (7)(G) eleven members appointed by the governor. Of the 11
25 members appointed by the governor, one shall be appointed from a list of
26 three nominations made by the travel industry association of Kansas, one
27 shall be an individual engaged in the lodging industry and appointed from
28 a list of three nominations made by the Kansas restaurant and hospitality
29 association, one shall be an individual engaged in the restaurant industry
30 and appointed from a list of three nominations made by the Kansas
31 restaurant and hospitality association, one shall be appointed from a list of
32 three nominations made by the petroleum marketers and convenience store
33 association of Kansas, one shall be appointed from a list of three
34 nominations by the Kansas sport hunting association and six shall be
35 appointed to represent the general public.

36 (2) In addition to the voting members of the council, four members of
37 the council shall serve ex officio: The secretary of commerce, the secretary
38 of transportation, the secretary of wildlife; ~~and parks and tourism~~ and the
39 executive director of the state historical society. Each ex officio member of
40 the council may designate an officer or employee of the state agency of the
41 ex officio member to serve on the council in place of the ex officio
42 member. The ex officio members of the council, or their designees, shall
43 be nonvoting members of the council and shall provide information and

1 advice to the council.

2 (b) Legislator members shall be appointed for terms coinciding with
3 the terms for which such members are elected. Of the 11 members first
4 appointed by the governor, six shall be appointed for terms of three years
5 and five shall be appointed for terms of two years as determined by the
6 governor. Thereafter, all members appointed by the governor shall be
7 appointed for terms of three years. All members appointed to fill vacancies
8 in the membership of the council and all members appointed to succeed
9 members appointed to membership on the council shall be appointed in
10 like manner as that provided for the original appointment of the member
11 succeeded.

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

16 (d) Members of the council attending meetings of such council, or
17 attending a subcommittee meeting thereof authorized by such council,
18 shall be paid amounts for mileage as provided in ~~subsection (e) of K.S.A.~~
19 ~~75-3223(c)~~, and amendments thereto, or a lesser amount as determined by
20 ~~the Kansas department of wildlife, parks and tourism secretary of~~
21 ~~commerce~~. Amounts paid under this subsection to ex officio members of
22 the council, or their designees, shall be from appropriations to the state
23 agencies of which such members are officers or employees upon warrants
24 of the director of accounts and reports issued pursuant to vouchers
25 approved by the chief administrative officers of such agencies. Amounts
26 paid under this subsection to voting members of the council shall be from
27 moneys available for the payment of such amounts upon warrants of the
28 director of accounts and reports issued pursuant to vouchers approved by
29 the chairperson of the council.

30 Sec. 98. K.S.A. 32-1411 is hereby amended to read as follows: 32-
31 1411. The council on travel and tourism shall:

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

36 (b) report to the Kansas department of ~~wildlife, parks and tourism~~
37 ~~commerce~~ information for preparation of the annual budget for the division
38 of ~~travel and tourism development~~;

39 (c) identify and review tourism related issues and current state
40 policies and programs which directly or indirectly affect travel and tourism
41 in the state and, as appropriate, recommend the adoption of new, or the
42 modification of existing, policies and programs; and

43 (d) perform such other acts as may be necessary in carrying out the

1 duties of the council.

2 Sec. 99. K.S.A. 32-1412 is hereby amended to read as follows: 32-
3 1412. (a) There is hereby established in the state treasury the state tourism
4 fund. All moneys credited to the state tourism fund shall only be used for
5 expenditures for the purposes of developing new tourism attractions in
6 Kansas and to significantly expand existing tourism attractions in Kansas.
7 Both public and private entities shall be eligible to apply for funds under
8 the provisions of this act.

9 (b) The secretary of ~~wildlife, parks and tourism~~ *commerce* shall
10 administer the provisions of this act. The secretary may adopt rules and
11 regulations establishing criteria for obtaining grants and other expenditures
12 from such fund and other matters deemed necessary for the administration
13 of this act.

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

18 (d) The secretary of ~~wildlife, parks and tourism~~ *commerce* shall
19 prepare and submit budget estimates for all proposed expenditures from
20 the state tourism fund in accordance with the provisions of K.S.A. 75-3717
21 and 75-3717b, and amendments thereto. Such budget estimates shall
22 include detailed information regarding all proposed expenditures for
23 programs, projects, activities and other matters and shall set forth
24 separately each program, project, activity or other expenditure for which
25 the proposed expenditures from the state tourism fund for a fiscal year are
26 for an amount that is equal to \$50,000 or more. Appropriations for the
27 Kansas department of ~~wildlife, parks and tourism~~ *commerce* of moneys in
28 the state tourism fund for each program, project, activity or other
29 expenditure for a fiscal year for an amount that is equal to \$50,000 or more
30 shall be made as a separate item of appropriation.

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

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

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

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

40 Sec. 100. K.S.A. 32-1413 is hereby amended to read as follows: 32-
41 1413. (a) The council on travel and tourism, established under K.S.A. 32-
42 1410, and amendments thereto, shall oversee all matters concerning the
43 state tourism fund and expenditures therefrom.

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

4 Sec. 101. K.S.A. 32-1420 is hereby amended to read as follows: 32-
5 1420. (a) There is hereby established a state matching grant program to
6 provide assistance in the promotion of tourism and development of quality
7 tourist attractions within the state of Kansas. Grants awarded under this
8 program shall be limited to not more than 40% of the cost of any proposed
9 project. Applicants shall not utilize any state moneys to meet the matching
10 requirements under the provisions of this program. Both public and private
11 entities shall be eligible to apply for a grant under the provisions of this
12 act. Not less than 75% of all moneys granted under this program shall be
13 allocated to public entities or entities exempt from taxation under the
14 provisions of 501(c)(3) of the federal internal revenue code of 1986, and
15 amendments thereto. No more than 20% of moneys granted to public or
16 nonprofit entities shall be granted to any single such entity. Furthermore,
17 no more than 20% of moneys granted to private entities shall be granted to
18 any single such entity. The secretary of ~~wildlife, parks and tourism~~
19 *commerce* shall administer the provisions of this act and the secretary may
20 adopt rules and regulations establishing criteria for qualification for a
21 matching grant and such other matters deemed necessary by the secretary
22 for the administration of this act.

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

32 Sec. 102. K.S.A. 32-1421 is hereby amended to read as follows: 32-
33 1421. (a) There is hereby established the Kansas tourist attraction
34 evaluation committee within the Kansas department of ~~wildlife, parks and~~
35 ~~tourism~~ *commerce*. The committee shall consist of three members, all of
36 whom shall have appropriate experience and expertise in the area of travel
37 and tourism. The members of the committee shall be appointed by the
38 secretary of ~~wildlife, parks and tourism~~ *commerce* and shall serve at the
39 secretary's pleasure.

40 (b) The committee shall screen, evaluate and approve or disapprove
41 all applications for matching grants by those entities described in K.S.A.
42 32-1420, and amendments thereto, for the promotion of tourism and the
43 development of tourist attractions in the state. The committee shall also

1 provide technical advice upon request to any local tourist attraction upon
2 ways to improve its operations.

3 (c) The director of tourism shall serve as a nonvoting chairperson of
4 the committee and the committee shall annually elect a vice-chairperson
5 from among its members. The committee shall meet upon call of the
6 chairperson or upon call of any two of its members. Two voting members
7 shall constitute a quorum for the transaction of business.

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

11 Sec. 103. K.S.A. 32-1422 is hereby amended to read as follows: 32-
12 1422. (a) There is hereby established the Kansas tourist attraction
13 matching grant development fund in the state treasury. The Kansas tourist
14 attraction matching grant development fund shall be administered by the
15 secretary of ~~wildlife, parks and tourism~~ *commerce*. All moneys in the
16 Kansas tourist attraction matching grant development fund shall be used to
17 provide matching grants to provide assistance in the promotion of tourism
18 and the development of quality tourist attractions within this state in
19 accordance with this act.

20 (b) All moneys received pursuant to ~~subsection (c)~~ of K.S.A. 74-
21 5032a(c), and amendments thereto, shall be remitted to the state treasurer
22 in 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 to the credit of the Kansas
25 tourist attraction matching grant development fund.

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

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

31 (2) the net earnings rate for the pooled money investment portfolio
32 for the preceding month.

33 Sec. 104. K.S.A. 32-1432 is hereby amended to read as follows: 32-
34 1432. As used in K.S.A. 32-1430 through 32-1438, and amendments
35 thereto:

36 (a) "Agritourism activity" means any activity which allows members
37 of the general public, for recreational, entertainment or educational
38 purposes, to view or enjoy rural activities, including, but not limited to,
39 farming activities, ranching activities or historic, cultural or natural
40 attractions. An activity may be an agritourism activity whether or not the
41 participant pays to participate in the activity. An activity is not an
42 agritourism activity if the participant is paid to participate in the activity.

43 (b) "Inherent risks of a registered agritourism activity" means those

1 dangers or conditions which are an integral part of such agritourism
2 activity including, but not limited to, certain hazards such as surface and
3 subsurface conditions; natural conditions of land, vegetation, and waters;
4 the behavior of wild or domestic animals; and ordinary dangers of
5 structures or equipment ordinarily used in farming or ranching operations.
6 "Inherent risks of a registered agritourism activity" also includes the
7 potential of a participant to act in a negligent manner that may contribute
8 to injury to the participant or others, such as failing to follow instructions
9 given by the registered agritourism operator or failing to exercise
10 reasonable caution while engaging in the registered agritourism activity.

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

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

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

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

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

26 Sec. 105. K.S.A. 32-1433 is hereby amended to read as follows: 32-
27 1433. (a) Any person who is engaged in the business of providing one or
28 more agritourism activities may register with the secretary of ~~wildlife,~~
29 ~~parks and tourism~~ *commerce*. The registration shall contain all of the
30 following:

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

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

35 (b) The secretary shall maintain a list of all registered agritourism
36 operators, the registered agritourism activities conducted by each operator
37 and the registered agritourism location where the operator conducts such
38 activities. Such list shall be made available to the public. The secretary, in
39 conjunction with other agritourism and rural economic efforts of the
40 secretary, shall promote and publicize registered agritourism operators,
41 activities and locations to advance the purpose of this act by promoting
42 and encouraging tourism.

43 (c) Registration pursuant to this section shall be for a period of five

1 years.

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

3 Sec. 106. K.S.A. 32-1438 is hereby amended to read as follows: 32-
4 1438. (a) For taxable years commencing on and after December 31, 2003,
5 December 31, 2004, December 31, 2005, December 31, 2006, and
6 December 31, 2007, there shall be allowed as a credit against the tax
7 liability of a taxpayer imposed under the Kansas income tax act, an
8 amount equal to 20% of the cost of liability insurance paid by a registered
9 agritourism operator who operates an agritourism activity on the effective
10 date of this act. No tax credit claimed pursuant to this subsection shall
11 exceed \$2,000. If the amount of such tax credit exceeds the taxpayer's
12 income tax liability for such taxable year, the amount thereof ~~which~~ *that*
13 exceeds such tax liability may be carried over for deduction from the
14 taxpayer's income tax liability in the next succeeding taxable year or years
15 until the total amount of tax credit has been deducted from tax liability,
16 except that no such tax credit shall be carried forward for deduction after
17 the third taxable year succeeding the taxable year in which the tax credit is
18 claimed.

19 (b) For the first five taxable years commencing after a taxpayer opens
20 such taxpayer's business, after the effective date of this act, there shall be
21 allowed as a credit against the tax liability of a taxpayer imposed under the
22 Kansas income tax act, an amount equal to 20% of the cost of liability
23 insurance paid by a registered agritourism operator who starts an
24 agritourism activity after the effective date of this act. No tax credit
25 claimed pursuant to this subsection shall exceed \$2,000. If the amount of
26 such tax credit exceeds the taxpayer's income tax liability for such taxable
27 year, the amount thereof ~~which~~ *that* exceeds such tax liability may be
28 carried over for deduction from the taxpayer's income tax liability in the
29 next succeeding taxable year or years until the total amount of tax credit
30 has been deducted from tax liability, except that no such tax credit shall be
31 carried forward for deduction after the third taxable year succeeding the
32 taxable year in which the tax credit is claimed.

33 (c) The secretary of ~~wildlife, parks and tourism~~ *commerce* shall adopt
34 rules and regulations establishing criteria for determining those costs
35 which qualify as costs of liability insurance for agritourism activities of a
36 registered agritourism operator.

37 ~~(d) On or before the 15th day of the regular legislative session in~~
38 ~~2006, the secretary of commerce shall submit to the senate standing~~
39 ~~committee on commerce and the house standing committee on tourism and~~
40 ~~parks a report on the implementation and use of the tax credit provided by~~
41 ~~this section.~~

42 (e) As used in this section, terms have the meanings provided by
43 K.S.A. 32-1432, and amendments thereto.

1 ~~(f)~~(e) For tax year 2013 and all tax years thereafter, the income tax
2 credit provided by this section shall only be available to taxpayers subject
3 to the income tax on corporations imposed pursuant to ~~subsection (e)~~ of
4 K.S.A. 79-32,110(c), and amendments thereto, and shall be applied only
5 against such taxpayer's corporate income tax liability.

6 Sec. 107. K.S.A. 41-719 is hereby amended to read as follows: 41-
7 719. (a) (1) Except as otherwise provided herein and in K.S.A. 8-1599, and
8 amendments thereto, no person shall drink or consume alcoholic liquor on
9 the public streets, alleys, roads or highways or inside vehicles while on the
10 public streets, alleys, roads or highways.

11 (2) Alcoholic liquor may be consumed on public streets, alleys, roads,
12 sidewalks or highways when:

13 (A) A temporary permit has been issued pursuant to K.S.A. 41-2703,
14 and amendments thereto, or K.S.A. 41-1201, and amendments thereto, for
15 such an event;

16 (B) a caterer's licensee has provided the required notification for a
17 catered event pursuant to K.S.A. 41-2643, and amendments thereto; or

18 (C) a public venue, hotel, hotel caterer, drinking establishment caterer
19 or drinking establishment licensee has been authorized to extend its
20 licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.

21 (3) Consumption of alcoholic liquor on public streets, alleys, roads,
22 sidewalks or highways must be approved, by ordinance or resolution, by
23 the local governing body of any city, county or township where such
24 consumption will occur. No alcoholic liquor may be consumed inside
25 vehicles while on public streets, alleys, roads or highways at any time.

26 (4) No person shall remove any alcoholic liquor from inside the
27 boundaries of an event as designated by the governing body of any city,
28 county or township, from the boundaries of a catered event or from the
29 extended licensed premises of a public venue, hotel, hotel caterer, drinking
30 establishment caterer or drinking establishment. Such boundaries shall be
31 clearly marked by signs, a posted map or other means which reasonably
32 identify the area in which alcoholic liquor may be possessed or consumed.

33 (b) Alcoholic liquor may be consumed within common consumption
34 areas designated by a city or county on public streets, alleys, roads,
35 sidewalks or highways pursuant to K.S.A. 41-2659, and amendments
36 thereto, except that no alcoholic liquor may be consumed inside vehicles
37 while on public streets, alleys, roads or highways within a common
38 consumption area. Further, no person shall remove any alcoholic liquor
39 from inside the boundaries of the common consumption area which shall
40 be clearly designated by a physical barrier.

41 (c) No person shall drink or consume alcoholic liquor on private
42 property except:

43 (1) On premises where the sale of liquor by the individual drink is

1 authorized by the club and drinking establishment act;

2 (2) upon private property by a person occupying such property as an
3 owner or lessee of an owner and by the guests of such person, if no charge
4 is made for the serving or mixing of any drink or drinks of alcoholic liquor
5 or for any substance mixed with any alcoholic liquor and if no sale of
6 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
7 takes place;

8 (3) in a lodging room of any hotel, motel or boarding house by the
9 person occupying such room and by the guests of such person, if no charge
10 is made for the serving or mixing of any drink or drinks of alcoholic liquor
11 or for any substance mixed with any alcoholic liquor and if no sale of
12 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
13 takes place;

14 (4) in a private dining room of a hotel, motel or restaurant, if the
15 dining room is rented or made available on a special occasion to an
16 individual or organization for a private party and if no sale of alcoholic
17 liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

18 (5) on the premises of a manufacturer, microbrewery, microdistillery
19 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or
20 K.S.A. 41-354, and amendments thereto;

21 (6) on the premises of an unlicensed business as authorized pursuant
22 to subsection (j); or

23 (7) within a common consumption area established pursuant to
24 K.S.A. 41-2659, and amendments thereto.

25 (d) No person shall drink or consume alcoholic liquor on public
26 property except:

27 (1) On real property leased by a city to others under the provisions of
28 K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real
29 property is actually being used for hotel or motel purposes or purposes
30 incidental thereto.

31 (2) In any state-owned or operated building or structure, and on the
32 surrounding premises, which is furnished to and occupied by any state
33 officer or employee as a residence.

34 (3) On premises licensed as a club or drinking establishment and
35 located on property owned or operated by an airport authority created
36 pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments
37 thereto, or established by a city.

38 (4) On the state fair grounds on the day of any race held thereon
39 pursuant to the Kansas parimutuel racing act.

40 (5) On the state fairgrounds, if *the alcoholic liquor is:*

41 (A) ~~The alcoholic liquor is~~ Domestic beer or wine or wine imported
42 under K.S.A. 41-308a(e), and amendments thereto, and is consumed only
43 for purposes of judging competitions;

1 (B) ~~the alcoholic liquor is~~ wine or beer and is sold and consumed
2 during the days of the Kansas state fair on premises leased by the state fair
3 board to a person who holds a temporary permit issued pursuant to K.S.A.
4 ~~41-1201 or 41-2703, and amendments thereto, or K.S.A. 41-1201,~~ and
5 amendments thereto, authorizing the sale and serving of such wine or beer,
6 or both; or

7 (C) ~~the alcoholic liquor is~~ consumed on nonfair days in conjunction
8 with bona fide scheduled events involving not less than 75 invited guests
9 and the state fair board, in its discretion, authorizes the consumption of the
10 alcoholic liquor, subject to any conditions or restrictions the board may
11 require.

12 (6) In the state historical museum provided for by K.S.A. 76-2036,
13 and amendments thereto, on the surrounding premises and in any other
14 building on such premises, as authorized by rules and regulations of the
15 state historical society.

16 (7) On the premises of any state-owned historic site under the
17 jurisdiction and supervision of the state historical society, on the
18 surrounding premises and in any other building on such premises, as
19 authorized by rules and regulations of the state historical society.

20 (8) In a lake resort within the meaning of K.S.A. 32-867, and
21 amendments thereto, on state-owned or leased property.

22 (9) On the premises of any Kansas national guard regional training
23 center or armory, and any building on such premises, as authorized by
24 rules and regulations of the adjutant general and upon approval of the
25 Kansas military board.

26 (10) On the premises of any land or waters owned or managed by the
27 department of wildlife, ~~and parks and tourism~~, except as otherwise
28 prohibited by rules and regulations of the department adopted by the
29 secretary pursuant to K.S.A. 32-805, and amendments thereto.

30 (11) On property exempted from this subsection pursuant to
31 subsection (e), (f), (g), (h) or (i).

32 (12) On the premises of the state capitol building or on its
33 surrounding premises during an official state function of a nonpartisan
34 nature that has been approved by the legislative coordinating council.

35 (13) On premises of a common consumption area established by
36 K.S.A. 41-2659, and amendments thereto.

37 (e) Any city may exempt, by ordinance, from the provisions of
38 subsection (d) specified property the title of which is vested in such city.

39 (f) The board of county commissioners of any county may exempt,
40 by resolution, from the provisions of subsection (d) specified property the
41 title of which is vested in such county.

42 (g) The state board of regents may exempt from the provisions of
43 subsection (d) the Sternberg museum on the campus of Fort Hays state

1 university, or other specified property which is under the control of such
2 board and which is not used for classroom instruction, where alcoholic
3 liquor may be consumed in accordance with policies adopted by such
4 board.

5 (h) The board of regents of Washburn university may exempt from
6 the provisions of subsection (d) the Mulvane art center and the Bradbury
7 Thompson alumni center on the campus of Washburn university, and other
8 specified property the title of which is vested in such board and which is
9 not used for classroom instruction, where alcoholic liquor may be
10 consumed in accordance with policies adopted by such board.

11 (i) The board of trustees of a community college may exempt from
12 the provisions of subsection (d) specified property ~~which~~ *that* is under the
13 control of such board and which is not used for classroom instruction,
14 where alcoholic liquor may be consumed in accordance with policies
15 adopted by such board.

16 (j) (1) An unlicensed business may authorize patrons or guests of
17 such business to consume alcoholic liquor on the premises of such
18 business provided:

19 (A) Such alcoholic liquor is in the personal possession of the patron
20 and is not sold, offered for sale or given away by the owner of such
21 business or any employees thereof;

22 (B) possession and consumption of alcoholic liquor shall not be
23 authorized between the hours of 12 a.m. and 9 a.m.;

24 (C) the business, or any owner thereof, shall not have had a license
25 issued under either the Kansas liquor control act or the club and drinking
26 establishment act revoked for any reason; and

27 (D) no charge of any sort may be made by the business for the
28 privilege of possessing or consuming alcoholic liquor on the premises, or
29 for mere entry onto the premises.

30 (2) It shall be a violation of this section for any unlicensed business to
31 authorize the possession or consumption of alcoholic liquor by a patron of
32 such business when such authorization is not in accordance with the
33 provisions of this subsection.

34 (3) For the purposes of this subsection, "patron" means a natural
35 person who is a customer or guest of an unlicensed business.

36 (k) Violation of any provision of this section is a misdemeanor
37 punishable by a fine of not less than \$50 or more than \$200 or by
38 imprisonment for not more than six months, or both.

39 (l) For the purposes of this section, "common consumption area" ~~has~~
40 ~~the same meaning as that term~~ *means the same as* is defined in K.S.A. 41-
41 2659, and amendments thereto.

42 Sec. 108. K.S.A. 47-2101 is hereby amended to read as follows: 47-
43 2101. (a) It shall be unlawful for any person to possess domesticated deer

1 unless such person has obtained from the animal health commissioner a
2 domesticated deer permit. Application for such permit shall be made in
3 writing on a form provided by the commissioner. The permit period shall
4 be for the permit year ending on September 30 following the issuance date.

5 (b) Each application for issuance or renewal of a permit shall be
6 accompanied by a fee of not more than \$400 as established by the
7 commissioner in rules and regulations.

8 (c) The animal health commissioner shall adopt any rules and
9 regulations necessary to enforce the provisions of article 21 of chapter 47
10 of the Kansas Statutes Annotated, and amendments thereto, ensure
11 compliance with federal requirements and protect domestic animals and
12 wildlife from disease risks related to domestic deer production.

13 (d) Any person who fails to obtain a permit as prescribed in
14 subsection (a) shall be deemed guilty of a class C nonperson misdemeanor
15 and upon conviction shall be punished by a fine not exceeding \$1,000.
16 Continued operation, after a conviction, shall constitute a separate offense
17 for each day of operation.

18 (e) The commissioner may refuse to issue or renew or may suspend
19 or revoke any permit for any one of the following reasons:

20 (1) Material misstatement in the application for the original permit or
21 in the application for any renewal of a permit;

22 (2) the conviction of any crime, an essential element of which is
23 misstatement, fraud or dishonesty, or relating to the theft of or cruelty to
24 animals;

25 (3) substantial misrepresentation;

26 (4) the person who is issued a permit is found to be poaching or
27 illegally obtaining deer; or

28 (5) the permit holder's willful disregard of any rule or regulation
29 adopted under this section.

30 (f) Any refusal to issue or renew a permit and any suspension or
31 revocation of a permit under this section shall be in accordance with the
32 provisions of the Kansas administrative procedure act and shall be subject
33 to review in accordance with the Kansas judicial review act.

34 (g) Each domesticated deer, regardless of age, that enters a premises
35 alive or leaves a premises alive or dead for any purpose, other than for
36 direct movement to a licensed or registered slaughter facility in Kansas,
37 shall have official identification, as prescribed by rules and regulations of
38 the commissioner. Any person who receives a permit issued pursuant to
39 subsection (a) shall keep records of such deer as required by rules and
40 regulations adopted pursuant to this section.

41 (h) (1) The animal health commissioner or the commissioner's
42 representatives may inspect the premises and records of any person issued
43 a domesticated deer permit, but shall not inspect such premises and

1 records more than once each permit year, unless the commissioner has:

2 (A) Discovered a violation of article 21 of chapter 47 of the Kansas
3 Statutes Annotated, and amendments thereto; or

4 (B) received a complaint that such premises is not being operated,
5 managed or maintained in accordance with rules and regulations adopted
6 pursuant to this section.

7 (2) The commissioner or the commissioner's representatives may
8 inspect unlicensed premises when the commissioner has reasonable
9 grounds to believe that a person is violating the provisions of this section.

10 (i) The animal health commissioner, on an annual basis, shall transmit
11 to the secretary of wildlife; ~~and parks and tourism~~ a current list of persons
12 issued a permit pursuant to this section. The Kansas department of
13 agriculture may request assistance from the department of wildlife; ~~and~~
14 ~~parks and tourism~~ to assist in implementing and enforcing article 21 of
15 chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

16 (j) All moneys received under this section shall be remitted to the
17 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
18 amendments thereto. Upon receipt of each such remittance, the state
19 treasurer shall deposit the entire amount in the state treasury to the credit
20 of the animal disease control fund.

21 (k) As used in this section:

22 (1) "Deer" means any member of the family cervidae.

23 (2) "Domesticated deer" means any member of the family cervidae
24 that was legally obtained and is being sold or raised in a confined area for:

25 (A) Breeding stock;

26 (B) any carcass, skin or part of such animal;

27 (C) exhibition; or

28 (D) companionship.

29 Sec. 109. K.S.A. 2021 Supp. 49-408 is hereby amended to read as
30 follows: 49-408. (a) All land affected by surface coal mining and
31 reclamation operations, except as otherwise provided in this act, shall be
32 reclaimed and all operations shall be conducted, in accordance with the
33 requirements and specifications of the national surface mining control and
34 reclamation act of 1977-~~(~~ public law 95-87), and federal rules and
35 regulations adopted pursuant thereto. The secretary shall issue such
36 regulations as may be required to conform to the requirements of the
37 national act.

38 (b) All waters in existence on mined land after reclamation is
39 completed shall become public waters to the extent they may be stocked
40 with fish from the state or federal hatcheries and shall be under the law
41 enforcement jurisdiction of the Kansas department of wildlife; ~~and parks~~
42 ~~and tourism~~. The owner of the mined land containing such waters shall
43 retain all other rights consistent with the ownership thereof.

1 Sec. 110. K.S.A. 2021 Supp. 58-3221 is hereby amended to read as
2 follows: 58-3221. As used in this act:

3 (a) "Generally accepted operation practice" means those safety
4 practices adopted, pursuant to rules and regulations, by the Kansas
5 department of wildlife; ~~and parks and tourism~~ and established by a
6 nationally recognized nonprofit membership organization that provides
7 voluntary firearms safety programs ~~which that~~ include training individuals
8 in the safe handling and use of firearms and ~~which that~~ practices are
9 developed with consideration of all information reasonably available
10 regarding the operation of shooting ranges.

11 (b) "Local unit of government" means a county, city, township or any
12 other political subdivision of the state, or any agency, authority, institution
13 or instrumentality thereof.

14 (c) "Person" means an individual, proprietorship, partnership,
15 corporation, club, governmental entity or other legal entity.

16 (d) "Sport shooting range" or "range" means an area designed and
17 operated for the use of archery, rifles, shotguns, pistols, semiautomatic
18 firearms, skeet, trap, black powder or any other similar sport shooting.

19 Sec. 111. K.S.A. 2021 Supp. 58-3225 is hereby amended to read as
20 follows: 58-3225. The secretary of wildlife; ~~and parks and tourism~~ is
21 hereby authorized to adopt rules and regulations necessary to implement
22 the provisions of this act.

23 Sec. 112. K.S.A. 65-189e is hereby amended to read as follows: 65-
24 189e. The provisions of this act shall not apply to:

25 (a) Land used exclusively for agricultural purposes as defined in this
26 act or to land under the control of the Kansas department of wildlife; ~~and~~
27 ~~parks and tourism~~, but the department shall not develop any land under its
28 control without providing water, sewage disposal and refuse disposal
29 facilities that are in conformity with these standards and have submitted
30 plans therefor to the secretary of health and environment and obtained the
31 secretary's approval;

32 (b) subdivisions platted and approved by the board of county
33 commissioners prior to August 1, 1965, except that this exemption shall
34 not be extended to any construction other than a single family residence
35 and shall not permit violation of any local ordinance or code or the
36 creation of any condition that is detrimental to the health or property of an
37 adjacent property owner; or

38 (c) land subject to a sanitary code or codes as defined in K.S.A. 19-
39 3701 through 19-3708, and amendments thereto, ~~which that~~ contain
40 provisions for control of the subsurface disposal of sewage, supplying of
41 water from on-lot wells and the disposal of refuse, if the county, city-
42 county or multicounty health department enforcing such sanitary codes
43 shall furnish to the secretary of health and environment such information

1 as the secretary may require concerning the number and types of such
2 sewage, water and refuse facilities installed in the sanitation zone.

3 Sec. 113. K.S.A. 65-3424b is hereby amended to read as follows: 65-
4 3424b. (a) The secretary shall establish a system of permits for mobile
5 waste tire processors, waste tire processing facilities, waste tire
6 transporters and waste tire collection centers. Such permits shall be issued
7 for a period of one year and shall require an application fee established by
8 the secretary in an amount not exceeding \$250 per year.

9 (b) The secretary shall adopt rules and regulations establishing
10 standards for mobile waste tire processors, waste tire processing facilities,
11 waste tire collection centers and waste tire transporters. Such standards
12 shall include a requirement that the permittee file with the secretary a bond
13 or other financial assurance in an amount determined by the secretary to be
14 sufficient to pay any costs ~~which~~ *that* may be incurred by the state to
15 process any waste tires or dispose of any waste tires or processed waste
16 tires if the permittee ceases business or fails to comply with this act.

17 (c) Any person who contracts or arranges with another person to
18 collect or transport waste tires for storage, processing or disposal shall so
19 contract or arrange only with a person holding a permit from the secretary.
20 Any person contracting or arranging with a person, permitted by the
21 secretary, to collect or transport waste tires for storage, processing or,
22 disposal, transfers ownership of those waste tires to the permitted person
23 and the person contracting or arranging with the person holding such
24 permit to collect or transport such tires shall be released from liability
25 therefor. Any person contracting or arranging with any person, for the
26 collection, transportation, storage, processing, disposal or beneficial use of
27 such tires shall maintain a record of such transaction for a period of not
28 less than three years following the date of the transfer of such tires.
29 Record-keeping requirements for beneficial use shall not apply when tire
30 retailers allow customers to retain their old tires at the time of sale.

31 (d) The owner or operator of each site that contains a waste tire, used
32 tire or new tire accumulation of any size must control mosquito breeding
33 and other disease vectors.

34 (e) No person shall own or operate a waste tire processing facility or
35 waste tire collection center or act as a mobile waste tire processor or waste
36 tire transporter unless such person holds a valid permit issued therefor
37 pursuant to subsection (a), except that:

38 (1) A tire retreading business where fewer than 1,500 waste tires are
39 kept on the business premises may operate a waste tire collection center on
40 the premises;

41 (2) a business that, in the ordinary course of business, removes tires
42 from motor vehicles where fewer than 1,500 of these tires are kept on the
43 business premises may operate a waste tire collection center or a waste tire

1 processing facility or both on the premises;

2 (3) a retail tire-selling business where fewer than 1,500 waste tires
3 are kept on the business premises may operate a waste tire collection
4 center or a waste tire processing facility or both on the premises;

5 (4) the Kansas department of wildlife; ~~and parks and tourism~~ may
6 perform one or more of the following to facilitate a beneficial use of waste
7 tires:

8 (A) Operate a waste tire collection center on the premises of any state
9 park, state wildlife area or state fishing lake;

10 (B) operate a waste tire processing facility on the premises of any
11 state park, state wildlife area or state fishing lake; or

12 (C) act as a waste tire transporter to transport waste tires to any state
13 park, state wildlife area or state fishing lake;

14 (5) a person engaged in a farming or ranching activity, including the
15 operation of a feedlot as defined by K.S.A. 47-1501, and amendments
16 thereto, may perform one or more of the following to facilitate a beneficial
17 use of waste tires:

18 (A) Operate an on-site waste tire collection center;

19 (B) operate an on-site waste tire processing facility; or

20 (C) act as a waste tire transporter to transport waste tires to the farm,
21 ranch or the feedlot;

22 (6) a watershed district may perform one or more of the following to
23 facilitate a beneficial use of waste tires:

24 (A) Operate a waste tire collection center on the premises of a
25 watershed district project or work of improvement;

26 (B) operate a waste tire processing facility on the district's property;
27 or

28 (C) act as a waste tire transporter to transport waste tires to the
29 district's property;

30 (7) a person may operate a waste tire collection center if:

31 (A) Fewer than 1,500 used tires are kept on the premises; or

32 (B) 1,500 or more used tires are kept on the premises, if the owner
33 demonstrates through sales and inventory records that such tires have
34 value, as established in accordance with standards adopted by rules and
35 regulations of the secretary;

36 (8) local units of government managing waste tires at solid waste
37 processing facilities or solid waste disposal areas permitted by the
38 secretary under the authority of K.S.A. 65-3407, and amendments thereto,
39 may perform one or more of the following in accordance with the
40 conditions of the solid waste permit:

41 (A) Operate a waste tire collection center on the premises of the
42 permitted facility;

43 (B) operate a waste tire processing facility on the premises of the

- 1 permitted facility;
- 2 (C) act as a waste tire transporter to transport waste tires to the
3 permitted facility; or
- 4 (D) act as a mobile waste tire processor;
- 5 (9) a person may act as a waste tire transporter to transport:
- 6 (A) Waste tires mixed with other municipal solid waste;
- 7 (B) fewer than five waste tires for lawful disposal;
- 8 (C) waste tires generated by the business, farming activities of the
9 person or the person's employer;
- 10 (D) waste tires for a beneficial use approved by statute, rules and
11 regulations, or by the secretary;
- 12 (E) waste tires from an illegal waste tire accumulation to a person
13 who has been issued a permit by the secretary pursuant to K.S.A. 65-3407
14 or 65-3424b, and amendments thereto, provided approval has been
15 obtained from the secretary; or
- 16 (F) five to 50 waste tires for lawful disposal, provided the
17 transportation act is a one time occurrence to abate a legal accumulation of
18 waste tires; or
- 19 (10) a tire retailer that in the ordinary course of business also serves
20 as a tire wholesaler to other tire retailers may act as a waste tire transporter
21 to transport waste tires from those retailers back to a central location
22 owned or operated by the wholesaler for consolidation and final disposal
23 or recycling.
- 24 (f) All fees collected by the secretary pursuant to this section shall be
25 remitted to the state treasurer in accordance with the provisions of K.S.A.
26 75-4215, and amendments thereto. Upon receipt of each such remittance,
27 the state treasurer shall deposit the entire amount in the state treasury to
28 the credit of the waste tire management fund.
- 29 Sec. 114. K.S.A. 65-5703 is hereby amended to read as follows: 65-
30 5703. (a) There is hereby created the state emergency response
31 commission for the purpose of carrying out all requirements of the federal
32 act and for the purpose of providing assistance in the coordination of state
33 agency activities relating to:
- 34 (1) Chemical emergency training, preparedness, and response; and
- 35 (2) chemical release reporting and prevention, transportation,
36 manufacture, storage, handling and use.
- 37 (b) The commission shall consist of:
- 38 (1) The following state officers or their appointed designees: The
39 lieutenant governor, the secretary of wildlife; ~~and parks and tourism~~, the
40 secretary of labor, the secretary of agriculture, the secretary of health and
41 environment, the adjutant general, the superintendent of the Kansas
42 highway patrol, the state fire marshal, the secretary of transportation, the
43 attorney general, the chairperson of the state corporation commission, and

1 the governor;

2 (2) three members appointed by the governor to represent the general
3 public; and

4 (3) two members appointed by the governor to represent owners and
5 operators of facilities regulated pursuant to this act.

6 (c) Members of the commission appointed by the governor shall
7 serve for terms of two years. Any vacancy in the office of an appointed
8 member of the commission shall be filled for the unexpired term by
9 appointment by the governor.

10 (d) A chairperson shall be elected annually by the members of the
11 commission. A vice-chairperson shall be designated by the chairperson to
12 serve in the absence of the chairperson.

13 (e) Members of the commission attending meetings of such board, or
14 attending a subcommittee meeting thereof authorized by such board, shall
15 be paid compensation, subsistence allowances, mileage and other expenses
16 as provided in K.S.A. 75-3223, and amendments thereto.

17 (f) The commission shall perform such duties as are specified in the
18 federal act to be performed by such commissions and, in addition thereto,
19 such duties as are specified in the laws of this state or as are deemed
20 necessary and appropriate by the commission to achieving its purposes. In
21 accordance with the requirements of the federal act, the commission shall
22 establish local planning districts, subject to approval by the secretary of
23 health and environment and the adjutant general, and shall appoint a local
24 planning committee for each such district. Local planning committees
25 shall perform such duties as are specified in the federal act to be performed
26 by such committees, and in addition thereto, such duties as are assigned by
27 the commission or by any member of the commission acting on behalf of
28 or at the direction of the commission, or as are deemed necessary and
29 appropriate by each such committee to achieving its purposes. The duties
30 of the commission and the local planning committees shall be performed
31 in accordance with rules and regulations adopted pursuant to this act.

32 Sec. 115. K.S.A. 68-406 is hereby amended to read as follows: 68-
33 406. (a) The secretary of transportation shall designate, adopt and establish
34 and may lay out, open, relocate, alter, vacate, remove, redesignate and
35 reestablish highways in every county in the state, the total mileage of
36 which shall not exceed 10,000 miles. The total mileage of such highways
37 in each county shall be not less than the sum of the north to south and east
38 to west diameters of the county. The highways so designated shall connect
39 the county seats and principal cities and market centers, and all such
40 highways, including bridges and culverts thereon, shall comprise the state
41 highway system. The secretary of transportation shall make such revisions,
42 classifications or reclassifications in the state highway system as are found
43 on the basis of engineering and traffic study to be necessary, and such

1 revisions, classifications or reclassifications may include, after due public
2 hearing, removal from the system of roads ~~which that~~ have little or no
3 statewide significance, and the addition of roads ~~which that~~ have statewide
4 importance and will provide relief for traffic congestion on existing routes
5 on the system. All roads ~~which that~~ have been placed upon the state
6 highway system shall be a part of the state highway system, but changes
7 may be made in the state highway system when the public safety,
8 convenience, economy, classification or reclassification requires such
9 change. The total mileage of the state highway system shall not be
10 extended except by act of the legislature. Highways designated under this
11 section shall be state highways, and all other highways outside of the city
12 limits of cities shall be either county roads or township roads as provided
13 for by law. The state highway system thus designated shall be constructed,
14 improved, reconstructed and maintained by the secretary of transportation
15 from funds provided by law.

16 (b) In addition to highways of the state highway system, the secretary
17 of transportation shall designate in those cities on such system certain
18 streets as city connecting links. "City connecting link" means a routing
19 inside the city limits of a city ~~which that~~:

20 (1) Connects a state highway through a city;

21 (2) connects a state highway to a city connecting link of another state
22 highway;

23 (3) is a state highway ~~which that~~ terminates within such city;

24 (4) connects a state highway with a road or highway under the
25 jurisdiction of the Kansas turnpike authority; or

26 (5) begins and ends within a city's limits and is designated as part of
27 the national system of interstate and defense highways.

28 (c) The secretary of transportation may mark and maintain existing
29 roads as detours, but detour roads shall not be a part of the state highway
30 system, except that such roads shall be marked and maintained by the
31 secretary of transportation only until that portion of the state highway
32 system for which such road is substituted is completed and open for travel.

33 (d) The secretary of transportation may use moneys appropriated
34 from the state highway fund for the purchase of right-of-way, construction,
35 improvement, reconstruction and maintenance of a highway over the most
36 direct and practicable routes from state highways to a state lake, a federal
37 lake or reservoir established by federal authority, any property managed or
38 controlled by the Kansas department of wildlife; ~~and parks and tourism,~~
39 national monuments and national historical sites, military reservations,
40 motor carrier inspection stations, approaches and connections within an
41 urban area, as defined by federal highway laws, places of major scenic
42 attractions which possess unusual historical interest, as defined by
43 subsections ~~(1) and (2) of K.S.A. 76-2018(1) and (2), and amendments~~

1 thereto, on which the state now holds or may hereafter hold a long-term
2 lease, a state institution, from the city limits of the nearest city to a state
3 institution, a state-owned natural and scientific preserve, as defined by
4 ~~subsection (b) of K.S.A. 74-6603(b)~~, and amendments thereto, or such
5 road or roads located within the boundaries of a state park and not
6 presently maintained by a federal agency as shall be designated by the
7 secretary of transportation. Such highways or roads shall not be a part of
8 the state highway system, and the secretary of transportation is not
9 required to plan, design or construct such highways or roads in conformity
10 with the standards applicable to the state highway system.

11 (e) The secretary of transportation may make reroutings of any
12 portion of the state highway system if such rerouting is required in writing
13 by the United States department of transportation of the federal highway
14 administration before it will permit federal funds to be used thereon. The
15 secretary of transportation shall have control and regulation for purposes
16 of posting speed limits and establishing access and egress facilities on any
17 and all portions of streets and roads ~~which~~ *that* are, or have been, a part of
18 the state highway system, and ~~which~~ *that* have been or may be, placed
19 inside of the limits of an incorporated city by the creation of a new
20 municipality or by the extension of the limits or boundaries of any existing
21 municipality.

22 (f) Except pursuant to article 21 of chapter 68 of Kansas Statutes
23 Annotated, *and amendments thereto*, only the secretary of transportation
24 may authorize temporary closing of any part of the state highway system
25 by any person for any purpose in the interest of the state. Every
26 authorization granted under this subsection shall be granted subject to
27 conditions specified by the secretary to provide for:

28 (1) Proper detours, signing and markings;
29 (2) timing ~~which~~ *that* will not unreasonably inconvenience the public;
30 and

31 (3) such additional conditions as are appropriate to avoid
32 unreasonable risk of injury to any person. Such requests shall be made in
33 writing and submitted to the secretary at least five days prior to the closing
34 date. In emergencies, temporary closing may be authorized by the
35 secretary by oral communications. The secretary may waive all or any part
36 of the notice otherwise required by this subsection.

37 (g) Except as provided in subsection ~~(g)~~ (h), any person failing or
38 neglecting to comply with the provisions of this subsection, upon
39 conviction, shall be guilty of a nonperson unclassified misdemeanor.

40 ~~(g)~~(h) In cases of sudden emergency, temporary closing of any part of
41 the state highway system may be authorized by order of a person
42 designated by the board of county commissioners for an area outside of
43 any city or a person designated by the governing body of a city for an area

1 within such city. In such cases of sudden emergency the person authorizing
2 such closing shall inform the secretary of transportation thereof as soon as
3 practicable and obtain the authorization of the secretary for any additional
4 time thereafter for such closing.

5 Sec. 116. K.S.A. 74-134 is hereby amended to read as follows: 74-
6 134. On July 1, 1988, all books, records and other property of the joint
7 council on recreation abolished by K.S.A. 74-131, and amendments
8 thereto, are hereby transferred to the custody of the Kansas department of
9 wildlife; ~~and parks and tourism.~~

10 Sec. 117. K.S.A. 74-5,133 is hereby amended to read as follows: 74-
11 5,133. (a) (1) There is hereby established in the state treasury the Arkansas
12 river gaging fund, which shall be administered by the secretary of
13 agriculture. All expenditures from the Arkansas river gaging fund shall be
14 for the operation and maintenance of:

15 (A) The gages along the Arkansas river necessary to manage the river
16 under the Arkansas river compact; and

17 (B) the stateline groundwater gage sites in the Arkansas river basin
18 necessary to manage the quantity and quality of such groundwater.

19 (2) After all expenditures are made during the fiscal year for the
20 purposes listed in paragraph (1), then, expenditures shall be made in
21 accordance with the following priorities and subject to the expenditure
22 limitations prescribed therefor:

23 (A) First, any remaining moneys authorized to be expended from the
24 fund for the fiscal year shall be expended for the purposes of livestock
25 market reporting in an amount not to exceed \$20,000 in a fiscal year; and

26 (B) second, if there are any remaining moneys authorized to be
27 expended from the fund for the fiscal year after the expenditures for
28 livestock market reporting, then expenditures shall be made from the fund
29 for the purpose of funding the bluestem pasture report in an amount not to
30 exceed \$5,000.

31 (3) All expenditures from the Arkansas river gaging fund shall be
32 made in accordance with appropriation acts upon warrants of the director
33 of accounts and reports issued pursuant to vouchers approved by the
34 secretary of agriculture or the designee of the secretary of agriculture.

35 (b) All moneys received as royalties from the state's oil and gas leases
36 in Hamilton, Kearny, Finney, Gray and Ford counties, except those
37 moneys arising from leases on lands under the control of the secretary of
38 wildlife; ~~and parks and tourism~~ as provided by K.S.A. 32-854, and
39 amendments thereto, shall be deposited in the state treasury in accordance
40 with the provisions of K.S.A. 75-4215, and amendments thereto, and shall
41 be credited to the Arkansas river gaging fund. During each fiscal year,
42 when the total amount of moneys credited to the fund is equal to \$95,000,
43 no further moneys shall be credited to the fund. The remainder of the

1 moneys received for such royalties for such fiscal year shall be credited to
2 the state general fund.

3 Sec. 118. K.S.A. 74-2622 is hereby amended to read as follows: 74-
4 2622. (a) (1) There is hereby established within and as a part of the Kansas
5 water office the Kansas water authority. The authority shall be composed
6 of 24 members, of whom 13 shall be appointed as follows:

7 (~~1~~)(A) One member shall be appointed by the governor, subject to
8 confirmation by the senate as provided in K.S.A. 75-4315b, and
9 amendments thereto. Except as provided by K.S.A. 46-2601, and
10 amendments thereto, such person shall not exercise any power, duty or
11 function as a member or chairperson of the water authority until confirmed
12 by the senate. Such member shall serve at the pleasure of the governor and
13 shall be the chairperson of the authority;

14 (~~2~~)(B) except as provided by subsection (b), 10 members shall be
15 appointed by the governor for terms of four years. Of the members
16 appointed under this provision one shall be a representative of large
17 municipal water users, one shall be representative of small municipal
18 water users, one shall be a board member of a western Kansas
19 groundwater management district, one shall be a board member of a
20 central Kansas groundwater management district, one shall be a member
21 of the Kansas association of conservation districts, one shall be
22 representative of industrial water users, one shall be a member of the state
23 association of watershed districts, one shall have a demonstrated
24 background and interest in water use conservation and environmental
25 issues, and two shall be representative of the general public. The member
26 who is representative of large municipal water users shall be appointed
27 from three nominations submitted by the league of Kansas municipalities.
28 The member who is representative of small municipal water users shall be
29 appointed from three nominations submitted by the Kansas rural water
30 district's association. The member who is representative of a western
31 Kansas groundwater management district shall be appointed from three
32 nominations submitted by the presidents of the groundwater management
33 district boards No. 1, 3 and 4. The member who is representative of a
34 central Kansas groundwater management district shall be appointed from
35 three nominations submitted by the presidents of the groundwater
36 management district boards No. 2 and 5. The member who is
37 representative of industrial water users shall be appointed from three
38 nominations submitted by the Kansas association of commerce and
39 industry. The member who is representative of the state association of
40 watershed districts shall be appointed from three nominations submitted by
41 the state association of watershed districts. The member who is
42 representative of the Kansas association of conservation districts shall be
43 appointed from three nominations submitted by the state association of

1 conservation districts. If the governor cannot make an appointment from
2 the original nominations, the nominating authority shall be so advised and,
3 within 30 days thereafter, shall submit three new nominations. Members
4 appointed by the governor shall be selected with special reference to
5 training and experience with respect to the functions of the Kansas water
6 authority, and no more than six of such members shall belong to the same
7 political party;

8 ~~(3)~~(C) one member shall be appointed by the president of the senate
9 for a term of two years; and

10 ~~(4)~~(D) one member shall be appointed by the speaker of the house of
11 representatives for a term of two years. The state geologist, the state
12 biologist, the chief engineer of the division of water resources of the
13 Kansas department of agriculture, the director of the division of
14 environment of the department of health and environment, the chairperson
15 of the state corporation commission, the secretary of commerce, the
16 director of the Kansas water office, the secretary of wildlife, ~~and parks and~~
17 ~~tourism~~, the administrative officer of the state conservation commission,
18 the secretary of agriculture and the director of the agricultural experiment
19 stations of Kansas state university of agriculture and applied science shall
20 be nonvoting members ex officio of the authority. The director of the
21 Kansas water office shall serve as the secretary of the authority.

22 (b) A member appointed pursuant to subsection~~(a)(2)~~ (a)(1)(B) shall
23 be appointed for a term expiring on January 15 of the fourth calendar year
24 following appointment and until a successor is appointed and qualified.

25 (c) In the case of a vacancy in the appointed membership of the
26 Kansas water authority, the vacancy shall be filled for the unexpired term
27 by appointment in the same manner that the original appointment was
28 made. Appointed members of the authority attending regular or special
29 meetings thereof shall be paid compensation, subsistence allowances,
30 mileage and other expenses as provided in K.S.A. 75-3223, and
31 amendments thereto.

32 (d) The Kansas water authority shall:

33 (1) Consult with and be advisory to the governor, the legislature and
34 the director of the Kansas water office.

35 (2) Review plans for the development, management and use of the
36 water resources of the state by any state or local agency.

37 (3) Make a study of the laws of this state, other states and the federal
38 government relating to conservation and development of water resources,
39 appropriation of water for beneficial use, flood control, construction of
40 levees, drainage, irrigation, soil conservation, watershed development,
41 stream control, gauging of stream and stream pollution for the purpose of
42 determining the necessity or advisability of the enactment of new or
43 amendatory legislation in this state on such subjects.

1 (4) Make recommendations to other state agencies and political
2 subdivisions of the state for the coordination of their activities relating to
3 flood control, construction of levees, drainage, irrigation, soil
4 conservation, watershed development, stream control, gauging of stream,
5 stream pollution and groundwater studies.

6 (5) Make recommendations to each regular session of the legislature
7 and to the governor at such times as the authority considers advisable
8 concerning necessary or advisable legislation relating to any of the matters
9 or subjects ~~which~~ *that* it is required by this act to study for the purpose of
10 making recommendations to the legislature. All such recommendations to
11 the legislature shall be in drafted bill form together with such explanatory
12 information and data as the authority considers advisable.

13 (6) Approve, prior to submission to the legislature by the Kansas
14 water office or its director:

15 (A) Any contract entered into pursuant to the state water plan storage
16 act;

17 (B) any amendments to the state water plan or the state water
18 planning act; and

19 (C) any other legislation concerning water resources of the state.

20 (7) Approve, before they become effective, any policy changes
21 proposed by the Kansas water office concerning the pricing of water for
22 sale pursuant to the state water plan storage act.

23 (8) Approve, before it becomes effective, any agreement entered into
24 with the federal government by the Kansas water office.

25 (9) Request any agency of the state, which shall have the duty upon
26 that request, to submit its budget estimate pertaining to the state's water
27 resources and any plans or programs related thereto and, upon the
28 authority's receipt of such budget estimate, review and evaluate it and
29 furnish recommendations relating thereto to the governor and the
30 legislature.

31 (10) Approve, prior to adoption by the director of the Kansas water
32 office, rules and regulations authorized by law to be adopted.

33 (11) Approve, prior to adoption by the director of the Kansas water
34 office, guidelines for conservation plans and practices developed pursuant
35 to ~~subsection (e)~~ of K.S.A. 74-2608(c), and amendments thereto.

36 (e) The Kansas water authority may appoint citizens' advisory
37 committees to study and advise on any subjects upon which the authority
38 is required or authorized by this act to study or make recommendations.

39 (f) The provisions of the Kansas governmental operations
40 accountability law apply to the Kansas water authority, and the authority is
41 subject to audit, review and evaluation under such law.

42 Sec. 119. K.S.A. 74-3322 is hereby amended to read as follows: 74-
43 3322. (a) The state forestry, fish and game commission is hereby

1 empowered and directed to convey by quitclaim deed, without
2 consideration, to the city of Oberlin, Kansas, all of the following described
3 real estate located in Decatur county, Kansas, to wit:

4 All that part of the E1/2 SE1/4 Sec. 31 and all that part of the W1/2
5 W1/2 SW1/4 Sec. 32, Twp. 2, South, Range 28, West 6th P.M. lying North
6 of the C.B.&Q. Railroad Right-of-Way. Containing 112 acres more or less.

7 The SW1/4 NW1/4 Sec. 32, Twp. 2 South, Range 28 West 6th P.M.
8 Also a tract of land out of the SW1/4 NE1/4 Sec. 31, Twp. 2 South, Range
9 28 West 6th P.M. more particularly described as follows: Beginning at the
10 southeast corner of the SW1/4 NE1/4 of said Sec. 31, thence north parallel
11 with the East line of Sec. 31, 405 feet, thence in a southwesterly direction
12 $114^{\circ}13'$ a distance of 1003 feet to intersect the south line of said NE1/4,
13 this point being 396 feet east of the southwest corner of the NE1/4, thence
14 east along the south line of the NE1/4 924 feet to place of beginning.

15 The E1/2 NE1/4 Sec. 31, Twp. 2 South, Range 28 West 6th P.M. except
16 a tract of land described as follows: Beginning at a point 1072.5 feet west
17 of the Northeast corner of the NE1/4 thence south parallel with the East
18 line of the NE1/4 1485 feet, thence West at right angles 247.5 feet, thence
19 north parallel with the east line of said NE1/4 1485 feet, thence East at
20 right angles and along the north line of said NE1/4 247.5 feet to place of
21 beginning; total acreage conveyed 116.1 acres more or less.

22 A tract of land out of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
23 28 West 6th P.M. more particularly described as follows: Commencing at
24 the Northeast corner of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
25 28, West 6th P.M., thence west along the north line of said NW1/4 SE1/4
26 56 rods; thence south at right angles 70 rods, thence east at right angles 56
27 rods, thence north along the East line of said NW1/4 SE1/4 70 rods to the
28 place of beginning, containing about $24 \frac{1}{2}$ acres more or less.

29 A tract of land out of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
30 28 West 6th P.M. more particularly described as follows: Beginning at the
31 Northwest corner of the SE1/4 of said Sec. 31, thence East along said half
32 section line 24 rods, thence south at right angles 70 rods, thence West at
33 right angles and parallel with the North line of said SE1/4 24 rods, thence
34 North along the half section line 70 rods to place of beginning. Containing
35 10.5 acres more or less.

36 NW1/4 NW1/4; E1/2 NW1/4; W1/2 W1/2 NE1/4 Sec. 32, Twp. 2,
37 Range 28, West of the 6th P.M.

38 A tract of land described as follows: Beginning at the Southwest corner
39 of the SW1/4 of Sec. 29, Twp. 2 South, Range 28 West 6th P.M. thence
40 North along and upon the West line of said SW1/4 95 feet, thence East at
41 right angles and parallel with the South line of said SW1/4 575 feet, thence
42 in a northeasterly direction at an angle of $27^{\circ}15'$ left 490 feet, thence North
43 at an angle of $29^{\circ}15'$ left 639 feet, thence East at an angle of $46^{\circ}30'$ right

1 1288 feet to the East line of said SW1/4, thence South along and upon the
2 East line of said SW1/4 855 feet to the Southeast corner of the SW1/4;
3 thence West along and upon the South line of said SW1/4 2640 feet to
4 place of beginning.

5 A tract of land out of the SE1/4 Sec. 29, Twp. 2 South, Range 28, West
6 6th P.M. more particularly described as follows: Beginning at the
7 Southwest corner of the SE1/4 of Sec. 29, in Twp. 2, Range 28, West 6th
8 P.M. thence North along the half section line 855 feet, thence East at right
9 angle and parallel with South line of said Section 1019 feet, thence South
10 at right angle and parallel with East line of said Section 855 feet, thence
11 West along the South line of said section 1019 feet to place of beginning,
12 containing 20 acres more or less.

13 A tract of land out of the NE1/4 of Sec. 32, Twp. 2, Range 28 West of
14 the 6th P.M. described as follows: Beginning at a point 1224.7 feet north
15 of the southeast corner of the W1/2 W1/2 NE1/4 of said Sec. 32, thence
16 northeasterly at an angle of 59°23' right, 170.6 feet, thence north at an
17 angle of 61°54' left, 123.3 feet, thence northwesterly at an angle of 25°48'
18 left, 298.5 feet, to the east line of the W1/2 W1/2 NE1/4 of said Sec. 32,
19 thence south 473.9 feet, along said line to point of beginning. Containing .
20 98 acre more or less.

21 (b) The instruments of conveyance of such real estate authorized by
22 this act shall be executed in the name of the state forestry, fish and game
23 commission by its chairman and secretary.

24 (c) ~~As soon as is practicable after the effective date of this act,~~ The
25 secretary of wildlife; ~~and parks and tourism~~ shall convey by quitclaim
26 deed, without consideration, any title or interest of the Kansas department
27 of wildlife; ~~and parks and tourism~~ in the property described in subsection
28 (a).

29 Sec. 120. K.S.A. 74-4722 is hereby amended to read as follows: 74-
30 4722. (a) The Kansas department of wildlife; ~~and parks and tourism~~ shall
31 purchase vessel liability insurance for the protection and benefit of the
32 state, the department and officers, agents and employees of the department
33 responsible for the operation of vessels owned, operated, maintained or
34 controlled by the department, and of persons while riding in or upon such
35 vessels.

36 (b) As used in this section, the term "vessel" includes motorized and
37 nonmotorized vessels, and other methods of aquatic transportation used by
38 the department.

39 Sec. 121. K.S.A. 74-4911f is hereby amended to read as follows: 74-
40 4911f. (a) Subject to procedures or limitations prescribed by the governor,
41 any person who is not an employee and who becomes a state officer may
42 elect to not become a member of the system. The election to not become a
43 member of the system must be filed within 90 days of assuming the

1 position of state officer. Such election shall be irrevocable. If such election
2 is not filed by such state officer, such state officer shall be a member of the
3 system.

4 (b) Any such state officer who is a member of the Kansas public
5 employees retirement system, on or after the effective date of this act, may
6 elect to not be a member by filing an election with the office of the
7 retirement system. The election to not become a member of the system
8 must be filed within 90 days of assuming the position of state officer. If
9 such election is not filed by such state officer, such state officer shall be a
10 member of the system.

11 (c) Subject to limitations prescribed by the board, the state agency
12 employing any employee who has filed an election as provided under
13 subsection (a) or (b) and who has entered into an employee participation
14 agreement, as provided in K.S.A. 74-49b10, and amendments thereto, for
15 deferred compensation pursuant to the Kansas public employees deferred
16 compensation plan shall contribute to such plan on such employee's behalf
17 an amount equal to 8% of the employee's salary, as such salary has been
18 approved pursuant to K.S.A. 75-2935b, and amendments thereto, or as
19 otherwise prescribed by law. With regard to a state officer who is a
20 member of the legislature who has retired pursuant to the Kansas public
21 employees retirement system and who files an election as provided in this
22 section, employee's salary means per diem compensation as provided by
23 law as a member of the legislature.

24 (d) As used in this section and K.S.A. 74-4927k, and amendments
25 thereto, "state officer" means the secretary of administration, secretary for
26 aging and disability services, secretary of commerce, secretary of
27 corrections, secretary of health and environment, secretary of labor,
28 secretary of revenue, secretary for children and families, secretary of
29 transportation, secretary of wildlife, ~~and parks and tourism~~, superintendent
30 of the Kansas highway patrol, secretary of agriculture, executive director
31 of the Kansas lottery, executive director of the Kansas racing commission,
32 president of the Kansas development finance authority, state fire marshal,
33 state librarian, securities commissioner, adjutant general, members and
34 chief hearing officer of the state board of tax appeals, members of the state
35 corporation commission, any unclassified employee on the staff of officers
36 of both houses of the legislature, any unclassified employee appointed to
37 the governor's or lieutenant governor's staff, any person employed by the
38 legislative branch of the state of Kansas, other than any such person
39 receiving service credited under the Kansas public employees retirement
40 system or any other retirement system of the state of Kansas therefor, who
41 elected to be covered by the provisions of this section as provided in
42 K.S.A. 46-1302(e), and amendments thereto, or who is first employed on
43 or after July 1, 1996, by the legislative branch of the state of Kansas and

1 any member of the legislature who has retired pursuant to the Kansas
2 public employees retirement system.

3 (e) The provisions of this section shall not apply to any state officer
4 who has elected to remain eligible for assistance by the state board of
5 regents as provided in K.S.A. 74-4925(a), and amendments thereto.

6 Sec. 122. K.S.A. 74-5005 is hereby amended to read as follows: 74-
7 5005. The department shall be the lead agency of the state for economic
8 development of commerce through the promotion of business, industry
9 ~~and~~, trade *and tourism* within the state. In general, but not by way of
10 limitation, the department shall have, exercise and perform the following
11 powers and duties:

12 (a) To assume central responsibility for implementing all facets of a
13 comprehensive, long-term, economic development strategy and for
14 coordinating the efforts of both state agencies and local economic
15 development groups as they relate to that objective;

16 (b) to coordinate the implementation of the strategy with all other
17 state and local agencies and offices and state educational institutions which
18 do research work, develop materials and programs, gather statistics, or
19 which perform functions related to economic development; and such state
20 and local agencies and offices and state educational institutions shall
21 advise and cooperate with the department in the planning and
22 accomplishment of the purposes of this act;

23 (c) to advise and cooperate with all federal departments, research
24 institutions, educational institutions and agencies, quasi-public
25 professional societies, private business and agricultural organizations and
26 associations, and any other party, public or private, and to call upon such
27 parties for consultation and assistance in their respective fields of interest,
28 to the end that all up-to-date available technical advice, information and
29 assistance be gathered for the use of the department, the governor, the
30 legislature and the people of this state;

31 (d) to enter into agreements necessary to carry out the purposes of
32 this act;

33 (e) to conduct an effective business information service, keeping up-
34 to-date information on such things as manufacturing industries, labor
35 supply and economic trends in employment, income, savings and
36 purchasing power within the state, utilizing the services and information
37 available from the division of the budget of the department of
38 administration;

39 (f) to support a coordinated program of scientific and industrial
40 research with the objective of developing additional uses of the state's
41 natural resources, agriculture, agricultural products, new and better
42 industrial products and processes, and the best possible utilization of the
43 raw materials in the state; and to coordinate this responsibility with the

1 state educational institutions, with all state and federal agencies, and all
2 public and private institutions within or outside the state, all in an effort to
3 assist and encourage new industries or expansion of existing industries
4 through basic research, applied research and new development;

5 (g) to maintain and keep current all available information regarding
6 the industrial opportunities and possibilities of the state, including raw
7 materials and by-products; power and water resources; transportation
8 facilities; available markets and the marketing limitations of the state;
9 labor supply; banking and financing facilities; availability of industrial
10 sites; and the advantages the state and its particular sections have as
11 industrial locations; and such information shall be used for the
12 encouragement of new industries in the state and the expansion of existing
13 industries within the state;

14 (h) to publicize information and the economic advantages of the state
15 ~~which~~ *that* make it a desirable place for commercial and industrial
16 operations and a good place in which to live;

17 (i) to establish a clearinghouse for the collection and dissemination of
18 information concerning the number and location of public and private
19 postsecondary vocational and technical education programs in areas
20 critical to economic development;

21 (j) to acquaint the people of this state with the industries within the
22 state and encourage closer cooperation between the farming, commercial
23 and industrial enterprises and the people of the state;

24 (k) to participate in economic development and planning assistance
25 programs of the federal government to political subdivisions;

26 (l) to assist counties and cities in industrial development through the
27 establishment of industrial development corporations, including site
28 surveys, small business administration situations, and render such other
29 similar assistance as may be required; and in those instances where it is
30 deemed appropriate, to contract with and make a service charge to the
31 county or city involved for such services rendered;

32 (m) to render assistance to private enterprise on planning problems
33 and site surveys upon request and shall make a reasonable service charge
34 for such services rendered; and any moneys received for services rendered,
35 as provided in this subsection, shall be deposited in the fund and expended
36 therefrom, as provided in subsection (n);

37 (n) to make agreements with other states and with the United States
38 government, or its agencies, and to accept funds from the federal
39 government, or its agencies, or any other source for research studies,
40 investigation, planning and other purposes related to the duties of the
41 department; and any funds so received shall be remitted to the state
42 treasurer in accordance with the provisions of K.S.A. 75-4215, and
43 amendments thereto. Upon receipt of each such remittance, the state

1 treasurer shall deposit the entire amount in the state treasury to the credit
2 of a special revenue fund which is hereby created and shall be known as
3 the "economic development fund" or used in accordance with or direction
4 of the contributing federal agencies; and expenditures from such fund may
5 be made for any purpose in keeping with the responsibilities, functions and
6 authority of the department; and warrants on such fund shall be drawn in
7 the same manner as required of other state agencies upon vouchers signed
8 by the secretary;

9 (o) to do other and further acts as shall be necessary and proper in
10 fostering and promoting the industrial development and economic welfare
11 of the state;

12 (p) to organize, or cause to be organized, an advisory board or boards
13 representing interested groups, including industry, labor, agriculture,
14 scientific research, the press, the professions, industrial associations, civic
15 groups, etc.; and such board or boards shall advise with the department as
16 to its work and the department shall, as far as practicable, cooperate with
17 such board or boards, and secure the active aid thereof in the
18 accomplishment of the aims and objectives of the department;

19 (q) to perform the duties imposed under the Kansas venture capital
20 company act;

21 (r) to serve as the central agency and clearinghouse to collect and
22 disseminate ideas and information bearing on local planning problems;
23 and, in so doing, the department, upon request of the board of county
24 commissioners of any county or the governing body of any city in the
25 state, may make a study and report upon any planning problem of such
26 county or city submitted to it;

27 (s) to disseminate to the public information concerning economic
28 development programs available in the state, regardless of whether such
29 programs are administered by the department or some other agency and
30 the department shall make available audio-visual and written materials
31 describing the economic development programs to local chambers of
32 commerce, economic development organizations, banks and public
33 libraries and shall take other measures as may be necessary to effectuate
34 the purpose of this subsection;

35 (t) to perform the duties imposed under the individual development
36 account program act, K.S.A. 74-50,201 through 74-50,208, and
37 amendments thereto; ~~and~~

38 (u) except as otherwise provided by law, perform the duties and carry
39 out the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through
40 74-8111, and amendments thereto; *and*

41 (v) *to encourage and promote the traveling public to visit this state*
42 *by publicizing information as to the recreational, historic and natural*
43 *advantage of the state and its facilities for transient travel and to contract*

1 *with organizations for the purpose of promoting tourism within the state,*
2 *and the department may request other state agencies, including, but not*
3 *limited to, the Kansas water office, the Kansas department of*
4 *transportation and the Kansas department of wildlife and parks, for*
5 *assistance and all such agencies shall coordinate information and their*
6 *respective efforts with the department to most efficiently and economically*
7 *carryout the purpose and intent of this subsection.*

8 Sec. 123. K.S.A. 74-5602 is hereby amended to read as follows: 74-
9 5602. As used in the Kansas law enforcement training act:

10 (a) "Training center" means the law enforcement training center
11 within the university of Kansas, created by K.S.A. 74-5603, and
12 amendments thereto.

13 (b) "Commission" means the Kansas commission on peace officers'
14 standards and training, created by K.S.A. 74-5606, and amendments
15 thereto, or the commission's designee.

16 (c) "Chancellor" means the chancellor of the university of Kansas, or
17 the chancellor's designee.

18 (d) "Director of police training" means the director of police training
19 at the law enforcement training center.

20 (e) "Director" means the executive director of the Kansas commission
21 on peace officers' standards and training.

22 (f) "Law enforcement" means the prevention or detection of crime
23 and the enforcement of the criminal or traffic laws of this state or of any
24 municipality thereof.

25 (g) (1) "Police officer" or "law enforcement officer" means a full-time
26 or part-time salaried officer or employee of the state, a county or a city,
27 whose duties include the prevention or detection of crime and the
28 enforcement of the criminal or traffic laws of this state or of any
29 municipality thereof.

30 (2) ~~Such terms shall include~~ "Police officer" or "law enforcement
31 officer" includes, but is not be limited to: The sheriff, undersheriff and full-
32 time or part-time salaried deputies in the sheriff's office in each county;
33 deputy sheriffs deputized pursuant to K.S.A. 19-2858, and amendments
34 thereto; conservation officers of the Kansas department of wildlife; *and*
35 ~~parks and tourism~~; university police officers, as defined in K.S.A. 22-
36 2401a, and amendments thereto; campus police officers, as defined in
37 K.S.A. 22-2401a, and amendments thereto; law enforcement agents of the
38 director of alcoholic beverage control; law enforcement agents designated
39 by the secretary of revenue pursuant to K.S.A. 75-5157, and amendments
40 thereto; law enforcement agents of the Kansas lottery; law enforcement
41 agents of the Kansas racing commission; deputies and assistants of the
42 state fire marshal having law enforcement authority; capitol police,
43 existing under the authority of K.S.A. 75-4503, and amendments thereto;

1 special investigators of the juvenile justice authority; special investigators
2 designated by the secretary of labor; and law enforcement officers
3 appointed by the adjutant general pursuant to K.S.A. 48-204, and
4 amendments thereto. ~~Such terms shall also include;~~ railroad policemen
5 appointed pursuant to K.S.A. 66-524, and amendments thereto; school
6 security officers designated as school law enforcement officers pursuant to
7 K.S.A. 72-6146, and amendments thereto; the manager and employees of
8 the horsethief reservoir benefit district pursuant to K.S.A. 82a-2212, and
9 amendments thereto; and the director of the Kansas commission on peace
10 officers' standards and training and any other employee of such
11 commission designated by the director pursuant to K.S.A. 74-5603, and
12 amendments thereto, as a law enforcement officer. *"Police officer" or "law
13 enforcement officer" includes any officer appointed or elected on a
14 provisional basis.*

15 (3) ~~Such terms shall~~ *"Police officer" or "law enforcement officer"*
16 *does not include any elected official, other than a sheriff, serving in the*
17 *capacity of a law enforcement or police officer solely by virtue of such*
18 *official's elected position; any attorney-at-law having responsibility for*
19 *law enforcement and discharging such responsibility solely in the capacity*
20 *of an attorney; any employee of the commissioner of juvenile justice who*
21 *is employed solely to perform correctional, administrative or operational*
22 *duties related to juvenile correctional facilities; any employee of the*
23 *secretary of corrections, any employee of the secretary for children and*
24 *families; any deputy conservation officer of the Kansas department of*
25 *wildlife; and parks and tourism; or any employee of a city or county who*
26 *is employed solely to perform correctional duties related to jail inmates*
27 *and the administration and operation of a jail; or any full-time or part-time*
28 *salaried officer or employee whose duties include the issuance of a citation*
29 *or notice to appear provided such officer or employee is not vested by law*
30 *with the authority to make an arrest for violation of the laws of this state or*
31 *any municipality thereof, and is not authorized to carry firearms when*
32 *discharging the duties of such person's office or employment.*

33 ~~Such term shall include any officer appointed or elected on a~~
34 ~~provisional basis.~~

35 (h) "Full-time" means employment requiring at least 1,000 hours of
36 law enforcement related work per year.

37 (i) "Part-time" means employment on a regular schedule or
38 employment which requires a minimum number of hours each payroll
39 period, but in any case requiring less than 1,000 hours of law enforcement
40 related work per year.

41 (j) "Misdemeanor crime of domestic violence" means a violation of
42 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or
43 K.S.A. 2021 Supp. 21-5414, and amendments thereto, or any other

1 misdemeanor under federal, municipal or state law that has as an element
2 the use or attempted use of physical force, or the threatened use of a
3 deadly weapon, committed against a person with whom the offender is
4 involved or has been involved in a "dating relationship" or is a "family or
5 household member" as defined in K.S.A. 2021 Supp. 21-5414, and
6 amendments thereto, at the time of the offense.

7 (k) "Auxiliary personnel" means members of organized nonsalaried
8 groups who operate as an adjunct to a police or sheriff's department,
9 including reserve officers, posses and search and rescue groups.

10 (l) "Active law enforcement certificate" means a certificate ~~which~~
11 *that* attests to the qualification of a person to perform the duties of a law
12 enforcement officer and ~~which~~ has not been suspended or revoked by
13 action of the Kansas commission on peace officers' standards and training
14 and has not lapsed by operation of law as provided in K.S.A. 74-5622, and
15 amendments thereto.

16 Sec. 124. K.S.A. 74-6614 is hereby amended to read as follows: 74-
17 6614. (a) There is hereby created the natural and scientific areas advisory
18 board. The advisory board shall be attached to the state biological survey
19 and shall be within the survey as a part thereof. All budgeting, purchasing
20 and related management functions of the advisory board shall be
21 administered under the direction and supervision of the state biological
22 survey. All vouchers for expenditures and all payrolls of the advisory
23 board shall be approved by the state biological survey. The board shall
24 consist of 11 members designated by the following: The state biologist; the
25 secretary of wildlife; ~~and parks and tourism~~; the state forester; the state
26 geologist; the director of the state historical society; the director of the
27 state water office; the chairperson of the nongame wildlife advisory
28 council; the secretary of health and environment; a member of the house of
29 representatives appointed by the speaker of the house; a member of the
30 senate appointed by the president of the senate; a representative of the
31 governor.

32 (b) Whenever a vacancy on the board shall occur by death,
33 resignation or otherwise of any member so appointed, the responsible
34 appointor shall fill the same by appointment.

35 Sec. 125. K.S.A. 74-7901 is hereby amended to read as follows: 74-
36 7901. There is hereby created a Kansas wildlife arts council which shall be
37 composed of five members. One member shall be a member of the Kansas
38 wildlife; ~~and parks and tourism~~ commission appointed by such
39 commission, one member shall be a member of the Kansas creative arts
40 industries commission appointed by such commission, one member shall
41 be the director of the Fort Hays state university Sternberg museum, and
42 two members shall be from the public at large appointed by the president
43 of Fort Hays state university. The director of the Fort Hays state university

1 Sternberg museum shall be chairperson of the council, and personnel of
2 the Fort Hays state university Sternberg museum shall provide such staff
3 and clerical services as the council may require.

4 Sec. 126. K.S.A. 74-9201 is hereby amended to read as follows: 74-
5 9201. (a) There is hereby established the Kansas film services commission.
6 The commission shall consist of 19 voting members as follows:

7 (1) One member of the senate appointed by the president of the
8 senate;

9 (2) one member of the senate appointed by the minority leader of the
10 senate;

11 (3) one member of the house of representatives appointed by the
12 speaker of the house of representatives;

13 (4) one member of the house of representatives appointed by the
14 minority leader of the house of representatives; and

15 (5) fifteen members appointed by the governor.

16 (b) Of the members appointed by the governor, one shall be
17 appointed from each United States congressional district. All members
18 appointed by the governor shall be appointed for terms of three years,
19 except that of the members first appointed, five shall be appointed for one-
20 year terms, five shall be appointed for two-year terms and five shall be
21 appointed for three-year terms. The governor shall designate the term for
22 which each of the members first appointed shall serve.

23 (c) In addition to the voting members of the commission, six
24 members of the commission shall serve ex officio: The secretary of
25 commerce, the secretary of transportation, the secretary of wildlife; *and*
26 ~~parks and tourism~~, the secretary of health and environment, the executive
27 director of the Kansas arts commission and the secretary of the state
28 historical society. Each ex officio member of the commission may
29 designate an officer or employee of the state agency of the ex officio
30 member to serve on the commission in place of the ex officio member. The
31 ex officio members of the commission, or their designees, shall be
32 nonvoting members of the commission and shall provide information and
33 advice to the commission. In addition to the voting and ex officio members
34 of the commission, the governor may appoint such number of
35 representatives of the film industry to nonvoting membership on the
36 commission as may be recommended by the secretary of commerce.

37 ~~(b)~~(d) Legislative members shall be appointed for terms coinciding
38 with the terms for which such members are elected. All members
39 appointed to fill vacancies in the membership of the commission and all
40 members appointed to succeed members appointed to membership on the
41 commission shall be appointed in like manner as that provided for the
42 original appointment of the member succeeded. All members appointed to
43 fill vacancies of a member of the commission appointed by the governor

1 shall be appointed to fill the unexpired term of such member.

2 ~~(e)~~(e) The members of the commission shall elect annually a
3 chairperson and vice-chairperson for the commission from among its
4 members. The commission shall meet at least four times each year at the
5 call of the chairperson of the commission. Ten voting members of the
6 commission shall constitute a quorum.

7 ~~(d)~~(f) Members of the commission who are not legislators shall
8 receive mileage, tolls and parking as provided in K.S.A. 75-3223, and
9 amendments thereto, for attendance at any meeting of the commission or
10 any subcommittee meeting authorized by the commission. Legislative
11 members of the commission shall be paid amounts provided in ~~subsection~~
12 ~~(e)~~ of K.S.A. 75-3223(e), and amendments thereto, for attendance at any
13 meeting of the commission or any subcommittee meeting authorized by
14 the commission.

15 Sec. 127. K.S.A. 75-1253 is hereby amended to read as follows: 75-
16 1253. (a) Whenever it becomes necessary in the judgment of the secretary
17 of administration or in any case when the total cost of a project for the
18 construction of a building or for major repairs or improvements to a
19 building for a state agency is expected to exceed \$1,000,000, the secretary
20 of administration shall convene a negotiating committee. The state
21 building advisory commission shall prepare a list of at least three and not
22 more than five firms ~~which~~ that are, in the opinion of the state building
23 advisory commission, qualified to serve as project architect, engineer or
24 land surveyor for the project. Such list shall be submitted to the
25 negotiating committee, without any recommendation of preference or
26 other recommendation.

27 (b) The secretary of administration may combine two or more
28 separate projects for the construction of buildings or for major repairs or
29 improvements to buildings for state agencies, for the purpose of procuring
30 architectural, engineering or land surveying services for all such projects
31 from a single firm. In each case, the combined projects shall be construed
32 to be a single project for all purposes under the provisions of K.S.A. 75-
33 1250 through 75-1267, and amendments thereto.

34 (c) (1) This section shall not apply to any repetitive project with a
35 standard plan that was originally designed by the secretary of
36 administration or an agency architect pursuant to K.S.A. 75-1254(a)(2)
37 and (3), and amendments thereto. In such a case, the secretary of
38 administration or the agency architect may provide architectural services
39 for the repetitive project.

40 (2) "Repetitive project" means a project ~~which~~ that uses the same
41 standard design as was used for a project constructed previously,
42 including, but not limited to, sub-area shops and salt domes of the
43 department of transportation and showers and toilet buildings of the

1 Kansas department of wildlife, ~~and parks and tourism~~. The plans for the
2 project may be modified as required for current codes, operational needs
3 or cost control. The total floor area of the project may be increased by an
4 area of not more than 25% of the floor area of the originally constructed
5 project, except that not more than 25% of the linear feet of the exterior and
6 interior walls may be moved for such increase. A project shall not be
7 considered to be repetitive if it has been over four years between the
8 substantial completion of the last project using the design plans and the
9 appropriation of funds for the proposed project.

10 Sec. 128. K.S.A. 75-2720 is hereby amended to read as follows: 75-
11 2720. (a) The state historic sites board of review shall have the power and
12 duty to:

13 (1) Subject to the provisions of subsection (b), approve nominations to
14 the state and national registers of historic places.

15 (2) Review the state survey of historic properties undertaken in
16 accordance with the provisions of this act.

17 (3) Review the content of the state preservation plan developed in
18 accordance with the provisions of this act.

19 (4) Approve the removal of properties from the state register of
20 historic places.

21 (5) Recommend the removal of properties from the national register
22 of historic places.

23 (6) Otherwise act in an advisory capacity to the state historic
24 preservation agency.

25 (7) Upon request, to advise the legislature concerning matters relating
26 to historic properties and historic preservation.

27 (8) Elect a chairman and vice-chairman and establish such rules of
28 procedure as it deems necessary.

29 (b) The state historic sites board of review shall not consider or
30 approve any nomination of historic property located in an unincorporated
31 area of any county to either the state register of historic places or the
32 national register of historic places unless owners of land located within
33 500 feet of the boundaries of a proposed historic property have been
34 notified of the time and place of the board meeting at which such
35 nomination is to be considered or approved. Notification shall be by mail
36 or publication notice. Publication notice shall be published at least once
37 each week for two consecutive weeks in a newspaper of general
38 circulation in each county in which all, or any part, of the proposed
39 historic property is located. The last publication shall be at least 30 days,
40 but not more than 50 days, prior to the date of such board meeting.
41 Whenever the state historic sites board of review submits a notice to a
42 newspaper for publication under this subsection, such board shall, at the
43 same time, also submit a copy of such notice to the secretary of wildlife;

1 ~~and parks and tourism.~~

2 Sec. 129. K.S.A. 75-2935 is hereby amended to read as follows: 75-
3 2935. The civil service of the state of Kansas is hereby divided into the
4 unclassified and the classified services.

5 (1) The unclassified service comprises positions held by state officers
6 or employees who are:

7 (a) Chosen by election or appointment to fill an elective office;

8 (b) members of boards and commissions, heads of departments
9 required by law to be appointed by the governor or by other elective
10 officers, and the executive or administrative heads of offices, departments,
11 divisions and institutions specifically established by law;

12 (c) except as otherwise provided under this section, one personal
13 secretary to each elective officer of this state, and in addition thereto, 10
14 deputies, clerks or employees designated by such elective officer;

15 (d) all employees in the office of the governor;

16 (e) officers and employees of the senate and house of representatives
17 of the legislature and of the legislative coordinating council and all officers
18 and employees of the office of revisor of statutes, of the legislative
19 research department, of the division of legislative administrative services,
20 of the division of post audit and the legislative counsel;

21 (f) chancellor, president, deans, administrative officers, student health
22 service physicians, pharmacists, teaching and research personnel, health
23 care employees and student employees in the institutions under the state
24 board of regents, the executive officer of the board of regents and the
25 executive officer's employees other than clerical employees, and, at the
26 discretion of the state board of regents, directors or administrative officers
27 of departments and divisions of the institution and county extension
28 agents, except that this subsection ~~(1)(f)~~ shall not be construed to include
29 the custodial, clerical or maintenance employees, or any employees
30 performing duties in connection with the business operations of any such
31 institution, except administrative officers and directors; As used in this
32 subsection ~~(1)(f)~~, "health care employees" means employees of the
33 university of Kansas medical center who provide health care services at
34 the university of Kansas medical center and who are medical technicians
35 or technologists or respiratory therapists, who are licensed professional
36 nurses or licensed practical nurses, or who are in job classes ~~which~~ *that* are
37 designated for this purpose by the chancellor of the university of Kansas
38 upon a finding by the chancellor that such designation is required for the
39 university of Kansas medical center to recruit or retain personnel for
40 positions in the designated job classes; and employees of any institution
41 under the state board of regents who are medical technologists;

42 (g) operations, maintenance and security personnel employed to
43 implement agreements entered into by the adjutant general and the federal

1 national guard bureau, and officers and enlisted persons in the national
2 guard and the naval militia;

3 (h) persons engaged in public work for the state but employed by
4 contractors when the performance of such contract is authorized by the
5 legislature or other competent authority;

6 (i) persons temporarily employed or designated by the legislature or
7 by a legislative committee or commission or other competent authority to
8 make or conduct a special inquiry, investigation, examination or
9 installation;

10 (j) officers and employees in the office of the attorney general and
11 special counsel to state departments appointed by the attorney general,
12 except that officers and employees of the division of the Kansas bureau of
13 investigation shall be in the classified or unclassified service as provided
14 in K.S.A. 75-711, and amendments thereto;

15 (k) all employees of courts;

16 (l) client, patient and inmate help in any state facility or institution;

17 (m) all attorneys for boards, commissions and departments;

18 (n) the secretary and assistant secretary of the Kansas state historical
19 society;

20 (o) physician specialists, dentists, dental hygienists, pharmacists,
21 medical technologists and long term care workers employed by the Kansas
22 department for aging and disability services;

23 (p) physician specialists, dentists and medical technologists employed
24 by any board, commission or department or by any institution under the
25 jurisdiction thereof;

26 (q) student employees enrolled in public institutions of higher
27 learning;

28 (r) administrative officers, directors and teaching personnel of the
29 state board of education and the state department of education and of any
30 institution under the supervision and control of the state board of
31 education, except that this subsection-~~(1)~~(~~†~~) shall not be construed to
32 include the custodial, clerical or maintenance employees, or any
33 employees performing duties in connection with the business operations of
34 any such institution, except administrative officers and directors;

35 (s) all officers and employees in the office of the secretary of state;

36 (t) one personal secretary and one special assistant to the following:

37 The secretary of administration, the secretary for aging and disability
38 services, the secretary of agriculture, the secretary of commerce, the
39 secretary of corrections, the secretary of health and environment, the
40 superintendent of the Kansas highway patrol, the secretary of labor, the
41 secretary of revenue, the secretary for children and families, the secretary
42 of transportation, the secretary of wildlife; *and* parks ~~and tourism~~ and the
43 commissioner of juvenile justice;

1 (u) one personal secretary and one special assistant to the chancellor
2 and presidents of institutions under the state board of regents;

3 (v) one personal secretary and one special assistant to the executive
4 vice chancellor of the university of Kansas medical center;

5 (w) one public information officer and one chief attorney for the
6 following: The department of administration, the Kansas department for
7 aging and disability services, the department of agriculture, the department
8 of commerce, the department of corrections, the department of health and
9 environment, the department of labor, the department of revenue, the
10 Kansas department for children and families, the department of
11 transportation, the Kansas department of wildlife, ~~and parks and tourism~~
12 and the commissioner of juvenile justice;

13 (x) if designated by the appointing authority, persons in newly hired
14 positions, including any employee who is rehired into such position and
15 any current state employee who voluntarily transfers into, or is voluntarily
16 promoted or demoted into such position, on and after July 1, 2015, in any
17 state agency;

18 (y) one executive director, one general counsel and one director of
19 public affairs and consumer protection in the office of the state corporation
20 commission;

21 (z) specifically designated by law as being in the unclassified service;

22 (aa) any position that is classified as a position in the information
23 resource manager job class series, that is the chief position responsible for
24 all information resources management for a state agency, and that becomes
25 vacant on or after the effective date of this act. Nothing in this section shall
26 affect the classified status of any employee in the classified service who is
27 employed on the date immediately preceding the effective date of this act
28 in any position that is a classified position in the information resource
29 manager job class series and the unclassified status as prescribed by this
30 subsection shall apply only to a person appointed to any such position on
31 or after the effective date of this act that is the chief position responsible
32 for all information resources management for a state agency;

33 (bb) positions at state institutions of higher education that have been
34 converted to unclassified positions pursuant to K.S.A. 76-715a, and
35 amendments thereto; and

36 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 39-
37 1911, 44-510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-
38 4503, 65-2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569,
39 74-631, 74-1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-
40 2906a, 74-5014, 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501,
41 74-8704, 74-8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-
42 3148, 75-3702c, 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157,
43 75-5309, 75-5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-

1 5910, 75-7028, 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-
2 12a05, 76-12a08, 76-12a16, 76-3202 and 82a-1205 and K.S.A. 39-1911,
3 and amendments thereto, any vacant position within the classified service
4 may be converted by the appointing authority to an unclassified position.

5 (2) The classified service comprises all positions now existing or
6 hereafter created ~~which~~ *that* are not included in the unclassified service.
7 Appointments in the classified service shall be made according to merit
8 and fitness from eligible pools ~~which~~ *that* so far as practicable shall be
9 competitive. No person shall be appointed, promoted, reduced or
10 discharged as an officer, clerk, employee or laborer in the classified
11 service in any manner or by any means other than those prescribed in the
12 Kansas civil service act and the rules adopted in accordance therewith.

13 (3) For positions involving unskilled, or semiskilled duties, the
14 secretary of administration, as provided by law, shall establish rules and
15 regulations concerning certifications, appointments, layoffs and
16 reemployment ~~which~~ *that* may be different from the rules and regulations
17 established concerning these processes for other positions in the classified
18 service.

19 (4) Officers authorized by law to make appointments to positions in
20 the unclassified service, and appointing officers of departments or
21 institutions whose employees are exempt from the provisions of the
22 Kansas civil service act because of the constitutional status of such
23 departments or institutions shall be permitted to make appointments from
24 appropriate pools of eligibles maintained by the division of personnel
25 services.

26 (5) On and after the effective date of this act, any state agency that
27 has positions in the classified service within the Kansas civil service act to
28 satisfy any requirement of maintaining personnel standards on a merit
29 basis pursuant to federal law or the rules and regulations promulgated
30 thereunder by the federal government or any agency thereof, shall adopt a
31 binding statement of agency policy pursuant to K.S.A. 77-415, and
32 amendments thereto, to satisfy such requirements if the appointing
33 authority has made any such position unclassified.

34 Sec. 130. K.S.A. 75-3339 is hereby amended to read as follows: 75-
35 3339. (a) The division of services for the blind of the Kansas department
36 for children and families shall:

37 (1) Make surveys of concession vending opportunities for blind
38 persons on state, county, city and other property;

39 (2) make surveys throughout the state of Kansas of industries with a
40 view to obtaining information that will assist blind persons to obtain
41 employment;

42 (3) make available to the public, especially to persons and
43 organizations engaged in work for the blind, information obtained as a

1 result of such surveys;

2 (4) issue licenses to blind persons who are citizens of the United
3 States for the operating of vending facilities on state, county, city and other
4 property for the vending of foods, beverages and other such articles or
5 services dispensed automatically or manually and prepared on or off the
6 premises in accordance with all applicable health laws, as determined by
7 the licensing agency; and

8 (5) take such other steps, including the adoption of rules and
9 regulations, as may be necessary and proper to carry out the provisions of
10 this act.

11 (b) The division of services for the blind, in issuing each such license
12 for the operation of a vending facility, shall give preference to blind
13 persons who are in need of employment. Each such license shall be issued
14 for an indefinite period but may be terminated by such division if it is
15 satisfied that the facility is not being operated in accordance with the rules
16 and regulations prescribed by such division. Such licenses shall be issued
17 only to applicants who are blind as defined by ~~subsection (b) of K.S.A. 75-~~
18 ~~3338(b)~~, and amendments thereto.

19 (c) The division of services for the blind, with the approval of the
20 head of the department or agency in control of the maintenance, operation,
21 and protection of the state, county and city or other property on which the
22 vending facility is to be located but subject to rules and regulations
23 prescribed pursuant to the provisions of this act, shall select a location for
24 such vending facility and the type of facility to be provided.

25 (d) In the design, construction or substantial alteration or renovation
26 of each public building after July 1, 1970, for use by any department,
27 agency or instrumentality of the state of Kansas, except the Kansas
28 department of wildlife; ~~and parks and tourism~~ and the Kansas turnpike
29 authority, there shall be included, after consultation with the division of
30 services for the blind a satisfactory site or sites with space and electrical
31 and plumbing outlets and other necessary requirements suitable for the
32 location and operation of a vending facility or facilities by a blind person
33 or persons. No space shall be rented, leased or otherwise acquired for use
34 by any department, agency or instrumentality of the state of Kansas after
35 July 1, 1970, except the Kansas department of wildlife; ~~and parks and~~
36 ~~tourism~~ and the Kansas turnpike authority, unless such space includes,
37 after consultation with the division of services for the blind, a satisfactory
38 site or sites with space and electrical and plumbing outlets and other
39 necessary requirements suitable for the location and operation of a vending
40 facility or facilities by a blind person or persons. All departments, agencies
41 and instrumentalities of the state of Kansas, except the Kansas department
42 of wildlife; ~~and parks and tourism~~ and the Kansas turnpike authority, shall
43 consult with the secretary for children and families or the secretary's

1 designee and the division of services for the blind in the design,
2 construction or substantial alteration or renovation of each public building
3 used by them, and in the renting, leasing or otherwise acquiring of space
4 for their use, to insure that the requirements set forth in this subsection are
5 satisfied. This subsection shall not apply when the secretary for children
6 and families or the secretary's designee and the division of services for the
7 blind determine that the number of people using the property is insufficient
8 to support a vending facility.

9 Sec. 131. K.S.A. 75-37,121 is hereby amended to read as follows: 75-
10 37,121. (a) There is created the office of administrative hearings within the
11 department of administration, to be headed by a director appointed by the
12 secretary of administration. The director shall be in the unclassified service
13 under the Kansas civil service act.

14 (b) The office may employ or contract with presiding officers, court
15 reporters and other support personnel as necessary to conduct proceedings
16 required by the Kansas administrative procedure act for adjudicative
17 proceedings of the state agencies, boards and commissions specified in
18 subsection (h). The office shall conduct adjudicative proceedings of any
19 state agency ~~which~~ *that* is specified in subsection (h) when requested by
20 such agency. Only a person admitted to practice law in this state or a
21 person directly supervised by a person admitted to practice law in this state
22 may be employed as a presiding officer. The office may employ regular
23 part-time personnel. Persons employed by the office shall be under the
24 classified civil service.

25 (c) If the office cannot furnish one of its presiding officers within 60
26 days in response to a requesting agency's request, the director shall
27 designate in writing a full-time employee of an agency other than the
28 requesting agency to serve as presiding officer for the proceeding, but only
29 with the consent of the employing agency. The designee ~~must~~ *shall* possess
30 the same qualifications required of presiding officers employed by the
31 office.

32 (d) The director may furnish presiding officers on a contract basis to
33 any governmental entity to conduct any proceeding other than a
34 proceeding as provided in subsection (h).

35 (e) The secretary of administration may adopt rules and regulations:

36 (1) To establish procedures for agencies to request and for the
37 director to assign presiding officers. An agency may neither select nor
38 reject any individual presiding officer for any proceeding except in
39 accordance with the Kansas administrative procedure act;

40 (2) to establish procedures and adopt forms, consistent with the
41 Kansas administrative procedure act, the model rules of procedure, and
42 other provisions of law, to govern presiding officers; and

43 (3) to facilitate the performance of the responsibilities conferred upon

1 the office by the Kansas administrative procedure act.

2 (f) The director may implement the provisions of this section and
3 rules and regulations adopted under its authority.

4 (g) The secretary of administration may adopt rules and regulations to
5 establish fees to charge a state agency for the cost of using a presiding
6 officer.

7 (h) The following state agencies, boards and commissions shall
8 utilize the office of administrative hearings for conducting adjudicative
9 hearings under the Kansas administrative procedure act in which the
10 presiding officer is not the agency head or one or more members of the
11 agency head:

12 (1) On and after July 1, 2005: Kansas department for children and
13 families, juvenile justice authority, Kansas department for aging and
14 disability services, department of health and environment, Kansas public
15 employees retirement system, Kansas water office, Kansas department of
16 agriculture division of animal health and Kansas insurance department.

17 (2) On and after July 1, 2006: Emergency medical services board,
18 emergency medical services council and Kansas human rights
19 commission.

20 (3) On and after July 1, 2007: Kansas lottery, Kansas racing and
21 gaming commission, state treasurer, pooled money investment board,
22 Kansas department of wildlife; *and* parks ~~and tourism~~ and state board of
23 tax appeals.

24 (4) On and after July 1, 2008: Department of human resources, state
25 corporation commission, Kansas department of agriculture division of
26 conservation, agricultural labor relations board, department of
27 administration, department of revenue, board of adult care home
28 administrators, Kansas state grain inspection department, board of
29 accountancy and Kansas wheat commission.

30 (5) On and after July 1, 2009, all other Kansas administrative
31 procedure act hearings not mentioned in subsections (1), (2), (3) and (4).

32 (i) (1) Effective July 1, 2005, any presiding officer in agencies
33 specified in subsection (h)(1) ~~which~~ *that* conduct hearings pursuant to the
34 Kansas administrative procedure act, except those exempted pursuant to
35 K.S.A. 77-551, and amendments thereto, and support personnel for such
36 presiding officers, shall be transferred to and shall become employees of
37 the office of administrative hearings. Such personnel shall retain all rights
38 under the state personnel system and retirement benefits under the laws of
39 this state ~~which~~ *that* had accrued to or vested in such personnel prior to the
40 effective date of this section. Such person's services shall be deemed to
41 have been continuous. All transfers of personnel positions in the classified
42 service under the Kansas civil service act shall be in accordance with civil
43 service laws and any rules and regulations adopted thereunder. This

1 section shall not affect any matter pending before an administrative
2 hearing officer at the time of the effective date of the transfer, and such
3 matter shall proceed as though no transfer of employment had occurred.

4 (2) Effective July 1, 2006, any presiding officer in agencies specified
5 in subsection (h)(2)~~which~~ that conduct hearings pursuant to the Kansas
6 administrative procedure act, except those exempted pursuant to K.S.A.
7 77-551, and amendments thereto, and support personnel for such presiding
8 officers, shall be transferred to and shall become employees of the office
9 of administrative hearings. Such personnel shall retain all rights under the
10 state personnel system and retirement benefits under the laws of this state
11 ~~which~~ that had accrued to or vested in such personnel prior to the effective
12 date of this section. Such person's services shall be deemed to have been
13 continuous. All transfers of personnel positions in the classified service
14 under the Kansas civil service act shall be in accordance with civil service
15 laws and any rules and regulations adopted thereunder. This section shall
16 not affect any matter pending before an administrative hearing officer at
17 the time of the effective date of the transfer, and such matter shall proceed
18 as though no transfer of employment had occurred.

19 (3) Effective July 1, 2007, any presiding officer in agencies specified
20 in subsection (h)(3)~~which~~ that conduct hearings pursuant to the Kansas
21 administrative procedure act, except those exempted pursuant to K.S.A.
22 77-551, and amendments thereto, and support personnel for such presiding
23 officers, shall be transferred to and shall become employees of the office
24 of administrative hearings. Such personnel shall retain all rights under the
25 state personnel system and retirement benefits under the laws of this state
26 ~~which~~ that had accrued to or vested in such personnel prior to the effective
27 date of this section. Such person's services shall be deemed to have been
28 continuous. All transfers of personnel positions in the classified service
29 under the Kansas civil service act shall be in accordance with civil service
30 laws and any rules and regulations adopted thereunder. This section shall
31 not affect any matter pending before an administrative hearing officer at
32 the time of the effective date of the transfer, and such matter shall proceed
33 as though no transfer of employment had occurred.

34 (4) Effective July 1, 2008, any full-time presiding officer in agencies
35 specified in subsection (h)(4)~~which~~ that conduct hearings pursuant to the
36 Kansas administrative procedure act, except those exempted pursuant to
37 K.S.A. 77-551, and amendments thereto, and support personnel for such
38 presiding officers, shall be transferred to and shall become employees of
39 the office of administrative hearings. Such personnel shall retain all rights
40 under the state personnel system and retirement benefits under the laws of
41 this state~~which~~ that had accrued to or vested in such personnel prior to the
42 effective date of this section. Such person's services shall be deemed to
43 have been continuous. All transfers of personnel positions in the classified

1 service under the Kansas civil service act shall be in accordance with civil
2 service laws and any rules and regulations adopted thereunder. This
3 section shall not affect any matter pending before an administrative
4 hearing officer at the time of the effective date of the transfer, and such
5 matter shall proceed as though no transfer of employment had occurred.

6 (5) Effective July 1, 2009, any full-time presiding officer in agencies
7 specified in subsection (h)(5)-~~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 occurred.

21 Sec. 132. K.S.A. 75-3907 is hereby amended to read as follows: 75-
22 3907. Except as otherwise provided in this order, on the effective date of
23 this order, officers and employees who, immediately prior to such date,
24 were engaged in the performance of powers, duties or functions of any
25 state agency or office-~~which~~ *that* is abolished by this order, or-~~which~~ *that*
26 becomes a part of the Kansas department of wildlife; *and parks-and-*
27 ~~tourism~~, or the powers, duties and functions of which are transferred to the
28 secretary of wildlife; *and parks-and-tourism*, and who, in the opinion of the
29 secretary of wildlife; *and parks-and-tourism*, are necessary to perform the
30 powers, duties and functions of the Kansas department of wildlife; *and*
31 ~~parks-and-tourism~~, shall be transferred to, and shall become officers and
32 employees of the department. Any such officer or employee shall retain all
33 retirement benefits and all rights of civil service-~~which~~ *that* had accrued to
34 or vested in such officer or employee prior to the effective date of this
35 order. The service of each such officer and employee so transferred shall
36 be deemed to have been continuous.

37 Sec. 133. K.S.A. 75-3908 is hereby amended to read as follows: 75-
38 3908. (a) When any conflict arises as to the disposition of any property,
39 power, duty or function or the unexpended balance of any appropriation as
40 a result of any abolition, transfer, attachment or change made by or under
41 authority of this order, such conflict shall be resolved by the governor,
42 whose decision shall be final.

43 (b) The Kansas department of wildlife; *and parks-and-tourism* shall

1 succeed to all property, property rights and records ~~which~~ *that* were used
2 for or pertain to the performance of the powers, duties and functions
3 transferred to the secretary of wildlife; ~~and parks and tourism~~. Any conflict
4 as to the proper disposition of property or records arising under this
5 section, and resulting from the transfer, attachment or abolition of any state
6 agency or office, or all or part of the powers, duties and functions thereof,
7 shall be determined by the governor, whose decision shall be final.

8 Sec. 134. K.S.A. 75-3910 is hereby amended to read as follows: 75-
9 3910. (a) On the effective date of this order, the balance of all funds
10 appropriated and reappropriated to any of the state agencies abolished by
11 this order is hereby transferred to the Kansas department of wildlife; ~~and~~
12 ~~parks and tourism~~ and shall be used only for the purpose for which the
13 appropriation was originally made.

14 (b) On the effective date of this order, the liability for all accrued
15 compensation or salaries of officers and employees who, immediately
16 prior to such date, were engaged in the performance of powers, duties or
17 functions of any state agency or office abolished by this order, or ~~which~~
18 *that* becomes a part of the Kansas department of wildlife; ~~and~~ ~~parks and~~
19 ~~tourism~~ established by this order, or the powers, duties and functions of
20 which are transferred to the secretary of wildlife; ~~and~~ ~~parks and~~ ~~tourism~~
21 provided for by this order, shall be assumed and paid by the Kansas
22 department of wildlife; ~~and~~ ~~parks and~~ ~~tourism~~ established by this order.

23 Sec. 135. K.S.A. 76-463 is hereby amended to read as follows: 76-
24 463. In connection with its duties, the section shall cooperate with the
25 Kansas department of wildlife; ~~and~~ ~~parks and~~ ~~tourism~~.

26 Sec. 136. K.S.A. 77-415 is hereby amended to read as follows: 77-
27 415. (a) K.S.A. 77-415 through 77-438, and amendments thereto, shall be
28 known and may be cited as the rules and regulations filing act.

29 (b) (1) Unless otherwise provided by statute or constitutional
30 provision, each rule and regulation issued or adopted by a state agency
31 shall comply with the requirements of the rules and regulations filing act.
32 Except as provided in this section, any standard, requirement or other
33 policy of general application may be given binding legal effect only if it
34 has complied with the requirements of the rules and regulations filing act.

35 (2) Notwithstanding the provisions of this section:

36 (A) An agency may bind parties, establish policies, and interpret
37 statutes or regulations by order in an adjudication under the Kansas
38 administrative procedure act or other procedures required by law, except
39 that such order shall not be used as precedent in any subsequent
40 adjudication against a person who was not a party to the original
41 adjudication unless the order is:

42 (i) Designated by the agency as precedent;

43 (ii) not overruled by a court or later adjudication; and

- 1 (iii) disseminated to the public in one of the following ways:
- 2 (a) Inclusion in a publicly available index, maintained by the agency
3 and published on its website, of all orders designated as precedent;
- 4 (b) publication by posting in full on an agency website in a format
5 capable of being searched by key terms; or
- 6 (c) being made available to the public in such other manner as may be
7 prescribed by the secretary of state.
- 8 (B) Any statement of agency policy may be treated as binding within
9 the agency if such statement of policy is directed to:
- 10 (i) Agency personnel relating to the performance of their duties.
11 (ii) The internal management of or organization of the agency.
- 12 No such statement of agency policy listed in clauses (i) and (ii) ~~of this~~
13 ~~subparagraph~~ may be relied on to bind the general public.
- 14 (C) An agency may provide forms, the content or substantive
15 requirements of which are prescribed by rule and regulation or statute,
16 except that no such form may give rise to any legal right or duty or be
17 treated as authority for any standard, requirement or policy reflected
18 therein.
- 19 (D) An agency may provide guidance or information to the public,
20 describing any agency policy or statutory or regulatory requirement except
21 that no such guidance or information may give rise to any legal right or
22 duty or be treated as authority for any standard, requirement or policy
23 reflected therein.
- 24 (E) None of the following shall be subject to the rules and regulations
25 filing act:
- 26 (i) Any policy relating to the curriculum of a public educational
27 institution or to the administration, conduct, discipline, or graduation of
28 students from such institution.
- 29 (ii) Any parking and traffic regulations of any state educational
30 institution under the control and supervision of the state board of regents.
- 31 (iii) Any rule and regulation relating to the emergency or security
32 procedures of a correctional institution, as defined in ~~subsection (d) of~~
33 ~~K.S.A. 75-5202(d)~~, and amendments thereto.
- 34 (iv) Any order issued by the secretary of corrections or any warden of
35 a correctional institution under K.S.A. 75-5256, and amendments thereto.
- 36 (F) When a statute authorizing an agency to issue rules and
37 regulations or take other action specifies the procedures for doing so, those
38 procedures shall apply instead of the procedures in the rules and
39 regulations filing act.
- 40 (c) As used in the rules and regulations filing act, and amendments
41 thereto, unless the context clearly requires otherwise:
- 42 (1) "Board" means the state rules and regulations board established
43 under the provisions of K.S.A. 77-423, and amendments thereto.

1 (2) "Environmental rule and regulation" means:

2 (A) A rule and regulation adopted by the secretary of agriculture, the
3 secretary of health and environment or the state corporation commission,
4 ~~which~~ *that* has as a primary purpose the protection of the environment; or

5 (B) a rule and regulation adopted by the secretary of wildlife; *and*
6 parks ~~and tourism~~ concerning threatened or endangered species of wildlife
7 as defined in K.S.A. 32-958, and amendments thereto.

8 (3) "Person" means an individual, firm, association, organization,
9 partnership, business trust, corporation, company or any other legal or
10 commercial entity.

11 (4) "Rule and regulation," "rule," and "regulation" means a standard,
12 requirement or other policy of general application that has the force and
13 effect of law, including amendments or revocations thereof, issued or
14 adopted by a state agency to implement or interpret legislation.

15 (5) "Rulemaking" ~~shall have the meaning ascribed to it~~ *means the*
16 *same as defined* in K.S.A. 77-602, and amendments thereto.

17 (6) "Small employer" means any person, firm, corporation,
18 partnership or association that employs not more than 50 employees, the
19 majority of whom are employed within this state.

20 (7) "State agency" means any officer, department, bureau, division,
21 board, authority, agency, commission or institution of this state, except the
22 judicial and legislative branches, which is authorized by law to promulgate
23 rules and regulations concerning the administration, enforcement or
24 interpretation of any law of this state.

25 Sec. 137. K.S.A. 77-421 is hereby amended to read as follows: 77-
26 421. (a) (1) Except as provided by subsection (a)(2), ~~subsection (a)(3) or~~
27 ~~subsection (a)(4)~~, prior to the adoption of any permanent rule and
28 regulation or any temporary rule and regulation ~~which that~~ is required to
29 be adopted as a temporary rule and regulation in order to comply with the
30 requirements of the statute authorizing the same and after any such rule
31 and regulation has been approved by the director of the budget, the
32 secretary of administration and the attorney general, the adopting state
33 agency shall give at least 60 days' notice of its intended action in the
34 Kansas register and to the secretary of state and to the joint committee on
35 administrative rules and regulations established by K.S.A. 77-436, and
36 amendments thereto. The notice shall be provided to the secretary of state
37 and to the chairperson, vice chairperson, ranking minority member of the
38 joint committee and legislative research department and shall be published
39 in the Kansas register. A complete copy of all proposed rules and
40 regulations and the complete economic impact statement required by
41 K.S.A. 77-416, and amendments thereto, shall accompany the notice sent
42 to the secretary of state. The notice shall contain:

43 (A) A summary of the substance of the proposed rules and

1 regulations;

2 (B) a summary of the economic impact statement indicating the
3 estimated economic impact on governmental agencies or units, persons
4 subject to the proposed rules and regulations and the general public;

5 (C) a summary of the environmental benefit statement, if applicable,
6 indicating the need for the proposed rules and regulations;

7 (D) the address where a complete copy of the proposed rules and
8 regulations, the complete economic impact statement, the environmental
9 benefit statement, if applicable, required by K.S.A. 77-416, and
10 amendments thereto, may be obtained;

11 (E) the time and place of the public hearing to be held; the manner in
12 which interested parties may present their views; and

13 (F) a specific statement that the period of 60 days' notice constitutes a
14 public comment period for the purpose of receiving written public
15 comments on the proposed rules and regulations and the address where
16 such comments may be submitted to the state agency. Publication of such
17 notice in the Kansas register shall constitute notice to all parties affected
18 by the rules and regulations.

19 (2) Prior to adopting any rule and regulation ~~which~~ *that* establishes
20 seasons and fixes bag, creel, possession, size or length limits for the taking
21 or possession of wildlife and after such rule and regulation has been
22 approved by the secretary of administration and the attorney general, the
23 secretary of wildlife; ~~and parks and tourism~~ shall give at least 30 days'
24 notice of its intended action in the Kansas register and to the secretary of
25 state and to the joint committee on administrative rules and regulations
26 created pursuant to K.S.A. 77-436, and amendments thereto. All other
27 provisions of subsection (a)(1) shall apply to such rules and regulations,
28 except that the statement required by subsection (a)(1)(E) shall state that
29 the period of 30 days' notice constitutes a public comment period on such
30 rules and regulations.

31 (3) Prior to adopting any rule and regulation ~~which~~ *that* establishes
32 any permanent prior authorization on a prescription-only drug pursuant to
33 K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or
34 reimbursement for pharmaceuticals under the pharmacy program of the
35 state medicaid plan, and after such rule and regulation has been approved
36 by the director of the budget, the secretary of administration and the
37 attorney general, the secretary of health and environment shall give at least
38 30 days' notice of its intended action in the Kansas register and to the
39 secretary of state and to the joint committee on administrative rules and
40 regulations created pursuant to K.S.A. 77-436, and amendments thereto.
41 All other provisions of subsection (a)(1) shall apply to such rules and
42 regulations, except that the statement required by subsection (a)(1)(E)
43 shall state that the period of 30 days' notice constitutes a public comment

1 period on such rules and regulations.

2 (4) Prior to adopting any rule and regulation pursuant to subsection
3 (c), the state agency shall give at least 60 days' notice of its intended action
4 in the Kansas register and to the secretary of state and to the joint
5 committee on administrative rules and regulations created pursuant to
6 K.S.A. 77-436, and amendments thereto. All other provisions of
7 subsection (a)(1) shall apply to such rules and regulations, except that the
8 statement required by subsection (a)(1)(E) shall state that the period of
9 notice constitutes a public comment period on such rules and regulations.

10 (b) (1) On the date of the hearing, all interested parties shall be given
11 reasonable opportunity to present their views or arguments on adoption of
12 the rule and regulation, either orally or in writing. At the time it adopts or
13 amends a rule and regulation, the state agency shall prepare a concise
14 statement of the principal reasons for adopting the rule and regulation or
15 amendment thereto, including:

16 (A) The agency's reasons for not accepting substantial arguments
17 made in testimony and comments; and

18 (B) the reasons for any substantial change between the text of the
19 proposed adopted or amended rule and regulation contained in the
20 published notice of the proposed adoption or amendment of the rule and
21 regulation and the text of the rule and regulation as finally adopted.

22 (2) Whenever a state agency is required by any other statute to give
23 notice and hold a hearing before adopting, amending, reviving or revoking
24 a rule and regulation, the state agency, in lieu of following the
25 requirements or statutory procedure set out in such other law, may give
26 notice and hold hearings on proposed rules and regulations in the manner
27 prescribed by this section.

28 (3) Notwithstanding the other provisions of this section, the secretary
29 of corrections may give notice or an opportunity to be heard to any inmate
30 in the custody of the secretary with regard to the adoption of any rule and
31 regulation.

32 (c) (1) The agency shall initiate new rulemaking proceedings under
33 this act, if a state agency proposes to adopt a final rule and regulation that:

34 (A) Differs in subject matter or effect in any material respect from the
35 rule and regulation as originally proposed; and

36 (B) is not a logical outgrowth of the rule and regulation as originally
37 proposed.

38 (2) For the purposes of this provision, a rule and regulation is not the
39 logical outgrowth of the rule and regulation as originally proposed if a
40 person affected by the final rule and regulation was not put on notice that
41 such person's interests were affected in the rule making.

42 (d) When, pursuant to this or any other statute, a state agency holds a
43 hearing on the adoption of a proposed rule and regulation, the agency shall

1 cause written minutes or other records, including a record maintained on
2 sound recording tape or on any electronically accessed media or any
3 combination of written or electronically accessed media records of the
4 hearing to be made. If the proposed rule and regulation is adopted and
5 becomes effective, the state agency shall maintain, for not less than three
6 years after its effective date, such minutes or other records, together with
7 any recording, transcript or other record made of the hearing and a list of
8 all persons who appeared at the hearing and who they represented, any
9 written testimony presented at the hearing and any written comments
10 submitted during the public comment period.

11 (e) No rule and regulation shall be adopted by a board, commission,
12 authority or other similar body except at a meeting which is open to the
13 public and notwithstanding any other provision of law to the contrary, no
14 rule and regulation shall be adopted by a board, commission, authority or
15 other similar body unless it receives approval by roll call vote of a
16 majority of the total membership thereof.

17 Sec. 138. K.S.A. 79-201a is hereby amended to read as follows: 79-
18 201a. The following described property, to the extent herein specified,
19 shall be exempt from all property or ad valorem taxes levied under the
20 laws of the state of Kansas:

21 *First.* All property belonging exclusively to the United States, except
22 property which congress has expressly declared to be subject to state and
23 local taxation.

24 *Second.* All property used exclusively by the state or any municipality
25 or political subdivision of the state. All property owned, being acquired
26 pursuant to a lease-purchase agreement or operated by the state or any
27 municipality or political subdivision of the state, including property which
28 is vacant or lying dormant, which is used or is to be used for any
29 governmental or proprietary function and for which bonds may be issued
30 or taxes levied to finance the same, shall be considered to be used
31 exclusively by the state, municipality or political subdivision for the
32 purposes of this section. The lease by a municipality or political
33 subdivision of the state of any real property owned or being acquired
34 pursuant to a lease-purchase agreement for the purpose of providing office
35 space necessary for the performance of medical services by a person
36 licensed to practice medicine and surgery or osteopathic medicine by the
37 board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments
38 thereto, dentistry services by a person licensed by the Kansas dental board
39 pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry
40 services by a person licensed by the board of examiners in optometry
41 pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-
42 1501 et seq., and amendments thereto, podiatry services by a person
43 licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq.,

1 and amendments thereto, or the practice of psychology by a person
2 licensed by the behavioral sciences regulatory board pursuant to K.S.A.
3 74-5301 et seq., and amendments thereto, shall be construed to be a
4 governmental function, and such property actually and regularly used for
5 such purpose shall be deemed to be used exclusively for the purposes of
6 this paragraph. The lease by a municipality or political subdivision of the
7 state of any real property, or portion thereof, owned or being acquired
8 pursuant to a lease-purchase agreement to any entity for the exclusive use
9 by it for an exempt purpose, including the purpose of displaying or
10 exhibiting personal property by a museum or historical society, if no
11 portion of the lease payments include compensation for return on the
12 investment in such leased property shall be deemed to be used exclusively
13 for the purposes of this paragraph. All property leased, other than motor
14 vehicles leased for a period of at least one year and property being
15 acquired pursuant to a lease-purchase agreement, to the state or any
16 municipality or political subdivision of the state by any private entity shall
17 not be considered to be used exclusively by the state or any municipality
18 or political subdivision of the state for the purposes of this section except
19 that the provisions of this sentence shall not apply to any such property
20 subject to lease on the effective date of this act until the term of such lease
21 expires but property taxes levied upon any such property prior to tax year
22 1989, shall not be abated or refunded. Any property constructed or
23 purchased with the proceeds of industrial revenue bonds issued prior to
24 July 1, 1963, as authorized by K.S.A. 12-1740 through 12-1749, and
25 amendments thereto, or purchased with proceeds of improvement district
26 bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, and
27 amendments thereto, or with proceeds of bonds issued prior to July 1,
28 1963, as authorized by K.S.A. 19-3815a and 19-3815b, and amendments
29 thereto, or any property improved, purchased, constructed, reconstructed
30 or repaired with the proceeds of revenue bonds issued prior to July 1,
31 1963, as authorized by K.S.A. 13-1238 through 13-1245, and amendments
32 thereto, or any property improved, reimproved, reconstructed or repaired
33 with the proceeds of revenue bonds issued after July 1, 1963, under the
34 authority of K.S.A. 13-1238 through 13-1245, and amendments thereto,
35 which had previously been improved, reconstructed or repaired with the
36 proceeds of revenue bonds issued under such act on or before July 1, 1963,
37 shall be exempt from taxation for so long as any of the revenue bonds
38 issued to finance such construction, reconstruction, improvement, repair or
39 purchase shall be outstanding and unpaid. Any property constructed or
40 purchased with the proceeds of any revenue bonds authorized by K.S.A.
41 13-1238 through 13-1245, and amendments thereto, 19-2776, 19-3815a
42 and 19-3815b, and amendments thereto, issued on or after July 1, 1963,
43 shall be exempt from taxation only for a period of 10 calendar years after

1 the calendar year in which the bonds were issued. Any property, all or any
2 portion of which is constructed or purchased with the proceeds of revenue
3 bonds authorized by K.S.A. 12-1740 through 12-1749, and amendments
4 thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall be
5 exempt from taxation only for a period of 10 calendar years after the
6 calendar year in which the bonds were issued. Except as hereinafter
7 provided, any property constructed or purchased wholly with the proceeds
8 of revenue bonds issued on or after July 1, 1981, under the authority of
9 K.S.A. 12-1740 through 12-1749, and amendments thereto, shall be
10 exempt from taxation only for a period of 10 calendar years after the
11 calendar year in which the bonds were issued. Except as hereinafter
12 provided, any property constructed or purchased in part with the proceeds
13 of revenue bonds issued on or after July 1, 1981, under the authority of
14 K.S.A. 12-1740 through 12-1749, and amendments thereto, shall be
15 exempt from taxation to the extent of the value of that portion of the
16 property financed by the revenue bonds and only for a period of 10
17 calendar years after the calendar year in which the bonds were issued. The
18 exemption of that portion of the property constructed or purchased with
19 the proceeds of revenue bonds shall terminate upon the failure to pay all
20 taxes levied on that portion of the property which is not exempt and the
21 entire property shall be subject to sale in the manner prescribed by K.S.A.
22 79-2301 et seq., and amendments thereto. Property constructed or
23 purchased in whole or in part with the proceeds of revenue bonds issued
24 on or after January 1, 1995, under the authority of K.S.A. 12-1740 through
25 12-1749, and amendments thereto, and used in any retail enterprise
26 identified under NAICS sectors 44 and 45, except facilities used
27 exclusively to house the headquarters or back office operations of such
28 retail enterprises identified thereunder, shall not be exempt from taxation.
29 For the purposes of the preceding provision "NAICS" means the North
30 American industry classification system, as developed under the authority
31 of the office of management and budget of the office of the president of
32 the United States. "Headquarters or back office operations" means a
33 facility from which the enterprise is provided direction, management,
34 administrative services, or distribution or warehousing functions in support
35 of transactions made by the enterprise. Property purchased, constructed,
36 reconstructed, equipped, maintained or repaired with the proceeds of
37 industrial revenue bonds issued under the authority of K.S.A. 12-1740 et
38 seq., and amendments thereto, ~~which~~ *that* is located in a redevelopment
39 project area established under the authority of K.S.A. 12-1770 et seq., and
40 amendments thereto, shall not be exempt from taxation. Property
41 purchased, acquired, constructed, reconstructed, improved, equipped,
42 furnished, repaired, enlarged or remodeled with all or any part of the
43 proceeds of revenue bonds issued under authority of K.S.A. 12-1740

1 through 12-1749a, and amendments thereto, for any poultry confinement
2 facility on agricultural land ~~which~~ *that* is owned, acquired, obtained or
3 leased by a corporation, as such terms are defined by K.S.A. 17-5903, and
4 amendments thereto, shall not be exempt from such taxation. Property
5 purchased, acquired, constructed, reconstructed, improved, equipped,
6 furnished, repaired, enlarged or remodeled with all or any part of the
7 proceeds of revenue bonds issued under the authority of K.S.A. 12-1740
8 through 12-1749a, and amendments thereto, for a rabbit confinement
9 facility on agricultural land which is owned, acquired, obtained or leased
10 by a corporation, as such terms are defined by K.S.A. 17-5903, and
11 amendments thereto, shall not be exempt from such taxation.

12 *Third.* All works, machinery and fixtures used exclusively by any rural
13 water district or township water district for conveying or production of
14 potable water in such rural water district or township water district, and all
15 works, machinery and fixtures used exclusively by any entity which
16 performed the functions of a rural water district on and after January 1,
17 1990, and the works, machinery and equipment of which were exempted
18 hereunder on March 13, 1995.

19 *Fourth.* All fire engines and other implements used for the
20 extinguishment of fires, with the buildings used exclusively for the
21 safekeeping thereof, and for the meeting of fire companies, whether
22 belonging to any rural fire district, township fire district, town, city or
23 village, or to any fire company organized therein or therefor.

24 *Fifth.* All property, real and personal, owned by county fair associations
25 organized and operating under the provisions of K.S.A. 2-125 et seq., and
26 amendments thereto.

27 *Sixth.* Property acquired and held by any municipality under the
28 municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto,
29 except that such exemption shall not apply to any portion of the project
30 used by a nondwelling facility for profit making enterprise.

31 *Seventh.* All property of a municipality, acquired or held under and for
32 the purposes of the urban renewal law, K.S.A. 17-4742 et seq., and
33 amendments thereto, except that such tax exemption shall terminate when
34 the municipality sells, leases or otherwise disposes of such property in an
35 urban renewal area to a purchaser or lessee ~~which~~ *that* is not a public body
36 entitled to tax exemption with respect to such property.

37 *Eighth.* All property acquired and held by the Kansas armory board for
38 armory purposes under the provisions of K.S.A. 48-317, and amendments
39 thereto.

40 *Ninth.* All property acquired and used by the Kansas turnpike authority
41 under the authority of K.S.A. 68-2001 et seq., and amendments thereto,
42 K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq.,
43 and amendments thereto, and K.S.A. 68-2070 et seq., and amendments

1 thereto.

2 *Tenth.* All property acquired and used for state park purposes by the
3 Kansas department of wildlife, ~~and parks and tourism~~. Property that is part
4 of a state park listed in K.S.A. 32-837(a)(25) or (a)(26), and amendments
5 thereto, and that is contained within or encumbered by any railroad rights-
6 of-way that have been transferred or conveyed to the Kansas department of
7 wildlife, ~~and parks and tourism~~ for interim use, pursuant to 16 U.S.C. §
8 1247(d), shall be deemed to be acquired and used for state park purposes
9 by the Kansas department of wildlife, ~~and parks and tourism~~ for the
10 purposes of this subsection.

11 *Eleventh.* The state office building constructed under authority of
12 K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which
13 such building is located.

14 *Twelfth.* All buildings erected under the authority of K.S.A. 76-6a01 et
15 seq., and amendments thereto, and all other student union buildings and
16 student dormitories erected upon the campus of any institution mentioned
17 in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit
18 corporation.

19 *Thirteenth.* All buildings, as the same is defined in K.S.A. 76-6a13(c),
20 and amendments thereto, ~~which~~ *that* are erected, constructed or acquired
21 under the authority of K.S.A. 76-6a13 et seq., and amendments thereto,
22 and building sites acquired therefor.

23 *Fourteenth.* All that portion of the waterworks plant and system of the
24 city of Kansas City, Missouri, now or hereafter located within the territory
25 of the state of Kansas pursuant to the compact and agreement adopted by
26 K.S.A. 79-205, and amendments thereto.

27 *Fifteenth.* All property, real and personal, owned by a groundwater
28 management district organized and operating pursuant to K.S.A. 82a-1020,
29 and amendments thereto.

30 *Sixteenth.* All property, real and personal, owned by the joint water
31 district organized and operating pursuant to K.S.A. 80-1616 et seq., and
32 amendments thereto.

33 *Seventeenth.* All property, including interests less than fee ownership,
34 acquired for the state of Kansas by the secretary of transportation or a
35 predecessor in interest ~~which~~ *that* is used in the administration,
36 construction, maintenance or operation of the state system of highways,
37 regardless of how or when acquired.

38 *Eighteenth.* Any building used primarily as an industrial training center
39 for academic or vocational education programs designed for and operated
40 under contract with private industry, and located upon a site owned, leased
41 or being acquired by or for an area vocational school, an area vocational-
42 technical school, a technical college, or a community college, as defined
43 by K.S.A. 74-32,407, and amendments thereto, and the site upon which

1 any such building is located.

2 *Nineteenth.* For all taxable years commencing after December 31,
3 1997, all buildings of an area vocational school, an area vocational-
4 technical school, a technical college or a community college, as defined by
5 K.S.A. 74-32,407, and amendments thereto, ~~which~~ *that* are owned and
6 operated by any such school or college as a student union or dormitory and
7 the site upon which any such building is located.

8 *Twentieth.* For all taxable years commencing after December 31, 1997,
9 all personal property ~~which~~ *that* is contained within a dormitory that is
10 exempt from property taxation and which is necessary for the
11 accommodation of the students residing therein.

12 *Twenty-First.* All real property from and after the date of its transfer by
13 the city of Olathe, Kansas, to the Kansas state university foundation, all
14 buildings and improvements thereafter erected and located on such
15 property, and all tangible personal property, ~~which~~ *that* is held, used or
16 operated for educational and research purposes at the Kansas state
17 university Olathe innovation campus located in the city of Olathe, Kansas.

18 *Twenty-Second.* All real property, and all tangible personal property,
19 owned by postsecondary educational institutions, as ~~that term~~ is defined in
20 K.S.A. 74-3201b, and amendments thereto, or by the board of regents on
21 behalf of the postsecondary educational institutions, ~~which~~ *that* is leased
22 by a for profit company and is actually and regularly used exclusively for
23 research and development purposes so long as any rental income received
24 by such postsecondary educational institution or the board of regents from
25 such a company is used exclusively for educational or scientific purposes.
26 Any such lease or occupancy described in this section shall be for a term
27 of no more than five years.

28 *Twenty-Third.* For all taxable years commencing after December 31,
29 2005, any and all housing developments and related improvements located
30 on United States department of defense military installations in the state of
31 Kansas, ~~which~~ *that* are developed pursuant to the military housing
32 privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto,
33 and ~~which~~ are provided exclusively or primarily for use by military
34 personnel of the United States and their families.

35 *Twenty-Fourth.* For all taxable years commencing after December 31,
36 2012, except as hereinafter provided, any property constructed or
37 purchased in part with the proceeds of revenue bonds issued on or after
38 July 1, 2013, under the authority of K.S.A. 12-1740 through 12-1749a, and
39 amendments thereto, shall be exempt from taxation to the extent of the
40 value of that portion of the property financed by the revenue bonds and
41 only for a period of 10 calendar years after the calendar year in which the
42 bonds were issued. The exemption of that portion of the property
43 constructed or purchased with the proceeds of revenue bonds shall

1 terminate upon the failure to pay all taxes levied on that portion of the
2 property ~~which~~ that is not exempt and the entire property shall be subject
3 to sale in the manner prescribed by K.S.A. 79-2301 et seq., and
4 amendments thereto. Property constructed or purchased in whole or in part
5 with the proceeds of revenue bonds issued on or after January 1, 1995,
6 under the authority of K.S.A. 12-1740 through 12-1749a, and amendments
7 thereto, and used in any retail enterprise identified under NAICS sectors
8 44 and 45, except facilities used exclusively to house the headquarters or
9 back office operations of such retail enterprises identified thereunder, shall
10 not be exempt from taxation. For the purposes of the preceding provision
11 "NAICS" means the North American industry classification system, as
12 developed under the authority of the office of management and budget of
13 the office of the president of the United States. "Headquarters or back
14 office operations" means a facility from which the enterprise is provided
15 direction, management, administrative services, or distribution or
16 warehousing functions in support of transactions made by the enterprise.
17 Property purchased, constructed, reconstructed, equipped, maintained or
18 repaired with the proceeds of industrial revenue bonds issued under the
19 authority of K.S.A. 12-1740 et seq., and amendments thereto, ~~which~~ that is
20 located in a redevelopment project area established under the authority of
21 K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from
22 taxation. Property purchased, acquired, constructed, reconstructed,
23 improved, equipped, furnished, repaired, enlarged or remodeled with all or
24 any part of the proceeds of revenue bonds issued under authority of K.S.A.
25 12-1740 through 12-1749a, and amendments thereto, for any poultry
26 confinement facility on agricultural land ~~which~~ that is owned, acquired,
27 obtained or leased by a corporation, as such terms are defined by K.S.A.
28 17-5903, and amendments thereto, shall not be exempt from such taxation.
29 Property purchased, acquired, constructed, reconstructed, improved,
30 equipped, furnished, repaired, enlarged or remodeled with all or any part
31 of the proceeds of revenue bonds issued under the authority of K.S.A. 12-
32 1740 through 12-1749a, and amendments thereto, for a rabbit confinement
33 facility on agricultural land ~~which~~ that is owned, acquired, obtained or
34 leased by a corporation, as such terms are defined by K.S.A. 17-5903, and
35 amendments thereto, shall not be exempt from such taxation.

36 *Twenty-Fifth.* For all taxable years commencing after December 31,
37 2013, any and all utility systems and appurtenances located on United
38 States department of defense military installations in the state of Kansas,
39 ~~which~~ that have been acquired after December 31, 2013, pursuant to the
40 military utilities privatization initiative, 10 U.S.C. § 2688 et seq., or any
41 successor thereto, or ~~which~~ that have been installed after December 31,
42 2013, and ~~which~~ that are provided exclusively or primarily for use by the
43 military of the United States.

1 *Twenty-Sixth.* All land owned by a municipality that is a part of a public
2 levee that is leased pursuant to K.S.A. 13-1243, and amendments thereto.

3 Except as otherwise specifically provided, the provisions of this section
4 shall apply to all taxable years commencing after December 31, 2010.

5 Sec. 139. K.S.A. 79-3221e is hereby amended to read as follows: 79-
6 3221e. (a) The director of taxation of the department of revenue shall
7 determine annually the total amount designated for use in the Kansas
8 nongame wildlife improvement program pursuant to K.S.A. 79-3221d, and
9 amendments thereto, and shall report such amount to the state treasurer
10 who shall credit the entire amount thereof to the nongame wildlife
11 improvement fund ~~which fund~~ that is hereby established in the state
12 treasury. In the case where donations are made pursuant to K.S.A. 79-
13 3221d, and amendments thereto, the director shall remit the entire amount
14 thereof to the state treasurer who shall credit the same to such fund. All
15 moneys deposited in such fund shall be used solely for the purpose of
16 preserving, protecting, perpetuating and enhancing nongame wildlife in
17 this state. All expenditures from such fund shall be made in accordance
18 with appropriations acts upon warrants of the director of accounts and
19 reports issued pursuant to vouchers approved by the secretary of wildlife;
20 ~~and parks and tourism~~ or the secretary's designee.

21 (b) As used in K.S.A. 79-3221d, and amendments thereto, and this
22 section, "nongame wildlife" means any species of wildlife not legally
23 classified as a game species or furbearer by statute or by rules and
24 regulations adopted pursuant to statute.

25 Sec. 140. K.S.A. 79-3221h is hereby amended to read as follows: 79-
26 3221h. (a) All federal moneys received pursuant to federal assistance,
27 federal-aid funds and federal-aid grant reimbursements related to the
28 nongame wildlife improvement fund under the control, authorities and
29 duties of the Kansas department of wildlife; ~~and parks and tourism~~, shall
30 be remitted to the state treasurer in accordance with the provisions of
31 K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance,
32 the state treasurer shall deposit the entire amount in the state treasury and
33 credit it to the nongame wildlife improvement fund – federal, which is
34 hereby created. The nongame wildlife improvement fund – federal is
35 hereby redesignated as the plant and animal disease and pest control fund.

36 (b) No moneys derived from sources described in subsection (a) shall
37 be used for any purpose other than the administration of matters ~~which~~
38 *that* relate to purposes authorized under K.S.A. 79-3221e, and
39 amendments thereto, and which are under the control, authorities and
40 duties of the secretary of wildlife; ~~and parks and tourism~~ and the Kansas
41 department of wildlife; ~~and parks and tourism~~ as provided by law.

42 (c) On or before the 10th of each month, the director of accounts and
43 reports shall transfer from the state general fund to the plant and animal

1 disease and pest control fund, interest earnings based on:

2 (1) The average daily balance of moneys in the plant and animal
3 disease and pest control fund; and

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

6 (d) All expenditures from the plant and animal disease and pest
7 control fund, shall be made in accordance with appropriations acts upon
8 warrants of the director of accounts and reports issued pursuant to
9 vouchers approved by the secretary of wildlife, ~~and parks and tourism.~~

10 Sec. 141. K.S.A. 2021 Supp. 79-3234 is hereby amended to read as
11 follows: 79-3234. (a) All reports and returns required by this act shall be
12 preserved for three years and thereafter until the director orders them to be
13 destroyed.

14 (b) Except in accordance with proper judicial order, or as provided in
15 subsection (c) or in K.S.A. 17-7511, ~~K.S.A. 46-1106(e), 46-1114, or 79-~~
16 ~~32,153a, and amendments thereto,~~ it shall be unlawful for the secretary, the
17 director, any deputy, agent, clerk or other officer, employee or former
18 employee of the department of revenue or any other state officer or
19 employee or former state officer or employee to divulge, or to make
20 known in any way, the amount of income or any particulars set forth or
21 disclosed in any report, return, federal return or federal return information
22 required under this act; and it shall be unlawful for the secretary, the
23 director, any deputy, agent, clerk or other officer or employee engaged in
24 the administration of this act to engage in the business or profession of tax
25 accounting or to accept employment, with or without consideration, from
26 any person, firm or corporation for the purpose, directly or indirectly, of
27 preparing tax returns or reports required by the laws of the state of Kansas,
28 by any other state or by the United States government, or to accept any
29 employment for the purpose of advising, preparing material or data, or the
30 auditing of books or records to be used in an effort to defeat or cancel any
31 tax or part thereof that has been assessed by the state of Kansas, any other
32 state or by the United States government.

33 (c) The secretary or the secretary's designee may:

34 (1) Publish statistics, so classified as to prevent the identification of
35 particular reports or returns and the items thereof;

36 (2) allow the inspection of returns by the attorney general or other
37 legal representatives of the state;

38 (3) provide the post auditor access to all income tax reports or returns
39 in accordance with and subject to the provisions of K.S.A. 46-1106(e) or
40 46-1114, and amendments thereto;

41 (4) disclose taxpayer information from income tax returns to persons
42 or entities contracting with the secretary of revenue where the secretary
43 has determined disclosure of such information is essential for completion

- 1 of the contract and has taken appropriate steps to preserve confidentiality;
- 2 (5) disclose to the secretary of commerce the following:
- 3 (A) Specific taxpayer information related to financial information
- 4 previously submitted by the taxpayer to the secretary of commerce
- 5 concerning or relevant to any income tax credits, for purposes of
- 6 verification of such information or evaluating the effectiveness of any tax
- 7 credit or economic incentive program administered by the secretary of
- 8 commerce;
- 9 (B) the amount of payroll withholding taxes an employer is retaining
- 10 pursuant to K.S.A. 74-50,212, and amendments thereto;
- 11 (C) information received from businesses completing the form
- 12 required by K.S.A. 74-50,217, and amendments thereto; and
- 13 (D) findings related to a compliance audit conducted by the
- 14 department of revenue upon the request of the secretary of commerce
- 15 pursuant to K.S.A. 74-50,215, and amendments thereto;
- 16 (6) disclose income tax returns to the state gaming agency to be used
- 17 solely for the purpose of determining qualifications of licensees of and
- 18 applicants for licensure in tribal gaming. Any information received by the
- 19 state gaming agency shall be confidential and shall not be disclosed except
- 20 to the executive director, employees of the state gaming agency and
- 21 members and employees of the tribal gaming commission;
- 22 (7) disclose the taxpayer's name, last known address and residency
- 23 status to the Kansas department of wildlife; ~~and parks and tourism~~
- 24 to be used solely in its license fraud investigations;
- 25 (8) disclose the name, residence address, employer or Kansas
- 26 adjusted gross income of a taxpayer who may have a duty of support in a
- 27 title IV-D case to the secretary of the Kansas department for children and
- 28 families for use solely in administrative or judicial proceedings to
- 29 establish, modify or enforce such support obligation in a title IV-D case. In
- 30 addition to any other limits on use, such use shall be allowed only where
- 31 subject to a protective order which prohibits disclosure outside of the title
- 32 IV-D proceeding. As used in this section, "title IV-D case" means a case
- 33 being administered pursuant to part D of title IV of the federal social
- 34 security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person
- 35 receiving any information under the provisions of this subsection shall be
- 36 subject to the confidentiality provisions of subsection (b) and to the
- 37 penalty provisions of subsection (e);
- 38 (9) permit the commissioner of internal revenue of the United States,
- 39 or the proper official of any state imposing an income tax, or the
- 40 authorized representative of either, to inspect the income tax returns made
- 41 under this act and the secretary of revenue may make available or furnish
- 42 to the taxing officials of any other state or the commissioner of internal
- 43 revenue of the United States or other taxing officials of the federal

1 government, or their authorized representatives, information contained in
2 income tax reports or returns or any audit thereof or the report of any
3 investigation made with respect thereto, filed pursuant to the income tax
4 laws, as the secretary may consider proper, but such information shall not
5 be used for any other purpose than that of the administration of tax laws of
6 such state, the state of Kansas or of the United States;

7 (10) communicate to the executive director of the Kansas lottery
8 information as to whether a person, partnership or corporation is current in
9 the filing of all applicable tax returns and in the payment of all taxes,
10 interest and penalties to the state of Kansas, excluding items under formal
11 appeal, for the purpose of determining whether such person, partnership or
12 corporation is eligible to be selected as a lottery retailer;

13 (11) communicate to the executive director of the Kansas racing
14 commission as to whether a person, partnership or corporation has failed
15 to meet any tax obligation to the state of Kansas for the purpose of
16 determining whether such person, partnership or corporation is eligible for
17 a facility owner license or facility manager license pursuant to the Kansas
18 parimutuel racing act;

19 (12) provide such information to the executive director of the Kansas
20 public employees retirement system for the purpose of determining that
21 certain individuals' reported compensation is in compliance with the
22 Kansas public employees retirement act, K.S.A. 74-4901 et seq., and
23 amendments thereto;

24 (13) (A) provide taxpayer information of persons suspected of
25 violating K.S.A. 44-766, and amendments thereto, to the secretary of labor
26 or such secretary's designee for the purpose of determining compliance by
27 any person with the provisions of K.S.A. 44-703(i)(3)(D) and 44-766, and
28 amendments thereto. The information to be provided shall include all
29 relevant information in the possession of the department of revenue
30 necessary for the secretary of labor to make a proper determination of
31 compliance with the provisions of K.S.A. 44-703(i)(3)(D) and 44-766, and
32 amendments thereto, and to calculate any unemployment contribution
33 taxes due. Such information to be provided by the department of revenue
34 shall include, but not be limited to, withholding tax and payroll
35 information, the identity of any person that has been or is currently being
36 audited or investigated in connection with the administration and
37 enforcement of the withholding and declaration of estimated tax act,
38 K.S.A. 79-3294 et seq., and amendments thereto, and the results or status
39 of such audit or investigation;

40 (B) any person receiving tax information under the provisions of this
41 paragraph shall be subject to the same duty of confidentiality imposed by
42 law upon the personnel of the department of revenue and shall be subject
43 to any civil or criminal penalties imposed by law for violations of such

1 duty of confidentiality; and

2 (C) each of the secretary of labor and the secretary of revenue may
3 adopt rules and regulations necessary to effect the provisions of this
4 paragraph;

5 (14) provide such information to the state treasurer for the sole
6 purpose of carrying out the provisions of K.S.A. 58-3934, and
7 amendments thereto. Such information shall be limited to current and prior
8 addresses of taxpayers or associated persons who may have knowledge as
9 to the location of an owner of unclaimed property. For the purposes of this
10 paragraph, "associated persons" includes spouses or dependents listed on
11 income tax returns;

12 (15) after receipt of information pursuant to subsection (f), forward
13 such information and provide the following reported Kansas individual
14 income tax information for each listed defendant, if available, to the state
15 board of indigents' defense services in an electronic format and in the
16 manner determined by the secretary:

17 (A) The defendant's name;

18 (B) social security number;

19 (C) Kansas adjusted gross income;

20 (D) number of exemptions claimed; and

21 (E) the relevant tax year of such records. Any social security number
22 provided to the secretary and the state board of indigents' defense services
23 pursuant to this section shall remain confidential; and

24 (16) disclose taxpayer information that is received from income tax
25 returns to the department of commerce that may be disclosed pursuant to
26 the provisions of K.S.A. 2021 Supp. 74-50,227, and amendments thereto,
27 for the purpose of including such information in the database required by
28 K.S.A. 2021 Supp. 74-50,227, and amendments thereto.

29 (d) Any person receiving information under the provisions of
30 subsection (c) shall be subject to the confidentiality provisions of
31 subsection (b) and to the penalty provisions of subsection (e).

32 (e) Any violation of subsection (b) or (c) is a class A nonperson
33 misdemeanor and, if the offender is an officer or employee of the state,
34 such officer or employee shall be dismissed from office.

35 (f) For the purpose of determining whether a defendant is financially
36 able to employ legal counsel under the provisions of K.S.A. 22-4504, and
37 amendments thereto, in all felony cases with appointed counsel where the
38 defendant's social security number is accessible from the records of the
39 district court, the court shall electronically provide the defendant's name,
40 social security number, district court case number and county to the
41 secretary of revenue in the manner and format agreed to by the office of
42 judicial administration and the secretary.

43 (g) Nothing in this section shall be construed to allow disclosure of

1 the amount of income or any particulars set forth or disclosed in any
2 report, return, federal return or federal return information, where such
3 disclosure is prohibited by the federal internal revenue code as in effect on
4 September 1, 1996, and amendments thereto, related federal internal
5 revenue rules or regulations, or other federal law.

6 Sec. 142. K.S.A. 79-32,203 is hereby amended to read as follows: 79-
7 32,203. (a) There shall be allowed two types of credits against the tax
8 liability of a taxpayer imposed under the Kansas income tax act related to
9 real property that is both:

10 (1) Designated by the secretary of wildlife; ~~and parks and tourism~~
11 pursuant to the nongame and endangered species conservation act as
12 critical habitat for a threatened or endangered species or certified by the
13 secretary of wildlife; ~~and parks and tourism~~ as land known to support
14 populations of species in need of conservation; and

15 (2) included in management activities as part of a recovery plan, or an
16 agreement identified in ~~subsection (b) of~~ K.S.A. 32-962(b), and
17 amendments thereto, as approved by the secretary of wildlife; ~~and parks~~
18 ~~and tourism~~ for a species listed as threatened, endangered or in need of
19 conservation pursuant to the nongame and endangered species
20 conservation act.

21 (b) There shall be allowed as an annual credit against the tax liability
22 of a taxpayer imposed an amount equal to the total amount paid by the
23 taxpayer during the taxable year for ad valorem taxes and assessments that
24 are imposed by the state or by any political or taxing subdivision of the
25 state or related to real property described in subsection (a) for each year
26 that the management activities specified in the recovery plan or agreement
27 described in subsection (a)(2) remain in effect and apply to such real
28 property. The credit allowed by this subsection shall not exceed the
29 amount of tax imposed under the Kansas income tax act reduced by the
30 sum of any other credits allowable pursuant to law.

31 (c) There shall be allowed as a credit against the tax liability of a
32 taxpayer imposed under the Kansas income tax act an amount equal to
33 costs incurred by the taxpayer for habitat management or construction and
34 maintenance of improvements on real property described in subsection (a).
35 Such costs shall be for management or improvements in accordance with
36 management activities as a part of a recovery plan or conservation
37 agreement identified in ~~subsection (b) of~~ K.S.A. 32-962(b), and
38 amendments thereto, as approved by the secretary of wildlife; ~~and parks~~
39 ~~and tourism~~, for a species listed as threatened, endangered or in need of
40 conservation pursuant to the nongame and endangered species
41 conservation act. The tax credit allowed by this subsection shall be
42 deducted from the taxpayer's income tax liability for the taxable year in
43 which the expenditures are made by the taxpayer. If the amount of such tax

1 credit exceeds the taxpayer's income tax liability for such taxable year, the
2 taxpayer may elect, at the time of filing the initial return upon which the
3 credit is claimed, to:

4 (1) Carry over the amount thereof that exceeds such tax liability for
5 deduction from the taxpayer's income tax liability in the next succeeding
6 taxable year or years until the total amount of the tax credit has been
7 deducted from tax liability; or

8 (2) receive reimbursement of the amount thereof that exceeds such
9 tax liability, to be paid from amounts appropriated to the secretary of
10 revenue for that purpose upon warrants of the director of accounts and
11 reports issued pursuant to vouchers approved by the secretary or a person
12 or persons designated by the secretary.

13 (d) The provisions of this section shall be applicable to all taxable
14 years commencing after December 31, 1997, but before January 1, 2003.

15 Sec. 143. K.S.A. 79-5212 is hereby amended to read as follows: 79-
16 5212. (a) Whenever a taxpayer liable to pay any tax, penalty or interest
17 assessed pursuant to K.S.A. 79-5205, and amendments thereto, refuses or
18 neglects to immediately pay the amount due, the director of taxation may
19 issue one or more warrants for the immediate collection of the amount due,
20 directed to the sheriff of any county of the state commanding the sheriff to
21 seize and sell the real and personal property of the taxpayer, or to seize,
22 appraise and dispose of the firearms of the taxpayer, found within the
23 sheriff's county to satisfy the amount specified on the warrant and the cost
24 of executing the warrant. The director of taxation may also issue one or
25 more warrants directed to any employee of the department of revenue
26 commanding the employee to seize and sell the real and personal property
27 of the taxpayer, or to seize, appraise and dispose of the firearms of the
28 taxpayer, found anywhere within the state of Kansas to satisfy the amount
29 specified on the warrant and the cost of executing the warrant. A copy of
30 the warrant shall also be mailed to the taxpayer at the taxpayer's last
31 known address or served upon the taxpayer in person.

32 (b) The sheriff or department of revenue employee shall proceed to
33 execute upon the warrant in the same manner as provided for attachment
34 orders by K.S.A. 60-706, 60-707 and 60-710, and amendments thereto,
35 except as otherwise provided herein. In the execution of a warrant issued
36 to a department of revenue employee, the employee shall have all of the
37 powers conferred by law upon sheriffs. Any law enforcement officer may
38 assist in the execution of a warrant if requested to do so by a department of
39 revenue employee.

40 (c) No law exempting any goods and chattels, land and tenements
41 from forced sale under execution shall apply to a seizure and sale, or in the
42 case of firearms, sale or disposal, under any warrant.

43 (d) A third party holding funds or other personal property of the

1 taxpayer shall immediately, or as soon thereafter as possible, after service
2 of the warrant on such third party, deliver such funds or other personal
3 property to the sheriff or department of revenue employee, who shall then
4 deliver such to the director of taxation or the director's designee for deposit
5 toward the balance due on the taxpayer's assessment.

6 (e) The sheriff or department of revenue employee shall make return
7 of such warrant to the director of taxation within 60 days from the date of
8 the warrant. If property is seized, then the sheriff or department of revenue
9 employee shall also make return of such warrant to the clerk of the district
10 court in the county where the property was seized.

11 (f) (1) If the taxpayer fails to appeal the assessment as provided by
12 ~~subsection (b) of K.S.A. 79-5205(b)~~, and amendments thereto, or if the
13 taxpayer requests a hearing and a final order has been entered by the
14 director of taxation as to the correctness of the assessment, then the sheriff
15 or department of revenue employee shall sell the seized property at public
16 auction, except that firearms may be sold at public auction or disposed of
17 as provided in ~~subsection~~ *paragraph* (2). The provisions of K.S.A. 60-
18 2406, and amendments thereto, shall apply to liens against the property
19 being sold. Notice of the sale of personal property shall be given in
20 accordance with K.S.A. 60-2409, and amendments thereto. Notice of the
21 sale of real property shall be given in accordance with K.S.A. 60-2410,
22 and amendments thereto. The taxpayer shall have the right to redeem real
23 property within a period of six months from the date of the sale.

24 (2) In the case of seized firearms not sold, the director of taxation
25 shall obtain an appraisal value performed by a federally licensed firearms
26 dealer or an employee thereof. Such value shall be credited against the
27 taxpayer's outstanding liability. Subsequent to such appraisal and credit
28 against the taxpayer's outstanding liability, the director shall transfer such
29 firearm or firearms as follows:

30 (A) If the firearm or firearms have historical significance, the director
31 may transfer the firearm or firearms to the Kansas state historical society;

32 (B) the director may transfer the firearm or firearms to the secretary
33 of wildlife; ~~and parks and tourism~~;

34 (C) the director may transfer the firearm or firearms to the director of
35 the Kansas bureau of investigation; or

36 (D) the director may transfer the firearm or firearms to such city or
37 county law enforcement agency where the firearm was seized.

38 (3) At least 30 days prior to the transfer of such firearm or firearms,
39 pursuant to this subsection, the director shall give written notice by mail to
40 the taxpayer at the taxpayer's last known address of the appraised value of
41 such firearm or firearms and the date that the director intends to transfer
42 such firearm or firearms. The taxpayer may appeal the appraised value of
43 any such firearm or firearms by filing a written request for a hearing

1 before the district court in which the tax warrant used to seize such firearm
2 or firearms was filed. Such request must be filed with the district court
3 within 15 days after such notice to the taxpayer was mailed by the director.
4 If no appeal is filed with the district court within 15 days, or if upon appeal
5 the district court rules against the taxpayer, the director shall transfer such
6 firearm or firearms.

7 (g) The director of taxation may also direct the sheriff or department
8 of revenue employee to file any warrant issued pursuant to subsection (a)
9 with the clerk of the district court of any county in Kansas, and thereupon
10 the clerk shall enter in the appearance docket the name of the taxpayer
11 mentioned in the warrant, the amount of the tax or portion of it, interest
12 and penalties for which the warrant is issued and the date such copy is
13 filed and note the taxpayer's name in the general index. No fee shall be
14 charged for such entry. The amount of such warrant shall thereupon
15 become a lien upon the title to, and interest in, the real property of the
16 taxpayer located within such county. Thereupon, the director of taxation
17 shall have the same remedies to collect the amount of the tax, penalty and
18 interest, as if the state of Kansas had recovered judgment against the
19 taxpayer, including immediately garnishing the wages or other property of
20 the taxpayer pursuant to K.S.A. 60-716 et seq., and amendments thereto.
21 Such remedies shall be in addition to the other collection remedies
22 provided herein.

23 (h) The director of taxation shall have the right at any time to issue
24 alias warrants until the full amount of the tax, penalty and interest is
25 collected.

26 Sec. 144. K.S.A. 82a-209 is hereby amended to read as follows: 82a-
27 209. (a) Whenever the channel, or any part thereof, of any navigable
28 stream in or bordering upon the state of Kansas has previously been, or
29 shall hereafter be, changed or altered by such stream establishing a new
30 channel by flood or avulsion, so that any land situated between the banks
31 of such stream at high-water mark shall be abandoned or no longer used as
32 a channel for such stream and the title to such channel is not controlled by
33 K.S.A. 24-454, and amendments thereto, or the provisions of article 2 of
34 chapter 82a of the Kansas Statutes Annotated, *and amendments thereto*,
35 are not applicable, the Kansas secretary of state shall cause such land to be
36 surveyed by a surveyor selected by the secretary of state, and may
37 thereafter sell and convey the same, or any part thereof, by grant or patent,
38 as hereinafter provided. Any such survey and appropriate field notes,
39 maps, records or other papers relating to such survey shall be filed with the
40 register of the state land office. A certified copy of such survey may be
41 filed in the office of the register of deeds of the county within which the
42 land is located. Such land, or any part thereof, may be conveyed to the
43 Kansas department of wildlife; *and parks-and-tourism* or may be sold at

1 the best price obtainable to be agreed upon between the secretary of state,
2 acting for and in behalf of the state of Kansas, and any person desiring to
3 buy the same. In any case where any such land has been a part of the bed
4 or channel of any navigable stream bordering on the state of Kansas and
5 the survey establishes parts of such land lying between the Kansas bank of
6 such stream at the high-water mark and the center of the main channel of
7 such stream to be the property of this state ~~which~~ *that* prior to the survey
8 has been occupied and claimed by any person under any patent,
9 conveyance or grant issued or made after April 1952, to such person from
10 a bordering state or a political subdivision thereof, the secretary of state
11 first shall offer such parts of such lands to such persons occupying and
12 claiming the same as aforesaid at a price represented by the proportionate
13 cost of such survey determined by applying the total cost of the survey to
14 the total acreage of lands covered by said survey. Upon satisfactory proof
15 made thereof, the secretary of state shall allow as a credit to such purchase
16 price the actual cash paid for any such patent, conveyance or grant and the
17 actual costs of any permanent improvements made to any such lands or
18 parts thereof by the person occupying and claiming the same. Upon the
19 refusal of any such offer to such person, the land may be sold by the
20 secretary of state as herein provided.

21 (b) If it is not possible for such prospective purchaser and the
22 secretary of state to agree on a price, then the land shall be sold by the
23 secretary of state as one tract, or in different tracts, as the secretary of state
24 may determine, under an appraisalment made by three disinterested persons
25 residing in the county or counties where such abandoned channel sought to
26 be sold is situated, which appraisers shall be appointed by the secretary of
27 state. Such sale shall be for not less than ~~three-fourths~~ ^{3/4} of the appraised
28 value. In no case shall such land be sold for less than the cost of surveying,
29 appraising and selling the same.

30 Sec. 145. K.S.A. 82a-220 is hereby amended to read as follows: 82a-
31 220. (a) As used in this act:

32 (1) "Conservation project" means any project or activity that the
33 director of the Kansas water office determines will assist in restoring,
34 protecting, rehabilitating, improving, sustaining or maintaining the banks
35 of the Arkansas, Kansas or Missouri rivers from the effects of erosion;

36 (2) "director" means the director of the Kansas water office; and

37 (3) "state property" means real property currently owned in full or in
38 part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in
39 and along the bed of the river to the ordinary high water mark on the banks
40 of such rivers.

41 (b) (1) The director is hereby authorized to negotiate and grant
42 easements on state property for construction and maintenance of
43 conservation projects with cooperating landowners in such projects for the

1 expected life of the project and with such terms and conditions as the
2 director, after consultation with the Kansas department of agriculture, the
3 Kansas department of health and environment, the Kansas department of
4 wildlife, ~~and parks and tourism~~ and the Kansas department of agriculture
5 division of conservation, may deem appropriate.

6 (2) Notice of the easement shall be given to the county or counties in
7 which the easement is proposed and to any municipality or other
8 governmental entity that, in the opinion of the director, holds a riparian
9 interest in the river and may have an interest in the project or results
10 thereof. Those persons or entities receiving notice shall have a period, not
11 to exceed 30 days, to provide comment on the proposed easement to the
12 director.

13 (3) In the event such an easement is proposed to be granted on state
14 property owned or managed by any other agency of the state, the director
15 shall give notice of the proposed easement and project to that agency and
16 shall jointly negotiate any easement so granted.

17 (4) A copy of all easements so entered shall be filed by the director
18 with the office of the secretary of state and the office of the register of
19 deeds for the county or counties in which the easement is located.

20 (c) The director shall adopt rules and regulations necessary to carry
21 out the provisions of this act.

22 Sec. 146. K.S.A. 82a-326 is hereby amended to read as follows: 82a-
23 326. When used in this act:

24 (a) "Water development project" means any project or plan ~~which~~
25 *that* requires a permit pursuant to K.S.A. 24-126, 24-1213, 82a-301 et seq.,
26 and amendments thereto, or the multipurpose small lakes program act;

27 (b) "environmental review agencies" means the:

28 (1) Kansas department of wildlife, ~~and parks and tourism~~;

29 (2) Kansas forest service;

30 (3) state biological survey;

31 (4) Kansas department of health and environment;

32 (5) state historical society;

33 (6) Kansas department of agriculture division of conservation; and

34 (7) state corporation commission.

35 Sec. 147. K.S.A. 82a-903 is hereby amended to read as follows: 82a-
36 903. In accordance with the policies and long-range goals and objectives
37 established by the legislature, the office shall formulate on a continuing
38 basis a comprehensive state water plan for the management, conservation
39 and development of the water resources of the state. Such state water plan
40 shall include sections corresponding with water planning areas as
41 determined by the office. The Kansas water office and the Kansas water
42 authority shall seek advice from the general public and from committees
43 consisting of individuals with knowledge of and interest in water issues in

1 the water planning areas. The plan shall set forth the recommendations of
2 the office for the management, conservation and development of the water
3 resources of the state, including the general location, character, and extent
4 of such existing and proposed projects, programs, and facilities as are
5 necessary or desirable in the judgment of the office to accomplish such
6 policies, goals and objectives. The plan shall specify standards for
7 operation and management of such projects, programs, and facilities as are
8 necessary or desirable. The plan shall be formulated and used for the
9 general purpose of accomplishing the coordinated management,
10 conservation and development of the water resources of the state. The
11 division of water resources of the Kansas department of agriculture, state
12 geological survey, the division of environment of the department of health
13 and environment, department of wildlife; *and parks-and-tourism*, Kansas
14 department of agriculture division of conservation and all other interested
15 state agencies shall cooperate with the office in formulation of such plan.

16 Sec. 148. K.S.A. 82a-1501 is hereby amended to read as follows:
17 82a-1501. As used in the water transfer act:

18 (a) (1) "Water transfer" means the diversion and transportation of
19 water in a quantity of 2,000 acre feet or more per year for beneficial use at
20 a point of use outside a 35-mile radius from the point of diversion of such
21 water. In determining the amount of water transferred in the case of a
22 water transfer supplying water to multiple public water supply systems or
23 other water users, the amount of water transferred shall be considered to be
24 the aggregate amount of water ~~which~~ *that* will be supplied by the transfer
25 to all public water supply systems and other water users whose points of
26 use are located outside a 35-mile radius from the point of diversion of such
27 water.

28 (2) Water transfer does not include a release of water from a reservoir
29 to the water's natural watercourse for use within the natural watercourse or
30 watershed, made under the authority of the state water plan storage act ~~(,~~
31 K.S.A. 82a-1301 et seq., and amendments thereto), -or the water assurance
32 program act ~~(,~~ K.S.A. 82a-1330 et seq., and amendments thereto).

33 (b) "Point of diversion" means:

34 (1) The point where the longitudinal axis of the dam crosses the
35 center line of the stream in the case of a reservoir;

36 (2) the location of the headgate or intake in the case of a direct
37 diversion from a river, stream or other watercourse;

38 (3) the location of a well in the case of groundwater diversion; or

39 (4) the geographical center of the points of diversion in the case of
40 multiple diversion points.

41 (c) "Point of use" means the geographical center of each water user's
42 proposed or authorized place of use where any water authorized by the
43 proposed transfer will be used.

1 (d) "Chief engineer" means the chief engineer of the division of water
2 resources of the Kansas department of agriculture.

3 (e) "Secretary" means the secretary of the department of health and
4 environment, or the director of the division of environment of the
5 department of health and environment if designated by the secretary.

6 (f) "Director" means the director of the Kansas water office.

7 (g) "Panel" means the water transfer hearing panel.

8 (h) (1) "Party" means:

9 (1)(A) The applicant; or

10 (1)(B) any person who successfully intervenes pursuant to K.S.A.
11 82a-1503, and amendments thereto, and actively participates in the
12 hearing.

13 (2) "Party" does not ~~mean~~ include a person who makes a limited
14 appearance for the purpose of presenting a statement for or against the
15 water transfer.

16 (i) "Commenting agencies" means groundwater management districts
17 and state natural resource and environmental agencies, including but not
18 limited to the Kansas department of health and environment, the Kansas
19 water office, the Kansas water authority, the Kansas department of
20 wildlife, ~~and parks and tourism~~ and the division of water resources of the
21 Kansas department of agriculture.

22 (j) "Public water supply system" means any water supply system,
23 whether publicly or privately owned, for which a permit is required
24 pursuant to K.S.A. 65-163, and amendments thereto.

25 Sec. 149. K.S.A. 82a-2001 is hereby amended to read as follows:
26 82a-2001. As used in this act:

27 (a) (1) "Classified stream segments" shall include all stream segments
28 that are waters of the state as defined in ~~subsection (a)~~ of K.S.A. 65-
29 161(a), and amendments thereto, and waters described in ~~subsection (d)~~ of
30 K.S.A. 65-171d(d), and amendments thereto, that:

31 (A) Are indicated on the federal environmental protection agency's
32 reach file 1 (RF1) (1982) and have the most recent 10-year median flow of
33 equal to or in excess of one cubic foot per second based on data collected
34 and evaluated by the United States geological survey or in the absence of
35 stream segment flow data, calculations of flow conducted by extrapolation
36 methods provided by the United States geological survey;

37 (B) have the most recent 10-year median flow of equal to or in excess
38 of one cubic foot per second based on data collected and evaluated by the
39 United States geological survey or in the absence of stream segment flow
40 data, calculations of flow conducted by extrapolation methods provided by
41 the United States geological survey;

42 (C) are actually inhabited by threatened or endangered aquatic
43 species listed in rules and regulations promulgated by the Kansas

1 department of wildlife; ~~and parks and tourism~~ or the United States fish and
2 wildlife service;

3 (D) (i) scientific studies conducted by the department show that
4 during periods of flow less than one cubic foot per second stream
5 segments provide important refuges for aquatic life and permit biological
6 recolonization of intermittently flowing segments; and

7 (ii) a cost-benefit analysis conducted by the department and taking
8 into account the economic and social impact of classifying the stream
9 segment indicates that the benefits of classifying the stream segment
10 outweigh the costs of classifying the stream segment, as consistent with
11 the federal clean water act and federal regulations; or

12 (E) are at the point of discharge on the stream segment and
13 downstream from such point where the department has issued a national
14 pollutant discharge elimination system permit other than a permit for a
15 confined feeding facility, as defined in K.S.A. 65-171d, and amendments
16 thereto.

17 (2) Classified stream segments other than those described in
18 subsection (a)(1)(E) shall not include ephemeral streams; grass, vegetative
19 or other waterways; culverts; or ditches.

20 (3) Any definition of classified stream or "classified stream segment"
21 in rules and regulations or law that is inconsistent with this definition is
22 hereby declared null and void.

23 (b) "Department" means the department of health and environment.

24 (c) "Designated uses of classified stream segments" shall be defined
25 as follows:

26 (1) "Agricultural water supply use" means the use of a classified
27 stream segment for agricultural purposes, including the following:

28 (A) "Irrigation" means the withdrawal of water from a classified
29 stream segment for application onto land; or

30 (B) "livestock watering" means the provision of water from a
31 classified stream segment to livestock for consumption.

32 (2) "Aquatic life support use" means the use of a classified stream
33 segment for the maintenance of the ecological integrity of streams, lakes
34 and wetlands, including the sustained growth and propagation of native
35 aquatic life; naturalized, important, recreational aquatic life; and
36 indigenous or migratory semiaquatic or terrestrial wildlife directly or
37 indirectly dependent on surface water for survival. Categories of aquatic
38 life support use include:

39 (A) "Special aquatic life use waters" means classified stream
40 segments that contain combinations of habitat types and indigenous biota
41 not found commonly in the state, or classified stream segments that
42 contain representative populations of threatened or endangered species,
43 that are listed in rules and regulations promulgated by the Kansas

1 department of wildlife; ~~and parks and tourism~~ or the United States fish and
2 wildlife service.

3 (B) "Expected aquatic life use waters" means classified stream
4 segments containing habitat types and indigenous biota commonly found
5 or expected in the state.

6 (C) "Restricted aquatic life use waters" means classified stream
7 segments containing indigenous biota limited in abundance or diversity by
8 the physical quality or availability of habitat, due to natural deficiencies or
9 artificial modifications, compared to more suitable habitats in adjacent
10 waters.

11 (3) "Domestic water supply" means the use of a classified stream
12 segment, after appropriate treatment, for the production of potable water.

13 (4) "Food procurement use" means the use of a classified stream
14 segment for the obtaining of edible forms of aquatic or semiaquatic life for
15 human consumption.

16 (5) "Groundwater recharge use" means the use of a classified stream
17 segment for the replenishing of fresh or usable groundwater resources.
18 This use may involve the infiltration and percolation of surface water
19 through sediments and soils or the direct injection of surface water into
20 underground aquifers.

21 (6) "Industrial water supply use" means the use of a classified stream
22 segment for nonpotable purposes by industry, including withdrawals for
23 cooling or process water.

24 (7) (A) "Recreational use" means:

25 (i) Primary contact recreational use is use of a classified stream
26 segment for recreation during the period from April 1 through October 31
27 of each year, provided such classified stream segment is capable of
28 supporting the recreational activities of swimming, skin diving, water-
29 skiing, wind surfing, kayaking or mussel harvesting where the body is
30 intended to be immersed in surface water to the extent that some
31 inadvertent ingestion of water is probable.

32 (a) Primary contact recreational use-Class A: Use of a classified
33 stream segment for recreation during the period from April 1 through
34 October 31 of each year, and the classified stream segment is a designated
35 public swimming area. Water quality criterion for bacterial indicator
36 organisms applied to Class A waters shall be set at an illness rate of eight
37 or more per 1,000 swimmers. The classified stream segment shall only be
38 considered impaired for primary contact recreational use-Class A if the
39 calculated geometric mean of at least five samples collected in separate
40 24-hour periods within a 30-day period exceeds the corresponding water
41 quality criterion. The water quality criterion for primary contact
42 recreational use-Class A waters during the period November 1 through
43 March 31 of each year shall be equal to the criterion applied to secondary

1 contact recreational use-Class A waters.

2 (b) Primary contact recreational use-Class B: Use of a classified
3 stream segment for recreation, where moderate full body contact
4 recreation is expected, during the period from April 1 through October 31
5 of each year, and the classified stream segment is by law or written
6 permission of the landowner open to and accessible by the public. Water
7 quality criterion for bacterial indicator organisms applied to Class B waters
8 shall be set at an illness rate of 10 or more per 1,000 swimmers. The
9 classified stream segment shall only be considered impaired for primary
10 contact recreational use-Class B if the calculated geometric mean of at
11 least five samples collected in separate 24-hour periods within a 30-day
12 period exceeds the corresponding water quality criterion. The water quality
13 criterion for primary contact recreational use-Class B waters during the
14 period November 1 through March 31 of each year shall be equal to the
15 criterion applied to secondary contact recreational use-Class A waters.

16 (c) Primary contact recreational use-Class C: Use of a classified
17 stream segment for recreation, where full body contact recreation is
18 infrequent during the period from April 1 through October 31 of each year,
19 and is not open to and accessible by the public under Kansas law and is
20 capable of supporting the recreational activities of swimming, skin diving,
21 water-skiing, wind surfing, boating, mussel harvesting, wading or fishing.
22 Water quality criterion for bacterial indicator organisms applied to Class C
23 waters shall be set at an illness rate of 12 or more per 1,000 swimmers.
24 The classified stream segment shall only be considered impaired for
25 primary contact recreational use-Class C if the calculated geometric mean
26 of at least five samples collected in separate 24-hour periods within a 30-
27 day period exceeds the corresponding water quality criterion. The water
28 quality criterion for primary contact recreational use-Class C waters during
29 the period November 1 through March 31 of each year shall be equal to
30 the criterion applied to secondary contact recreational use-Class B waters.

31 (ii) Secondary contact recreational use is use of a classified stream
32 segment for recreation, provided such classified stream segment is capable
33 of supporting the recreational activities of wading, fishing, canoeing,
34 motor boating, rafting or other types of boating where the body is not
35 intended to be immersed and where ingestion of surface water is not
36 probable.

37 (a) Secondary contact recreational use-Class A: Use of a classified
38 stream segment for recreation capable of supporting the recreational
39 activities of wading or fishing and the classified stream segment is by law
40 or written permission of the landowner open to and accessible by the
41 public. Water quality criterion for bacterial indicator organisms applied to
42 secondary contact recreational use-Class A waters shall be nine times the
43 criterion applied to primary contact recreational use-Class B waters. The

1 classified stream segment shall only be considered impaired for secondary
2 contact recreational use-Class A if the calculated geometric mean of at
3 least five samples collected in separate 24-hour periods within a 30-day
4 period exceeds the corresponding water quality criterion.

5 (b) Secondary contact recreational use-Class B: Use of a classified
6 stream segment for recreation capable of supporting the recreational
7 activities of wading or fishing and the classified stream segment is not
8 open to and accessible by the public under Kansas law. Water quality
9 criterion for bacterial indicator organisms applied to secondary contact
10 recreational use-Class B waters shall be nine times the criterion applied to
11 primary contact recreational-Class C use waters. The classified stream
12 segment shall only be considered impaired for secondary contact
13 recreational use-Class B if the calculated geometric mean of at least five
14 samples collected in separate 24-hour periods within a 30-day period
15 exceeds the corresponding water quality criterion.

16 (B) If opposite sides of a classified stream segment would have
17 different designated recreational uses due to differences in public access,
18 the designated use of the entire classified stream segment may be the
19 higher attainable use, notwithstanding that such designation does not grant
20 the public access to both sides of such segment.

21 (C) Recreational use designations shall not apply to stream segments
22 where the natural, ephemeral, intermittent or low flow conditions or water
23 levels prevent recreational activities.

24 (d) "Ephemeral stream" means streams that flow only in response to
25 precipitation and whose channel is at all times above the water table.

26 (e) "Secretary" means the secretary of health and environment.

27 Sec. 150. K.S.A. 82a-2204 is hereby amended to read as follows:
28 82a-2204. (a) The governing board of the horsethief reservoir benefit
29 district shall consist of eight members, as follows:

30 (1) Four members to be appointed one each by the board of county
31 commissioners of the four counties in the district;

32 (2) one member to be appointed one each by the governing body of
33 the cities of Dodge City and Garden City;

34 (3) one member appointed by the Pawnee watershed district; and

35 (4) the secretary of wildlife; ~~and parks and tourism~~ or the secretary's
36 designee.

37 (b) The member appointed by the Pawnee watershed district shall
38 serve as chairperson of the governing board.

39 (c) The board shall meet upon call of the chairperson as necessary to
40 carry out its duties under this act.

41 (d) The initial appointment for the members appointed by Finney and
42 Gray counties and Dodge City shall be for a term of one year. The initial
43 appointment for the members appointed by Ford and Hodgeman counties,

1 Garden City and the Pawnee watershed district shall be for a term of two
 2 years. For each subsequent appointment, each appointed member of the
 3 board shall be appointed for a term of two years. Each member shall
 4 continue in such position until a successor is appointed and qualified.
 5 Members shall be eligible for reappointment. Whenever a vacancy occurs
 6 in the membership of the board, a successor shall be selected to fill such
 7 vacancy in the same manner as and for the unexpired term of the member
 8 such person is succeeding.

9 (e) The governing body shall have the following powers and duties:

10 (1) Authority to impose a district wide sales tax pursuant to the
 11 provisions of this act;

12 (2) authority to issue bonds pursuant to the provisions of this act; and

13 (3) authority to manage recreational facilities within the district.

14 (f) The governing body shall provide that any fee schedule imposed
 15 for users of recreational facilities within the district may be set at a
 16 reduced rate or schedule for residents of any county ~~which~~ that is a part of
 17 the district.

18 Sec. 151. K.S.A. 32-701, 32-801, 32-802, 32-805, 32-806, 32-807,
 19 32-809, 32-810, 32-811, 32-812, 32-813, 32-814, 32-815, 32-816, 32-818,
 20 32-832, 32-833, 32-834, 32-835, 32-836, 32-837, 32-839, 32-840, 32-844,
 21 32-845, 32-846, 32-869, 32-873, 32-874, 32-874a, 32-874b, 32-874c, 32-
 22 874d, 32-874e, 32-886, 32-887, 32-888, 32-906, 32-918, 32-930, 32-932,
 23 32-938, 32-960a, 32-966, 32-976, 32-996, 32-997, 32-998, 32-999, 32-
 24 9,100, 32-1001, 32-1004, 32-1005, 32-1031, 32-1032, 32-1040, 32-1041,
 25 32-1049, 32-1049a, 32-1050, 32-1051, 32-1052, 32-1053, 32-1054, 32-
 26 1062, 32-1063, 32-1064, 32-1066, 32-1074, 32-1075, 32-1077, 32-1102,
 27 32-1112, 32-1129, 32-1174, 32-1203, 32-1306, 32-1308, 32-1310, 32-
 28 1401, 32-1402, 32-1403, 32-1410, 32-1411, 32-1412, 32-1413, 32-1420,
 29 32-1421, 32-1422, 32-1432, 32-1433, 32-1438, 41-719, 47-2101, 65-189e,
 30 65-3424b, 65-5703, 68-406, 74-134, 74-5,133, 74-2622, 74-3322, 74-
 31 4722, 74-4911f, 74-5005, 74-5602, 74-6614, 74-7901, 74-9201, 75-1253,
 32 75-2720, 75-2935, 75-3339, 75-37,121, 75-3907, 75-3908, 75-3910, 76-
 33 463, 77-415, 77-421, 79-201a, 79-3221e, 79-3221h, 79-32,203, 79-5212,
 34 82a-209, 82a-220, 82a-326, 82a-903, 82a-1501, 82a-2001 and 82a-2204
 35 and K.S.A. 2021 Supp. 2-1314d, 2-2473, 8-134, 19-2803b, 19-2803d, 19-
 36 2817, 19-2822, 19-2835, 19-2836, 19-2839, 19-2844, 19-2844a, 19-2855,
 37 19-2868, 19-2873, 19-2894, 19-3543, 20-302b, 21-5810, 21-6308a, 21-
 38 6416, 22-2512, 49-408, 58-3221, 58-3225 and 79-3234 are hereby
 39 repealed.

40 Sec. 152. This act shall take effect and be in force from and after its
 41 publication in the statute book.