

SENATE BILL No. 316

By Committee on Natural Resources

1-23

1 AN ACT concerning the Kansas department of wildlife, parks and tourism;
2 relating to updating references and corresponding changes due to
3 transfer of powers and duties from the department of commerce;
4 amending K.S.A. 2-2473, 19-2803b, 19-2803d, 19-2817, 19-2822, 19-
5 2835, 19-2836, 19-2839, 19-2844, 19-2844a, 19-2855, 19-2868, 19-
6 2873, 19-2894, 19-3543, 32-802, 32-806, 32-807, 32-809, 32-832, 32-
7 839, 32-840, 32-845, 32-846, 32-869, 32-874, 32-874c, 32-886, 32-
8 887, 32-888, 32-976, 32-1040, 32-1041, 32-1049, 32-1051, 32-1052,
9 32-1053, 32-1203, 49-408, 58-3221, 58-3225, 65-189e, 68-406, 74-
10 134, 74-3322, 74-5032, 74-5032a, 74-5090, 74-6614, 74-7901, 75-
11 3339, 75-3907, 75-3908, 75-3910, 76-463, 79-3221e, 79-32,203, 82a-
12 209 and 82a-326 and K.S.A. 2011 Supp. 2-1334, 21-5810, 21-6416, 32-
13 701, 32-801, 32-805, 32-833, 32-844, 32-873, 32-874a, 32-874b, 32-
14 874d, 32-874e, 32-906, 32-918, 32-930, 32-932, 32-938, 32-966, 32-
15 996, 32-997, 32-998, 32-999, 32-1001, 32-1004, 32-1005, 32-1031, 32-
16 1032, 32-1049a, 32-1050, 32-1054, 32-1062, 32-1063, 32-1064, 32-
17 1066, 32-1102, 32-1112, 32-1174, 32-1306, 32-1308, 32-1310, 47-
18 2101, 65-3424b, 65-3483, 65-5703, 74-5,133, 74-2622, 74-4722, 74-
19 4911f, 74-5005, 74-5089, 74-5091, 74-50,167, 74-50,168, 74-50,173,
20 74-5602, 74-9001, 74-9002, 74-9003, 74-9004, 74-9201, 75-1253, 75-
21 2720, 75-2935, 75-37,121, 77-415, 77-421, 79-201a, 79-3221h, 79-
22 3234, 79-3234b, 79-5212, 82a-220, 82a-903, 82a-1501, 82a-2001 and
23 82a-2204 and repealing the existing sections; also repealing K.S.A. 73-
24 2101, 73-2102, 73-2103 and 73-2104 and K.S.A. 2011 Supp. 74-9005.

25

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

27 New Section 1. The secretary of wildlife, parks and tourism is hereby
28 authorized to negotiate and enter into contracts for promotional advertising
29 services for the performance of the powers, duties and functions of the
30 Kansas department of wildlife, parks and tourism. All such contracts shall
31 be exempt from the competitive bidding requirements of K.S.A. 75-3739,
32 and amendments thereto.

33 Sec. 2. K.S.A. 2011 Supp. 2-1334 is hereby amended to read as
34 follows: 2-1334. (a) The purpose of this act is to provide for the
35 coordination, enhancement and continuation of federal, state and local
36 efforts as well as public and private efforts to develop an effective and

1 affordable method of controlling or eradicating sericea lespedeza and to
2 encourage communication of information about sericea control methods to
3 landowners and land managers.

4 (b) The secretary of agriculture in cooperation with the secretary of
5 wildlife ~~and parks~~, *parks and tourism* shall designate an appropriate parcel
6 of land as a research area to study and demonstrate methods of controlling
7 or eradicating sericea lespedeza. Such site shall be designated on land
8 managed by the *Kansas* department of wildlife ~~and parks~~, *parks and*
9 *tourism* at Toronto lake and shall be utilized to provide a focal point for
10 activities that further the purposes of this act.

11 (c) The research and demonstration efforts conducted on the site
12 designated as provided in subsection (b) shall include a variety of methods
13 used to control or eradicate sericea lespedeza and shall include utilization
14 of experiment and demonstration plots and development of field days and
15 workshops to demonstrate methods of control or eradication of sericea
16 lespedeza.

17 (d) The secretary of agriculture and the secretary of wildlife ~~and~~
18 ~~parks~~, *parks and tourism* shall have authority to request assistance from
19 any federal, state or local authority, from any public or private university
20 or other research institution, from any business organization, or from any
21 individual in furthering the purposes of this act. All such entities are
22 hereby requested to cooperate with the secretary of agriculture and the
23 secretary of wildlife ~~and parks~~, *parks and tourism* in furthering the
24 purposes of this act.

25 Sec. 3. K.S.A. 2-2473 is hereby amended to read as follows: 2-2473.

26 (a) The pesticide management areas shall be developed by examination of
27 the following factors:

- 28 (1) Precipitation;
- 29 (2) topography;
- 30 (3) soil type;
- 31 (4) depth to the watertable; and
- 32 (5) other factors as the secretary deems relevant.

33 The areas shall be designated as permitted, modified or prohibited for
34 the use of certain types of pesticides as determined by the pesticide
35 management plan for the management area. The order of the secretary
36 designating such pesticide management area shall define specifically the
37 boundaries of the pesticide management area and shall indicate
38 specifically the pesticide management plan for the area. Pesticide
39 management plans may include provisions for the handling or release of
40 pesticides, including but not limited to the application, mixing, loading,
41 storage, disposal or transportation and guidelines for the best management
42 practices.

43 (b) When considering whether to establish such pesticide

1 management areas, the secretary shall consult with a pesticide
2 management area technical advisory committee composed of a
3 representative or representatives of each of the following: (1) Kansas
4 department of health and environment appointed by the secretary of health
5 and environment; (2) Kansas department of wildlife ~~and parks,~~ *parks and*
6 *tourism* appointed by the secretary of wildlife ~~and parks,~~ *parks and*
7 *tourism*; (3) Kansas state university appointed by the president of Kansas
8 state university; (4) Kansas water authority appointed by the chairperson
9 of the Kansas water authority; (5) conservation commission appointed by
10 the chairperson of the state conservation commission; (6) Kansas
11 geological survey appointed by the state geologist; and (7) other persons
12 the secretary determines to have beneficial information to the
13 establishment of such areas as appointed by the secretary. This technical
14 advisory committee shall assist the secretary in the development of the
15 proposed boundaries of the pesticide management area and the proposed
16 plan for the pesticide management area.

17 Sec. 4. K.S.A. 19-2803b is hereby amended to read as follows: 19-
18 2803b. The board of commissioners of any county which has ~~heretofore~~
19 ~~previously~~ acquired real estate under ~~the provisions of a statute now~~
20 ~~appearing as section 19-2801 of the General Statutes of 1949 K.S.A. 19-~~
21 ~~2801, and amendments thereto, or its predecessors,~~ and which has not
22 constructed and completed a lake or park facility thereon, is hereby
23 authorized, without an election, to convey the fee simple title to such real
24 estate to the Kansas department of wildlife ~~and parks,~~ *parks and tourism*
25 by a proper deed of conveyance.

26 Sec. 5. K.S.A. 19-2803d is hereby amended to read as follows: 19-
27 2803d. The board of county commissioners may receive donations and
28 bequests of either money or property for the purpose of establishing and
29 maintaining such lake and recreational grounds. The board shall make all
30 regulations necessary for the supervision and conduct of such lake and
31 recreational grounds, subject to the rules and regulations of the secretary
32 of wildlife ~~and parks,~~ *parks and tourism*, and may employ a supervisor and
33 such other assistants as may be necessary to properly care for and manage
34 the same.

35 Sec. 6. K.S.A. 19-2817 is hereby amended to read as follows: 19-
36 2817. The board of county commissioners of any county to which this act
37 applies and the secretary of wildlife ~~and parks,~~ *parks and tourism* are each
38 authorized and empowered to enter into an agreement to provide for the
39 building and construction of one or more reservoirs, lakes, dams or
40 embankments for impounding water on lands in the park and recreational
41 grounds of any such county and to provide for the use, control and
42 maintenance of such park and recreational grounds. Nothing in such
43 agreement shall be construed to prohibit the secretary of wildlife ~~and~~

1 ~~parks, parks and tourism~~ or the Kansas department of wildlife ~~and parks,~~
2 ~~parks and tourism~~ from the right to exercise the same functions, rights and
3 authority as though the lands for such park and recreational grounds had
4 been acquired for the department, and the agreement between any such
5 county and the secretary shall expressly provide that, notwithstanding the
6 title to such lands shall be vested in such county, all rights therein or
7 thereon, waters and water rights, and for keeping, improving and
8 maintaining them for the use and benefit of the department shall be
9 unimpaired and shall likewise be public park and recreational grounds for
10 the use and enjoyment of the public.

11 Sec. 7. K.S.A. 19-2822 is hereby amended to read as follows: 19-
12 2822. The board of county commissioners of any county to which this act
13 applies and the secretary of wildlife ~~and parks,~~ *parks and tourism* are each
14 authorized and empowered to enter into an agreement to provide for the
15 building and construction of one or more reservoirs, lakes, dams or
16 embankments for impounding water on lands in the park and recreational
17 grounds of any such county and to provide for the use, control and
18 maintenance of such park and recreational grounds. Nothing in such
19 agreement shall be construed to prohibit the secretary of wildlife ~~and~~
20 ~~parks, parks and tourism~~ or the Kansas department of wildlife ~~and parks,~~
21 ~~parks and tourism~~ from the right to exercise the same functions, rights and
22 authority as though the lands for such park and recreational grounds had
23 been acquired by the department, and the agreement between any such
24 county and the secretary shall expressly provide that, notwithstanding the
25 title to such lands shall be vested in such county, all rights therein or
26 thereon, waters and water rights, and for keeping, improving and
27 maintaining them for the use and benefit of the department shall be
28 unimpaired and shall likewise be public park and recreational grounds for
29 the use and enjoyment of the public.

30 Sec. 8. K.S.A. 19-2835 is hereby amended to read as follows: 19-
31 2835. The board of county commissioners of any such county shall have
32 the right to aid, assist, furnish and pay for a part or the whole of any real
33 estate or property or constructing the whole or a part of any dam or
34 construction work deemed by them necessary or proper in the aiding or
35 assisting the Kansas department of wildlife ~~and parks,~~ *parks and tourism*
36 in the acquisition of a lake, park and recreational site or sites and in the
37 construction of dams, lakes and reservoirs or construction work thereon, so
38 as to insure the completion of a lake, park or recreational grounds in such
39 county. The control and direction of the construction work shall be as
40 determined by the board of county commissioners and the department
41 should the department be in whole or in part interested in such project as
42 such. The title to such real estate or part of such real estate as may be paid
43 for exclusively by such board of county commissioners shall be taken in

1 the name of the county or in the name of the state of Kansas, as the board
2 of county commissioners and the department may agree, but the real estate
3 paid for exclusively by the county shall revert to the county should such
4 project ever be abandoned as a park or recreational project.

5 Sec. 9. K.S.A. 19-2836 is hereby amended to read as follows: 19-
6 2836. Before any board of county commissioners is authorized to proceed
7 under this act, there shall be filed with such board under the certificate of
8 the engineer for the Kansas department of wildlife ~~and parks~~, *parks and*
9 *tourism*, or the county engineer of such county, maps, plans and
10 specifications showing: (1) The description or outline of the land to be in
11 such project; (2) the portion of such land, if any, owned by the state of
12 Kansas or the department; (3) the portion of the land to be purchased by
13 the county, if any; (4) the probable acre surface area of water to be
14 impounded, estimating such acreage at low-water time; (5) a brief outline
15 of the proposed plan of construction and of estimated cost thereof,
16 including the estimated part of the cost, if any, to be borne by the county,
17 the part of the cost, if any, to be borne by the department and the part of
18 the cost, if any, to be borne by any other state or federal agencies or
19 individuals. The cost of such maps, plans, specifications and preliminary
20 work may be paid for by the county out of its general fund.

21 Sec. 10. K.S.A. 19-2839 is hereby amended to read as follows: 19-
22 2839. The construction work may be let by contract or done by day labor,
23 as the board of county commissioners and the secretary of wildlife ~~and~~
24 ~~parks~~, *parks and tourism* may agree upon, and such board and such
25 secretary are hereby authorized to accept funds from the state or any
26 federal agencies or donations or bequests from any individuals in the
27 promotion and completion of such work.

28 Sec. 11. K.S.A. 19-2844 is hereby amended to read as follows: 19-
29 2844. The boards of county commissioners of any counties to which this
30 act applies and the secretary of wildlife ~~and parks~~, *parks and tourism* are
31 authorized and empowered to enter into an agreement to provide for the
32 building and construction of one or more reservoirs, lakes, dams or
33 embankments for impounding water on lands in the park and recreational
34 grounds of any such counties and to provide for the use, control and
35 maintenance of such park and recreational grounds. Nothing in such
36 agreement shall be construed to prohibit the secretary of wildlife ~~and~~
37 ~~parks~~, *parks and tourism* or the Kansas department of wildlife ~~and parks~~,
38 *parks and tourism* from the right to exercise the same functions, rights and
39 authority as though the lands for such park and recreational grounds had
40 been acquired for the department, and the agreement between any such
41 counties and the secretary shall expressly provide that, notwithstanding the
42 title to such lands shall be vested in such counties, all rights therein or
43 thereon, waters and water rights, and for keeping, improving and

1 maintaining them for the use and benefit of the department shall be
2 unimpaired and shall likewise be public park and recreational grounds for
3 the use and enjoyment of the public.

4 Sec. 12. K.S.A. 19-2844a is hereby amended to read as follows: 19-
5 2844a. Whenever a lake is being constructed by the Kansas department of
6 wildlife ~~and parks~~, *parks and tourism* in any county within three miles of
7 the county line of an adjoining county, the board of county commissioners
8 of such adjoining county is hereby authorized to construct or aid in the
9 construction of roads and bridges around such lake in the county in which
10 such lake is situated and access roads thereto. The board of county
11 commissioners of such adjoining county shall, by resolution, find that the
12 lake is of public benefit to its county and fix the amount of money from its
13 road and bridge fund to be expended for such purpose. Such board is
14 authorized to enter into such agreements as may be necessary with the
15 board of county commissioners of the county in which the lake is situated
16 for the separate or joint construction and maintenance of such roads and
17 bridges. Any roads so constructed shall have access to roads in such
18 adjoining county.

19 Sec. 13. K.S.A. 19-2855 is hereby amended to read as follows: 19-
20 2855. The county board of park commissioners shall be vested with all the
21 power, authority and control ~~heretofore~~ *previously* vested in the board of
22 county commissioners relating to county parks, parkways and recreational
23 areas, county lakes, roads and park drives, including all buildings, grounds
24 and other structures located within such county parks, parkways and
25 recreational areas. It shall have power to make bylaws, rules and
26 regulations for the orderly transaction and management of its business. It
27 is further empowered to enter into agreements with the secretary of
28 wildlife ~~and parks~~, *parks and tourism*, by and with the consent of the board
29 of county commissioners, for the building and construction of one or more
30 reservoirs, lakes, dams or embankments for impounding water on lands in
31 the park and recreational grounds of the county. Nothing in such
32 agreements shall be construed to prohibit the secretary and the Kansas
33 department of wildlife ~~and parks~~, *parks and tourism* from the right to
34 exercise the same functions, rights and authority as though the lands for
35 such park and recreational grounds had been acquired by the department,
36 and any agreement between any such county board of park commissioners
37 and the secretary shall expressly provide that, notwithstanding the title to
38 such lands shall be vested in such county, all rights therein or thereon,
39 waters and water rights, and for keeping, improving and maintaining them
40 for the use and benefit of the department shall be unimpaired and shall
41 likewise be public park and recreational grounds for the use and enjoyment
42 of the public. All bonds required or authorized by law to be issued relating
43 to parks, parkways and recreational areas, and all taxes levied for the

1 maintenance or improvement thereof, shall be issued and levied by the
2 board of county commissioners, and for the purpose of creating such
3 county park and recreational fund, hereinafter referred to, and for the
4 purpose of enlarging existing park areas or acquiring additional park and
5 recreational grounds or sites and for the making of permanent
6 improvements to and for maintaining such park, recreational grounds or
7 sites now owned or hereafter acquired by such county and to pay a portion
8 of the principal and interest on bonds issued under the authority of K.S.A.
9 12-1774, and amendments thereto, by cities located in the county, the
10 board of county commissioners is hereby authorized to levy an annual tax
11 on all taxable tangible property in the county.

12 Such new or additional grounds or sites for park and recreational
13 purposes may be acquired by the board of county commissioners of such
14 county by purchase, donation, long term leases or easements or the
15 exercise of the right of eminent domain, as provided for in chapter 26 of
16 the Kansas Statutes Annotated and amendments thereto. Following the
17 acquisition of such grounds or sites, the county board of park
18 commissioners shall improve, maintain and supervise all such park and
19 recreational areas in the manner now provided by law. The board of
20 county commissioners of any such county, ~~by and~~ with the consent of the
21 board of park commissioners of any such county, may convey title to such
22 portion or portions of the new park and recreational areas so acquired
23 under the provisions of this act to any federal nonprofit corporation or
24 foundation created under the laws of the United States, for the purpose of
25 establishing and maintaining any national shrine, park or memorial upon
26 any land in such county, which adjoins, abuts or is adjacent to the new
27 park and recreational areas so acquired by any such county under the
28 provisions of this act. The board of county commissioners shall have *the*
29 ~~power, and it shall be its~~ *and* duty, upon recommendation of the county
30 board of park commissioners, to adopt resolutions from time to time for
31 the regulation and orderly government of parks, parkways, recreational
32 areas, county lakes, roads, park drives and public grounds, and to prescribe
33 fines and penalties for the violation of the provisions of such resolutions.

34 Sec. 14. K.S.A. 19-2868 is hereby amended to read as follows: 19-
35 2868. The board shall have power *to*:

36 (a) ~~To~~ Finance, operate, improve and maintain the parks and
37 playgrounds of the district as provided in this act;

38 (b) ~~to~~ accept by gift or devise, ~~to~~; purchase, lease and ~~to~~ condemn
39 real estate for use as parks and playgrounds for the district, ~~and to~~; sell any
40 improvements of any real estate so acquired not usable for park purposes
41 or ~~to~~ take down such improvements and use or dispose of the salvage and
42 use any of the proceeds thereof for park purposes without regard to budget
43 limitations. ~~To~~; *and* contract with school boards for joint use and

1 improvement of school lands for park and playground purposes;

2 (c) ~~to~~ improve the parks and playgrounds for the recreation,
3 amusement and enjoyment of the inhabitants of the district;

4 (d) ~~to~~ levy taxes for the acquisition of lands and improvements and
5 operation, improvement and maintenance of the parks and playgrounds as
6 authorized and limited by this act;

7 (e) ~~to~~ issue bonds of the district for acquiring real estate and the
8 improvement thereof for park and playground purposes upon authorization
9 of the qualified electors of the district by election and within the
10 limitations provided by this act;

11 (f) ~~to~~ appoint park and recreation supervisory personnel and employ
12 such other employees, servants, police and agents as may be necessary for
13 the proper and adequate operation, improvement and maintenance of the
14 park and recreation district, and may appoint, employ or retain attorneys,
15 engineers, landscape architects, surveyors and other professional or
16 technical persons or firms for a period or for specified projects and pay the
17 necessary compensation therefor;

18 (g) ~~to~~ adopt, promulgate and enforce reasonable rules and regulations
19 for the operation and use of the parks and playgrounds and the conduct of
20 persons using such parks and playgrounds as provided by this act;

21 (h) ~~to~~ sell or salvage equipment found to be worn out or beyond
22 repair or dangerous to use or to trade it in as part payment on new
23 equipment, and the proceeds when resptent or the trade-in value shall not
24 be charged against the budget but may be in addition to the amount
25 authorized for expenditure by the budget;

26 (i) ~~to~~ sell and convey real estate acquired by purchase, condemnation,
27 gift or devise when it appears such property is no longer needed for park,
28 playground or recreational purposes, or is poorly situated for such
29 purposes, or is poorly suited for such purposes, with the proceeds of such
30 sale to be deposited in the land acquisition fund authorized by K.S.A. 19-
31 2873b, and amendments thereto. No such sale shall be made except upon
32 authorization of the majority of the votes cast by the qualified electors of
33 the district at an election called and held for such purpose as provided by
34 this act. If the instrument of gift or devise vests fee title in the district or
35 authorizes the district to sell the real property, such property may be sold
36 by the procedure herein provided. The board, when in its judgment
37 deemed advisable and to the best interests of the district, by proper
38 conveyances, may exchange any tract of land for lands similar in value, or
39 exchange money and land for other land suitable for park or recreation
40 purposes, or exchange land for land and money totaling the value of the
41 land conveyed, provided that the money involved does not exceed 25% of
42 the total value of the land involved, without vote of the qualified electors
43 of the park district, subject to a public hearing having first been held with

1 respect to such proposed exchange of lands, after notice of the time, place
2 and purpose thereof, including a legal description of said lands, published
3 once each week for two consecutive weeks prior thereto, in the official
4 county paper, and subject further to final approval of such proposed
5 exchange of lands, by the board of county commissioners of Johnson
6 county, Kansas. The board may by proper conveyance exchange, transfer,
7 sell, or lease any tract of district land with or without improvements to the
8 state of Kansas, a political subdivision thereof, or an agency of the United
9 States government, if the board determines that such property can properly
10 be maintained and operated as park, playground, or recreational facilities
11 by such governmental agency, or that such property may be utilized in
12 whole or part in a contract with said governmental agencies in, on, or
13 around other property of such governmental units, all or any part of which
14 is located within boundaries of such district;

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

18 (k) ~~to~~ cooperate with the Kansas department of wildlife ~~and parks,~~
19 *parks and tourism* and with Miami county in the operation, improvement
20 and maintenance of Hillsdale state park and to enforce rules and
21 regulations for the operation of such park land; and

22 (l) ~~to do and perform~~ *do* all other things provided by this act ~~or,~~ *and*
23 amendments thereto ~~and to~~, have all the powers prescribed by this act; and
24 ~~to~~ carry out and exercise the powers of the district as its governing body.

25 Sec. 15. K.S.A. 19-2873 is hereby amended to read as follows: 19-
26 2873. The board may by resolution adopt rules and regulations for the
27 operation of the park and recreation district and rules and regulations
28 applying to any particular park or playground and prescribe penalties for
29 violation of any rules and regulations relating to the conduct of persons in
30 the parks and playgrounds or park or playgrounds. Such penalties *shall*
31 not ~~to~~ exceed imprisonment in the county jail for not to exceed three
32 months or ~~by a fine of~~ not to exceed \$100; or both ~~such fine and~~
33 ~~imprisonment~~. Any rules and regulations for the conduct of persons,
34 applying to all parks or any park and providing penalties, shall be
35 published once in the official county paper and copies of the rules and
36 regulations shall be posted and kept posted in all parks to which they are
37 applicable, and the violation of any penal rule or regulation when so
38 published and posted shall constitute a misdemeanor.

39 No charge shall be made for entrance into any park and no admission
40 charge shall be made for use of any of the facilities of any park. The board
41 may lease sites for food, soft drinks, boat rentals, amusements and other
42 concessions as in its judgment may be deemed appropriate and lawful for
43 the comfort, convenience and enjoyment of the public, and may limit

1 purchase and use charges to be made by concessionaires in operating the
2 same. The board may establish and operate food, soft drinks, boat rentals,
3 amusements and other lawful and appropriate conveniences as may in its
4 judgment be necessary or appeal to the public comfort and enjoyment, all
5 in accordance with K.S.A. 19-2873a, and amendments thereto. A
6 reasonable fee may be charged for recreational activities and the board
7 may regulate and control all fishing and boating within the boundaries of
8 park property, including daily and possession limits of fish caught and
9 time limits when fishing may be restricted, subject to law and rules and
10 regulations of the secretary of wildlife ~~and parks~~, *parks and tourism* with
11 respect to such fishing and boating; and may require a park permit for
12 fishing and boating for which a reasonable fee may be charged all persons
13 so engaged.

14 A separate schedule of fees may be established for nonresidents. The
15 board may enter into long term leases for such authorized concessions, not
16 to exceed 50 years, under the terms of which the concessionaires (lessees),
17 shall at their own expense, construct and install the facilities and
18 improvements to be occupied and used under such lease, upon such terms,
19 conditions and control as the park and recreation district may require and
20 subject in all such long term leases to unconditional reversion of title to
21 such facilities and improvements so constructed by the concessionaire to
22 the district upon the expiration of the term of such lease or upon
23 abandonment or forfeiture thereof by the concessionaire prior to its
24 expiration.

25 Sec. 16. K.S.A. 19-2894 is hereby amended to read as follows: 19-
26 2894. The park board may by resolution adopt rules and regulations for the
27 operation of the park district and prescribe penalties for violation of any
28 rules and regulations relating to the conduct of persons in the area where
29 improvements are established; Such penalties *shall* not ~~to~~ exceed
30 imprisonment in the county jail for not to exceed three months or *by a* fine
31 of not to exceed \$100; or both ~~such fine and imprisonment~~. Any rules and
32 regulations for the conduct of persons and providing penalties shall be
33 published once in the official county paper and copies of the rules and
34 regulations shall be posted and kept posted in all areas to which they are
35 applicable, and the violation of any penal rule or regulation when so
36 published and posted shall constitute a misdemeanor.

37 No charge shall be made for entrance into any improved area and no
38 admission charge shall be made for use of any of the facilities, except that
39 the park board may lease sites for food, soft drinks, boat rentals,
40 amusements and other concessions as in its judgment may be deemed
41 appropriate and lawful for the comfort, convenience and enjoyment of the
42 public, and may limit purchase and use charges to be made by
43 concessionaires in operating them. The park board may regulate and

1 control all fishing and boating within the boundaries of park property,
2 including daily and possession limits of fish caught and time limits when
3 fishing may be restricted, subject to law and rules and regulations of the
4 secretary of wildlife ~~and parks~~, *parks and tourism*, and may require a park
5 permit for fishing and boating for which a reasonable fee may be charged
6 all persons so engaged.

7 Sec. 17. K.S.A. 19-3543 is hereby amended to read as follows: 19-
8 3543. The board shall have power to construct and maintain water lines
9 through, under, across or along any public highway. The board is hereby
10 authorized to enter into contracts with the secretary of wildlife ~~and parks~~,
11 *parks and tourism* for the purchase of water for use by the district and for
12 the sale of the same for domestic or other uses.

13 Sec. 18. K.S.A. 2011 Supp. 21-5810 is hereby amended to read as
14 follows: 21-5810. (a) Criminal hunting is knowingly hunting, shooting, fur
15 harvesting, pursuing any bird or animal, or fishing:

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

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

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

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

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

32 (b) Criminal hunting as defined in:

33 (1) Subsection (a)(1) or (a)(2) is a class C misdemeanor. Upon the
34 first conviction of subsection (a)(1) or (a)(2), in addition to any authorized
35 sentence imposed by the court, such court may require the forfeiture of the
36 convicted person's hunting, fishing or fur harvesting license, or all, or, in
37 any case where such person has a combination license, the court may
38 require forfeiture of a part or all of such license and the court may order
39 such person to refrain from hunting, fishing or fur harvesting, or all, for up
40 to one year from the date of such conviction. Upon a second or subsequent
41 conviction of subsection (a)(1) or (a)(2), in addition to any authorized
42 sentence imposed by the court, such court shall require the forfeiture of the
43 convicted person's hunting, fishing or fur harvesting license, or all, or, in

1 any case where such person has a combination license, the court shall
2 require the forfeiture of a part or all of such license and the court shall
3 order such person to refrain from hunting, fishing or fur harvesting, or all,
4 for one year from the date of such conviction. A person licensed to hunt
5 and following or pursuing a wounded game bird or animal upon any land
6 of another without permission of the landowner or person in lawful
7 possession thereof shall not be deemed to be in violation of this provision
8 while in such pursuit, except that this provision shall not authorize a
9 person to remain on such land if instructed to leave by the owner thereof
10 or other authorized person. For the purpose of determining whether a
11 conviction is a first, second or subsequent conviction of subsection (a)(1)
12 or (a)(2), "conviction" or "convicted" includes being convicted of a
13 violation of subsection (a) of K.S.A. 21-3728, prior to its repeal, or
14 subsection (a)(1) or (a)(2); and

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

35 (c) The court shall notify the *Kansas* department of wildlife ~~and~~
36 ~~parks, parks and tourism~~ of any conviction or diversion for a violation of
37 this section.

38 Sec. 19. K.S.A. 2011 Supp. 21-6416 is hereby amended to read as
39 follows: 21-6416. (a) Inflicting harm, disability or death to a police dog,
40 arson dog, assistance dog, game warden dog or search and rescue dog is
41 knowingly, and without lawful cause or justification poisoning, inflicting
42 great bodily harm, permanent disability or death, upon a police dog, arson
43 dog, assistance dog, game warden dog or search and rescue dog.

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

13 (c) As used in this section:

14 (1) "Arson dog" means any dog which is owned, or the service of
15 which is employed, by the state fire marshal or a fire department for the
16 principal purpose of aiding in the detection of liquid accelerants in the
17 investigation of fires;

18 (2) "assistance dog" has the meaning provided by K.S.A. 2011 Supp.
19 39-1113, and amendments thereto;

20 (3) "fire department" means a public fire department under the
21 control of the governing body of a city, township, county, fire district or
22 benefit district or a private fire department operated by a nonprofit
23 corporation providing fire protection services for a city, township, county,
24 fire district or benefit district under contract with the governing body of
25 the city, township, county or district;

26 (4) "game warden dog" means any dog which is owned, or the service
27 of which is employed, by the *Kansas* department of wildlife ~~and parks~~,
28 *parks and tourism* for the purpose of aiding in detection of criminal
29 activity, enforcement of laws, apprehension of offenders or location of
30 persons or wildlife;

31 (5) "police dog" means any dog which is owned, or the service of
32 which is employed, by a law enforcement agency for the principal purpose
33 of aiding in the detection of criminal activity, enforcement of laws or
34 apprehension of offenders; and

35 (6) "search and rescue dog" means any dog which is owned or the
36 service of which is employed, by a law enforcement or emergency
37 response agency for the purpose of aiding in the location of persons
38 missing in disasters or other times of need.

39 Sec. 20. K.S.A. 2011 Supp. 32-701 is hereby amended to read as
40 follows: 32-701. As used in the wildlife ~~and parks~~, *parks and tourism* laws
41 of this state, unless the context otherwise requires or specifically defined
42 otherwise:

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

- 1 (b) "Commission" means the Kansas wildlife ~~and parks, parks and~~
2 *tourism* commission created by K.S.A. 32-805, and amendments thereto.
- 3 (c) "Department" means the Kansas department of wildlife ~~and parks,~~
4 *parks and tourism*.
- 5 (d) "Fish," as a verb, means take, in any manner, any fish.
- 6 (e) "Furbearing animal" means any badger, beaver, bobcat, grey fox,
7 lynx, marten, mink, muskrat, opossum, otter, raccoon, red fox, spotted
8 skunk, striped skunk, swift fox or weasel.
- 9 (f) "Furharvest" means:
- 10 (1) Take, in any manner, any furbearing animal; or
11 (2) trap or attempt to trap any coyote.
- 12 (g) "Game animal" means any big game animal, wild turkey or small
13 game animal.
- 14 (h) "Game bird" means any grouse, partridge, pheasant, prairie
15 chicken or quail.
- 16 (i) "Hunt" means:
- 17 (1) Take, in any manner, any wildlife other than a fish, bullfrog,
18 furbearing animal or coyote; or
19 (2) take, in any manner other than by trapping, any coyote.
- 20 (j) "Motor vehicle" means a vehicle, other than a motorized
21 wheelchair, which is self-propelled.
- 22 (k) "Motorized wheelchair" means any self-propelled vehicle
23 designed specifically for use by a physically disabled person that is
24 incapable of a speed in excess of 15 miles per hour.
- 25 (l) "Nonresident" means any person who has not been a bona fide
26 resident of this state for the immediately preceding 60 days.
- 27 (m) "On a commercial basis" means for valuable consideration.
- 28 (n) "Person" means any individual or any unincorporated association,
29 trust, partnership, public or private corporation or governmental entity,
30 including foreign governments, or any officer, employee, agent or agency
31 thereof.
- 32 (o) "Private water fishing impoundment" means one or more water
33 impoundments:
- 34 (1) Constructed by man rather than natural, located wholly within the
35 boundary of the lands owned or leased by the person operating the private
36 water impoundments; and
37 (2) entirely isolated from other surface water so that the
38 impoundment does not have any connection either continuously or at
39 intervals, except during periods of floods, with streams or other bodies of
40 water so as to permit the fish to move between streams or other bodies of
41 water and the private water impoundments, except that the private water
42 impoundments may be connected with a stream or other body of water by
43 a pipe or conduit if fish will be prevented at all times from moving

1 between streams or other bodies of water and the private water
2 impoundment by screening the flow or by other means.

3 (p) "Resident" means any person who has maintained the person's
4 place of permanent abode in this state for a period of 60 days immediately
5 preceding the person's application for any license, permit, stamp or other
6 issue of the department. Domiciliary intent is required to establish that a
7 person is maintaining the person's place or permanent abode in this state.
8 Mere ownership of property is not sufficient to establish domiciliary
9 intent. Evidence of domiciliary intent includes, without limitation, the
10 location where the person votes, pays personal income taxes or obtains a
11 driver's license.

12 (q) "Secretary" means the secretary of wildlife ~~and parks, parks and~~
13 ~~tourism.~~

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

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

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

21 (u) "Wildlife" means any member of the animal kingdom, including,
22 without limitation, any mammal, fish, bird, amphibian, reptile, mollusk,
23 crustacean, arthropod or other invertebrate, and includes any part, product,
24 egg or offspring thereof, or the dead body or parts thereof. Wildlife does
25 not include agricultural livestock (cattle, swine, sheep, goats, horses,
26 mules and other equines) and poultry (domestic chickens, turkeys and
27 guinea fowl).

28 Sec. 21. K.S.A. 2011 Supp. 32-801 is hereby amended to read as
29 follows: 32-801. (a) In order to reorganize the administration, planning and
30 regulation of the state's parks, wildlife and other natural resources, there is
31 hereby established within the executive branch of government the Kansas
32 department of wildlife ~~and parks, parks and tourism~~, which shall be
33 administered under the direction and supervision of a secretary of wildlife
34 ~~and parks, parks and tourism~~ who shall be appointed by the governor, with
35 the consent of the senate as provided in K.S.A. 75-4315b, and amendments
36 thereto. Except as provided by K.S.A. 46-2601, and amendments thereto,
37 no person appointed as secretary shall exercise any power, duty or function
38 as secretary until confirmed by the senate.

39 (b) The secretary shall be fully qualified by education, training and
40 experience in wildlife, parks or natural resources, or a related field, and
41 shall have a demonstrated executive and administrative ability to discharge
42 the duties of the office of secretary. The secretary shall serve at the
43 pleasure of the governor. The secretary shall be in the unclassified service

1 under the Kansas civil service act and shall receive an annual salary to be
2 fixed by the governor.

3 (c) The provisions of the Kansas governmental operations
4 accountability law apply to the Kansas department of wildlife ~~and parks,~~
5 *parks and tourism*, and the department is subject to audit, review and
6 evaluation under such law.

7 Sec. 22. K.S.A. 32-802 is hereby amended to read as follows: 32-802.

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

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

33 (c) The assistant secretary for administration shall maintain an office
34 in Shawnee county, Kansas. The assistant secretary for ~~operations~~
35 *wildlife, fisheries and boating* shall maintain an office in Pratt county,
36 Kansas. *The assistant secretary for parks and tourism shall maintain an*
37 *office in Shawnee county, Kansas*. The secretary may maintain offices and
38 facilities to carry out the functions of the department in other locations in
39 this state.

40 (d) The secretary shall supervise the wildtrust program which shall be
41 responsible for the receipt and expenditure of moneys through gifts and
42 donations.

43 Sec. 23. K.S.A. 2011 Supp. 32-805 is hereby amended to read as

1 follows: 32-805. (a) There is hereby created within and as a part of the
2 department the Kansas wildlife ~~and parks~~, *parks and tourism* commission
3 which shall be composed of seven members. The governor shall appoint
4 residents of this state to be members of the commission. One member of
5 the commission shall be chosen from each fish and wildlife administration
6 region as established by the department. In the appointment of members of
7 the commission, the governor shall give consideration to the appointment
8 of licensed hunters, fishermen and furharvesters, park users and to
9 nonconsumptive users of wildlife and park resources. No more than a
10 majority of the members shall be of the same political party. Each member
11 of the commission shall hold office for a term of four years and until a
12 successor is appointed and qualified, except that in appointing the original
13 commission members, the governor shall designate one member for a term
14 ending July 1, 1988, one member for a term ending July 1, 1989, and two
15 members for terms ending July 1, 1990. The governor shall fill any
16 vacancy on the commission prior to the expiration of a term by
17 appointment for the unexpired term.

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

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

26 (d) The commission shall have such powers, duties and functions as
27 prescribed by law. Other than rules and regulations pertaining to
28 personnel matters of the department, the secretary shall submit to the
29 commission all proposed rules and regulations. The commission shall
30 either approve, modify and approve, or reject such proposed rules and
31 regulations. The secretary shall adopt such rules and regulations so
32 approved or so modified and approved. Fees established for licenses,
33 permits, stamps and other issues of the department shall be subject to the
34 approval of the commission. It also shall be the duty of the commission to
35 serve in an advisory capacity to the governor and the secretary in the
36 formulation of policies and plans relating to the department.

37 (e) The governor shall designate one commission member to serve as
38 chairperson of the commission. Members of the commission attending
39 meetings of the commission, or attending a subcommittee meeting thereof
40 authorized by the commission, shall be paid compensation, subsistence
41 allowances, mileage and other expenses as provided in K.S.A. 75-3223,
42 and amendments thereto. A majority of the members of the commission
43 shall constitute a quorum for the transaction of business. Meetings may be

1 called by the chairperson and shall be called on the request of a majority of
2 the members of the commission.

3 Sec. 24. K.S.A. 32-806 is hereby amended to read as follows: 32-806.
4 The secretary of wildlife ~~and parks~~, *parks and tourism* may organize the
5 Kansas department of wildlife ~~and parks~~, *parks and tourism* in the manner
6 the secretary deems most efficient, so long as the same is not in conflict
7 with the provisions of this order or with the provisions of law, and the
8 secretary may establish policies governing the transaction of business of
9 the department and the administration of the department. The secretary
10 shall cause any compensation received by the *Kansas* department of
11 wildlife ~~and parks~~, *parks and tourism*, whether monetary, in-kind or
12 otherwise, from leases of real property under the control and jurisdiction
13 of the secretary to be accounted for and reflected in the budget of the
14 *Kansas* department of wildlife ~~and parks~~, *parks and tourism*.

15 Sec. 25. K.S.A. 32-807 is hereby amended to read as follows: 32-807.
16 The secretary shall have the power to:

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

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

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

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

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

30 (f) purchase, lease, accept gifts or grants of or otherwise acquire in
31 the name of the state such water, water rights, easements, facilities,
32 equipment, moneys and other real and personal property, and interests
33 therein, including any property abandoned on department lands and
34 waters, and maintain, improve, extend, consolidate, exchange and dispose
35 of such property, as the secretary deems appropriate to carry out the intent
36 and purposes of the wildlife ~~and parks~~, *parks and tourism* laws of this
37 state;

38 (g) acquire, establish, develop, construct, maintain and improve state
39 parks, state lakes, recreational grounds, wildlife areas and sanctuaries, fish
40 hatcheries, natural areas, physical structures, dams, lakes, reservoirs,
41 embankments for impounding water, roads, landscaping, habitats,
42 vegetation and other property, improvements and facilities for the purposes
43 of wildlife management, preservation of natural areas and historic sites and

1 providing recreational or cultural opportunities and facilities to the public
2 and for such other purposes as suitable to carry out the intent and purposes
3 of wildlife ~~and parks~~, *parks and tourism* laws of this state;

4 (h) operate and regulate the use of state parks, state lakes, recreational
5 grounds, wildlife areas and sanctuaries, fish hatcheries, natural areas,
6 historic sites and other lands, waters and facilities under the jurisdiction
7 and control of the secretary, so as to promote the public health, safety and
8 decency and the purposes for which such lands, waters and facilities are
9 maintained and operated and to protect and safeguard such lands, waters
10 and facilities, including but not limited to:

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

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

16 (3) prescribing the type, style, location and equipment of all wharves,
17 docks, anchorages, pavilions, restaurants and other structures or buildings
18 which may be constructed along the shores or upon the water of any body
19 of water or land controlled by the department, and providing for the
20 licensing, inspection and supervision of such structures or buildings;

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

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

27 (6) operating, renting or leasing any such lands, waters and facilities
28 which in the judgment of the secretary are necessary or desirable for the
29 use and pleasure of visitors or for management of such lands, waters and
30 facilities and fixing and collecting reasonable fees, tolls, rentals and
31 charges for the use or operation thereof. All contracts or leases for the
32 exercise of any concession shall be entered into only upon the basis of
33 sealed proposals which shall be made and let by the secretary except that:
34 (A) Where a concessionaire has an existing lease with the secretary or any
35 agency of the federal government which the secretary desires to renew,
36 renegotiate or acquire and sublease, such lease or sublease may be
37 negotiated directly in accordance with rules and regulations of the
38 secretary and without compliance with the requirements hereinbefore
39 specified; (B) any such contract or lease for a term of 30 days or less may
40 be made by the secretary directly in accordance with rules and regulations
41 of the secretary; and (C) the secretary shall have authority to reject any or
42 all proposals;

43 (i) have exclusive administrative control over state parks, state lakes,

1 recreational areas, wildlife areas and sanctuaries, fish hatcheries, natural
2 areas and other lands, waters and facilities under the jurisdiction of the
3 secretary;

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

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

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

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

20 (n) conduct research in matters relating to the purposes of the wildlife
21 ~~and parks~~, *parks and tourism* laws of this state and disseminate
22 information relating thereto for the public use and benefit;

23 (o) publicize to the citizens of this and other states the natural
24 resources and facilities existing in Kansas and encourage people to visit
25 Kansas by disseminating available information as to the natural resources
26 and recreational advantages of the state;

27 (p) develop public recreation as related to natural resources and
28 implement a state recreational plan which may include, but shall not be
29 limited to, the general location, character and extent of state lands, waters
30 and facilities for public recreational purposes and methods for better use of
31 lands, waters and facilities which are within the scope of the plan or the
32 purpose of the wildlife ~~and parks~~, *parks and tourism* laws of this state but,
33 before implementation of such plan or any part thereof, the secretary shall
34 submit it to any state agency affected thereby for such agency's advice and
35 recommendations;

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

39 (1) Establishing, by rules and regulations adopted in accordance with
40 K.S.A. 32-805, and amendments thereto, open seasons when wildlife may
41 be taken or transported in the state of Kansas, or in any part or area of the
42 state designated by counties, major streams, federal impoundments or
43 federal, state or county highways, or by other recognizable boundaries,

1 which open seasons may be established for a specified time in one year
2 only or for a specified time in an indefinite number of years and which
3 open seasons on migratory birds shall not extend beyond or exceed those
4 in effect under federal laws and regulations;

5 (2) establishing, by rules and regulations adopted in accordance with
6 K.S.A. 32-805, and amendments thereto, the number of wildlife which
7 may be taken by a person, as the legal limit for any one calendar day and
8 for the open season, which limit on migratory fowl shall not extend
9 beyond or exceed those limits in effect under federal laws and regulations;

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

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

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

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

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

33 Sec. 26. K.S.A. 32-809 is hereby amended to read as follows: 32-809.

34 (a) Unless otherwise provided by law, all moneys received from
35 agricultural production on state-owned property under the control and
36 jurisdiction of the secretary of wildlife ~~and parks~~, *parks and tourism* shall
37 be remitted in accordance with the provisions of K.S.A. 75-4215, and
38 amendments thereto, to the state treasurer. The state treasurer shall deposit
39 the entire amount in the state treasury and credit it to the state agricultural
40 production fund, which is hereby created in the state treasury.

41 (b) The *Kansas* department of wildlife ~~and parks~~, *parks and tourism*
42 shall establish separate accounts of the state agricultural production fund
43 for each state-owned property under the control and jurisdiction of the

1 secretary of wildlife ~~and parks~~, *parks and tourism*. Such accounts shall be
 2 used for costs and expenses associated with management practices as
 3 determined for each property.

4 (c) All expenditures from the state agricultural production fund shall
 5 be made in accordance with appropriation acts upon warrants of the
 6 director of accounts and reports issued pursuant to vouchers approved by
 7 the secretary of wildlife ~~and parks~~, *parks and tourism*.

8 Sec. 27. K.S.A. 32-832 is hereby amended to read as follows: 32-832.

9 (a) The Kansas department of wildlife ~~and parks~~, *parks and tourism* is
 10 authorized to cooperate with and assist citizen-support organizations. For
 11 the purposes of this act, the term "citizen-support organization" means an
 12 organization which:

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

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

19 (3) is domiciled in this state;

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

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

26 (b) The secretary may assist organizers of a citizen-support
 27 organization with its creation. The secretary may authorize any citizen-
 28 support organization to use under such conditions as the secretary may
 29 prescribe, department property, facilities or personnel to pursue the goals,
 30 objectives and purposes of the department.

31 (c) A citizen-support organization which uses department property,
 32 facilities or personnel shall provide for and disclose to the secretary an
 33 annual audit of its financial records and accounts in such manner and at
 34 such times as may be required by the secretary.

35 (d) A citizen-support organization which receives funding from the
 36 department shall not use such funding for purposes of lobbying as defined
 37 by K.S.A. 46-225, and amendments thereto.

38 Sec. 28. K.S.A. 2011 Supp. 32-833 is hereby amended to read as
 39 follows: 32-833. (a) (1) Notwithstanding the provisions of subsection (f) of
 40 K.S.A. 32-807, and amendments thereto, or any other provisions of law to
 41 the contrary, the secretary of wildlife ~~and parks~~, *parks and tourism* shall
 42 not purchase any land unless:

43 (A) The secretary of wildlife ~~and parks~~, *parks and tourism* has

1 certified that the land proposed to be purchased is in compliance with the
2 provisions of article 13 of chapter 2 of the Kansas Statutes Annotated, and
3 amendments thereto, concerning control and management of noxious
4 weeds after consultation with the county weed supervisor and has
5 developed a written plan for controlling and managing noxious weeds on
6 the land to be purchased;

7 (B) the secretary of wildlife ~~and parks~~, *parks and tourism* shall agree
8 to make payment of moneys in lieu of taxes comparable to the ad valorem
9 tax payments of surrounding lands for any land purchased which is exempt
10 from the payment of ad valorem taxes under the laws of the state of
11 Kansas; and

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

14 (2) In addition to the requirements prescribed by this section and
15 otherwise by law, any proposed purchase of a tract or tracts of land which
16 are greater than 320 acres in the aggregate shall be subject to approval by
17 act of the legislature, either as a provision in an appropriation act
18 pertaining to the specific property to be purchased or by any other act of
19 the legislature that approves the acquisition of the specific property
20 proposed to be purchased, or by approval by the state finance council
21 acting on this matter which is hereby characterized as a matter of
22 legislative delegation and subject to the guidelines prescribed in subsection
23 (c) of K.S.A. 75-3711c, and amendments thereto.

24 (3) The provisions of this subsection shall not apply to any purchase
25 of land by the secretary, which is less than 640 acres in the aggregate and
26 owned by a private individual, if the purchase price is an amount less than
27 such land's appraised valuation.

28 (b) (1) Notwithstanding the provisions of subsection (f) of K.S.A. 32-
29 807, and amendments thereto, or any other provisions of law to the
30 contrary, the secretary of wildlife ~~and parks~~, *parks and tourism* shall adopt
31 guidelines and procedures prescribing public notice requirements that the
32 secretary shall comply with before the selling of any land which shall
33 include, but not be limited to, the following:

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

38 (B) the secretary shall cause to be published in a newspaper of
39 general circulation in the county the land is located once a week for three
40 consecutive weeks, the secretary's intent to sell the land which shall
41 include a legal description of the land to be sold, the time and date of the
42 sale or the date after which the land will be offered for sale, the general
43 terms and conditions of such sale, and a name and telephone number of a

1 person who may be contacted concerning the sale of such land; and

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

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

11 (3) The secretary shall list such land with a real estate agent who is
12 licensed by the Kansas real estate commission as a salesperson under the
13 real estate brokers' and salespersons' license act, and who shall publicly
14 advertise that such land is for sale.

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

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

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

29 Sec. 30. K.S.A. 32-840 is hereby amended to read as follows: 32-840.
30 (a) The secretary, in the name of the state of Kansas, may exercise the right
31 of eminent domain in accordance with the eminent domain procedure act
32 (K.S.A. 26-501 *et seq.*, and amendments thereto) for the purpose of
33 acquiring lands, water and water rights necessary to:

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

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

41 (b) The taking, using and appropriating of property as authorized by
42 subsection (a)(2) for the purposes of protecting lands, waters and facilities
43 and their environs and preserving the view, appearance, light, air, health

1 and usefulness thereof by reselling such property with such restrictions in
2 the deeds of resale as will protect the property taken for such purposes is
3 hereby declared to be taking, using and appropriating of such property for
4 public use. The proceeds arising from the resale of any property so taken
5 shall be used by the secretary for the purpose of improving lands, waters
6 and facilities under the jurisdiction and control of the secretary.

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

11 Sec. 31. K.S.A. 2011 Supp. 32-844 is hereby amended to read as
12 follows: 32-844. (a) The secretary of wildlife ~~and parks~~, *parks and tourism*
13 shall submit a report to the legislature at the beginning of each regular
14 session detailing all real estate transactions which are proposed or
15 agreements which have been entered into between the *Kansas* department
16 of wildlife ~~and parks~~, *parks and tourism* and any other party, other than
17 another state agency, which relate to any acquisition or disposition of any
18 real estate, or interest in real estate, by the *Kansas* department of wildlife
19 ~~and parks~~, *parks and tourism* or any such contracting party.

20 (b) (1) With regard to executed agreements, the report required by
21 this section shall include for each such acquisition to be reported: (A) The
22 legal description of the real estate or interest acquired; (B) the purchase
23 price; (C) if appropriation of state moneys is required for the acquisition,
24 the appraised value of the real estate or interest acquired; and (D) if the
25 real estate or interest therein will remain subject to ad valorem property
26 taxation.

27 (2) With regard to proposed real estate transactions, the report
28 required by this section shall include for each such proposed transaction to
29 be reported: (A) The legal description of the real estate or interest
30 acquired; (B) if appropriation of state moneys is required for the proposed
31 transaction, the appraised value of the real estate or interest proposed to be
32 acquired; and (C) if the real estate or interest therein will remain subject to
33 ad valorem property taxation.

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

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

40 Sec. 32. K.S.A. 32-845 is hereby amended to read as follows: 32-845.
41 (a) Neither the *Kansas* department of wildlife ~~and parks~~, *parks and*
42 *tourism*, nor any officer or employee of the state on behalf of the
43 department, shall enter into any contract for the acquisition or lease of real

1 estate with the corps of engineers or the bureau of reclamation which will
2 require any future appropriation unless the contract is first approved by the
3 legislature as provided by subsection (b).

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

6 (1) Law or concurrent resolution; or

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

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

10 (d) The provisions of this section shall not apply to contracts
11 requiring future appropriations of only: (1) Moneys that are received from
12 the corps of engineers or the bureau of reclamation or from a private
13 source; or (2) moneys to be expended in response to a major disaster
14 declared by the president of the United States. In addition, the provisions
15 of this section shall not apply to lease renewals with the corps of engineers
16 or bureau of reclamation, except the department shall notify the
17 chairperson, vice-chairperson and ranking minority member of both the
18 house and senate energy and natural resources committees on or before the
19 first day of a legislative session of any such lease renewals pending for
20 that calendar year.

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

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

25 (a) Pursuant to K.S.A. 32-845, and amendments thereto, ~~the legislature~~
26 ~~hereby approves the Kansas department of wildlife and parks' entering,~~
27 *parks and tourism is hereby authorized to enter* into a project cooperative
28 agreement and related lease with the U.S. department of the army to
29 modify and restore approximately 2,550 acres of permanent and seasonal
30 wetland habitat located on the Republican River floodplain within the
31 flood control pool of Milford Lake subject to the following: The proposed
32 project shall be developed in the following three stages and moneys to pay
33 the nonfederal share of project costs for each stage shall be secured before
34 commencement of such stage: (1) Stage 1, in the areas of Lower Refuge,
35 Cane Creek, Mall Creek and Smith Bottoms, totaling approximately 1,030
36 acres; (2) stage 2, in the areas of Quimby Creek, Smith Bottoms addition,
37 Beichter Bottoms, East Broughton 1 and 3 and West Broughton 1 and 2,
38 totaling approximately 895 acres; and (3) stage 3, in the areas of West
39 Broughton 3 and 4, Martin, East Broughton 2 and 4 and Sugar Bowl,
40 totaling approximately 415 acres.

41 (b) The *Kansas department of wildlife and parks, parks and tourism*
42 is hereby authorized to assume costs associated with the operation,
43 maintenance, repair, replacement and rehabilitation of the area in each

1 stage of the Milford Lake wetlands wildlife habitat restoration project
2 after completion of such stage by the U.S. department of the army. Such
3 costs shall be paid from wildlife-related fee funds of the department and
4 from any nonstate moneys available for that purpose.

5 Sec. 34. K.S.A. 32-869 is hereby amended to read as follows: 32-869.
6 The Kansas development finance authority is hereby authorized to issue,
7 pursuant to K.S.A. 32-857 through 32-864, and amendments thereto,
8 revenue bonds in an amount or amounts not to exceed \$30,000,000 for any
9 one resort. The proceeds from the sale of such bonds shall be used,
10 together with any other funds available for such purpose, to construct and
11 equip a resort on state-owned or leased property under the jurisdiction of
12 the *Kansas* department of wildlife ~~and parks~~, *parks and tourism*. The
13 bonds, and interest thereon, issued pursuant to this section shall be payable
14 by the private sector developer from revenues to include, but not limited to,
15 resort charges, rentals and fees, such payment to be in lieu of lease
16 payments and shall never be deemed to be an obligation or indebtedness of
17 the state within the meaning of ~~section 6 of article 11 of the constitution of~~
18 ~~the state of Kansas~~ *article 11, section 6 of the Kansas constitution*.

19 Sec. 35. K.S.A. 2011 Supp. 32-873 is hereby amended to read as
20 follows: 32-873. Notwithstanding the provisions of K.S.A. 32-867 through
21 32-872, the selection of any site by the secretary of wildlife ~~and parks~~,
22 *parks and tourism* and secretary of commerce pursuant to K.S.A. 32-874d,
23 and amendments thereto, shall not become final, nor shall any revenue
24 bonds be issued for the resort development, until the site so selected and
25 the amount of the bonds proposed to be issued have been approved by the
26 legislature or the state finance council acting on this matter which is
27 hereby characterized as a matter of legislative delegation and subject to the
28 guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and
29 amendments thereto.

30 Sec. 36. K.S.A. 32-874 is hereby amended to read as follows: 32-874.
31 (a) The secretary ~~of the Kansas department~~ of commerce ~~and housing~~ and
32 the secretary of wildlife ~~and parks~~, *parks and tourism*, together, shall direct
33 and implement a feasibility study regarding the potential of developing
34 lake resorts in Kansas. The study shall consider ready access from nearby
35 interstate and interstate connected controlled access highways, public
36 transportation systems, facilities and any other factors that may affect
37 tourism to a given site. The study shall consider only sites at existing state
38 parks or lakes.

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

1 Sec. 37. K.S.A. 2011 Supp. 32-874a is hereby amended to read as
2 follows: 32-874a. The feasibility study required under K.S.A. 32-874, and
3 amendments thereto, being completed, the secretary of commerce, the
4 secretary of wildlife ~~and parks~~, *parks and tourism* and the secretary of
5 transportation will develop an incentive plan outlining the state of Kansas'
6 commitment toward building a lake resort which shall include, but not
7 limited to, infrastructure improvements, utility improvements and tax
8 incentives to be offered for sites at, including, but not limited to the six
9 state parks selected in the feasibility study reported to the 1998 legislature:
10 Cheney, Clinton, El Dorado, Hillsdale, Perry and Milford.

11 Sec. 38. K.S.A. 2011 Supp. 32-874b is hereby amended to read as
12 follows: 32-874b. Once the state incentive packages are agreed upon, the
13 secretary of wildlife ~~and parks~~, *parks and tourism*, under K.S.A. 32-807,
14 32-830 and 32-831, and amendments thereto, and the secretary of
15 commerce under K.S.A. 74-5005, and amendments thereto, will take the
16 incentive package for each lake resort site to communities adjacent to each
17 state park, revealing what the state is willing to commit to the development
18 of a lake resort near each lake resort community and negotiate and
19 determine what each community is willing to offer as an incentive to have
20 the lake resort develop near its community.

21 Sec. 39. K.S.A. 32-874c is hereby amended to read as follows: 32-
22 874c. The secretary of wildlife ~~and parks~~, *parks and tourism*, if necessary,
23 shall negotiate and contract with the United States corps of engineers,
24 bureau of reclamation, or other federal agency under K.S.A. 32-824, 32-
25 825, 32-826 and 32-845, and amendments thereto, regarding a selected site
26 and seek the necessary legislative approval under K.S.A. 32-843, and
27 amendments thereto.

28 Sec. 40. K.S.A. 2011 Supp. 32-874d is hereby amended to read as
29 follows: 32-874d. (a) When the incentive packages for each of the lake
30 resorts is determined, the secretary of wildlife ~~and parks~~, *parks and*
31 *tourism* and the secretary of commerce shall develop requests for
32 proposals which include the incentive packages for each site. The
33 proposals received from developers under subsection (h)(6) of K.S.A. 32-
34 807, and amendments thereto, shall be sealed.

35 (b) The *Kansas* department of wildlife ~~and parks~~, *parks and tourism*
36 and the department of commerce shall advertise for proposal plans with
37 bids for development of sites selected under K.S.A. 32-867, 32-868, 32-
38 871 and 32-872, and amendments thereto. Advertisements for proposals
39 with bids shall be published in the Kansas register and once each week for
40 two consecutive weeks in a newspaper having general circulation in the
41 community at least 60 days before the time for receiving the proposals
42 with bids. The advertisement shall also be posted on readily accessible
43 bulletin boards in all offices of the two departments and on the information

1 network of Kansas. The advertisement shall identify the area to be
2 developed, the purpose of the development and shall state that such further
3 information as is available may be obtained from either departments' office
4 in Topeka.

5 The two secretaries shall consider all proposals with bids submitted, the
6 financial and legal ability of the private sector developers making such
7 proposals with bids to carry them out and may negotiate with any private
8 sector developer for a proposal with bid. The secretaries may accept such
9 proposal with bid as it deems to be in the public interest and in furtherance
10 of the purposes of this act.

11 (c) Once proposals are received from developers wishing to contract
12 for building the resort, the secretary of wildlife ~~and parks, parks and~~ *parks and*
13 *tourism* utilizing powers and authority granted under K.S.A. 32-807, 32-
14 862, 32-863 and 32-867 through 32-872, and amendments thereto, and the
15 secretary of commerce under K.S.A. 74-5005, and amendments thereto,
16 shall select, negotiate and contract for the construction of a lake resort
17 which shall be operated as a private concession and developed with private
18 funding to include, but not limited to, the issuance of revenue bonds under
19 K.S.A. 32-857 through 32-864, and amendments thereto.

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

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

32 Sec. 41. K.S.A. 2011 Supp. 32-874e is hereby amended to read as
33 follows: 32-874e. The secretary of wildlife ~~and parks, parks and tourism~~
34 and the secretary of commerce shall present a joint report concerning
35 negotiations, site selection, and status of the resort to the legislature, house
36 committee on tourism, senate committee on transportation and tourism and
37 to the governor during the 1999 legislative session.

38 Sec. 42. K.S.A. 32-886 is hereby amended to read as follows: 32-886.
39 (a) Contingent upon a favorable response from federal agencies regarding
40 development of shared resources, the secretary of ~~the department of~~
41 ~~wildlife and parks~~ *wildlife, parks and tourism* shall identify and select sites
42 suitable for the development of commercial, family oriented lodging areas
43 at the following state parks: Clinton, Hillsdale, Kanopolis, El Dorado,

1 Cheney, Wilson, Milford, Tuttle Creek, Pomona and such other state parks
2 as the secretary deems appropriate.

3 (b) Such identification and selection of the sites shall take into
4 consideration the mission of the facility, the environmental considerations
5 and the availability of needed utilities.

6 (c) Family oriented lodging shall not include the development of lake
7 resorts.

8 Sec. 43. K.S.A. 32-887 is hereby amended to read as follows: 32-887.
9 The secretary of ~~the department of wildlife and parks~~ *wildlife, parks and*
10 *tourism* is then authorized to negotiate for a long-term lease with a private
11 sector developer for improvement and development of any selected state
12 park site. All such leases shall be on such terms as the secretary prescribes
13 and adhere to the purposes and considerations of K.S.A. 32-886, and
14 amendments thereto.

15 Sec. 44. K.S.A. 32-888 is hereby amended to read as follows: 32-888.
16 The *Kansas* department of ~~wildlife and parks~~, *parks and tourism* shall
17 advertise for proposal plans with bids for development of sites selected
18 under K.S.A. 32-886, and amendments thereto. Advertisements for
19 proposals with bids shall be published once each week for two consecutive
20 weeks in a newspaper having general circulation in the community at least
21 60 days before the time for receiving the proposals with bids. The
22 advertisement shall also be posted on readily accessible bulletin boards in
23 all offices of the department. The advertisement shall identify the area to
24 be developed, the purpose of the development and shall state that such
25 further information as is available may be obtained from the department's
26 office in Topeka.

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

33 Sec. 45. K.S.A. 2011 Supp. 32-906 is hereby amended to read as
34 follows: 32-906. (a) Except as otherwise provided by law or rules and
35 regulations of the secretary, a valid Kansas fishing license is required to
36 fish or to take any bullfrog in this state.

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

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

41 (2) a resident of this state who is less than 16 years of age or who is
42 65 or more years of age;

43 (3) a nonresident who is less than 16 years of age;

1 (4) a person fishing in a private water fishing impoundment unless
2 waived pursuant to K.S.A. 32-975, and amendments thereto;

3 (5) a resident of an adult care home, as defined by K.S.A. 39-923,
4 and amendments thereto, licensed by the secretary of aging;

5 (6) an inmate in an honor camp operated by the secretary of
6 corrections, pursuant to an agreement between the secretary of corrections
7 and the secretary of wildlife ~~and parks~~, *parks and tourism*;

8 (7) a person on dates designated pursuant to subsection (f);

9 (8) a person fishing under a valid institutional group fishing license
10 issued pursuant to subsection (g); or

11 (9) a participant in a fishing clinic sponsored or cosponsored by the
12 department, during the period of time that the fishing clinic is being
13 conducted.

14 (c) The fee for a fishing license shall be the amount prescribed
15 pursuant to K.S.A. 32-988, and amendments thereto.

16 (d) Unless otherwise provided by law or rules and regulations of the
17 secretary, a fishing license is valid throughout the state.

18 (e) Unless otherwise provided by law or rules and regulations of the
19 secretary, a fishing license is valid from the date of issuance and expires
20 on December 31 following its issuance, except that the secretary may issue
21 a:

22 (1) Permanent license pursuant to K.S.A. 32-929, and amendments
23 thereto;

24 (2) lifetime license pursuant to K.S.A. 32-930, and amendments
25 thereto;

26 (3) nonresident fishing license valid for a period of five days; and

27 (4) resident or nonresident fishing license valid for a period of 24
28 hours.

29 (f) The secretary may designate by resolution two days each calendar
30 year during which persons may fish by legal means without having a valid
31 fishing license.

32 (g) The secretary shall issue an annual institutional group fishing
33 license to each facility operating under the jurisdiction of or licensed by
34 the secretary of social and rehabilitation services and to any veterans
35 administration medical center in the state of Kansas upon application by
36 such facility or center to the secretary of wildlife ~~and parks~~, *parks and
37 tourism* for such license.

38 All applications for facilities under the jurisdiction of the secretary of
39 social and rehabilitation services shall be made with the approval of the
40 secretary of social and rehabilitation services and shall provide such
41 information as the secretary of wildlife ~~and parks~~, *parks and tourism*
42 requires. All applications for any veterans administration medical center
43 shall be made with the approval of the director of such facility and shall

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

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

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

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

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

35 Sec. 46. K.S.A. 2011 Supp. 32-918 is hereby amended to read as
36 follows: 32-918. (a) Upon request of the secretary of social and
37 rehabilitation services, the secretary of wildlife ~~and parks~~, *parks and*
38 *tourism* shall not allow any license, permit, stamp, tag or other issue of the
39 *Kansas* department of wildlife ~~and parks~~, *parks and tourism* to be
40 purchased by any applicant except as provided in this section. The
41 secretary of social and rehabilitation services may make such a request by
42 providing the secretary of wildlife ~~and parks~~, *parks and tourism*, on a
43 quarterly basis, a listing of names and other information sufficient to allow

1 the secretary of wildlife ~~and parks~~, *parks and tourism* to match applicants
2 against the list with reasonable accuracy. The secretary of social and
3 rehabilitation services may include an individual on the listing if, at the
4 time the listing is compiled, the individual owes arrearages under a support
5 order in a title IV-D case or has failed, after appropriate notice, to comply
6 with an outstanding warrant or subpoena directed to the individual in a
7 title IV-D case. The secretary of social and rehabilitation services shall
8 include an individual on the listing if, at the time the listing is compiled,
9 the individual owes arrearages under a support order, as reported to the
10 secretary of social and rehabilitation services by the court trustee or has
11 failed, after appropriate notice, to comply with a subpoena directed to the
12 individual by the court trustee and as reported to the secretary of social and
13 rehabilitation services by the court trustee.

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

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

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

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

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

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

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

43 (5) the court trustee notifies the secretary of social and rehabilitation

1 services that the applicant has paid the arrearages in full or has complied
2 with the subpoena or the subpoena has been quashed or withdrawn.

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

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

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

25 (h) The secretary of social and rehabilitation services and the
26 secretary of wildlife and parks may enter into an agreement for
27 administering the provisions of this section.

28 (i) The secretary of social and rehabilitation services and the secretary
29 of wildlife ~~and parks~~, *parks and tourism* may each adopt rules and
30 regulations necessary to carry out the provisions of this section.

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

36 Sec. 47. K.S.A. 2011 Supp. 32-930 is hereby amended to read as
37 follows: 32-930. (a) Except as provided in subsection (c), the secretary or
38 the secretary's designee is authorized to issue to any Kansas resident a
39 lifetime fishing, hunting or furharvester or combination hunting and
40 fishing license upon proper application made therefor to the secretary or
41 the secretary's designee and payment of a license fee as follows: (1) A total
42 payment made at the time of purchase in the amount prescribed pursuant
43 to K.S.A. 32-988, and amendments thereto; or (2) payment may be made

1 over a two-year period in eight quarter-annual installments in the amount
2 prescribed pursuant to K.S.A. 32-988, and amendments thereto. If
3 payment is in installments, the license shall not be issued until the final
4 installment has been paid. A person making installment payments shall not
5 be required to obtain the appropriate annual license, and each installment
6 payment shall be deemed to be such an annual license for a period of one
7 year following the date of the last installment payment made. If an
8 installment payment is not received within 30 days after it is due and
9 owing, the secretary may consider the payments in default and may retain
10 any payments previously received. Any lifetime license issued to a Kansas
11 resident shall not be made invalid by reason of the holder thereof
12 subsequently residing outside the state of Kansas. Any nonresident holder
13 of a Kansas lifetime hunting or combination hunting and fishing license
14 shall be eligible under the same conditions as a Kansas resident for a big
15 game or wild turkey permit upon proper application to the secretary. Any
16 nonresident holder of a lifetime fishing license issued before July 1, 1989,
17 shall be eligible under the same conditions as a Kansas resident for a big
18 game or wild turkey permit upon proper application to the secretary.

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

25 (c) (1) Upon request of the secretary of social and rehabilitation
26 services, the secretary of wildlife ~~and parks~~, *parks and tourism* shall not
27 issue a lifetime fishing, hunting or furharvester or combination hunting
28 and fishing license to an applicant except as provided in this subsection.
29 The secretary of social and rehabilitation services may make such a
30 request if, at the time of the request, the applicant:

31 (A) Owed arrearages under a support order in a title IV-D case being
32 administered by the secretary of social and rehabilitation services;

33 (B) had outstanding a warrant or subpoena, directed to the applicant,
34 in a title IV-D case being administered by the secretary of social and
35 rehabilitation services;

36 (C) owes arrearages under a support order, as reported to the
37 secretary of social and rehabilitation services by the court trustee; or

38 (D) has failed, after appropriate notice, to comply with a subpoena
39 directed to the individual by the court trustee as reported to the secretary of
40 social and rehabilitation services by the court trustee.

41 (2) Upon receiving a release from an authorized agent of the secretary
42 of social and rehabilitation services or the court trustee, the secretary of
43 wildlife ~~and parks~~, *parks and tourism* may issue the lifetime fishing,

1 hunting or furharvester or combination hunting and fishing license. The
2 applicant shall have the burden of obtaining and delivering the release.

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

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

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

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

12 (D) the applicant has complied with the warrant or subpoena or the
13 warrant or subpoena has been quashed or withdrawn; or

14 (E) the court trustee notifies the secretary of social and rehabilitation
15 services that the applicant has paid the arrearages in full or has complied
16 with the subpoena or the subpoena has been quashed or withdrawn.

17 (d) (1) Upon request of the secretary of social and rehabilitation
18 services, the secretary of wildlife ~~and parks~~, *parks and tourism* shall
19 suspend a lifetime fishing, hunting or furharvester or combination hunting
20 and fishing license to a licensee as provided in this subsection. The
21 secretary of social and rehabilitation services may make such a request if,
22 at the time of the request, the applicant owed arrearages under a support
23 order or had outstanding a warrant or subpoena as stated in subsection (c)
24 (1).

25 (2) Upon receiving a release from an authorized agent of the secretary
26 of social and rehabilitation services or the court trustee, the secretary of
27 wildlife ~~and parks~~, *parks and tourism* may reinstate the lifetime fishing,
28 hunting or furharvester or combination hunting and fishing license. The
29 licensee shall have the burden of obtaining and delivering the release.

30 (3) The secretary of social and rehabilitation services shall issue a
31 release upon request if the requirements of subsection (c)(3) are met.

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

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

41 (g) The secretary, in accordance with K.S.A. 32-805, and
42 amendments thereto, may adopt rules and regulations necessary to carry
43 out the provisions of this section.

1 Sec. 48. K.S.A. 2011 Supp. 32-932 is hereby amended to read as
2 follows: 32-932. (a) Any person having a permanent disability to the
3 extent that such person cannot physically use a conventional long bow or
4 compound bow, as certified by a person licensed to practice the healing
5 arts in any state, shall be authorized to hunt and take deer, antelope, elk or
6 wild turkey with a crossbow.

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

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

18 Sec. 49. K.S.A. 2011 Supp. 32-938 is hereby amended to read as
19 follows: 32-938. The *Kansas* department of wildlife ~~and parks~~, *parks and*
20 *tourism* may reissue big game or wild turkey limited draw permits to
21 military personnel forced to forfeit their limited draw permit due to
22 deployment in the event of armed conflict or war upon application and
23 payment of the prescribed fee to the department and sufficient proof of
24 such deployment. The permit, if reissued, shall be the same type, season
25 and species permit that was forfeited and shall be valid during the next
26 available hunting season upon return from the armed conflict or war by the
27 applicant provided that the secretary may defer the reissuance of a permit
28 to a future hunting season if the overall demand for reissued permits
29 exceeds the anticipated annual sustainable harvest for that species. The
30 reissuance of a permit shall be based on a first come, first served basis.

31 Sec. 50. K.S.A. 2011 Supp. 32-966 is hereby amended to read as
32 follows: 32-966. The secretary of wildlife ~~and parks~~, *parks and tourism*
33 and the secretary of transportation shall cooperate in developing a
34 management plan to address reduction of motor vehicle accidents
35 involving deer in those areas of the state experiencing high numbers of
36 such accidents. The management plan shall include methods to identify
37 those areas and methods to inform and communicate with landowners and
38 tenants in those areas regarding measures to reduce local deer populations.

39 Sec. 51. K.S.A. 32-976 is hereby amended to read as follows: 32-976.
40 Except for research, scientific or demonstration purposes, the secretary of
41 wildlife ~~and parks~~, *parks and tourism* shall not stock or restock fish in any
42 private water impoundment constructed by man and located wholly within
43 lands owned or leased by the individual maintaining such impoundment

1 unless the fish are secured from a private fish grower. These private waters
2 do not include any impoundment constructed, owned, leased or operated
3 by a federal, state or local governmental agency or by a person who has
4 entered into an agreement with a federal, state or local governmental
5 agency that such impoundment will be open to public access and use.

6 Sec. 52. K.S.A. 2011 Supp. 32-996 is hereby amended to read as
7 follows: 32-996. (a) All federal moneys received pursuant to federal
8 assistance, federal-aid funds and federal-aid grant reimbursements related
9 to the wildlife conservation fund under the control, authorities and duties
10 of the *Kansas* department of wildlife ~~and parks, parks and tourism~~, shall
11 be remitted to the state treasurer in accordance with the provisions of
12 K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance,
13 the state treasurer shall deposit the entire amount in the state treasury and
14 credit it to the wildlife conservation fund ~~federal fund – federal~~, which is
15 hereby created. *The wildlife conservation fund – federal is hereby*
16 *redesignated as the wildlife restoration fund.*

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

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

27 (1) The average daily balance of moneys in the ~~wildlife conservation~~
28 ~~fund-federal~~ *wildlife restoration fund*, for the preceding month; and

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

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

36 Sec. 53. K.S.A. 2011 Supp. 32-997 is hereby amended to read as
37 follows: 32-997. (a) All federal moneys received pursuant to federal
38 assistance, federal-aid funds and federal-aid grant reimbursements related
39 to the wildlife fee fund, under the control, authorities and duties of the
40 *Kansas* department of wildlife ~~and parks, parks and tourism~~ shall be
41 remitted *to the state treasurer* in accordance with the provisions of K.S.A.
42 75-4215, and amendments thereto, ~~to the state treasurer~~. Upon receipt of
43 the remittance, the state treasurer shall deposit the entire amount in the

1 state treasury and credit it to the wildlife ~~fund-federal fund~~ – federal,
2 which is hereby created. *The wildlife fund – federal is hereby redesignated*
3 *as the sport fish restoration fund.*

4 (b) No moneys derived from sources described in subsection (a) or
5 (c) shall be used for any purpose other than the administration of matters
6 which relate to purposes authorized under K.S.A. 32-990, and amendments
7 thereto, and which are under the control, authorities and duties of the
8 secretary of wildlife ~~and parks~~, *parks and tourism* and the *Kansas*
9 *department of wildlife and parks, parks and tourism* as provided by law.

10 (c) On or before the 10th of each month, the director of accounts and
11 reports shall transfer from the state general fund to the ~~wildlife fee fund-~~
12 ~~federal~~ *sport fish restoration fund* interest earnings based on:

13 (1) The average daily balance of moneys in the ~~wildlife fund-federal~~
14 *sport fish restoration fund*, for the preceding month; and

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

17 (d) All expenditures from the ~~wildlife fund-federal~~, *sport fish*
18 *restoration fund* shall be made in accordance with appropriation acts upon
19 warrants of the director of accounts and reports issued pursuant to
20 vouchers approved by the secretary of wildlife ~~and parks~~, *parks and*
21 *tourism*.

22 Sec. 54. K.S.A. 2011 Supp. 32-998 is hereby amended to read as
23 follows: 32-998. (a) All moneys received by the *Kansas* department of
24 wildlife ~~and parks~~, *parks and tourism* from sources other than those
25 identified and restricted in K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994
26 and 32-1173, and amendments thereto, or identified and allocated to a
27 restricted fund by any appropriation act, shall be remitted to the state
28 treasurer in accordance with the provisions of K.S.A. 75-4215, and
29 amendments thereto. The state treasurer shall deposit the entire amount of
30 the remittance in the state treasury and credit it to the wildlife and parks
31 nonrestricted fund, which is hereby created.

32 (b) All expenditures from the wildlife and parks nonrestricted fund
33 may be for federal aid eligible expenditures at the discretion of the
34 secretary.

35 (c) On or before the 10th day of each month, the director of accounts
36 and reports shall transfer from the state general fund to the wildlife and
37 parks nonrestricted fund interest earnings based on:

38 (1) The average daily balance of moneys in the wildlife and parks
39 nonrestricted fund for the preceding month; and

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

42 (d) All expenditures from the wildlife and parks nonrestricted fund
43 shall be made in accordance with appropriation acts upon warrants of the

1 director of accounts and reports issued pursuant to vouchers approved by
2 the secretary.

3 Sec. 55. K.S.A. 2011 Supp. 32-999 is hereby amended to read as
4 follows: 32-999. (a) The secretary of ~~the department of wildlife and parks~~
5 *wildlife, parks and tourism* is authorized, with the approval of the Kansas
6 ~~wildlife and parks, parks and tourism~~ commission, to establish fees for the
7 public use of cabins owned or operated by the department. At a public
8 meeting, the secretary, with consideration by the commission, shall set an
9 amount for each fee that encourages use of such cabins and that enables
10 the department to maintain and operate such cabins.

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

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

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

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

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

18 Sec. 56. K.S.A. 2011 Supp. 32-1001 is hereby amended to read as
19 follows: 32-1001. (a) It is unlawful for any person to:

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

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

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

39 (4) while participating or engaging in fishing or hunting: (A) Fail to
40 carry in such person's possession a card or other evidence which such
41 person is required to carry pursuant to K.S.A. 32-980, and amendments
42 thereto; or (B) refuse to allow inspection of such card or other evidence
43 upon demand of any officer or employee of the department or any officer

1 authorized to enforce the laws of this state or rules and regulations of the
2 secretary; or

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

6 (b) No person charged with violating subsection (a)(1) for failure to
7 obtain a vehicle or camping permit for use of any state park, or any portion
8 thereof or facility therein, or any other area or facility for which a vehicle
9 or camping permit is required pursuant to rules and regulations of the
10 secretary shall be convicted thereof unless such person refuses to purchase
11 such permit after receiving a permit violation notice, which notice shall
12 require the procurement of: (1) The proper daily permit or permits and
13 payment; within 24 hours; of a late payment fee of \$15; or (2) an annual
14 vehicle or camping permit, as the case may be, if such permit has been
15 established by rule and regulation and adopted by the secretary.

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

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

31 (d) No person who is a resident of this state and charged with
32 violating subsection (a)(1) or (a)(2) shall be convicted thereof if such
33 person produces in court or the office of the arresting officer the
34 appropriate license, permit, stamp or other issue of the department,
35 lawfully issued to such person and valid at the time of such person's arrest.

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

40 Sec. 57. K.S.A. 2011 Supp. 32-1004 is hereby amended to read as
41 follows: 32-1004. (a) It is unlawful for any person to:

42 (1) Possess a carcass of a big game animal, taken within this state,
43 unless a carcass tag, issued by the secretary, is attached to it in accordance

1 with rules and regulations adopted by the secretary;

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

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

9 (4) possess any wildlife unlawfully killed or otherwise unlawfully
10 taken outside this state;

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

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

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

19 (8) refuse to allow any conservation officer or deputy conservation
20 officer or any law enforcement officer to inspect any devices or facilities
21 of such person which are used in taking, possessing, transporting, storing
22 or processing any wildlife subject to the wildlife ~~and parks, parks and~~
23 *tourism* laws of this state or rules and regulations of the secretary.

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

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

31 Sec. 58. K.S.A. 2011 Supp. 32-1005 is hereby amended to read as
32 follows: 32-1005. (a) Commercialization of wildlife is knowingly
33 committing any of the following, except as permitted by statute or rules
34 and regulations:

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

37 (2) selling, bartering, purchasing or offering to sell, barter or
38 purchase, for profit or commercial purposes, all or any part of any wildlife
39 protected by this section;

40 (3) shipping, exporting, importing, transporting or carrying; causing
41 to be shipped, exported, imported, transported or carried; or delivering or
42 receiving for shipping, exporting, importing, transporting or carrying all or
43 any part of any wildlife protected by this section, for profit or commercial

1 purposes; or

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

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

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

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

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

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

10 (5) bobcats, \$200;

11 (6) wild turkey, \$200;

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

13 (8) game birds, migratory game birds, resident and migratory
14 nongame birds, game animals and nongame animals, \$50 unless a higher
15 amount is specified above;

16 (9) fish and mussels, the value for which shall be no less than the
17 value listed for the appropriate fish or mussels species in the monetary
18 values of freshwater fish or mussels and fish kill counting guidelines of the
19 American fisheries society, special publication number 30;

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

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

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

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

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

30 (d) Commercialization of wildlife having an aggregate value of
31 \$1,000 or more, as specified in subsection (b), is a severity level 10,
32 nonperson felony. Commercialization of wildlife having an aggregate
33 value of less than \$1,000, as specified in subsection (b), is a class A
34 nonperson misdemeanor.

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

37 (1) Confiscate all equipment used in the commission of the crime and
38 may revoke for a period of up to 10 years all licenses and permits issued to
39 the convicted person by the Kansas department of wildlife ~~and parks,~~
40 *parks and tourism*; and

41 (2) order restitution to be paid to the Kansas department of wildlife
42 ~~and parks,~~ *parks and tourism* for the wildlife taken, which restitution shall
43 be in an amount not less than the aggregate value of the wildlife, as

1 specified in subsection (b).

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

5 Sec. 59. K.S.A. 2011 Supp. 32-1031 is hereby amended to read as
6 follows: 32-1031. ~~(a)~~ Unless otherwise provided by law or rules and
7 regulations of the secretary, violation of any provision of the wildlife ~~and~~
8 ~~parks, parks and tourism~~ laws of this state or rules and regulations adopted
9 thereunder is a class C misdemeanor.

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

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

14 (3) Upon a fourth and any subsequent convictions of a wildlife
15 violation that is a class C misdemeanor, a fine of not less than \$400 shall
16 be imposed and a minimum of not less than 7 days in the county jail shall
17 be served.

18 (b) Any conviction for a wildlife violation that is a class C
19 misdemeanor that occurs before July 1, 2005, shall not be considered for
20 purposes of this section.

21 Sec. 60. K.S.A. 2011 Supp. 32-1032 is hereby amended to read as
22 follows: 32-1032. (a) Violation of any provision of the wildlife ~~and parks,~~
23 ~~parks and tourism~~ laws of this state or rules and regulations of the
24 secretary relating to big game or wild turkey permits and game tags, taking
25 big game or wild turkey during a closed season, taking big game or wild
26 turkey in violation of subsections (a)(1), (2) or (7) of K.S.A. 32-1003, and
27 amendments thereto, or taking big game or wild turkey in violation of
28 subsection (a)(2) or (3) of K.S.A. 32-1004, and amendments thereto, or
29 taking big game or wild turkey in violation of K.S.A. 32-1013, and
30 amendments thereto, is a misdemeanor, subject to the provisions of
31 subsection (b), punishable by a fine or by imprisonment in the county jail,
32 or by both.

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

38 (2) Upon a third conviction for a violation of the wildlife ~~and parks,~~
39 ~~parks and tourism~~ laws of this state or the rules and regulations of the
40 secretary relating to this section, the violator shall not be fined less than
41 \$1,000 and shall be imprisoned in the county jail for not less than 30 days.
42 A third conviction shall be a class B nonperson misdemeanor.

43 (3) Upon a fourth conviction for a violation of the wildlife ~~and parks,~~

1 *parks and tourism* laws of this state or the rules and regulations of the
2 secretary relating to this section, the violator shall not be fined less than
3 \$1,000 and shall be imprisoned in the county jail for not less than 60 days.

4 A fourth conviction shall be a class A nonperson misdemeanor.

5 (4) Upon the fifth or subsequent convictions for a violation of the
6 wildlife ~~and parks~~, *parks and tourism* laws of the state or the rules and
7 regulations of the secretary relating to this section, the violator shall not be
8 fined less than \$1,000 and shall be imprisoned in the county jail for not
9 less than 90 days. A fifth or subsequent conviction shall be a class A
10 nonperson misdemeanor.

11 Any conviction for a wildlife violation that occurs before July 1, 2005,
12 shall not be considered for purposes of this subsection.

13 (b) (1) In addition to any other penalty prescribed by law, the
14 unlawful intentional taking of a trophy big game animal shall be
15 punishable by a fine of \$5,000.

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

18 (A) An antlered whitetail deer having an inside spread measurement
19 of at least 17 inches;

20 (B) an antlered mule deer having an inside spread measurement of at
21 least 22 inches;

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

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

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

28 (c) In addition to any other penalty imposed by the convicting court,
29 if a person is convicted of a violation of K.S.A. 32-1001, 32-1002, 32-
30 1003, 32-1004 or 32-1013, and amendments thereto, that involves taking
31 of a big game animal or wild turkey, or if a person is convicted of a
32 violation of K.S.A. 32-1005, and amendments thereto, that involves
33 commercialization of a big game animal or wild turkey:

34 (1) Upon the first such conviction, the court may order forfeiture of
35 the person's hunting privileges for one year from the date of conviction
36 and: (A) Revocation of the person's hunting license, unless such license is
37 a lifetime hunting license; or (B) if the person possesses a lifetime hunting
38 license, suspension of such license for one year from the date of
39 conviction.

40 (2) Upon the second such conviction, the court shall order forfeiture
41 of the person's hunting privileges for three years from the date of
42 conviction and: (A) Revocation of the person's hunting license, unless
43 such license is a lifetime hunting license; or (B) if the person possesses a

1 lifetime hunting license, suspension of such license for three years from
2 the date of conviction.

3 (3) Upon the third or a subsequent such conviction, the court shall
4 order forfeiture of the person's hunting privileges for five years from the
5 date of conviction and: (A) Revocation of the person's hunting license,
6 unless such license is a lifetime hunting license; or (B) if the person
7 possesses a lifetime hunting license, suspension of such license for five
8 years from the date of conviction.

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

13 (e) Nothing in this section shall be construed to prevent a convicting
14 court from suspending a person's hunting privileges or ordering the
15 forfeiture or suspension of the person's license, permit, stamp or other
16 issue of the department for a period longer than provided in this section, if
17 such forfeiture or suspension is otherwise provided for by law.

18 Sec. 61. K.S.A. 32-1040 is hereby amended to read as follows: 32-
19 1040. The court hearing the prosecution of any child 16 or 17 years of age
20 who is charged with a violation of any provision of the wildlife ~~and parks,~~
21 *parks and tourism* laws of this state or rules and regulations adopted
22 thereunder may impose any fine authorized by law for the offense or may
23 order that the child be placed in a juvenile detention facility.

24 Sec. 62. K.S.A. 32-1041 is hereby amended to read as follows: 32-
25 1041. (a) (1) Upon the first conviction of violating any provision of the
26 wildlife ~~and parks,~~ *parks and tourism* laws of this state or rules and
27 regulations of the secretary, and in addition to any authorized sentence
28 imposed by the convicting court, such court may: (A) Order such person to
29 refrain from engaging in any activity, legal or illegal, the activity for which
30 convicted for up to one year from the date of conviction, and (B) order the
31 forfeiture of any license, permit, stamp or other issue of the department,
32 other than a lifetime license, which is held by the convicted person and
33 pertains to the activity for which the person was convicted for up to one
34 year from the date of conviction.

35 (2) Upon any subsequent conviction of violating any provision of the
36 wildlife ~~and parks,~~ *parks and tourism* laws of this state, or rules and
37 regulations adopted thereunder, and in addition to any authorized sentence
38 imposed by the convicting court, such court shall: (A) Order such person
39 to refrain from any activity, legal or illegal, related to the activity for
40 which convicted for one year from the date of conviction; and (B) order
41 the forfeiture of any license, permit, stamp or other issue of the
42 department, other than a lifetime license, which is held by the convicted
43 person and pertains to the activity for which the person was convicted for

1 one year from the date of conviction.

2 (b) (1) Upon the first conviction of violating any provision of the
3 wildlife ~~and parks~~, *parks and tourism* laws of this state, or rules and
4 regulations adopted thereunder, by a person who has been issued a lifetime
5 hunting or fishing license or a combination thereof, and in addition to any
6 authorized sentence imposed by the convicting court, such court may order
7 the suspension of such license for up to one year from the date of
8 conviction.

9 (2) Upon any subsequent conviction of violating any provision of the
10 wildlife ~~and parks~~, *parks and tourism* laws of this state, or rules and
11 regulations adopted thereunder, by a person who has been issued a lifetime
12 hunting or fishing license or a combination thereof, and in addition to any
13 authorized sentence imposed by the convicting court, such court shall
14 order the suspension of such license for one year from the date of
15 conviction.

16 (c) If a convicted person has been issued a combination hunting and
17 fishing license or a combination lifetime license, only that portion of such
18 license which pertains to the activity for which such person is convicted
19 shall be subject to forfeiture or suspension pursuant to this section. In such
20 case, the order of conviction shall indicate that part of the license which is
21 forfeited or suspended, and such order shall become a temporary license
22 under which the offender may either hunt or fish as the order indicates.

23 (d) Whenever a judge orders forfeiture or suspension of a license,
24 permit, stamp or other issue of the department pursuant to this section,
25 such license, permit, stamp or other issue shall be surrendered to the court
26 and the judge shall forward it, along with a copy of the conviction order, to
27 the department.

28 (e) A person whose license, permit, stamp or other issue of the
29 department has been forfeited or suspended pursuant to subsection (a)(1)
30 or (b)(1) shall not be eligible to purchase another such issue within 30 days
31 of the conviction. A person whose license, permit, stamp or other issue of
32 the department has been forfeited or suspended pursuant to subsection (a)
33 (2) or (b)(2) shall not be eligible to purchase another such issue within one
34 year from the date of conviction.

35 (f) A judge, upon a finding of multiple, repeated or otherwise
36 aggravated violations by a defendant, may order forfeiture or suspension
37 of the defendant's license, permit, stamp or other issue of the department
38 for a period longer than otherwise provided by this section and may order
39 the defendant to refrain from any activity, legal or illegal, related to the
40 activity for which convicted for a period longer than otherwise provided
41 by this section.

42 Sec. 63. K.S.A. 32-1049 is hereby amended to read as follows: 32-
43 1049. (a) Whenever a person is charged for any violation of any of the

1 wildlife ~~and parks~~, *parks and tourism* laws of this state or the provisions of
2 article 11 of chapter 32 of the Kansas Statutes Annotated or rules and
3 regulations adopted thereunder punishable as a misdemeanor and is not
4 immediately taken before a judge of the district court as required or
5 permitted pursuant to K.S.A. 32-1048 and 32-1178, and amendments
6 thereto, the officer shall prepare a written citation containing a notice to
7 appear in court, the name and address of the person, the offense charged,
8 the time and place when and where the person shall appear in court and
9 such other pertinent information as may be necessary.

10 (b) The time specified in the citation must be at least five days after
11 the alleged violation unless the person charged with the violation shall
12 demand an earlier hearing.

13 (c) The place specified in the citation must be before a judge of the
14 district court within the county in which the offense is alleged to have been
15 committed and who has jurisdiction of the offense and is nearest or most
16 accessible with reference to the place where the alleged violation occurred.

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

22 (e) Any officer violating any provisions of this section is guilty of
23 misconduct in office and shall be subject to removal from office.

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

28 Sec. 64. K.S.A. 2011 Supp. 32-1049a is hereby amended to read as
29 follows: 32-1049a. (a) Failure to comply with a wildlife ~~and parks~~, *parks*
30 *and tourism* citation means failure to:

31 (1) Appear before any district court in response to a wildlife ~~and~~
32 ~~parks~~, *parks and tourism* citation and pay in full any fine, court costs,
33 assessments or fees imposed;

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

37 (3) otherwise comply with a wildlife and parks citation as provided in
38 K.S.A. 32-1049, and amendments thereto.

39 Failure to comply with a wildlife ~~and parks~~, *parks and tourism* citation
40 is a class C misdemeanor, regardless of the disposition of the charge for
41 which such citation, complaint or charge was originally issued.

42 (b) The term "citation" means any complaint, summons, notice to
43 appear, ticket, warrant, penalty assessment or other official document

1 issued for the prosecution of the wildlife ~~and parks~~, *parks and tourism*
2 laws or rules and regulations of this state.

3 (c) In addition to penalties of law applicable under subsection (a)
4 when a person fails to comply with a wildlife ~~and parks~~, *parks and tourism*
5 citation or sentence for a violation of wildlife ~~and parks~~, *parks and*
6 *tourism* laws or rules and regulations, the district court in which the person
7 should have complied shall mail a notice to the person that if the person
8 does not appear in the district court or pay all fines, court costs,
9 assessments or fees, and any penalties imposed within 30 days from the
10 date of mailing, the *Kansas* department of wildlife ~~and parks~~, *parks and*
11 *tourism* shall be notified to forfeit or suspend any license, permit, stamp or
12 other issue of the department. Upon receipt of a report of a failure to
13 comply with a wildlife ~~and parks~~, *parks and tourism* citation under this
14 section, and amendments thereto, the department shall notify the violator
15 and suspend or forfeit the license, permit, stamp or other issue of the
16 department held by the violator until satisfactory evidence of compliance
17 with the wildlife ~~and parks~~, *parks and tourism* citation or sentence of the
18 district court for violation of the wildlife ~~and parks~~, *parks and tourism*
19 laws or rules and regulations of this state are furnished to the informing
20 court. Upon receipt of notification of such compliance from the informing
21 court, the department shall terminate the suspension action, unless the
22 violator is otherwise suspended.

23 (d) Except as provided in subsection (e), when the district court
24 notifies the department of a failure to comply with a wildlife ~~and parks~~,
25 *parks and tourism* citation or failure to comply with a sentence of the
26 district court imposed on violation of a wildlife ~~and parks~~, *parks and*
27 *tourism* law or rule and regulation, the court shall assess a reinstatement
28 fee of \$50 for each charge or sentence on which the person failed to make
29 satisfaction, regardless of the disposition of the charge for which such
30 citation was originally issued. Such reinstatement fee shall be in addition
31 to any fine, court costs and other assessments, fees or penalties. The court
32 shall remit all reinstatement fees to the state treasurer in accordance with
33 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
34 of each remittance, the state treasurer shall deposit the entire amount in the
35 state treasury and shall credit such moneys to the state general fund.

36 (e) The district court shall waive the reinstatement fee provided for in
37 subsection (d), if the failure to comply with a wildlife ~~and parks~~, *parks*
38 *and tourism* citation was the result of such person enlisting in or being
39 drafted into the armed services of the United States of America, being
40 called into service as a member of a reserve component of the military
41 service of the United States of America, or volunteering for such active
42 duty or being called into service as a member of the Kansas national guard
43 or volunteering for such active duty and being absent from Kansas because

1 of such military service. The state treasurer and the director of accounts
 2 and reports shall prescribe procedures for all such reimbursement
 3 payments and shall create appropriate accounts, make appropriate
 4 accounting entries and issue such appropriate vouchers and warrants as
 5 may be required to make such reimbursement payments.

6 Sec. 65. K.S.A. 2011 Supp. 32-1050 is hereby amended to read as
 7 follows: 32-1050. (a) Whenever any person is issued a citation by a
 8 conservation officer or deputy conservation officer of the wildlife and
 9 parks conservation service or by any law enforcement officer for any of
 10 the violations described in subsection (b), the officer may require such
 11 person to give bond in the amount specified in subsection (b) for the
 12 offense for which the person was charged, which bond shall be subject to
 13 forfeiture if the person does not appear at the court at the time specified in
 14 the written citation. The bond shall be a cash bond and shall be payable
 15 using cash or legal tender identified as travelers checks, certified checks,
 16 cashiers checks, personal checks and postal money orders. The cash bond
 17 shall be taken in the following manner: The officer shall furnish the person
 18 charged with a stamped envelope addressed to the judge or clerk of the
 19 court named in the written citation and the person shall place in such
 20 envelope the amount of the bond, and in the presence of the officer shall
 21 deposit the same in the United States mail. After having complied with
 22 these requirements, the person charged need not sign the citation, but the
 23 officer shall note the amount of the bond mailed on the citation and shall
 24 give a copy of such citation to the person.

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

28 Engaging in any activity without a required valid license or permit, 29 other than a big game or wild turkey permit or a license or 30 permit for commercial activity.....	\$100
31 Engaging in any activity without a required stamp or other issue 32 of the department.....	75
33 Engaging in any commercial activity without a required valid 34 license or permit.....	500
35 Engaging in any big game or wild turkey hunting without a 36 required valid big game or wild turkey permit.....	500
37 Making misrepresentation to secure license, permit, stamp or other 38 issue of the department.....	250
39 Taking wildlife, except big game or wild turkey, unlawfully 40 (including but not limited to taking wildlife before or-after 41 legal taking hours, during closed season, or using unlawful 42 equipment, means or method).....	100
43 Carrying unplugged shotgun.....	75

1	Exceeding bag or possession limit, except big game or wild	
2	turkey - \$25 for each animal in excess of the bag or possession	
3	limit, plus.....	75
4	Exceeding big game or wild turkey bag or possession limit - \$100	
5	for each animal in excess of the bag or possession limit, plus.....	250
6	Unlawful transporting of wildlife.....	150
7	Taking big game or wild turkey unlawfully (including but not	
8	limited to taking big game or wild turkey before or after	
9	legal taking hours, during closed season, or using unlawful	
10	equipment, means or method).....	500
11	Failing to wear and properly display required clothing during	
12	a big game hunting season.....	75
13	Taking wildlife when operating an amount of equipment in excess	
14	of that legally authorized.....	75
15	Exceeding creel or possession limit — \$25 for each animal in excess	
16	of the creel or possession limit, plus.....	75
17	Operating vessel without a certificate of number or registration.....	50
18	Operating vessel without proper display of required identification	
19	number.....	50
20	Failing to properly display required lights on vessel between	
21	sunset and sunrise.....	50
22	Operating vessel without correct number or approved types	
23	of adult personal flotation devices — \$25 for each adult personal	
24	flotation device violation, plus.....	50
25	Operating vessel without correct number or approved types	
26	of child personal flotation devices — \$50 for each child	
27	personal flotation device violation, plus.....	100
28	Operating vessel without required number of personal flotation	
29	devices readily accessible and in good and serviceable	
30	condition — \$25 for each personal flotation device violation, plus....	50
31	Operating vessel without required number or approved types	
32	of fire extinguishers.....	50
33	Operating vessel in restricted area.....	50
34	Operating vessel without required observer or rearview mirror on	
35	vessel.....	50
36	Operating vessel without required equipment or in excess of	
37	capacity plate limitations.....	50
38	Unlawful altering, destroying or removing of capacity plate.....	100
39	(c) For any violation of the wildlife and park, parks and tourism laws	
40	of this state or rules and regulations adopted thereunder for which a cash	
41	bond is not specified in subsection (b), the court may establish a cash bond	
42	amount.	
43	(d) There shall be added to the amount of cash bond required	

1 pursuant to subsections (b) and (c) the amount of the docket fee as
2 prescribed by K.S.A. 28-172a, and amendments thereto, for crimes defined
3 in chapter 32 of the Kansas Statutes Annotated, and amendments thereto.

4 (e) In the event of forfeiture of any of the bonds set forth in this
5 section, the amount added by (d) to the amount of the cash bond shall be
6 regarded as a docket fee.

7 Sec. 66. K.S.A. 32-1051 is hereby amended to read as follows: 32-
8 1051. (a) It shall be the duty of all conservation officers and deputy
9 conservation officers of the wildlife ~~and parks~~, *parks and tourism*
10 conservation service and all law enforcement officers authorized to
11 enforce the laws of this state to diligently inquire into and prosecute all
12 violations of the wildlife ~~and parks~~, *parks and tourism* laws of this state
13 and rules and regulations of the secretary. Any such officers having
14 knowledge or notice of any such violation shall forthwith make complaint
15 before a court of competent jurisdiction and venue. No such officer
16 making complaint shall be liable for costs unless it is found by the court or
17 jury that the complaint was filed for malicious purposes and without
18 probable cause.

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

22 Sec. 67. K.S.A. 32-1052 is hereby amended to read as follows: 32-
23 1052. In a prosecution of any person or persons for a violation of any of
24 the wildlife ~~and parks~~, *parks and tourism* laws of this state or rules and
25 regulations of the secretary, it shall not be necessary to:

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

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

31 Sec. 68. K.S.A. 32-1053 is hereby amended to read as follows: 32-
32 1053. It shall be the duty of each county or district attorney to prosecute
33 any person or persons charged with a violation of any of the wildlife ~~and~~
34 ~~parks~~, *parks and tourism* laws of this state or rules and regulations of the
35 secretary. The attorney so prosecuting shall receive the fee established by
36 law or by the court having jurisdiction over the matter for each prosecution
37 in a district court, and such fee shall be taxed to the defendant in every
38 case where conviction shall be had.

39 Sec. 69. K.S.A. 2011 Supp. 32-1054 is hereby amended to read as
40 follows: 32-1054. It shall be the duty of every judge or clerk of the court
41 before whom any prosecution for a violation of the wildlife ~~and parks~~,
42 *parks and tourism* laws of this state or rules and regulations of the
43 secretary is commenced or goes on appeal, within 20 days after disposition

1 thereof or the occurrence of a failure to comply with a wildlife ~~and parks,~~
2 *parks and tourism* citation, to report in writing to the department the result
3 thereof. The report of any disposition or failure to comply with a wildlife
4 ~~and parks,~~ *parks and tourism* citation shall include the sentence of the
5 court, the nature of the conviction or charge upon which the prosecution is
6 based, the fines, fees, assessments and other penalties imposed and the
7 forfeiture or suspension of any license, permit, stamp or other issue of the
8 *Kansas* department of wildlife ~~and parks,~~ *parks and tourism*, if any.

9 Sec. 70. K.S.A. 2011 Supp. 32-1062 is hereby amended to read as
10 follows: 32-1062. The secretary of the *Kansas* department of wildlife ~~and~~
11 ~~parks,~~ *parks and tourism* shall make and publish such rules and
12 regulations, not inconsistent with law, as deemed necessary to carry out the
13 purposes of the wildlife violator compact.

14 Sec. 71. K.S.A. 2011 Supp. 32-1063 is hereby amended to read as
15 follows: 32-1063. It shall be unlawful for any person whose license,
16 privilege, or right to hunt, fish, trap, possess, or transport wildlife, having
17 been suspended or revoked pursuant to the wildlife violator compact, to
18 exercise that right or privilege within this state or to purchase or possess
19 such a license which grants such right or privilege.

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

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

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

33 (3) the sentencing judge may impose other sanctions pursuant to
34 K.S.A. 2011 Supp. 21-6602 and 21-6604, and amendments thereto.

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

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

41 (2) any privilege or right to hunt, fish, trap or otherwise take, possess
42 or transport any wildlife in this state, or purchase or possess any license,
43 permit, stamp or other issue of the *Kansas* department of wildlife ~~and~~

1 ~~parks~~, *parks and tourism* shall be forfeited or suspended for a period of not
2 less than two years in addition to and consecutive to the original
3 revocation or suspension set forth by the provisions of the compact;

4 (3) the sentencing judge may impose other sanctions pursuant to
5 K.S.A. 2011 Supp. 21-6602 and 21-6604, and amendments thereto.

6 Sec. 72. K.S.A. 2011 Supp. 32-1064 is hereby amended to read as
7 follows: 32-1064. As used in the compact, the term "licensing authority,"
8 with reference to this state, means the Kansas department of wildlife ~~and~~
9 ~~parks~~, *parks and tourism*. The secretary of ~~the Kansas department of~~
10 ~~wildlife and parks~~ *wildlife, parks and tourism* shall furnish to the
11 appropriate authorities of party states any information or documents
12 reasonably necessary to facilitate the administration of the compact.

13 Sec. 73. K.S.A. 2011 Supp. 32-1066 is hereby amended to read as
14 follows: 32-1066. The secretary of the Kansas department of wildlife ~~and~~
15 ~~parks~~, *parks and tourism* shall appoint the director or head administrator of
16 the department's law enforcement division or section to serve on the board
17 of compact administrators as the compact administrator for this state as
18 required by section 1 subsection (a) of article VII of the wildlife violator
19 compact.

20 Sec. 74. K.S.A. 2011 Supp. 32-1102 is hereby amended to read as
21 follows: 32-1102. As used in article 11 of chapter 32 of the Kansas Statutes
22 Annotated, and amendments thereto, unless the context clearly requires a
23 different meaning:

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

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

29 (c) "Owner" means a person, other than a lienholder, having the
30 property in or title to a vessel. The term includes a person entitled to the
31 use or possession of a vessel subject to an interest in another person,
32 reserved or created by agreement and securing payment or performance of
33 an obligation, but the term excludes a lessee under a lease not intended as
34 security.

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

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

39 (f) "Operate" means to navigate or otherwise use a motorboat or a
40 vessel.

41 (g) "Department" means the Kansas department of wildlife ~~and parks~~,
42 *parks and tourism*.

43 (h) "Secretary" means the secretary of wildlife ~~and parks~~, *parks and*

1 *tourism.*

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

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

6 (k) "Undocumented vessel" means a vessel which is not required to
7 have, and does not have, a valid marine document issued by the United
8 States coast guard or federal agency successor thereto.

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

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

19 (n) "Marine toilet" means any latrine, head, lavatory or toilet which is
20 intended to receive marine sewage and which is located on or in any
21 vessel.

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

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

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

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

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

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

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

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

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

3 (u) "Cargo" means the items placed within or on a vessel and shall
4 include any persons or objects towed on water skis, surfboards, tubes or
5 similar devices behind the vessel.

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

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

9 (x) "Abandoned vessel" means any vessel on public waters or public
10 or private land which remains unclaimed for a period of 15 consecutive
11 days.

12 Sec. 75. K.S.A. 2011 Supp. 32-1112 is hereby amended to read as
13 follows: 32-1112. (a) A licensed dealer demonstrating, displaying or
14 exhibiting on the waters of this state any vessel of a type required to be
15 numbered under the laws of this state may obtain from the department, in
16 lieu of obtaining a certificate of number for each such vessel, dealer
17 certificates of number for use in demonstrating, displaying or exhibiting
18 any such vessel. No such dealer certificate of number shall be issued by
19 the department except upon application to the secretary upon forms
20 prescribed by the secretary and upon payment of the required fees. The
21 dealer certificate of number must accompany the vessel and the number
22 assigned by such dealer certificate must be temporarily placed on the
23 vessel while it is being demonstrated, displayed or exhibited on the waters
24 of this state. During the calendar year for which issued, such dealer
25 certificate may be transferred from one such vessel to another owned or
26 operated by such dealer. Such dealer certificate of number may be used in
27 lieu of a regular certificate of number for the purposes of demonstrating,
28 displaying or exhibiting vessels held in inventory of such dealer. Such
29 dealer certificate of number may also be used on such dealer's service
30 vessel, or substitute vessels owned by the dealer but loaned to a customer
31 when the dealer is repairing such customer's vessel.

32 (b) No dealer in vessels of a type required to be numbered under the
33 laws of this state shall cause or permit any such vessel owned by such
34 dealer to be on the waters of this state unless the original dealer certificate
35 of number accompanies the vessel and the number assigned by such dealer
36 certificate is temporarily placed on the vessel as required by this section. A
37 dealer who wishes to operate or allow operation of more than one vessel
38 simultaneously on the waters of this state shall apply for additional dealer
39 certificates as provided by the secretary.

40 (c) No dealer certificate of number shall be issued to any dealer
41 unless such dealer at the time of making application therefor exhibits to
42 the secretary or the secretary's agent a receipt showing that the applicant
43 has paid all personal property taxes and sales tax levied against such dealer

1 for the preceding year, including taxes assessed against vessels of such
2 dealer which were assessed as stock in trade, or unless the dealer exhibits
3 satisfactory evidence that the dealer had no taxable personal property for
4 the preceding year. If application for registration is made before June 21,
5 the receipt may show payment of only ½ of the preceding year's taxes.

6 (d) To determine the number of dealer certificates of number a dealer
7 needs, the secretary may base the decision on the dealer's past sales,
8 inventory and any other pertinent factors as the secretary may determine.
9 After the end of the first year of licensure as a dealer, not more than one
10 dealer certificate of number shall be issued to any dealer who has not
11 reported to the secretary the sale of at least five vessels in the preceding
12 year. There shall be no refund of fees for dealer certificates of number in
13 the event of suspension, revocation or voluntary cancellation of such
14 certificates of number.

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

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

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

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

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

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

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

42 (g) The secretary shall adopt, in accordance with K.S.A. 32-805, and
43 amendments thereto, rules and regulations for the administration of

1 provisions of this section, including but not limited to, dealer certificate of
2 number applications and renewals, temporary placement of numbers and
3 possession of dealer certificates of number.

4 Sec. 76. K.S.A. 2011 Supp. 32-1174 is hereby amended to read as
5 follows: 32-1174. (a) All federal moneys received pursuant to federal
6 assistance, federal-aid funds or federal-aid grant reimbursements related to
7 boating or boating programs under the control, authorities and duties of the
8 *Kansas department of wildlife and parks, parks and tourism* shall be
9 remitted to the state treasurer in accordance with the provisions of K.S.A.
10 75-4215, and amendments thereto. Upon receipt of the remittance, the
11 state treasurer shall deposit the entire amount in the state treasury and
12 credit it to the boating ~~fund~~ ~~federal fund~~ – *federal*, which is hereby
13 created, to be dedicated and used for the purposes authorized in K.S.A. 32-
14 1173, and amendments thereto. *The boating fund – federal is hereby*
15 *redesignated as the boating safety financial assistance fund.*

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

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

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

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

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

32 Sec. 77. K.S.A. 32-1203 is hereby amended to read as follows: 32-
33 1203. (a) In accordance with the provisions of this act, the secretary of
34 wildlife ~~and parks, parks and tourism~~ shall develop and administer a grant
35 program to award grants to Kansas local governments for capital
36 improvements for local government outdoor recreation facilities. The
37 grants shall be awarded annually on a competitive basis in accordance with
38 guidelines and criteria prescribed by rules and regulations adopted by the
39 secretary of wildlife ~~and parks, parks and tourism~~. Each grant shall be
40 matched by the local government receiving the grant on the basis of \$1
41 provided by the local government for each \$1 provided under the grant for
42 the capital improvement.

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

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

6 Sec. 78. K.S.A. 2011 Supp. 32-1306 is hereby amended to read as
7 follows: 32-1306. (a) All dangerous regulated animals shall be confined
8 within a cage of sufficient strength and design for the purposes of
9 maintaining and housing or transporting the animal. The requirements for
10 sufficient caging shall be established by rules and regulations adopted by
11 the secretary of wildlife ~~and parks~~, *parks and tourism*. Any cage or
12 confinement structure shall be constructed in such a manner that prohibits
13 physical contact with any person other than such persons listed in
14 subsection (d).

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

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

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

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

26 Sec. 79. K.S.A. 2011 Supp. 32-1308 is hereby amended to read as
27 follows: 32-1308. Exemptions to the provisions set forth in this act are as
28 follows:

29 (a) Institutions accredited by the American zoo and aquarium
30 association or the zoological association of America shall be exempt from
31 K.S.A. 2011 Supp. 32-1302 and 32-1303, and amendments thereto.

32 (b) A wildlife sanctuary registered with the local animal control
33 authority shall be exempt from K.S.A. 2011 Supp. 32-1302, and
34 amendments thereto.

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

38 (d) A licensed or accredited research or medical institution shall be
39 exempt from K.S.A. 2011 Supp. 32-1302 and 32-1303, and amendments
40 thereto.

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

1 Sec. 80. K.S.A. 2011 Supp. 32-1310 is hereby amended to read as
2 follows: 32-1310. (a) Annually, on or before April 1, a local animal control
3 authority shall report to the secretary of ~~the Kansas department of wildlife~~
4 ~~and parks~~ *wildlife, parks and tourism* on dangerous regulated animals
5 registered with the local animal control authority during the preceding
6 calendar year. The report shall include all registration information
7 submitted to the local animal control authority under subsection (b) of
8 K.S.A. 2011 Supp. 32-1303, and amendments thereto, and information on
9 enforcement actions taken under this act.

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

22 (c) The secretary of ~~wildlife and parks~~, *parks and tourism* shall
23 provide educational training programs for the local animal control
24 authority concerning the provisions of this act and the handling of
25 dangerous regulated animals.

26 (d) The secretary of ~~wildlife and parks~~, *parks and tourism* shall adopt
27 rules and regulations:

28 (1) Establishing training, experience and ability requirements for
29 registered designated handlers; and

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

31 Sec. 81. K.S.A. 2011 Supp. 47-2101 is hereby amended to read as
32 follows: 47-2101. (a) It shall be unlawful for any person to engage in the
33 business of raising domesticated deer unless such person has obtained
34 from the livestock commissioner a domesticated deer permit. Application
35 for such permit shall be made in writing on a form provided by the
36 commissioner. The permit period shall be for the permit year ending on
37 June 30 following the issuance date.

38 (b) Each application for issuance or renewal of a permit shall be
39 accompanied by a fee of not more than \$150 as established by the
40 commissioner in rules and regulations.

41 (c) The livestock commissioner shall adopt any rules and regulations
42 necessary to enforce this section.

43 (d) Any person who fails to obtain a permit as prescribed in section

1 (a) shall be deemed guilty of a misdemeanor and upon conviction shall be
2 punished by a fine not exceeding \$150. Continued operation, after a
3 conviction, shall constitute a separate offense for each day of operation.

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

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

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

11 (3) substantial misrepresentation;

12 (4) the person who is issued a permit is found to be adding to such
13 person's herd by poaching or illegally obtaining deer;

14 (5) willful disregard to any rule or regulation adopted under this
15 section.

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

20 (g) Domesticated deer shall be identified through implantation of
21 microchips, ear tags, ear tattoos, ear notches or any other permanent
22 identification on such deer as to identify such deer as domesticated deer.
23 Any person who receives a permit issued pursuant to subsection (a) shall
24 keep records of the deer herd pursuant to rules and regulations.

25 (h) The livestock commissioner shall inspect any premises where a
26 domesticated deer herd has been issued a permit upon receipt of a written,
27 signed complaint that such premises is not being operated, managed or
28 maintained in accordance with rules and regulations.

29 (i) The livestock commissioner, on a quarterly basis, shall transmit to
30 the secretary of wildlife ~~and parks~~, *parks and tourism* a current list of
31 persons issued a permit pursuant to this section.

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

37 (k) As used in this section:

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

39 (2) "Domesticated deer" means any member of the family cervidae
40 which was legally obtained and is being sold or raised in a confined area
41 for breeding stock; for any carcass, skin or part of such animal; for
42 exhibition; or for companionship.

43 Sec. 82. K.S.A. 49-408 is hereby amended to read as follows: 49-408.

1 All land affected by surface coal mining and reclamation operations,
2 except as otherwise provided in this act, shall be reclaimed and all
3 operations shall be conducted, in accordance with the requirements and
4 specifications of the national surface mining control and reclamation act of
5 1977 (public law 95-87) and federal rules and regulations adopted
6 pursuant thereto. The secretary shall issue such regulations as may be
7 required to conform to the requirements of the national act.

8 All waters in existence on mined land after reclamation is completed
9 shall become public waters to the extent they may be stocked with fish
10 from the state or federal hatcheries and shall be under the law enforcement
11 jurisdiction of the Kansas department of wildlife ~~and parks~~, *parks and*
12 *tourism*. The owner of the mined land containing such waters shall retain
13 all other rights consistent with the ownership thereof.

14 Sec. 83. K.S.A. 58-3221 is hereby amended to read as follows: 58-
15 3221. As used in this act:

16 (a) "Generally accepted operation practice" means those safety
17 practices adopted, pursuant to rules and regulations, by the Kansas
18 department of wildlife ~~and parks~~, *parks and tourism* and established by a
19 nationally recognized nonprofit membership organization that provides
20 voluntary firearms safety programs which include training individuals in
21 the safe handling and use of firearms and which practices are developed
22 with consideration of all information reasonably available regarding the
23 operation of shooting ranges.

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

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

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

32 Sec. 84. K.S.A. 58-3225 is hereby amended to read as follows: 58-
33 3225. The secretary of ~~the Kansas department of wildlife and parks~~
34 *wildlife, parks and tourism* is hereby authorized to adopt rules and
35 regulations necessary to implement the provisions of this act. ~~Rules and~~
36 ~~regulations establishing generally accepted operation practices shall be~~
37 ~~adopted and be in effect on or before January 1, 2002.~~

38 Sec. 85. K.S.A. 65-189e is hereby amended to read as follows: 65-
39 189e. The provisions of this act shall not apply to:

40 (a) Land used exclusively for agricultural purposes as defined in this
41 act or to land under the control of the Kansas department of wildlife ~~and~~
42 ~~parks~~, *parks and tourism*, but the department shall not develop any land
43 under its control without providing water, sewage disposal and refuse

1 disposal facilities that are in conformity with these standards and have
2 submitted plans therefor to the secretary of health and environment and
3 obtained the secretary's approval;

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

10 (c) land subject to a sanitary code or codes as defined in K.S.A. 19-
11 3701 through 19-3708, and amendments thereto, which contain provisions
12 for control of the subsurface disposal of sewage, supplying of water from
13 on-lot wells and the disposal of refuse, if the county, city-county or
14 multicounty health department enforcing such sanitary codes shall furnish
15 to the secretary of health and environment such information as the
16 secretary may require concerning the number and types of such sewage,
17 water and refuse facilities installed in the sanitation zone.

18 Sec. 86. K.S.A. 2011 Supp. 65-3424b is hereby amended to read as
19 follows: 65-3424b. (a) The secretary shall establish a system of permits for
20 mobile waste tire processors, waste tire processing facilities, waste tire
21 transporters and waste tire collection centers. Such permits shall be issued
22 for a period of one year and shall require an application fee established by
23 the secretary in an amount not exceeding \$250 per year.

24 (b) The secretary shall adopt rules and regulations establishing
25 standards for mobile waste tire processors, waste tire processing facilities,
26 waste tire collection centers and waste tire transporters. Such standards
27 shall include a requirement that the permittee file with the secretary a bond
28 or other financial assurance in an amount determined by the secretary to be
29 sufficient to pay any costs which may be incurred by the state to process
30 any waste tires or dispose of any waste tires or processed waste tires if the
31 permittee ceases business or fails to comply with this act.

32 (c) Any person who contracts or arranges with another person to
33 collect or transport waste tires for storage, processing or disposal shall so
34 contract or arrange only with a person holding a permit from the secretary.
35 Any person contracting or arranging with a person, permitted by the
36 secretary, to collect or transport waste tires for storage, processing or,
37 disposal, transfers ownership of those waste tires to the permitted person
38 and the person contracting or arranging with the person holding such
39 permit to collect or transport such tires shall be released from liability
40 therefor. Any person contracting or arranging with any person, for the
41 collection, transportation, storage, processing, disposal or beneficial use of
42 such tires shall maintain a record of such transaction for a period of not
43 less than three years following the date of the transfer of such tires.

1 Record-keeping requirements for beneficial use shall not apply when tire
2 retailers allow customers to retain their old tires at the time of sale.

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

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

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

13 (2) a business that, in the ordinary course of business, removes tires
14 from motor vehicles where fewer than 1,500 of these tires are kept on the
15 business premises may operate a waste tire collection center or a waste tire
16 processing facility or both on the premises;

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

20 (4) the *Kansas* department of wildlife ~~and parks~~, *parks and tourism*
21 may perform one or more of the following to facilitate a beneficial use of
22 waste tires: (A) Operate a waste tire collection center on the premises of
23 any state park, state wildlife area; or state fishing lake; (B) operate a waste
24 tire processing facility on the premises of any state park, state wildlife
25 area; or state fishing lake; or (C) act as a waste tire transporter to transport
26 waste tires to any state park, state wildlife area; or state fishing lake;

27 (5) a person engaged in a farming or ranching activity, including the
28 operation of a feedlot as defined by K.S.A. 47-1501, and amendments
29 thereto, may perform one or more of the following to facilitate a beneficial
30 use of waste tires: (A) Operate an on-site waste tire collection center; (B)
31 operate an on-site waste tire processing facility; or (C) act as a waste tire
32 transporter to transport waste tires to the farm, ranch or the feedlot;

33 (6) a watershed district may perform one or more of the following to
34 facilitate a beneficial use of waste tires: (A) Operate a waste tire collection
35 center on the premises of a watershed district project or work of
36 improvement; (B) operate a waste tire processing facility on the district's
37 property; or (C) act as a waste tire transporter to transport waste tires to the
38 district's property;

39 (7) a person may operate a waste tire collection center if: (A) Fewer
40 than 1,500 used tires are kept on the premises; or (B) 1,500 or more used
41 tires are kept on the premises, if the owner demonstrates through sales and
42 inventory records that such tires have value, as established in accordance
43 with standards adopted by rules and regulations of the secretary;

1 (8) local units of government managing waste tires at solid waste
2 processing facilities or solid waste disposal areas permitted by the
3 secretary under the authority of K.S.A. 65-3407, and amendments thereto,
4 may perform one or more of the following in accordance with the
5 conditions of the solid waste permit: (A) Operate a waste tire collection
6 center on the premises of the permitted facility; (B) operate a waste tire
7 processing facility on the premises of the permitted facility; (C) act as a
8 waste tire transporter to transport waste tires to the permitted facility; or
9 (D) act as a mobile waste tire processor;

10 (9) a person may act as a waste tire transporter to transport: (A) Waste
11 tires mixed with other municipal solid waste; (B) fewer than five waste
12 tires for lawful disposal; (C) waste tires generated by the business, farming
13 activities of the person or the person's employer; (D) waste tires for a
14 beneficial use approved by statute, rules and regulations, or by the
15 secretary; (E) waste tires from an illegal waste tire accumulation to a
16 person who has been issued a permit by the secretary pursuant to K.S.A.
17 65-3407 or 65-3424b, and amendments thereto, provided approval has
18 been obtained from the secretary; or (F) five to 50 waste tires for lawful
19 disposal, provided the transportation act is a one time occurrence to abate a
20 legal accumulation of waste tires; or

21 (10) a tire retailer that in the ordinary course of business also serves
22 as a tire wholesaler to other tire retailers may act as a waste tire transporter
23 to transport waste tires from those retailers back to a central location
24 owned or operated by the wholesaler for consolidation and final disposal
25 or recycling.

26 (f) All fees collected by the secretary pursuant to this section shall be
27 remitted to the state treasurer in accordance with the provisions of K.S.A.
28 75-4215, and amendments thereto. Upon receipt of each such remittance,
29 the state treasurer shall deposit the entire amount in the state treasury to
30 the credit of the waste tire management fund.

31 Sec. 87. K.S.A. 2011 Supp. 65-3483 is hereby amended to read as
32 follows: 65-3483. (a) If, within 150 days after receipt of an application, the
33 secretary has not denied the application, the secretary shall notify the
34 board of county commissioners and the governing bodies of all cities
35 located within a ~~ten-mile~~ 10-mile radius of the proposed facility. The
36 secretary also shall notify the state corporation commission and the
37 secretary of wildlife and ~~parks~~, *parks and tourism* of the proposed facility.

38 (b) If the secretary determines that such application should be
39 approved, the secretary shall immediately notify the county commissioners
40 and the governing bodies of all cities located within a ~~ten-mile~~ 10-mile
41 radius of the proposed facility.

42 (c) Within 10 days after the secretary has determined that such
43 application should be approved, the secretary shall:

1 (1) Set a date and arrange for publication of notice of a public hearing
2 in a newspaper having major circulation in the vicinity of the proposed
3 facility. Such hearing shall be in the county in which the proposed facility
4 will be located. Additional hearings may be held at such other places as the
5 secretary deems suitable. At such hearing or hearings, the applicant may
6 present testimony in favor of the application. Any person may appear or be
7 represented by counsel to present testimony in support of or opposition to
8 the application. The public notice shall:

9 (A) Contain a map indicating the location of the proposed facility, a
10 description of the proposed action and the location where the application
11 may be reviewed and where copies may be obtained.

12 (B) Identify the time, place and location for the public hearing held to
13 receive public comment and input on the application.

14 (2) Publish the notice not less than 30 days before the date of the
15 public hearing.

16 (d) Comment and input on the proposed facility may be presented
17 orally or in writing at the public hearing, and shall continue to be accepted
18 in writing by the secretary for 15 days after the public hearing date.

19 (e) The secretary shall consider the impact of the proposed facility on
20 the surrounding area in which it is to be located and make a final
21 determination on the application.

22 (f) The secretary shall consider, at a minimum:

23 (1) The risk and impact of accident during the transportation of PCB;

24 (2) the risk and impact of contamination of ground and surface water
25 by leaching and runoff from the proposed facility;

26 (3) the risk of fires or explosions from improper storage and disposal
27 methods;

28 (4) the impact on the surrounding area where the proposed facility is
29 to be located in terms of the health, safety, cost and consistency with local
30 planning and existing development. The secretary also shall consider local
31 ordinances, permits or other requirements and their potential relationship
32 to the proposed facility;

33 (5) an evaluation of measures to mitigate adverse effects;

34 (6) the nature of the probable environmental impact including the
35 specification of the predictable adverse effects on the following:

36 (A) The natural environment and ecology;

37 (B) public health and safety;

38 (C) scenic, historic, cultural and recreational value; and

39 (D) water and air quality and wildlife.

40 (g) The secretary also shall consider the concerns and objections
41 submitted by the public. The secretary shall facilitate efforts to provide
42 that the concerns and objections are mitigated by establishing additional
43 stipulations specifically applicable to the proposed site and operation at

1 that site. The secretary, to the fullest extent practicable, shall integrate by
2 stipulation the provisions of the local ordinances, permits or requirements.

3 (h) The secretary may seek the advice, which shall be given in
4 writing and entered into the public record of the public hearing, of any
5 person in order to render a decision to approve or deny the application.

6 (i) The public hearing required under subsection (c) shall be
7 conducted in accordance with the provisions of the Kansas administrative
8 procedure act.

9 Sec. 88. K.S.A. 2011 Supp. 65-5703 is hereby amended to read as
10 follows: 65-5703. (a) There is hereby created the state emergency response
11 commission for the purpose of carrying out all requirements of the federal
12 act and for the purpose of providing assistance in the coordination of state
13 agency activities relating to: (1) Chemical emergency training,
14 preparedness, and response; and (2) chemical release reporting and
15 prevention, transportation, manufacture, storage, handling, and use.

16 (b) The commission shall consist of: (1) The following state officers
17 or their appointed designees: The lieutenant governor, the secretary of
18 wildlife ~~and parks~~, *parks and tourism*, the secretary of labor, the secretary
19 of agriculture, the secretary of health and environment, the adjutant
20 general, the superintendent of the Kansas highway patrol, the state fire
21 marshal, the secretary of transportation, the attorney general, the
22 chairperson of the state corporation commission, and the governor; (2)
23 three members appointed by the governor to represent the general public;
24 and (3) two members appointed by the governor to represent owners and
25 operators of facilities regulated pursuant to this act.

26 (c) Members of the commission appointed by the governor shall
27 serve for terms of two years. Any vacancy in the office of an appointed
28 member of the commission shall be filled for the unexpired term by
29 appointment by the governor.

30 (d) A chairperson shall be elected annually by the members of the
31 commission. A vice-chairperson shall be designated by the chairperson to
32 serve in the absence of the chairperson.

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

37 (f) The commission shall perform such duties as are specified in the
38 federal act to be performed by such commissions and, in addition thereto,
39 such duties as are specified in the laws of this state or as are deemed
40 necessary and appropriate by the commission to achieving its purposes. In
41 accordance with the requirements of the federal act, the commission shall
42 establish local planning districts, subject to approval by the secretary of
43 health and environment and the adjutant general, and shall appoint a local

1 planning committee for each such district. Local planning committees
2 shall perform such duties as are specified in the federal act to be performed
3 by such committees, and in addition thereto, such duties as are assigned by
4 the commission or by any member of the commission acting on behalf of
5 or at the direction of the commission, or as are deemed necessary and
6 appropriate by each such committee to achieving its purposes. The duties
7 of the commission and the local planning committees shall be performed
8 in accordance with rules and regulations adopted pursuant to this act.

9 Sec. 89. K.S.A. 68-406 is hereby amended to read as follows: 68-406.

10 (a) The secretary of transportation shall designate, adopt and establish and
11 may lay out, open, relocate, alter, vacate, remove, redesignate and
12 reestablish highways in every county in the state, the total mileage of
13 which shall not exceed 10,000 miles. The total mileage of such highways
14 in each county shall be not less than the sum of the north to south and east
15 to west diameters of the county. The highways so designated shall connect
16 the county seats and principal cities and market centers, and all such
17 highways, including bridges and culverts thereon, shall comprise the state
18 highway system. The secretary of transportation shall make such revisions,
19 classifications or reclassifications in the state highway system as are found
20 on the basis of engineering and traffic study to be necessary, and such
21 revisions, classifications or reclassifications may include, after due public
22 hearing, removal from the system of roads which have little or no
23 statewide significance, and the addition of roads which have statewide
24 importance and will provide relief for traffic congestion on existing routes
25 on the system. All roads which have been placed upon the state highway
26 system shall be a part of the state highway system, but changes may be
27 made in the state highway system when the public safety, convenience,
28 economy, classification or reclassification require such change. The total
29 mileage of the state highway system shall not be extended except by act of
30 the legislature. Highways designated under this section shall be state
31 highways, and all other highways outside of the city limits of cities shall
32 be either county roads or township roads as provided for by law. The state
33 highway system thus designated shall be constructed, improved,
34 reconstructed and maintained by the secretary of transportation from funds
35 provided by law.

36 (b) In addition to highways of the state highway system, the secretary
37 of transportation shall designate in those cities on such system certain
38 streets as city connecting links. "City connecting link" means a routing
39 inside the city limits of a city which: (1) Connects a state highway through
40 a city; (2) connects a state highway to a city connecting link of another
41 state highway; (3) is a state highway which terminates within such city; (4)
42 connects a state highway with a road or highway under the jurisdiction of
43 the Kansas turnpike authority; or (5) begins and ends within a city's limits

1 and is designated as part of the national system of interstate and defense
2 highways.

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

8 (d) The secretary of transportation may use moneys appropriated
9 from the state highway fund for the purchase of right-of-way, construction,
10 improvement, reconstruction and maintenance of a highway over the most
11 direct and practicable routes from state highways to a state lake, a federal
12 lake or reservoir established by federal authority, any property managed or
13 controlled by the *Kansas* department of wildlife and ~~parks~~, *parks and*
14 *tourism*, national monuments and national historical sites, military
15 reservations, motor carrier inspection stations, approaches and connections
16 within an urban area, as defined by federal highway laws, places of major
17 scenic attractions which possess unusual historical interest, as defined by
18 subsections (1) and (2) of K.S.A. 76-2018, and amendments thereto, on
19 which the state now holds or may hereafter hold a long-term lease, a state
20 institution, from the city limits of the nearest city to a state institution, a
21 state-owned natural and scientific preserve, as defined by subsection (b) of
22 K.S.A. 74-6603, and amendments thereto, or such road or roads located
23 within the boundaries of a state park and not presently maintained by a
24 federal agency as shall be designated by the secretary of transportation.
25 Such highways or roads shall not be a part of the state highway system,
26 and the secretary of transportation is not required to plan, design or
27 construct such highways or roads in conformity with the standards
28 applicable to the state highway system.

29 (e) The secretary of transportation may make reroutings of any
30 portion of the state highway system if such rerouting is required in writing
31 by the United States department of transportation of the federal highway
32 administration before it will permit federal funds to be used thereon. The
33 secretary of transportation shall have control and regulation for purposes
34 of posting speed limits and establishing access and egress facilities on any
35 and all portions of streets and roads which are, or have been, a part of the
36 state highway system, and which have been or may be, placed inside of the
37 limits of an incorporated city by the creation of a new municipality or by
38 the extension of the limits or boundaries of any existing municipality.

39 (f) Except pursuant to article 21 of chapter 68 of Kansas Statutes
40 Annotated, only the secretary of transportation may authorize temporary
41 closing of any part of the state highway system by any person for any
42 purpose in the interest of the state. Every authorization granted under this
43 subsection shall be granted subject to conditions specified by the secretary

1 to provide for: (1) proper detours, signing and markings; (2) timing which
2 will not unreasonably inconvenience the public; and (3) such additional
3 conditions as are appropriate to avoid unreasonable risk of injury to any
4 person. Such requests shall be made in writing and submitted to the
5 secretary at least five days prior to the closing date. In emergencies,
6 temporary closing may be authorized by the secretary by oral
7 communications. The secretary may waive all or any part of the notice
8 otherwise required by this subsection.

9 Except as provided in subsection (g), any person failing or neglecting
10 to comply with the provisions of this subsection, upon conviction, shall be
11 guilty of a nonperson unclassified misdemeanor.

12 (g) In cases of sudden emergency, temporary closing of any part of
13 the state highway system may be authorized by order of a person
14 designated by the board of county commissioners for an area outside of
15 any city or a person designated by the governing body of a city for an area
16 within such city. In such cases of sudden emergency the person authorizing
17 such closing shall inform the secretary of transportation thereof as soon as
18 practicable and obtain the authorization of the secretary for any additional
19 time thereafter for such closing.

20 Sec. 90. K.S.A. 74-134 is hereby amended to read as follows: 74-134.
21 On July 1, 1988, all books, records and other property of the joint council
22 on recreation abolished by K.S.A. 74-131, *and amendments thereto*, are
23 hereby transferred to the custody of the ~~state~~ *Kansas* department of
24 ~~wildlife and parks, parks and tourism~~.

25 Sec. 91. K.S.A. 2011 Supp. 74-5,133 is hereby amended to read as
26 follows: 74-5,133. (a) (1) There is hereby established in the state treasury
27 the Arkansas river gaging fund, which shall be administered by the
28 secretary of agriculture. All expenditures from the Arkansas river gaging
29 fund shall be for the operation and maintenance of the gages along the
30 Arkansas river necessary to manage the river under the Arkansas river
31 compact, except that, after all expenditures are made during the fiscal year
32 for the operation and maintenance of the gages along the Arkansas river
33 necessary to manage the river under the Arkansas river compact, then, in
34 accordance with the following priorities and subject to the expenditure
35 limitations prescribed therefor:

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

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

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

5 (b) All moneys received as royalties from the state's oil and gas leases
6 in Hamilton, Kearny, Finney, Gray and Ford counties, except those
7 moneys arising from leases on lands under the control of the secretary of
8 wildlife ~~and parks~~, *parks and tourism* as provided by K.S.A. 32-854, and
9 amendments thereto, shall be deposited in the state treasury in accordance
10 with the provisions of K.S.A. 75-4215, and amendments thereto, and shall
11 be credited to the Arkansas river gaging fund. During each fiscal year,
12 when the total amount of moneys credited to the fund is equal to \$75,000,
13 no further moneys shall be credited to the fund. The remainder of the
14 moneys received for such royalties for such fiscal year shall be credited to
15 the state general fund.

16 Sec. 92. K.S.A. 2011 Supp. 74-2622 is hereby amended to read as
17 follows: 74-2622. (a) There is hereby established within and as a part of
18 the Kansas water office the Kansas water authority. The authority shall be
19 composed of 24 members of whom 13 shall be appointed as follows: (1)
20 One member shall be appointed by the governor, subject to confirmation
21 by the senate as provided in K.S.A. 75-4315b, and amendments thereto.
22 Except as provided by K.S.A. 46-2601, *and amendments thereto*, such
23 person shall not exercise any power, duty or function as a member or
24 chairperson of the water authority until confirmed by the senate. Such
25 member shall serve at the pleasure of the governor and shall be the
26 chairperson of the authority; (2) except as provided by subsection (b), 10
27 members shall be appointed by the governor for terms of four years. Of the
28 members appointed under this provision one shall be a representative of
29 large municipal water users, one shall be representative of small municipal
30 water users, one shall be a board member of a western Kansas
31 groundwater management district, one shall be a board member of a
32 central Kansas groundwater management district, one shall be a member
33 of the Kansas association of conservation districts, one shall be
34 representative of industrial water users, one shall be a member of the state
35 association of watershed districts, one shall have a demonstrated
36 background and interest in water use conservation and environmental
37 issues, and two shall be representative of the general public. The member
38 who is representative of large municipal water users shall be appointed
39 from three nominations submitted by the league of Kansas municipalities.
40 The member who is representative of small municipal water users shall be
41 appointed from three nominations submitted by the Kansas rural water
42 district's association. The member who is representative of a western
43 Kansas groundwater management district shall be appointed from three

1 nominations submitted by the presidents of the groundwater management
2 district boards No. 1, 3 and 4. The member who is representative of a
3 central Kansas groundwater management district shall be appointed from
4 three nominations submitted by the presidents of the groundwater
5 management district boards No. 2 and 5. The member who is
6 representative of industrial water users shall be appointed from three
7 nominations submitted by the Kansas association of commerce and
8 industry. The member who is representative of the state association of
9 watershed districts shall be appointed from three nominations submitted by
10 the state association of watershed districts. The member who is
11 representative of the Kansas association of conservation districts shall be
12 appointed from three nominations submitted by the state association of
13 conservation districts. If the governor cannot make an appointment from
14 the original nominations, the nominating authority shall be so advised and,
15 within 30 days thereafter, shall submit three new nominations. Members
16 appointed by the governor shall be selected with special reference to
17 training and experience with respect to the functions of the Kansas water
18 authority, and no more than six of such members shall belong to the same
19 political party; (3) one member shall be appointed by the president of the
20 senate for a term of two years; and (4) one member shall be appointed by
21 the speaker of the house of representatives for a term of two years. The
22 state geologist, the state biologist, the chief engineer of the division of
23 water resources of the Kansas department of agriculture, the director of the
24 division of environment of the department of health and environment, the
25 chairperson of the state corporation commission, the secretary of
26 commerce, the director of the Kansas water office, the secretary of wildlife
27 ~~and parks~~, *parks and tourism*, the administrative officer of the state
28 conservation commission, the secretary of agriculture and the director of
29 the agricultural experiment stations of Kansas state university of
30 agriculture and applied science shall be nonvoting members *ex officio* of
31 the authority. The director of the Kansas water office shall serve as the
32 secretary of the authority.

33 (b) A member appointed pursuant to subsection (a)(2) shall be
34 appointed for a term expiring on January 15 of the fourth calendar year
35 following appointment and until a successor is appointed and qualified.

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

43 (d) The Kansas water authority shall:

- 1 (1) Consult with and be advisory to the governor, the legislature and
2 the director of the Kansas water office.
- 3 (2) Review plans for the development, management and use of the
4 water resources of the state by any state or local agency.
- 5 (3) Make a study of the laws of this state, other states and the federal
6 government relating to conservation and development of water resources,
7 appropriation of water for beneficial use, flood control, construction of
8 levees, drainage, irrigation, soil conservation, watershed development,
9 stream control, gauging of stream and stream pollution for the purpose of
10 determining the necessity or advisability of the enactment of new or
11 amendatory legislation in this state on such subjects.
- 12 (4) Make recommendations to other state agencies and political
13 subdivisions of the state for the coordination of their activities relating to
14 flood control, construction of levees, drainage, irrigation, soil
15 conservation, watershed development, stream control, gauging of stream,
16 stream pollution and groundwater studies.
- 17 (5) Make recommendations to each regular session of the legislature
18 and to the governor at such times as the authority considers advisable
19 concerning necessary or advisable legislation relating to any of the matters
20 or subjects which it is required by this act to study for the purpose of
21 making recommendations to the legislature. All such recommendations to
22 the legislature shall be in drafted bill form together with such explanatory
23 information and data as the authority considers advisable.
- 24 (6) Approve, prior to submission to the legislature by the Kansas
25 water office or its director; (A) Any contract entered into pursuant to the
26 state water plan storage act; (B) any amendments to the state water plan
27 or the state water planning act; and (C) any other legislation concerning
28 water resources of the state.
- 29 (7) Approve, before they become effective, any policy changes
30 proposed by the Kansas water office concerning the pricing of water for
31 sale pursuant to the state water plan storage act.
- 32 (8) Approve, before it becomes effective, any agreement entered into
33 with the federal government by the Kansas water office.
- 34 (9) Request any agency of the state, which shall have the duty upon
35 that request, to submit its budget estimate pertaining to the state's water
36 resources and any plans or programs related thereto and, upon the
37 authority's receipt of such budget estimate, review and evaluate it and
38 furnish recommendations relating thereto to the governor and the
39 legislature.
- 40 (10) Approve, prior to adoption by the director of the Kansas water
41 office, rules and regulations authorized by law to be adopted.
- 42 (11) Approve, prior to adoption by the director of the Kansas water
43 office, guidelines for conservation plans and practices developed pursuant

1 to subsection (c) of K.S.A. 74-2608, and amendments thereto.

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

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

8 Sec. 93. K.S.A. 74-3322 is hereby amended to read as follows: 74-
9 3322. (a) The state forestry, fish and game commission is hereby
10 empowered and directed to convey by quitclaim deed, without
11 consideration, to the city of Oberlin, Kansas, all of the following described
12 real estate located in Decatur county, Kansas, to wit:

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

16 The SW1/4 NW1/4 Sec. 32, Twp. 2 South, Range 28 West 6th P.M.
17 Also a tract of land out of the SW1/4 NE1/4 Sec. 31, Twp. 2 South, Range
18 28 West 6th P.M. more particularly described as follows: Beginning at the
19 southeast corner of the SW1/4 NE1/4 of said Sec. 31, thence north parallel
20 with the East line of Sec. 31, 405 feet, thence in a southwesterly direction
21 $114^{\circ}13'$ a distance of 1003 feet to intersect the south line of said NE1/4,
22 this point being 396 feet east of the southwest corner of the NE1/4, thence
23 east along the south line of the NE1/4 924 feet to place of beginning.

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

31 A tract of land out of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
32 28 West 6th P.M. more particularly described as follows: Commencing at
33 the Northeast corner of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
34 28, West 6th P.M., thence west along the north line of said NW1/4 SE1/4
35 56 rods; thence south at right angles 70 rods, thence east at right angles 56
36 rods, thence north along the East line of said NW1/4 SE1/4 70 rods to the
37 place of beginning, containing about 24 1/2 acres more or less.

38 A tract of land out of the NW1/4 SE1/4 Sec. 31, Twp. 2 South, Range
39 28 West 6th P.M. more particularly described as follows: Beginning at the
40 Northwest corner of the SE1/4 of said Sec. 31, thence East along said half
41 section line 24 rods, thence south at right angles 70 rods, thence West at
42 right angles and parallel with the North line of said SE1/4 24 rods, thence
43 North along the half section line 70 rods to place of beginning. Containing

1 10.5 acres more or less.

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

4 A tract of land described as follows: Beginning at the Southwest corner
5 of the SW1/4 of Sec. 29, Twp. 2 South, Range 28 West 6th P.M. thence
6 North along and upon the West line of said SW1/4 95 feet, thence East at
7 right angles and parallel with the South line of said SW1/4 575 feet, thence
8 in a northeasterly direction at an angle of 27°15' left 490 feet, thence North
9 at an angle of 29°15' left 639 feet, thence East at an angle of 46°30' right
10 1288 feet to the East line of said SW1/4, thence South along and upon the
11 East line of said SW1/4 855 feet to the Southeast corner of the SW1/4;
12 thence West along and upon the South line of said SW1/4 2640 feet to
13 place of beginning.

14 A tract of land out of the SE1/4 Sec. 29, Twp. 2 South, Range 28, West
15 6th P.M. more particularly described as follows: Beginning at the
16 Southwest corner of the SE1/4 of Sec. 29, in Twp. 2, Range 28, West 6th
17 P.M. thence North along the half section line 855 feet, thence East at right
18 angle and parallel with South line of said Section 1019 feet, thence South
19 at right angle and parallel with East line of said Section 855 feet, thence
20 West along the South line of said section 1019 feet to place of beginning,
21 containing 20 acres more or less.

22 A tract of land out of the NE1/4 of Sec. 32, Twp. 2, Range 28 West of
23 the 6th P.M. described as follows: Beginning at a point 1224.7 feet north
24 of the southeast corner of the W1/2 W1/2 NE1/4 of said Sec. 32, thence
25 northeasterly at an angle of 59°23' right, 170.6 feet, thence north at an
26 angle of 61°54' left, 123.3 feet, thence northwesterly at an angle of 25°48'
27 left, 298.5 feet, to the east line of the W1/2 W1/2 NE1/4 of said Sec. 32,
28 thence south 473.9 feet, along said line to point of beginning. Containing .
29 98 acre more or less.

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

33 (c) As soon as is practicable after the effective date of this act, the
34 secretary of wildlife ~~and parks~~, *parks and tourism* shall convey by ~~quit~~
35 ~~claim~~ *quitclaim* deed, without consideration, any title or interest of the
36 *Kansas* department of wildlife ~~and parks~~, *parks and tourism* in the
37 property described in subsection (a).

38 Sec. 94. K.S.A. 2011 Supp. 74-4722 is hereby amended to read as
39 follows: 74-4722. (a) The *Kansas* department of wildlife ~~and parks~~, *parks*
40 *and tourism* shall purchase vessel liability insurance for the protection and
41 benefit of the state, the department and officers, agents and employees of
42 the department responsible for the operation of vessels owned, operated,
43 maintained or controlled by the department, and of persons while riding in

1 or upon such vessels.

2 (b) As used in this section, the term "vessel" ~~shall include~~ *includes*
3 motorized and nonmotorized vessels, and other methods of aquatic
4 transportation used by the department.

5 Sec. 95. K.S.A. 2011 Supp. 74-4911f is hereby amended to read as
6 follows: 74-4911f. (a) Subject to procedures or limitations prescribed by
7 the governor, any person who is not an employee and who becomes a state
8 officer may elect to not become a member of the system. The election to
9 not become a member of the system must be filed within 90 days of
10 assuming the position of state officer. Such election shall be irrevocable. If
11 such election is not filed by such state officer, such state officer shall be a
12 member of the system.

13 (b) Any such state officer who is a member of the Kansas public
14 employees retirement system, on or after the effective date of this act, may
15 elect to not be a member by filing an election with the office of the
16 retirement system. The election to not become a member of the system
17 must be filed within 90 days of assuming the position of state officer. If
18 such election is not filed by such state officer, such state officer shall be a
19 member of the system.

20 (c) Subject to limitations prescribed by the board, the state agency
21 employing any employee who has filed an election as provided under
22 subsection (a) or (b) and who has entered into an employee participation
23 agreement, as provided in K.S.A. 2011 Supp. 74-49b10, and amendments
24 thereto, for deferred compensation pursuant to the Kansas public
25 employees deferred compensation plan shall contribute to such plan on
26 such employee's behalf an amount equal to 8% of the employee's salary, as
27 such salary has been approved pursuant to K.S.A. 75-2935b, and
28 amendments thereto, or as otherwise prescribed by law. With regard to a
29 state officer who is a member of the legislature who has retired pursuant to
30 the Kansas public employees retirement system and who files an election
31 as provided in this section, employee's salary means per diem
32 compensation as provided by law as a member of the legislature.

33 (d) As used in this section and K.S.A. 74-4927k, and amendments
34 thereto, "state officer" means the secretary of administration, secretary on
35 aging, secretary of commerce, secretary of corrections, secretary of health
36 and environment, secretary of labor, secretary of revenue, secretary of
37 social and rehabilitation services, secretary of transportation, secretary of
38 wildlife ~~and parks~~, *parks and tourism*, superintendent of the Kansas
39 highway patrol, secretary of agriculture, executive director of the Kansas
40 lottery, executive director of the Kansas racing commission, president of
41 the Kansas development finance authority, state fire marshal, state
42 librarian, securities commissioner, adjutant general, judges and chief
43 hearing officer of the state court of tax appeals, members of the Kansas

1 parole board, members of the state corporation commission, any
2 unclassified employee on the staff of officers of both houses of the
3 legislature, any unclassified employee appointed to the governor's or
4 lieutenant governor's staff, any person employed by the legislative branch
5 of the state of Kansas, other than any such person receiving service
6 credited under the Kansas public employees retirement system or any
7 other retirement system of the state of Kansas therefor, who elected to be
8 covered by the provisions of this section as provided in subsection (e) of
9 K.S.A. 46-1302, and amendments thereto, or who is first employed on or
10 after July 1, 1996, by the legislative branch of the state of Kansas and any
11 member of the legislature who has retired pursuant to the Kansas public
12 employees retirement system.

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

17 Sec. 96. K.S.A. 2011 Supp. 74-5005 is hereby amended to read as
18 follows: 74-5005. The department shall be the lead agency of the state for
19 economic development of commerce through the promotion of business,
20 industry, ~~trade and tourism~~ and trade within the state. In general, but not
21 by way of limitation, the department shall have, exercise and perform the
22 following powers and duties:

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

27 (b) to coordinate the implementation of the strategy with all other
28 state and local agencies and offices and state educational institutions which
29 do research work, develop materials and programs, gather statistics, or
30 which perform functions related to economic development; and such state
31 and local agencies and offices and state educational institutions shall
32 advise and cooperate with the department in the planning and
33 accomplishment of the purposes of this act;

34 (c) to advise and cooperate with all federal departments, research
35 institutions, educational institutions and agencies, quasi-public
36 professional societies, private business and agricultural organizations and
37 associations, and any other party, public or private, and to call upon such
38 parties for consultation and assistance in their respective fields of interest,
39 to the end that all up-to-date available technical advice, information and
40 assistance be gathered for the use of the department, the governor, the
41 legislature and the people of this state;

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

1 (e) to conduct an effective business information service, keeping up-
2 to-date information on such things as manufacturing industries, labor
3 supply and economic trends in employment, income, savings and
4 purchasing power within the state, utilizing the services and information
5 available from the division of the budget of the department of
6 administration;

7 (f) to support a coordinated program of scientific and industrial
8 research with the objective of developing additional uses of the state's
9 natural resources, agriculture, agricultural products, new and better
10 industrial products and processes, and the best possible utilization of the
11 raw materials in the state; and to coordinate this responsibility with the
12 state educational institutions, with all state and federal agencies, and all
13 public and private institutions within or outside the state, all in an effort to
14 assist and encourage new industries or expansion of existing industries
15 through basic research, applied research and new development;

16 (g) to maintain and keep current all available information regarding
17 the industrial opportunities and possibilities of the state, including raw
18 materials and by-products; power and water resources; transportation
19 facilities; available markets and the marketing limitations of the state;
20 labor supply; banking and financing facilities; availability of industrial
21 sites; and the advantages the state and its particular sections have as
22 industrial locations; and such information shall be used for the
23 encouragement of new industries in the state and the expansion of existing
24 industries within the state;

25 (h) to publicize information and the economic advantages of the state
26 which make it a desirable place for commercial and industrial operations
27 and a good place in which to live;

28 (i) to establish a clearinghouse for the collection and dissemination of
29 information concerning the number and location of public and private
30 postsecondary vocational and technical education programs in areas
31 critical to economic development;

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

35 ~~(k) to encourage and promote the traveling public to visit this state by
36 publicizing information as to the recreational, historic and natural
37 advantages of the state and its facilities for transient travel and to contract
38 with organizations for the purpose of promoting tourism within the state;
39 and the department may request other state agencies such as, but not
40 limited to, the Kansas water office, the Kansas department of wildlife and
41 parks and the department of transportation, for assistance and all such
42 agencies shall coordinate information and their respective efforts with the
43 department to most efficiently and economically carry out the purpose and~~

1 ~~intent of this subsection;~~

2 ~~(h)~~ (k) to participate in economic development and planning
3 assistance programs of the federal government to political subdivisions;

4 ~~(m)~~ (l) to assist counties and cities in industrial development through
5 the establishment of industrial development corporations, including site
6 surveys, small business administration situations, and render such other
7 similar assistance as may be required; and in those instances where it is
8 deemed appropriate, to contract with and make a service charge to the
9 county or city involved for such services rendered;

10 ~~(n)~~ (m) to render assistance to private enterprise on planning
11 problems and site surveys upon request and shall make a reasonable
12 service charge for such services rendered; and any moneys received for
13 services rendered, as provided in this subsection, shall be deposited in the
14 fund and expended therefrom, as provided in subsection (o);

15 ~~(o)~~ (n) to make agreements with other states and with the United
16 States government, or its agencies, and to accept funds from the federal
17 government, or its agencies, or any other source for research studies,
18 investigation, planning and other purposes related to the duties of the
19 department; and any funds so received shall be remitted to the state
20 treasurer in accordance with the provisions of K.S.A. 75-4215, and
21 amendments thereto. Upon receipt of each such remittance, the state
22 treasurer shall deposit the entire amount in the state treasury to the credit
23 of a special revenue fund which is hereby created and shall be known as
24 the "economic development fund" or used in accordance with or direction
25 of the contributing federal agencies; and expenditures from such fund may
26 be made for any purpose in keeping with the responsibilities, functions and
27 authority of the department; and warrants on such fund shall be drawn in
28 the same manner as required of other state agencies upon vouchers signed
29 by the secretary;

30 ~~(p)~~ (o) to do other and further acts as shall be necessary and proper in
31 fostering and promoting the industrial development and economic welfare
32 of the state;

33 ~~(q)~~ (p) to organize, or cause to be organized, an advisory board or
34 boards representing interested groups, including industry, labor,
35 agriculture, scientific research, the press, the professions, industrial
36 associations, civic groups, etc.; and such board or boards shall advise with
37 the department as to its work and the department shall, as far as
38 practicable, cooperate with such board or boards, and secure the active aid
39 thereof in the accomplishment of the aims and objectives of the
40 department;

41 ~~(r)~~ (q) to perform the duties imposed under the Kansas venture capital
42 company act;

43 ~~(s)~~ (r) to serve as the central agency and clearinghouse to collect and

1 disseminate ideas and information bearing on local planning problems;
 2 and, in so doing, the department, upon request of the board of county
 3 commissioners of any county or the governing body of any city in the
 4 state, may make a study and report upon any planning problem of such
 5 county or city submitted to it;

6 (†) (s) to disseminate to the public information concerning economic
 7 development programs available in the state, regardless of whether such
 8 programs are administered by the department or some other agency and
 9 the department shall make available audio-visual and written materials
 10 describing the economic development programs to local chambers of
 11 commerce, economic development organizations, banks and public
 12 libraries and shall take other measures as may be necessary to effectuate
 13 the purpose of this subsection;

14 (†) (t) to perform the duties imposed under the individual
 15 development account program act, K.S.A. 2011 Supp. 74-50,201 through
 16 74-50,208, and amendments thereto; and

17 (†) (u) except as otherwise provided by law, perform the duties and
 18 carry out the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107
 19 through 74-8111, and amendments thereto.

20 Sec. 97. K.S.A. 74-5032 is hereby amended to read as follows: 74-
 21 5032. There is hereby established within and as a part of the *Kansas*
 22 department of ~~commerce~~ *wildlife, parks and tourism* a division of ~~travel~~
 23 ~~and tourism development~~ *tourism*, the head of which shall be the director
 24 of ~~travel and tourism development~~ *tourism*. The purpose of the division of
 25 ~~travel and tourism development~~ *tourism* shall be to increase the number of
 26 visitors to Kansas by promoting the state as a travel and learning
 27 opportunity to both Kansans and non-Kansans alike. Under the
 28 supervision of the secretary of ~~commerce~~ *wildlife, parks and tourism*, the
 29 director of ~~travel and tourism development~~ *tourism* shall administer the
 30 division of ~~travel and tourism development~~ *tourism*. The secretary of
 31 ~~commerce~~ *wildlife, parks and tourism* shall appoint the director of ~~travel~~
 32 ~~and tourism development~~ *tourism* and the director shall serve at the
 33 pleasure of the secretary. The director of ~~travel and tourism development~~
 34 *tourism* shall be in the unclassified service under the Kansas civil service
 35 act and shall receive an annual salary fixed by the secretary of ~~commerce~~
 36 *wildlife, parks and tourism* and approved by the governor.

37 Sec. 98. K.S.A. 74-5032a is hereby amended to read as follows: 74-
 38 5032a. The division of ~~travel and tourism development~~ *tourism of the*
 39 *Kansas department of wildlife, parks and tourism* is hereby authorized and
 40 empowered to:

41 (a) Encourage and promote the traveling public to visit this state by
 42 publicizing information as to the recreational, historic and natural
 43 advantages 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 (b) request other state agencies such as, but not limited to, the Kansas
3 water office, ~~the Kansas department of wildlife and parks~~ *the department*
4 *of commerce* and the department of transportation, for assistance and all
5 such agencies shall coordinate information and their respective efforts with
6 the department to most efficiently and economically carry out the purpose
7 and intent of this subsection; and

8 (c) Solicit and receive moneys from any public or private source and
9 administer a program of matching grants to provide assistance to those
10 entities described in K.S.A. 74-5089, *and amendments thereto*, in the
11 promotion of tourism and the development of quality tourist attractions in
12 this state.

13 Sec. 99. K.S.A. 2011 Supp. 74-5089 is hereby amended to read as
14 follows: 74-5089. (a) There is hereby established a state matching grant
15 program to provide assistance in the promotion of tourism and
16 development of quality tourist attractions within the state of Kansas.
17 Grants awarded under this program shall be limited to not more than 40%
18 of the cost of any proposed project. Applicants shall not utilize any state
19 moneys to meet the matching requirements under the provisions of this
20 program. Both public and private entities shall be eligible to apply for a
21 grant under the provisions of this act. Not less than 75% of all moneys
22 granted under this program shall be allocated to public entities or entities
23 exempt from taxation under the provisions of 501(c)(3) of the federal
24 internal revenue code of 1986 and amendments thereto. ~~After July 1, 1994,~~
25 No more than 20% of moneys granted to public or nonprofit entities shall
26 be granted to any single such entity. Furthermore, ~~after July 1, 1994,~~ no
27 more than 20% of moneys granted to private entities shall be granted to
28 any single such entity. The secretary of ~~commerce~~ *wildlife, parks and*
29 *tourism* shall administer the provisions of this act and the secretary may
30 adopt rules and regulations establishing criteria for qualification for a
31 matching grant and such other matters deemed necessary by the secretary
32 for the administration of this act.

33 (b) For the purpose of K.S.A. 74-5089 through 74-5091, and
34 amendments thereto, "tourist attraction" means a site that is of significant
35 interest to tourists as a historic, cultural, scientific, educational,
36 recreational or architecturally unique site, or as a site of natural scenic
37 beauty or an area naturally suited for outdoor recreation, however, under
38 no circumstances shall "tourist attraction" mean a race track facility, as
39 defined in K.S.A. 74-8802, and amendments thereto, or any casino or
40 other establishment which operates class three games, as defined in the
41 1991 version of 25 ~~USC~~ *U.S.C.* § 2703.

42 ~~(e) During the fiscal year 1997, Kansas Inc. shall commission an~~
43 ~~analysis of this program's impact on tourism. The analysis shall include a~~

1 ~~recommendation for continuation, discontinuation or alteration of the~~
2 ~~program.~~

3 Sec. 100. K.S.A. 74-5090 is hereby amended to read as follows: 74-
4 5090. (a) There is hereby established the Kansas tourist attraction
5 evaluation committee within the *Kansas* department of ~~commerce~~ *wildlife,*
6 *parks and tourism*. The committee shall consist of three members, all of
7 whom shall have appropriate experience and expertise in the area of travel
8 and tourism. The members of the committee shall be appointed by the
9 secretary of ~~commerce~~ *wildlife, parks and tourism* and shall serve at the
10 secretary's pleasure.

11 (b) The committee shall screen, evaluate and approve or disapprove
12 all applications for matching grants by those entities described in K.S.A.
13 74-5089, *and amendments thereto*, for the promotion of tourism and the
14 development of tourist attractions in the state. The committee shall also
15 provide technical advice upon request to any local tourist attraction upon
16 ways to improve its operations.

17 (c) The director of ~~travel and tourism development~~ *tourism* shall
18 serve as a nonvoting chairperson of the committee and the committee shall
19 annually elect a vice-chairperson from among its members. The
20 committee shall meet upon call of the chairperson or upon call of any two
21 of its members. Two voting members shall constitute a quorum for the
22 transaction of business.

23 (d) All members of the committee shall serve without compensation
24 or any other allowances authorized under the provisions of article 32 of
25 chapter 75 of the Kansas Statutes Annotated.

26 Sec. 101. K.S.A. 2011 Supp. 74-5091 is hereby amended to read as
27 follows: 74-5091. (a) There is hereby established the Kansas tourist
28 attraction matching grant development fund in the state treasury. The
29 Kansas tourist attraction matching grant development fund shall be
30 administered by the secretary of ~~commerce~~ *wildlife, parks and tourism*. All
31 moneys in the Kansas tourist attraction matching grant development fund
32 shall be used to provide matching grants to provide assistance in the
33 promotion of tourism and the development of quality tourist attractions
34 within this state in accordance with this act.

35 (b) All moneys received pursuant to subsection (c) of K.S.A. 74-
36 5032a, and amendments thereto, shall be remitted to the state treasurer in
37 accordance with the provisions of K.S.A. 75-4215, and amendments
38 thereto. Upon receipt of each such remittance, the state treasurer shall
39 deposit the entire amount in the state treasury to the credit of the Kansas
40 tourist attraction matching grant development fund.

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

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

3 (2) the net earnings rate for the pooled money investment portfolio
4 for the preceding month.

5 Sec. 102. K.S.A. 2011 Supp. 74-50,167 is hereby amended to read as
6 follows: 74-50,167. As used in K.S.A. 2011 Supp. 74-50,165 through 74-
7 50,172 74-50,173, and amendments thereto:

8 (a) "Agritourism activity" means any activity which allows members
9 of the general public, for recreational, entertainment or educational
10 purposes, to view or enjoy rural activities, including, but not limited to,
11 farming activities, ranching activities or historic, cultural or natural
12 attractions. An activity may be an agritourism activity whether or not the
13 participant pays to participate in the activity. An activity is not an
14 agritourism activity if the participant is paid to participate in the activity.

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

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

28 (d) "Registered agritourism activity" means any agritourism activity
29 registered with the secretary pursuant to K.S.A. 2011 Supp. 74-50,168, and
30 amendments thereto.

31 (e) "Registered agritourism location" means a specific parcel of land
32 which is registered with the secretary pursuant to K.S.A. 2011 Supp. 74-
33 50,168, and amendments thereto, and where a registered agritourism
34 operator engages in registered agritourism activities.

35 (f) "Registered agritourism operator" means any person who is
36 engaged in the business of providing one or more agritourism activities
37 and is registered with the secretary pursuant to K.S.A. 2011 Supp. 74-
38 50,168, and amendments thereto.

39 (g) "*Secretary*" means the secretary of wildlife, parks and tourism.

40 Sec. 103. K.S.A. 2011 Supp. 74-50,168 is hereby amended to read as
41 follows: 74-50,168. (a) Any person who is engaged in the business of
42 providing one or more agritourism activities may register with the
43 secretary of ~~commerce~~ *wildlife, parks and tourism*. The registration shall

1 contain all of the following:

2 (1) Information describing the agritourism activity which the person
3 conducts or intends to conduct.

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

6 (b) The secretary shall maintain a list of all registered agritourism
7 operators, the registered agritourism activities conducted by each operator
8 and the registered agritourism location where the operator conducts such
9 activities. Such list shall be made available to the public. The secretary, in
10 conjunction with other agritourism and rural economic efforts of the
11 secretary, shall promote and publicize registered agritourism operators,
12 activities and locations to advance the purpose of this act by promoting
13 and encouraging tourism.

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

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

17 Sec. 104. K.S.A. 2011 Supp. 74-50,173 is hereby amended to read as
18 follows: 74-50,173. (a) For taxable years commencing on and after
19 December 31, 2003, December 31, 2004, December 31, 2005, December
20 31, 2006, and December 31, 2007, there shall be allowed as a credit
21 against the tax liability of a taxpayer imposed under the Kansas income tax
22 act, an amount equal to 20% of the cost of liability insurance paid by a
23 registered agritourism operator who operates an agritourism activity on the
24 effective date of this act. No tax credit claimed pursuant to this subsection
25 shall exceed \$2,000. If the amount of such tax credit exceeds the
26 taxpayer's income tax liability for such taxable year, the amount thereof
27 which exceeds such tax liability may be carried over for deduction from
28 the taxpayer's income tax liability in the next succeeding taxable year or
29 years until the total amount of tax credit has been deducted from tax
30 liability, except that no such tax credit shall be carried forward for
31 deduction after the third taxable year succeeding the taxable year in which
32 the tax credit is claimed.

33 (b) For the first five taxable years commencing after a taxpayer opens
34 such taxpayer's business, after the effective date of this act, there shall be
35 allowed as a credit against the tax liability of a taxpayer imposed under the
36 Kansas income tax act, an amount equal to 20% of the cost of liability
37 insurance paid by a registered agritourism operator who starts an
38 agritourism activity after the effective date of this act. No tax credit
39 claimed pursuant to this subsection shall exceed \$2,000. If the amount of
40 such tax credit exceeds the taxpayer's income tax liability for such taxable
41 year, the amount thereof which exceeds such tax liability may be carried
42 over for deduction from the taxpayer's income tax liability in the next
43 succeeding taxable year or years until the total amount of tax credit has

1 been deducted from tax liability, except that no such tax credit shall be
2 carried forward for deduction after the third taxable year succeeding the
3 taxable year in which the tax credit is claimed.

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

8 (d) On or before the 15th day of the regular legislative session in
9 2006, the secretary of commerce shall submit to the senate standing
10 committee on commerce and the house standing committee on tourism and
11 parks a report on the implementation and use of the tax credit provided by
12 this section.

13 ~~(e) As used in this section, terms have the meanings provided by~~
14 ~~K.S.A. 2011 Supp. 74-50,167, and amendments thereto:~~

15 Sec. 105. K.S.A. 2011 Supp. 74-5602 is hereby amended to read as
16 follows: 74-5602. As used in the Kansas law enforcement training act:

17 (a) "Training center" means the law enforcement training center
18 within the division of continuing education of the university of Kansas,
19 created by K.S.A. 74-5603, and amendments thereto.

20 (b) "Commission" means the Kansas commission on peace officers'
21 standards and training, created by K.S.A. 74-5606, and amendments
22 thereto.

23 (c) "Dean" means the dean of continuing education of the university
24 of Kansas.

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

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

29 (f) "Law enforcement" means the prevention or detection of crime
30 and the enforcement of the criminal or traffic laws of this state or of any
31 municipality thereof.

32 (g) "Police officer" or "law enforcement officer" means a full-time or
33 part-time salaried officer or employee of the state, a county or a city,
34 whose duties include the prevention or detection of crime and the
35 enforcement of the criminal or traffic laws of this state or of any
36 municipality thereof. Such terms shall include, but not be limited to, the
37 sheriff, undersheriff and full-time or part-time salaried deputies in the
38 sheriff's office in each county; deputy sheriffs deputized pursuant to
39 K.S.A. 19-2858, and amendments thereto; conservation officers of the
40 Kansas department of ~~wildlife and parks~~, *parks and tourism*; university
41 police officers, as defined in K.S.A. 22-2401a, and amendments thereto;
42 campus police officers, as defined in K.S.A. 22-2401a, and amendments
43 thereto; law enforcement agents of the director of alcoholic beverage

1 control; law enforcement agents designated by the secretary of revenue
2 pursuant to K.S.A. 2011 Supp. 75-5157, and amendments thereto; law
3 enforcement agents of the Kansas lottery; law enforcement agents of the
4 Kansas racing commission; deputies and assistants of the state fire marshal
5 having law enforcement authority; capitol police, existing under the
6 authority of K.S.A. 75-4503, and amendments thereto; and law
7 enforcement officers appointed by the adjutant general pursuant to K.S.A.
8 48-204, and amendments thereto. Such terms shall also include railroad
9 policemen appointed pursuant to K.S.A. 66-524, and amendments thereto;
10 school security officers designated as school law enforcement officers
11 pursuant to K.S.A. 72-8222, and amendments thereto; the manager and
12 employees of the horsethief reservoir benefit district pursuant to K.S.A.
13 2011 Supp. 82a-2212, and amendments thereto; and the director of the
14 Kansas commission on peace officers' standards and training and any other
15 employee of such commission designated by the director pursuant to
16 K.S.A. 74-5603, and amendments thereto, as a law enforcement officer.
17 Such terms shall not include any elected official, other than a sheriff,
18 serving in the capacity of a law enforcement or police officer solely by
19 virtue of such official's elected position; any attorney-at-law having
20 responsibility for law enforcement and discharging such responsibility
21 solely in the capacity of an attorney; any employee of the commissioner of
22 juvenile justice, the secretary of corrections or the secretary of social and
23 rehabilitation services; any deputy conservation officer of the Kansas
24 department of wildlife ~~and parks~~, *parks and tourism*; or any employee of a
25 city or county who is employed solely to perform correctional duties
26 related to jail inmates and the administration and operation of a jail; or any
27 full-time or part-time salaried officer or employee whose duties include the
28 issuance of a citation or notice to appear provided such officer or
29 employee is not vested by law with the authority to make an arrest for
30 violation of the laws of this state or any municipality thereof, and is not
31 authorized to carry firearms when discharging the duties of such person's
32 office or employment. Such term shall include any officer appointed or
33 elected on a provisional basis.

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

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

40 (j) "Misdemeanor crime of domestic violence" means a violation of
41 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or
42 K.S.A. 2011 Supp. 21-5414, and amendments thereto, or any other
43 misdemeanor under federal, municipal or state law that has as an element

1 the use or attempted use of physical force, or the threatened use of a
2 deadly weapon, committed by a current or former spouse, parent, or
3 guardian of the victim, by a person with whom the victim shares a child in
4 common, by a person who is cohabiting with or has cohabited with the
5 victim as a spouse, parent or guardian, or by a person similarly situated to
6 a spouse, parent or guardian of the victim.

7 (k) "Auxiliary personnel" means members of organized nonsalaried
8 groups which 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 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. 106. K.S.A. 74-6614 is hereby amended to read as follows: 74-
17 6614. 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~~, *parks and tourism*; the state forester; the
26 state geologist; the director of the state historical society; the director of
27 the 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 Whenever a vacancy on the board shall occur by death, resignation or
33 otherwise of any member so appointed, the responsible appointor shall fill
34 the same by appointment.

35 Sec. 107. 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~~, *parks and tourism* commission appointed by such
39 commission, one member shall be a member of the Kansas arts
40 commission appointed by such commission, one member shall be the
41 director of the Fort Hays state university Sternberg museum, and two
42 members shall be from the public at large appointed by the president of
43 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. 108. K.S.A. 2011 Supp. 74-9001 is hereby amended to read as
5 follows: 74-9001. (a) There is hereby established the council on travel and
6 tourism. The council shall consist of 17 voting members as follows: (1)
7 The chairperson of the standing committee on commerce of the senate, or
8 a member of the senate appointed by the president of the senate; (2) the
9 vice-chairperson of the standing committee on commerce of the senate, or
10 a member of the senate appointed by the president of the senate; (3) the
11 ranking minority member of the standing committee on commerce of the
12 senate, or a member of the senate appointed by the minority leader of the
13 senate; (4) the chairperson of the standing committee on tourism and parks
14 of the house of representatives, *or its successor committee*, or a member of
15 the house of representatives appointed by the speaker of the house of
16 representatives; (5) the vice-chairperson of the standing committee on
17 tourism and parks of the house of representatives, *or its successor*
18 *committee*, or a member of the house of representatives appointed by the
19 speaker of the house of representatives; (6) the ranking minority member
20 of the standing committee on tourism and parks of the house of
21 representatives, *or its successor committee*, or a member of the house of
22 representatives appointed by the minority leader of the house of
23 representatives; and (7) eleven members appointed by the governor. Of the
24 11 members appointed by the governor, one shall be appointed from a list
25 of three nominations made by the travel industry association of Kansas,
26 one shall be an individual engaged in the lodging industry and appointed
27 from a list of three nominations made by the Kansas restaurant and
28 hospitality association, one shall be an individual engaged in the restaurant
29 industry and appointed from a list of three nominations made by the
30 Kansas restaurant and hospitality association, one shall be appointed from
31 a list of three nominations made by the petroleum marketers and
32 convenience store association of Kansas, one shall be appointed from a list
33 of three nominations by the Kansas sport hunting association and six shall
34 be appointed to represent the general public. In addition to the voting
35 members of the council, four members of the council shall serve *ex officio*:
36 The secretary of commerce, the secretary of transportation, the secretary of
37 wildlife ~~and parks~~, *parks and tourism* and the executive director of the
38 state historical society. Each *ex officio* member of the council may
39 designate an officer or employee of the state agency of the *ex officio*
40 member to serve on the council in place of the *ex officio* member. The *ex*
41 *officio* members of the council, or their designees, shall be nonvoting
42 members of the council and shall provide information and advice to the
43 council.

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

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

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

29 Sec. 109. K.S.A. 2011 Supp. 74-9002 is hereby amended to read as
30 follows: 74-9002. The council on travel and tourism shall:

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

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

38 (c) identify and review tourism related issues and current state
39 policies and programs which directly or indirectly affect travel and tourism
40 in the state and, as appropriate, recommend the adoption of new, or the
41 modification of existing, policies and programs; ~~(d) prepare and submit as~~
42 ~~a part of the annual report of the department of commerce, pursuant to~~
43 ~~K.S.A. 74-5049, and amendments thereto, a report of findings and~~

1 ~~recommendations of the council concerning the promoting of travel and~~
2 ~~tourism in Kansas and such related matters as the council deems~~
3 ~~appropriate; and (e) and~~

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

6 Sec. 110. K.S.A. 2011 Supp. 74-9003 is hereby amended to read as
7 follows: 74-9003. (a) There is hereby established in the state treasury the
8 state tourism fund. All moneys credited to the state tourism fund shall only
9 be used for expenditures for the purposes of developing new tourism
10 attractions in Kansas and to significantly expand existing tourism
11 attractions in Kansas. Both public and private entities shall be eligible to
12 apply for funds under the provisions of this act.

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

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

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

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

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

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

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

1 Sec. 111. K.S.A. 2011 Supp. 74-9004 is hereby amended to read as
2 follows: 74-9004. (a) The council on travel and tourism, established under
3 K.S.A. 74-9001, and amendments thereto, shall oversee all matters
4 concerning the state tourism fund and expenditures therefrom.

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

8 Sec. 112. K.S.A. 2011 Supp. 74-9201 is hereby amended to read as
9 follows: 74-9201. (a) There is hereby established the Kansas film services
10 commission. The commission shall consist of 19 voting members as
11 follows: (1) One member of the senate appointed by the president of the
12 senate; (2) one member of the senate appointed by the minority leader of
13 the senate; (3) one member of the house of representatives appointed by
14 the speaker of the house of representatives; (4) one member of the house
15 of representatives appointed by the minority leader of the house of
16 representatives; and (5) fifteen members appointed by the governor. Of the
17 members appointed by the governor, one shall be appointed from each
18 United States congressional district. All members appointed by the
19 governor shall be appointed for terms of three years, except that of the
20 members first appointed, five shall be appointed for one-year terms, five
21 shall be appointed for two-year terms and five shall be appointed for three-
22 year terms. The governor shall designate the term for which each of the
23 members first appointed shall serve. In addition to the voting members of
24 the commission, six members of the commission shall serve *ex officio*:
25 The secretary of commerce, the secretary of transportation, the secretary of
26 wildlife ~~and parks~~, *parks and tourism*, the secretary of health and
27 environment, the executive director of the Kansas arts commission and the
28 secretary of the state historical society. Each *ex officio* member of the
29 commission may designate an officer or employee of the state agency of
30 the *ex officio* member to serve on the commission in place of the *ex officio*
31 member. The *ex officio* members of the commission, or their designees,
32 shall be nonvoting members of the commission and shall provide
33 information and advice to the commission. In addition to the voting and *ex*
34 *officio* members of the commission, the governor may appoint such
35 number of representatives of the film industry to nonvoting membership
36 on the commission as may be recommended by the secretary of commerce.

37 (b) Legislative members shall be appointed for terms coinciding with
38 the terms for which such members are elected. All members appointed to
39 fill vacancies in the membership of the commission and all members
40 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 (c) The members of the commission shall elect annually a chairperson
3 and vice-chairperson for the commission from among its members. The
4 commission shall meet at least four times each year at the call of the
5 chairperson of the commission. Ten voting members of the commission
6 shall constitute a quorum.

7 (d) Members of the commission who are not legislators shall receive
8 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, and amendments thereto, for attendance at any
13 meeting of the commission or any subcommittee meeting authorized by
14 the commission.

15 Sec. 113. K.S.A. 2011 Supp. 75-1253 is hereby amended to read as
16 follows: 75-1253. (a) Whenever it becomes necessary in the judgment of
17 the secretary of administration or in any case when the total cost of a
18 project for the construction of a building or for major repairs or
19 improvements to a building for a state agency is expected to exceed
20 \$750,000 when architectural services are desired for the project or to
21 exceed \$500,000 when engineering services or land surveying services are
22 desired for the project, the secretary of administration shall convene a
23 negotiating committee. The state building advisory commission shall
24 prepare a list of at least three and not more than five firms which are, in
25 the opinion of the state building advisory commission, qualified to serve as
26 project architect, engineer or land surveyor for the project. Such list shall
27 be submitted to the negotiating committee, without any recommendation
28 of preference or other recommendation.

29 (b) The secretary of administration may combine two or more
30 separate projects for the construction of buildings or for major repairs or
31 improvements to buildings for state agencies, for the purpose of procuring
32 architectural, engineering or land surveying services for all such projects
33 from a single firm. In each case, the combined projects shall be construed
34 to be a single project for all purposes under the provisions of K.S.A. 75-
35 1250 ~~to through~~ 75-1267, ~~inclusive~~, and amendments thereto.

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

42 (2) "Repetitive project" means a project which uses the same standard
43 design as was used for a project constructed previously, including, but not

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

12 Sec. 114. K.S.A. 2011 Supp. 75-2720 is hereby amended to read as
13 follows: 75-2720. (a) The state historic sites board of review shall have the
14 power and duty to: (1) Subject to the provisions of subsection (b), approve
15 nominations to the state and national registers of historic places.

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

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

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

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

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

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

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

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

1 same time, also submit a copy of such notice to the secretary of the
2 ~~department of wildlife and parks~~ *wildlife, parks and tourism*.

3 Sec. 115. K.S.A. 2011 Supp. 75-2935 is hereby amended to read as
4 follows: 75-2935. The civil service of the state of Kansas is hereby divided
5 into the unclassified and the classified services.

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

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

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

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

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

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

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

43 (g) operations, maintenance and security personnel employed to

1 implement agreements entered into by the adjutant general and the federal
2 national guard bureau, and officers and enlisted persons in the national
3 guard and the naval militia;

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

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

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

16 (k) all employees of courts;

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

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

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

21 (o) physician specialists, dentists, dental hygienists, pharmacists,
22 medical technologists and long term care workers employed by the
23 department of social and rehabilitation services;

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

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

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

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

37 (t) one personal secretary and one special assistant to the following:
38 The secretary of administration, the secretary of aging, the secretary of
39 agriculture, the secretary of commerce, the secretary of corrections, the
40 secretary of health and environment, the superintendent of the Kansas
41 highway patrol, the secretary of labor, the secretary of revenue, the
42 secretary of social and rehabilitation services, the secretary of
43 transportation, the secretary of wildlife ~~and parks~~, *parks and tourism* and

1 the commissioner of juvenile justice;

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

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

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

14 (x) civil service examination monitors;

15 (y) one executive director, one general counsel and one director of
16 public affairs and consumer protection in the office of the state corporation
17 commission;

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

19 (aa) all officers and employees of Kansas, Inc.;

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

31 (cc) positions at state institutions of higher education that have been
32 converted to unclassified positions pursuant to K.S.A. 2011 Supp. 76-
33 715a, and amendments thereto.

34 (2) The classified service comprises all positions now existing or
35 hereafter created which are not included in the unclassified service.
36 Appointments in the classified service shall be made according to merit
37 and fitness from eligible pools which so far as practicable shall be
38 competitive. No person shall be appointed, promoted, reduced or
39 discharged as an officer, clerk, employee or laborer in the classified
40 service in any manner or by any means other than those prescribed in the
41 Kansas civil service act and the rules adopted in accordance therewith.

42 (3) For positions involving unskilled, or semiskilled duties, the
43 secretary of administration, as provided by law, shall establish rules and

1 regulations concerning certifications, appointments, layoffs and
2 reemployment which may be different from the rules and regulations
3 established concerning these processes for other positions in the classified
4 service.

5 (4) Officers authorized by law to make appointments to positions in
6 the unclassified service, and appointing officers of departments or
7 institutions whose employees are exempt from the provisions of the
8 Kansas civil service act because of the constitutional status of such
9 departments or institutions shall be permitted to make appointments from
10 appropriate pools of eligibles maintained by the division of personnel
11 services.

12 Sec. 116. K.S.A. 75-3339 is hereby amended to read as follows: 75-
13 3339. (a) The division of services for the blind of the department of social
14 and rehabilitation services shall:

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

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

20 (3) make available to the public, especially to persons and
21 organizations engaged in work for the blind, information obtained as a
22 result of such surveys;

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

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

32 (b) The division of services for the blind, in issuing each such license
33 for the operation of a vending facility, shall give preference to blind
34 persons who are in need of employment. Each such license shall be issued
35 for an indefinite period but may be terminated by such division if it is
36 satisfied that the facility is not being operated in accordance with the rules
37 and regulations prescribed by such division. Such licenses shall be issued
38 only to applicants who are blind as defined by subsection (b) of K.S.A. 75-
39 3338, and amendments thereto.

40 (c) The division of services for the blind, with the approval of the
41 head of the department or agency in control of the maintenance, operation,
42 and protection of the state, county and city or other property on which the
43 vending facility is to be located but subject to rules and regulations

1 prescribed pursuant to the provisions of this act, shall select a location for
2 such vending facility and the type of facility to be provided.

3 (d) In the design, construction or substantial alteration or renovation
4 of each public building after July 1, 1970, for use by any department,
5 agency or instrumentality of the state of Kansas, except the Kansas
6 department of wildlife ~~and parks~~, *parks and tourism* and the Kansas
7 turnpike authority, there shall be included, after consultation with the
8 division of services for the blind a satisfactory site or sites with space and
9 electrical and plumbing outlets and other necessary requirements suitable
10 for the location and operation of a vending facility or facilities by a blind
11 person or persons. No space shall be rented, leased or otherwise acquired
12 for use by any department, agency or instrumentality of the state of Kansas
13 after July 1, 1970, except the Kansas department of wildlife ~~and parks~~,
14 *parks and tourism* and the Kansas turnpike authority, unless such space
15 includes, after consultation with the division of services for the blind, a
16 satisfactory site or sites with space and electrical and plumbing outlets and
17 other necessary requirements suitable for the location and operation of a
18 vending facility or facilities by a blind person or persons. All departments,
19 agencies and instrumentalities of the state of Kansas, except the Kansas
20 department of wildlife ~~and parks~~, *parks and tourism* and the Kansas
21 turnpike authority, shall consult with the secretary of social and
22 rehabilitation services or the secretary's designee and the division of
23 services for the blind in the design, construction or substantial alteration or
24 renovation of each public building used by them, and in the renting,
25 leasing or otherwise acquiring of space for their use, to insure that the
26 requirements set forth in this subsection are satisfied. This subsection shall
27 not apply when the secretary of social and rehabilitation services or the
28 secretary's designee and the division of services for the blind determine
29 that the number of people using the property is insufficient to support a
30 vending facility.

31 Sec. 117. K.S.A. 2011 Supp. 75-37,121 is hereby amended to read as
32 follows: 75-37,121. (a) There is created the office of administrative
33 hearings within the department of administration, to be headed by a
34 director appointed by the secretary of administration. The director shall be
35 in the unclassified service under the Kansas civil service act.

36 (b) The office may employ or contract with presiding officers, court
37 reporters and other support personnel as necessary to conduct proceedings
38 required by the Kansas administrative procedure act for adjudicative
39 proceedings of the state agencies, boards and commissions specified in
40 subsection (h). The office shall conduct adjudicative proceedings of any
41 state agency which is specified in subsection (h) when requested by such
42 agency. Only a person admitted to practice law in this state or a person
43 directly supervised by a person admitted to practice law in this state may

1 be employed as a presiding officer. The office may employ regular part-
2 time personnel. Persons employed by the office shall be under the
3 classified civil service.

4 (c) If the office cannot furnish one of its presiding officers within 60
5 days in response to a requesting agency's request, the director shall
6 designate in writing a full-time employee of an agency other than the
7 requesting agency to serve as presiding officer for the proceeding, but only
8 with the consent of the employing agency. The designee must possess the
9 same qualifications required of presiding officers employed by the office.

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

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

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

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

21 (3) to facilitate the performance of the responsibilities conferred upon
22 the office by the Kansas administrative procedure act.

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

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

28 (h) The following state agencies, boards and commissions shall
29 utilize the office of administrative hearings for conducting adjudicative
30 hearings under the Kansas administrative procedures act in which the
31 presiding officer is not the agency head or one or more members of the
32 agency head:

33 (1) On and after July 1, 2005: Department of social and rehabilitation
34 services, juvenile justice authority, department on aging, department of
35 health and environment, Kansas public employees retirement system,
36 Kansas water office, Kansas animal health department and Kansas
37 insurance department.

38 (2) On and after July 1, 2006: Emergency medical services board,
39 emergency medical services council, Kansas health policy authority and
40 Kansas human rights commission.

41 (3) On and after July 1, 2007: Kansas lottery, Kansas racing and
42 gaming commission, state treasurer, pooled money investment board,
43 Kansas department of wildlife ~~and parks~~, *parks and tourism* and state court

1 of tax appeals.

2 (4) On and after July 1, 2008: Department of human resources, state
3 corporation commission, state conservation commission, agricultural labor
4 relations board, department of administration, department of revenue,
5 board of adult care home administrators, Kansas state grain inspection
6 department, board of accountancy and Kansas wheat commission.

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

9 (i) (1) Effective July 1, 2005, any presiding officer in agencies
10 specified in subsection (h)(1) which conduct hearings pursuant to the
11 Kansas administrative procedure act, except those exempted pursuant to
12 K.S.A. 77-551, and amendments thereto, and support personnel for such
13 presiding officers, shall be transferred to and shall become employees of
14 the office of administrative hearings. Such personnel shall retain all rights
15 under the state personnel system and retirement benefits under the laws of
16 this state which had accrued to or vested in such personnel prior to the
17 effective date of this section. Such person's services shall be deemed to
18 have been continuous. All transfers of personnel positions in the classified
19 service under the Kansas civil service act shall be in accordance with civil
20 service laws and any rules and regulations adopted thereunder. This
21 section shall not affect any matter pending before an administrative
22 hearing officer at the time of the effective date of the transfer, and such
23 matter shall proceed as though no transfer of employment had occurred.

24 (2) Effective July 1, 2006, any presiding officer in agencies specified
25 in subsection (h)(2) which conduct hearings pursuant to the Kansas
26 administrative procedure act, except those exempted pursuant to K.S.A.
27 77-551, and amendments thereto, and support personnel for such presiding
28 officers, shall be transferred to and shall become employees of the office
29 of administrative hearings. Such personnel shall retain all rights under the
30 state personnel system and retirement benefits under the laws of this state
31 which had accrued to or vested in such personnel prior to the effective date
32 of this section. Such person's services shall be deemed to have been
33 continuous. All transfers of personnel positions in the classified service
34 under the Kansas civil service act shall be in accordance with civil service
35 laws and any rules and regulations adopted thereunder. This section shall
36 not affect any matter pending before an administrative hearing officer at
37 the time of the effective date of the transfer, and such matter shall proceed
38 as though no transfer of employment had occurred.

39 (3) Effective July 1, 2007, any presiding officer in agencies specified
40 in subsection (h)(3) which conduct hearings pursuant to the Kansas
41 administrative procedure act, except those exempted pursuant to K.S.A.
42 77-551, and amendments thereto, and support personnel for such presiding
43 officers, shall be transferred to and shall become employees of the office

1 of administrative hearings. Such personnel shall retain all rights under the
2 state personnel system and retirement benefits under the laws of this state
3 which had accrued to or vested in such personnel prior to the effective date
4 of this section. Such person's services shall be deemed to have been
5 continuous. All transfers of personnel positions in the classified service
6 under the Kansas civil service act shall be in accordance with civil service
7 laws and any rules and regulations adopted thereunder. This section shall
8 not affect any matter pending before an administrative hearing officer at
9 the time of the effective date of the transfer, and such matter shall proceed
10 as though no transfer of employment had occurred.

11 (4) Effective July 1, 2008, any full-time presiding officer in agencies
12 specified in subsection (h)(4) which conduct hearings pursuant to the
13 Kansas administrative procedure act, except those exempted pursuant to
14 K.S.A. 77-551, and amendments thereto, and support personnel for such
15 presiding officers, shall be transferred to and shall become employees of
16 the office of administrative hearings. Such personnel shall retain all rights
17 under the state personnel system and retirement benefits under the laws of
18 this state which had accrued to or vested in such personnel prior to the
19 effective date of this section. Such person's services shall be deemed to
20 have been continuous. All transfers of personnel positions in the classified
21 service under the Kansas civil service act shall be in accordance with civil
22 service laws and any rules and regulations adopted thereunder. This
23 section shall not affect any matter pending before an administrative
24 hearing officer at the time of the effective date of the transfer, and such
25 matter shall proceed as though no transfer of employment had occurred.

26 (5) Effective July 1, 2009, any full-time presiding officer in agencies
27 specified in subsection (h)(5) which conduct hearings pursuant to the
28 Kansas administrative procedure act, except those exempted pursuant to
29 K.S.A. 77-551, and amendments thereto, and support personnel for such
30 presiding officers, shall be transferred to and shall become employees of
31 the office of administrative hearings. Such personnel shall retain all rights
32 under the state personnel system and retirement benefits under the laws of
33 this state which had accrued to or vested in such personnel prior to the
34 effective date of this section. Such person's services shall be deemed to
35 have been continuous. All transfers of personnel positions in the classified
36 service under the Kansas civil service act shall be in accordance with civil
37 service laws and any rules and regulations adopted thereunder. This
38 section shall not affect any matter pending before an administrative
39 hearing officer at the time of the effective date of the transfer, and such
40 matter shall proceed as though no transfer of employment occurred.

41 Sec. 118. K.S.A. 75-3907 is hereby amended to read as follows: 75-
42 3907. Except as otherwise provided in this order, on the effective date of
43 this order, officers and employees who, immediately prior to such date,

1 were engaged in the performance of powers, duties or functions of any
2 state agency or office which is abolished by this order, or which becomes a
3 part of the *Kansas* department of wildlife ~~and parks~~, *parks and tourism*, or
4 the powers, duties and functions of which are transferred to the secretary
5 of wildlife ~~and parks~~, *parks and tourism*, and who, in the opinion of the
6 secretary of wildlife ~~and parks~~, *parks and tourism*, are necessary to
7 perform the powers, duties and functions of the Kansas department of
8 wildlife ~~and parks~~, *parks and tourism*, shall be transferred to, and shall
9 become officers and employees of the department. Any such officer or
10 employee shall retain all retirement benefits and all rights of civil service
11 which had accrued to or vested in such officer or employee prior to the
12 effective date of this order. The service of each such officer and employee
13 so transferred shall be deemed to have been continuous.

14 Sec. 119. K.S.A. 75-3908 is hereby amended to read as follows: 75-
15 3908. (a) When any conflict arises as to the disposition of any property,
16 power, duty or function or the unexpended balance of any appropriation as
17 a result of any abolition, transfer, attachment or change made by or under
18 authority of this order, such conflict shall be resolved by the governor,
19 whose decision shall be final.

20 (b) The Kansas department of wildlife ~~and parks~~, *parks and tourism*
21 shall succeed to all property, property rights and records which were used
22 for or pertain to the performance of the powers, duties and functions
23 transferred to the secretary of wildlife ~~and parks~~, *parks and tourism*. Any
24 conflict as to the proper disposition of property or records arising under
25 this section, and resulting from the transfer, attachment or abolition of any
26 state agency or office, or all or part of the powers, duties and functions
27 thereof, shall be determined by the governor, whose decision shall be final.

28 Sec. 120. K.S.A. 75-3910 is hereby amended to read as follows: 75-
29 3910. (a) On the effective date of this order, the balance of all funds
30 appropriated and reappropriated to any of the state agencies abolished by
31 this order is hereby transferred to the Kansas department of wildlife ~~and~~
32 ~~parks~~, *parks and tourism* and shall be used only for the purpose for which
33 the appropriation was originally made.

34 (b) On the effective date of this order, the liability for all accrued
35 compensation or salaries of officers and employees who, immediately
36 prior to such date, were engaged in the performance of powers, duties or
37 functions of any state agency or office abolished by this order, or which
38 becomes a part of the Kansas department of wildlife ~~and parks~~, *parks and*
39 *tourism* established by this order, or the powers, duties and functions of
40 which are transferred to the secretary of wildlife ~~and parks~~, *parks and*
41 *tourism* provided for by this order, shall be assumed and paid by the
42 Kansas department of wildlife ~~and parks~~, *parks and tourism* established by
43 this order.

1 Sec. 121. K.S.A. 76-463 is hereby amended to read as follows: 76-
2 463. In connection with its duties, the section shall cooperate with the
3 Kansas department of wildlife ~~and parks~~, *parks and tourism*.

4 Sec. 122. K.S.A. 2011 Supp. 77-415 is hereby amended to read as
5 follows: 77-415. (a) K.S.A. 77-415 through 77-438, and amendments
6 thereto, shall be known and may be cited as the Kansas rules and
7 regulations filing act.

8 (b) (1) Unless otherwise provided by statute or constitutional
9 provision, each rule and regulation issued or adopted by a state agency
10 shall comply with the requirements of the Kansas rules and regulations
11 filing act. Except as provided in this section, any standard, requirement or
12 other policy of general application may be given binding legal effect only
13 if it has complied with the requirements of the Kansas rules and
14 regulations filing act.

15 (2) Notwithstanding the provisions of this section:

16 (A) An agency may bind parties, establish policies, and interpret
17 statutes or regulations by order in an adjudication under the Kansas
18 administrative procedure act or other procedures required by law, except
19 that such order shall not be used as precedent in any subsequent
20 adjudication against a person who was not a party to the original
21 adjudication unless the order is:

22 (i) Designated by the agency as precedent;

23 (ii) not overruled by a court or later adjudication; and

24 (iii) disseminated to the public in one of the following ways:

25 (a) Inclusion in a publicly available index, maintained by the agency
26 and published on its website, of all orders designated as precedent;

27 (b) publication by posting in full on an agency website in a format
28 capable of being searched by key terms; or

29 (c) being made available to the public in such other manner as may be
30 prescribed by the secretary of state.

31 (B) Any statement of agency policy may be treated as binding within
32 the agency if such statement of policy is directed to:

33 (i) Agency personnel relating to the performance of their duties.

34 (ii) The internal management of or organization of the agency.

35 No such statement of agency policy listed in clauses (i) and (ii) of this
36 subparagraph may be relied on to bind the general public.

37 (C) An agency may provide forms, the content or substantive
38 requirements of which are prescribed by rule and regulation or statute,
39 except that no such form may give rise to any legal right or duty or be
40 treated as authority for any standard, requirement or policy reflected
41 therein.

42 (D) An agency may provide guidance or information to the public,
43 describing any agency policy or statutory or regulatory requirement except

1 that no such guidance or information may give rise to any legal right or
2 duty or be treated as authority for any standard, requirement or policy
3 reflected therein.

4 (E) None of the following shall be subject to the Kansas rules and
5 regulations filing act:

6 (i) Any policy relating to the curriculum of a public educational
7 institution or to the administration, conduct, discipline, or graduation of
8 students from such institution.

9 (ii) Any parking and traffic regulations of any state educational
10 institution under the control and supervision of the state board of regents.

11 (iii) Any rule and regulation relating to the emergency or security
12 procedures of a correctional institution, as defined in subsection (d) of
13 K.S.A. 75-5202, and amendments thereto.

14 (iv) Any order issued by the secretary of corrections or any warden of
15 a correctional institution under K.S.A. 75-5256, and amendments thereto.

16 (F) When a statute authorizing an agency to issue rules and
17 regulations or take other action specifies the procedures for doing so, those
18 procedures shall apply instead of the procedures in the Kansas rules and
19 regulations filing act.

20 (c) As used in the Kansas rules and regulations filing act, and
21 amendments thereto, unless the context clearly requires otherwise:

22 (1) "Board" means the state rules and regulations board established
23 under the provisions of K.S.A. 77-423, and amendments thereto.

24 (2) "Environmental rule and regulation" means:

25 (A) A rule and regulation adopted by the secretary of agriculture, the
26 secretary of health and environment or the state corporation commission,
27 which has as a primary purpose the protection of the environment; or

28 (B) a rule and regulation adopted by the secretary of wildlife ~~and~~
29 ~~parks~~, *parks and tourism* concerning threatened or endangered species of
30 wildlife as defined in K.S.A. 32-958, and amendments thereto.

31 (3) "Person" means an individual, firm, association, organization,
32 partnership, business trust, corporation, company or any other legal or
33 commercial entity.

34 (4) "Rule and regulation," "rule," and "regulation" means a standard,
35 requirement or other policy of general application that has the force and
36 effect of law, including amendments or revocations thereof, issued or
37 adopted by a state agency to implement or interpret legislation.

38 (5) "Rulemaking" shall have the meaning ascribed to it in K.S.A. 77-
39 602, and amendments thereto.

40 (6) "Small employer" means any person, firm, corporation,
41 partnership or association that employs not more than 50 employees, the
42 majority of whom are employed within this state.

43 (7) "State agency" means any officer, department, bureau, division,

1 board, authority, agency, commission or institution of this state, except the
2 judicial and legislative branches, which is authorized by law to promulgate
3 rules and regulations concerning the administration, enforcement or
4 interpretation of any law of this state.

5 Sec. 123. K.S.A. 2011 Supp. 77-421 is hereby amended to read as
6 follows: 77-421. (a) (1) Except as provided by subsection (a)(2),
7 subsection (a)(3) or subsection (a)(4), prior to the adoption of any
8 permanent rule and regulation or any temporary rule and regulation which
9 is required to be adopted as a temporary rule and regulation in order to
10 comply with the requirements of the statute authorizing the same and after
11 any such rule and regulation has been approved by the secretary of
12 administration and the attorney general, the adopting state agency shall
13 give at least 60 days' notice of its intended action in the Kansas register
14 and to the secretary of state and to the joint committee on administrative
15 rules and regulations established by K.S.A. 77-436, and amendments
16 thereto. The notice shall be provided to the secretary of state and to the
17 chairperson, vice chairperson, ranking minority member of the joint
18 committee and legislative research department and shall be published in
19 the Kansas register. A complete copy of all proposed rules and regulations
20 and the complete economic impact statement required by K.S.A. 77-416,
21 and amendments thereto, shall accompany the notice sent to the secretary
22 of state. The notice shall contain:

23 (A) A summary of the substance of the proposed rules and
24 regulations;

25 (B) a summary of the economic impact statement indicating the
26 estimated economic impact on governmental agencies or units, persons
27 subject to the proposed rules and regulations and the general public;

28 (C) a summary of the environmental benefit statement, if applicable,
29 indicating the need for the proposed rules and regulations;

30 (D) the address where a complete copy of the proposed rules and
31 regulations, the complete economic impact statement, the environmental
32 benefit statement, if applicable, required by K.S.A. 77-416, and
33 amendments thereto, may be obtained;

34 (E) the time and place of the public hearing to be held; the manner in
35 which interested parties may present their views; and

36 (F) a specific statement that the period of 60 days' notice constitutes a
37 public comment period for the purpose of receiving written public
38 comments on the proposed rules and regulations and the address where
39 such comments may be submitted to the state agency. Publication of such
40 notice in the Kansas register shall constitute notice to all parties affected
41 by the rules and regulations.

42 (2) Prior to adopting any rule and regulation which establishes
43 seasons and fixes bag, creel, possession, size or length limits for the taking

1 or possession of wildlife and after such rule and regulation has been
2 approved by the secretary of administration and the attorney general, the
3 secretary of ~~the department of wildlife and parks~~ *wildlife, parks and*
4 *tourism* shall give at least 30 days' notice of its intended action in the
5 Kansas register and to the secretary of state and to the joint committee on
6 administrative rules and regulations created pursuant to K.S.A. 77-436,
7 and amendments thereto. All other provisions of subsection (a)(1) shall
8 apply to such rules and regulations, except that the statement required by
9 subsection (a)(1)(E) shall state that the period of 30 days' notice constitutes
10 a public comment period on such rules and regulations.

11 (3) Prior to adopting any rule and regulation which establishes any
12 permanent prior authorization on a prescription-only drug pursuant to
13 K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or
14 reimbursement for pharmaceuticals under the pharmacy program of the
15 state medicaid plan, and after such rule and regulation has been approved
16 by the secretary of administration and the attorney general, the Kansas
17 health policy authority shall give at least 30 days' notice of its intended
18 action in the Kansas register and to the secretary of state and to the joint
19 committee on administrative rules and regulations created pursuant to
20 K.S.A. 77-436, and amendments thereto. All other provisions of
21 subsection (a)(1) shall apply to such rules and regulations, except that the
22 statement required by subsection (a)(1)(E) shall state that the period of 30
23 days' notice constitutes a public comment period on such rules and
24 regulations.

25 (4) Prior to adopting any rule and regulation pursuant to subsection
26 (c), the state agency shall give at least 30 days' notice of its intended action
27 in the Kansas register and to the secretary of state and to the joint
28 committee on administrative rules and regulations created pursuant to
29 K.S.A. 77-436, and amendments thereto. All other provisions of
30 subsection (a)(1) shall apply to such rules and regulations, except that the
31 statement required by subsection (a)(1)(E) shall state that the period of
32 notice constitutes a public comment period on such rules and regulations.

33 (b) (1) On the date of the hearing, all interested parties shall be given
34 reasonable opportunity to present their views or arguments on adoption of
35 the rule and regulation, either orally or in writing. At the time it adopts or
36 amends a rule and regulation, the state agency shall prepare a concise
37 statement of the principal reasons for adopting the rule and regulation or
38 amendment thereto, including:

39 (A) The agency's reasons for not accepting substantial arguments
40 made in testimony and comments; and

41 (B) the reasons for any substantial change between the text of the
42 proposed adopted or amended rule and regulation contained in the
43 published notice of the proposed adoption or amendment of the rule and

1 regulation and the text of the rule and regulation as finally adopted.

2 (2) Whenever a state agency is required by any other statute to give
3 notice and hold a hearing before adopting, amending, reviving or revoking
4 a rule and regulation, the state agency, in lieu of following the
5 requirements or statutory procedure set out in such other law, may give
6 notice and hold hearings on proposed rules and regulations in the manner
7 prescribed by this section.

8 (3) Notwithstanding the other provisions of this section, the Kansas
9 parole board and the secretary of corrections, may give notice or an
10 opportunity to be heard to any inmate in the custody of the secretary of
11 corrections with regard to the adoption of any rule and regulation, but the
12 secretary shall not be required to give such notice or opportunity.

13 (c) (1) The agency shall initiate new rulemaking proceedings under
14 this act, if a state agency proposes to adopt a final rule and regulation that:

15 (A) Differs in subject matter or effect in any material respect from the
16 rule and regulation as originally proposed; and

17 (B) is not a logical outgrowth of the rule and regulation as originally
18 proposed.

19 (2) In accordance with subsection (a), the period for public comment
20 required by K.S.A. 77-421, and amendments thereto, may be shortened to
21 not less than 30 days.

22 (3) For the purposes of this provision, a rule and regulation is not the
23 logical outgrowth of the rule and regulation as originally proposed if a
24 person affected by the final rule and regulation was not put on notice that
25 such person's interests were affected in the rulemaking.

26 (d) When, pursuant to this or any other statute, a state agency holds a
27 hearing on the adoption of a proposed rule and regulation, the agency shall
28 cause written minutes or other records, including a record maintained on
29 sound recording tape or on any electronically accessed media or any
30 combination of written or electronically accessed media records of the
31 hearing to be made. If the proposed rule and regulation is adopted and
32 becomes effective, the state agency shall maintain, for not less than three
33 years after its effective date, such minutes or other records, together with
34 any recording, transcript or other record made of the hearing and a list of
35 all persons who appeared at the hearing and who they represented, any
36 written testimony presented at the hearing and any written comments
37 submitted during the public comment period.

38 (e) No rule and regulation shall be adopted by a board, commission,
39 authority or other similar body except at a meeting which is open to the
40 public and notwithstanding any other provision of law to the contrary, no
41 rule and regulation shall be adopted by a board, commission, authority or
42 other similar body unless it receives approval by roll call vote of a
43 majority of the total membership thereof.

1 Sec. 124. K.S.A. 2011 Supp. 79-201a is hereby amended to read as
2 follows: 79-201a. The following described property, to the extent herein
3 specified, shall be exempt from all property or ad valorem taxes levied
4 under the laws of the state of Kansas:

5 *First.* All property belonging exclusively to the United States, except
6 property which congress has expressly declared to be subject to state and
7 local taxation.

8 *Second.* All property used exclusively by the state or any municipality
9 or political subdivision of the state. All property owned, being acquired
10 pursuant to a lease-purchase agreement or operated by the state or any
11 municipality or political subdivision of the state, including property which
12 is vacant or lying dormant, which is used or is to be used for any
13 governmental or proprietary function and for which bonds may be issued
14 or taxes levied to finance the same, shall be considered to be used
15 exclusively by the state, municipality or political subdivision for the
16 purposes of this section. The lease by a municipality or political
17 subdivision of the state of any real property owned or being acquired
18 pursuant to a lease-purchase agreement for the purpose of providing office
19 space necessary for the performance of medical services by a person
20 licensed to practice medicine and surgery or osteopathic medicine by the
21 board of healing arts pursuant to K.S.A. 65-2801 *et seq.*, and amendments
22 thereto, dentistry services by a person licensed by the Kansas dental board
23 pursuant to K.S.A. 65-1401 *et seq.*, and amendments thereto, optometry
24 services by a person licensed by the board of examiners in optometry
25 pursuant to K.S.A. 65-1501 *et seq.*, and amendments thereto, or K.S.A. 74-
26 1501 *et seq.*, and amendments thereto, podiatry services by a person
27 licensed by the board of healing arts pursuant to K.S.A. 65-2001 *et seq.*,
28 and amendments thereto, or the practice of psychology by a person
29 licensed by the behavioral sciences regulatory board pursuant to K.S.A.
30 74-5301 *et seq.*, and amendments thereto, shall be construed to be a
31 governmental function, and such property actually and regularly used for
32 such purpose shall be deemed to be used exclusively for the purposes of
33 this paragraph. The lease by a municipality or political subdivision of the
34 state of any real property, or portion thereof, owned or being acquired
35 pursuant to a lease-purchase agreement to any entity for the exclusive use
36 by it for an exempt purpose, including the purpose of displaying or
37 exhibiting personal property by a museum or historical society, if no
38 portion of the lease payments include compensation for return on the
39 investment in such leased property shall be deemed to be used exclusively
40 for the purposes of this paragraph. All property leased, other than motor
41 vehicles leased for a period of at least one year and property being
42 acquired pursuant to a lease-purchase agreement, to the state or any
43 municipality or political subdivision of the state by any private entity shall

1 not be considered to be used exclusively by the state or any municipality
2 or political subdivision of the state for the purposes of this section except
3 that the provisions of this sentence shall not apply to any such property
4 subject to lease on the effective date of this act until the term of such lease
5 expires but property taxes levied upon any such property prior to tax year
6 1989, shall not be abated or refunded. Any property constructed or
7 purchased with the proceeds of industrial revenue bonds issued prior to
8 July 1, 1963, as authorized by K.S.A. 12-1740 to 12-1749, *and*
9 *amendments thereto*, or purchased with proceeds of improvement district
10 bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, *and*
11 *amendments thereto*, or with proceeds of bonds issued prior to July 1,
12 1963, as authorized by K.S.A. 19-3815a and 19-3815b, *and amendments*
13 *thereto*, or any property improved, purchased, constructed, reconstructed
14 or repaired with the proceeds of revenue bonds issued prior to July 1,
15 1963, as authorized by K.S.A. 13-1238 to 13-1245, inclusive, *and*
16 *amendments thereto*, or any property improved, reimproved, reconstructed
17 or repaired with the proceeds of revenue bonds issued after July 1, 1963,
18 under the authority of K.S.A. 13-1238 to 13-1245, inclusive, *and*
19 *amendments thereto*, which had previously been improved, reconstructed
20 or repaired with the proceeds of revenue bonds issued under such act on or
21 before July 1, 1963, shall be exempt from taxation for so long as any of the
22 revenue bonds issued to finance such construction, reconstruction,
23 improvement, repair or purchase shall be outstanding and unpaid. Any
24 property constructed or purchased with the proceeds of any revenue bonds
25 authorized by K.S.A. 13-1238 to 13-1245, inclusive, *and amendments*
26 *thereto*, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued
27 on or after July 1, 1963, shall be exempt from taxation only for a period of
28 10 calendar years after the calendar year in which the bonds were issued.
29 Any property, all or any portion of which is constructed or purchased with
30 the proceeds of revenue bonds authorized by K.S.A. 12-1740 to 12-1749,
31 inclusive, and amendments thereto, issued on or after July 1, 1963 and
32 prior to July 1, 1981, shall be exempt from taxation only for a period of 10
33 calendar years after the calendar year in which the bonds were issued.
34 Except as hereinafter provided, any property constructed or purchased
35 wholly with the proceeds of revenue bonds issued on or after July 1, 1981,
36 under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and
37 amendments thereto, shall be exempt from taxation only for a period of 10
38 calendar years after the calendar year in which the bonds were issued.
39 Except as hereinafter provided, any property constructed or purchased in
40 part with the proceeds of revenue bonds issued on or after July 1, 1981,
41 under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and
42 amendments thereto, shall be exempt from taxation to the extent of the
43 value of that portion of the property financed by the revenue bonds and

1 only for a period of 10 calendar years after the calendar year in which the
2 bonds were issued. The exemption of that portion of the property
3 constructed or purchased with the proceeds of revenue bonds shall
4 terminate upon the failure to pay all taxes levied on that portion of the
5 property which is not exempt and the entire property shall be subject to
6 sale in the manner prescribed by K.S.A. 79-2301 *et seq.*, and amendments
7 thereto. Property constructed or purchased in whole or in part with the
8 proceeds of revenue bonds issued on or after January 1, 1995, under the
9 authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments
10 thereto, and used in any retail enterprise identified under NAICS sectors
11 44 and 45, except facilities used exclusively to house the headquarters or
12 back office operations of such retail enterprises identified thereunder, shall
13 not be exempt from taxation. For the purposes of the preceding provision
14 "NAICS" means the North American industry classification system, as
15 developed under the authority of the office of management and budget of
16 the office of the president of the United States. "Headquarters or back
17 office operations" means a facility from which the enterprise is provided
18 direction, management, administrative services, or distribution or
19 warehousing functions in support of transactions made by the enterprise.
20 Property purchased, constructed, reconstructed, equipped, maintained or
21 repaired with the proceeds of industrial revenue bonds issued under the
22 authority of K.S.A. 12-1740 *et seq.*, and amendments thereto, which is
23 located in a redevelopment project area established under the authority of
24 K.S.A. 12-1770 *et seq.*, and amendments thereto, shall not be exempt from
25 taxation. Property purchased, acquired, constructed, reconstructed,
26 improved, equipped, furnished, repaired, enlarged or remodeled with all or
27 any part of the proceeds of revenue bonds issued under authority of K.S.A.
28 12-1740 to 12-1749a, inclusive, and amendments thereto, for any poultry
29 confinement facility on agricultural land which is owned, acquired,
30 obtained or leased by a corporation, as such terms are defined by K.S.A.
31 17-5903, and amendments thereto, shall not be exempt from such taxation.
32 Property purchased, acquired, constructed, reconstructed, improved,
33 equipped, furnished, repaired, enlarged or remodeled with all or any part
34 of the proceeds of revenue bonds issued under the authority of K.S.A. 12-
35 1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit
36 confinement facility on agricultural land which is owned, acquired,
37 obtained or leased by a corporation, as such terms are defined by K.S.A.
38 17-5903, and amendments thereto, shall not be exempt from such taxation.

39 *Third.* All works, machinery and fixtures used exclusively by any rural
40 water district or township water district for conveying or production of
41 potable water in such rural water district or township water district, and all
42 works, machinery and fixtures used exclusively by any entity which
43 performed the functions of a rural water district on and after January 1,

1 1990, and the works, machinery and equipment of which were exempted
2 hereunder on March 13, 1995.

3 *Fourth.* All fire engines and other implements used for the
4 extinguishment of fires, with the buildings used exclusively for the
5 safekeeping thereof, and for the meeting of fire companies, whether
6 belonging to any rural fire district, township fire district, town, city or
7 village, or to any fire company organized therein or therefor.

8 *Fifth.* All property, real and personal, owned by county fair associations
9 organized and operating under the provisions of K.S.A. 2-125 *et seq.*, and
10 amendments thereto.

11 *Sixth.* Property acquired and held by any municipality under the
12 municipal housing law (K.S.A. 17-2337 *et seq.*), and amendments thereto,
13 except that such exemption shall not apply to any portion of the project
14 used by a nondwelling facility for profit making enterprise.

15 *Seventh.* All property of a municipality, acquired or held under and for
16 the purposes of the urban renewal law (K.S.A. 17-4742 *et seq.*), and
17 amendments thereto, except that such tax exemption shall terminate when
18 the municipality sells, leases or otherwise disposes of such property in an
19 urban renewal area to a purchaser or lessee which is not a public body
20 entitled to tax exemption with respect to such property.

21 *Eighth.* All property acquired and held by the Kansas armory board for
22 armory purposes under the provisions of K.S.A. 48-317, and amendments
23 thereto.

24 *Ninth.* All property acquired and used by the Kansas turnpike authority
25 under the authority of K.S.A. 68-2001 *et seq.*, and amendments thereto,
26 K.S.A. 68-2030 *et seq.*, and amendments thereto, K.S.A. 68-2051 *et seq.*,
27 and amendments thereto, and K.S.A. 68-2070 *et seq.*, and amendments
28 thereto.

29 *Tenth.* All property acquired and used for state park purposes by the
30 Kansas department of wildlife ~~and parks~~, *parks and tourism*.

31 *Eleventh.* The state office building constructed under authority of
32 K.S.A. 75-3607 *et seq.*, and amendments thereto, and the site upon which
33 such building is located.

34 *Twelfth.* All buildings erected under the authority of K.S.A. 76-6a01 *et*
35 *seq.*, and amendments thereto, and all other student union buildings and
36 student dormitories erected upon the campus of any institution mentioned
37 in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit
38 corporation.

39 *Thirteenth.* All buildings, as the same is defined in subsection (c) of
40 K.S.A. 76-6a13, and amendments thereto, which are erected, constructed
41 or acquired under the authority of K.S.A. 76-6a13 *et seq.*, and amendments
42 thereto, and building sites acquired therefor.

43 *Fourteenth.* All that portion of the waterworks plant and system of the

1 city of Kansas City, Missouri, now or hereafter located within the territory
2 of the state of Kansas pursuant to the compact and agreement adopted by
3 K.S.A. 79-205, and amendments thereto.

4 *Fifteenth.* All property, real and personal, owned by a groundwater
5 management district organized and operating pursuant to K.S.A. 82a-1020,
6 and amendments thereto.

7 *Sixteenth.* All property, real and personal, owned by the joint water
8 district organized and operating pursuant to K.S.A. 80-1616 *et seq.*, and
9 amendments thereto.

10 *Seventeenth.* All property, including interests less than fee ownership,
11 acquired for the state of Kansas by the secretary of transportation or a
12 predecessor in interest which is used in the administration, construction,
13 maintenance or operation of the state system of highways, regardless of
14 how or when acquired.

15 *Eighteenth.* Any building used primarily as an industrial training center
16 for academic or vocational education programs designed for and operated
17 under contract with private industry, and located upon a site owned, leased
18 or being acquired by or for an area vocational school, an area vocational-
19 technical school, a technical college, or a community college, as defined
20 by K.S.A. 72-4412, and amendments thereto, and the site upon which any
21 such building is located.

22 *Nineteenth.* For all taxable years commencing after December 31,
23 1997, all buildings of an area vocational school, an area vocational-
24 technical school, a technical college or a community college, as defined by
25 K.S.A. 72-4412, and amendments thereto, which are owned and operated
26 by any such school or college as a student union or dormitory and the site
27 upon which any such building is located.

28 *Twentieth.* For all taxable years commencing after December 31, 1997,
29 all personal property which is contained within a dormitory that is exempt
30 from property taxation and which is necessary for the accommodation of
31 the students residing therein.

32 *Twenty-First.* All real property from and after the date of its transfer by
33 the city of Olathe, Kansas, to the Kansas state university foundation, all
34 buildings and improvements thereafter erected and located on such
35 property, and all tangible personal property, which is held, used or
36 operated for educational and research purposes at the Kansas state
37 university Olathe innovation campus located in the city of Olathe, Kansas.

38 *Twenty-Second.* All real property, and all tangible personal property,
39 owned by postsecondary educational institutions, as that term is defined in
40 K.S.A. 74-3201b, and amendments thereto, or by the board of regents on
41 behalf of the postsecondary educational institutions, which is leased by a
42 for profit company and is actually and regularly used exclusively for
43 research and development purposes so long as any rental income received

1 by such postsecondary educational institution or the board of regents from
2 such a company is used exclusively for educational or scientific purposes.
3 Any such lease or occupancy described in this section shall be for a term
4 of no more than five years.

5 Except as otherwise specifically provided, the provisions of this section
6 shall apply to all taxable years commencing after December 31, 2009.

7 Sec. 125. K.S.A. 79-3221e is hereby amended to read as follows: 79-
8 3221e. (a) The director of taxation of the department of revenue shall
9 determine annually the total amount designated for use in the Kansas
10 nongame wildlife improvement program pursuant to K.S.A. 79-3221d, and
11 amendments thereto, and shall report such amount to the state treasurer
12 who shall credit the entire amount thereof to the nongame wildlife
13 improvement fund which fund is hereby established in the state treasury.
14 In the case where donations are made pursuant to K.S.A. 79-3221d, and
15 amendments thereto, the director shall remit the entire amount thereof to
16 the state treasurer who shall credit the same to such fund. All moneys
17 deposited in such fund shall be used solely for the purpose of preserving,
18 protecting, perpetuating and enhancing nongame wildlife in this state. All
19 expenditures from such fund shall be made in accordance with
20 appropriations acts upon warrants of the director of accounts and reports
21 issued pursuant to vouchers approved by the secretary of wildlife ~~and~~
22 ~~parks, parks and tourism~~ or the secretary's designee.

23 (b) As used in K.S.A. 79-3221d, and amendments thereto, and this
24 section, "nongame wildlife" means any species of wildlife not legally
25 classified as a game species or furbearer by statute or by rules and
26 regulations adopted pursuant to statute.

27 Sec. 126. K.S.A. 2011 Supp. 79-3221h is hereby amended to read as
28 follows: 79-3221h. (a) All federal moneys received pursuant to federal
29 assistance, federal-aid funds and federal-aid grant reimbursements related
30 to the nongame wildlife improvement fund under the control, authorities
31 and duties of the *Kansas* department of wildlife ~~and parks, parks and~~
32 ~~tourism~~, shall be remitted to the state treasurer in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
34 the remittance, the state treasurer shall deposit the entire amount in the
35 state treasury and credit it to the nongame wildlife improvement ~~fund-~~
36 ~~federal fund - federal~~, which is hereby created. *The nongame wildlife*
37 *improvement fund - federal is hereby redesignated as the plant and animal*
38 *disease and pest control fund.*

39 (b) No moneys derived from sources described in subsection (a) shall
40 be used for any purpose other than the administration of matters which
41 relate to purposes authorized under K.S.A. 79-3221e, and amendments
42 thereto, and which are under the control, authorities and duties of the
43 secretary of wildlife ~~and parks, parks and tourism~~ and the *Kansas*

1 department of wildlife ~~and parks~~, *parks and tourism* as provided by law.

2 (c) *On or before the 10th of each month, the director of accounts and*
3 *reports shall transfer from the state general fund to the plant and animal*
4 *disease and pest control fund, interest earnings based on:*

5 (1) *The average daily balance of moneys in the plant and animal*
6 *disease and pest control fund; and*

7 (2) *the net earnings rate of the pooled money investment portfolio for*
8 *the preceding month.*

9 (e) (d) All expenditures from the nongame wildlife improvement
10 fund-federal, shall be made in accordance with appropriations acts upon
11 warrants of the director of accounts and reports issued pursuant to
12 vouchers approved by the secretary of wildlife ~~and parks~~, *parks and*
13 *tourism.*

14 Sec. 127. K.S.A. 2011 Supp. 79-3234 is hereby amended to read as
15 follows: 79-3234. (a) All reports and returns required by this act shall be
16 preserved for three years and thereafter until the director orders them to be
17 destroyed.

18 (b) Except in accordance with proper judicial order, or as provided in
19 subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106,
20 K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be
21 unlawful for the secretary, the director, any deputy, agent, clerk or other
22 officer, employee or former employee of the department of revenue or any
23 other state officer or employee or former state officer or employee to
24 divulge, or to make known in any way, the amount of income or any
25 particulars set forth or disclosed in any report, return, federal return or
26 federal return information required under this act; and it shall be unlawful
27 for the secretary, the director, any deputy, agent, clerk or other officer or
28 employee engaged in the administration of this act to engage in the
29 business or profession of tax accounting or to accept employment, with or
30 without consideration, from any person, firm or corporation for the
31 purpose, directly or indirectly, of preparing tax returns or reports required
32 by the laws of the state of Kansas, by any other state or by the United
33 States government, or to accept any employment for the purpose of
34 advising, preparing material or data, or the auditing of books or records to
35 be used in an effort to defeat or cancel any tax or part thereof that has been
36 assessed by the state of Kansas, any other state or by the United States
37 government.

38 (c) The secretary or the secretary's designee may: (1) Publish
39 statistics, so classified as to prevent the identification of particular reports
40 or returns and the items thereof;

41 (2) allow the inspection of returns by the attorney general or other
42 legal representatives of the state;

43 (3) provide the post auditor access to all income tax reports or returns

1 in accordance with and subject to the provisions of subsection (g) of
2 K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

3 (4) disclose taxpayer information from income tax returns to persons
4 or entities contracting with the secretary of revenue where the secretary
5 has determined disclosure of such information is essential for completion
6 of the contract and has taken appropriate steps to preserve confidentiality;

7 (5) disclose to the secretary of commerce the following: (A) Specific
8 taxpayer information related to financial information previously submitted
9 by the taxpayer to the secretary of commerce concerning or relevant to any
10 income tax credits, for purposes of verification of such information or
11 evaluating the effectiveness of any tax credit or economic incentive
12 program administered by the secretary of commerce; (B) the amount of
13 payroll withholding taxes an employer is retaining pursuant to K.S.A.
14 2011 Supp. 74-50,212, and amendments thereto; (C) information received
15 from businesses completing the form required by K.S.A. 2011 Supp. 74-
16 50,217, and amendments thereto; and (D) findings related to a compliance
17 audit conducted by the department of revenue upon the request of the
18 secretary of commerce pursuant to K.S.A. 2011 Supp. 74-50,215, and
19 amendments thereto;

20 (6) disclose income tax returns to the state gaming agency to be used
21 solely for the purpose of determining qualifications of licensees of and
22 applicants for licensure in tribal gaming. Any information received by the
23 state gaming agency shall be confidential and shall not be disclosed except
24 to the executive director, employees of the state gaming agency and
25 members and employees of the tribal gaming commission;

26 (7) disclose the taxpayer's name, last known address and residency
27 status to the *Kansas* department of wildlife ~~and parks~~, *parks and tourism* to
28 be used solely in its license fraud investigations;

29 (8) disclose the name, residence address, employer or Kansas
30 adjusted gross income of a taxpayer who may have a duty of support in a
31 title IV-D case to the secretary of the Kansas department of social and
32 rehabilitation services for use solely in administrative or judicial
33 proceedings to establish, modify or enforce such support obligation in a
34 title IV-D case. In addition to any other limits on use, such use shall be
35 allowed only where subject to a protective order which prohibits
36 disclosure outside of the title IV-D proceeding. As used in this section,
37 "title IV-D case" means a case being administered pursuant to part D of
38 title IV of the federal social security act (42 U.S.C. § 651 *et seq.*) and
39 amendments thereto. Any person receiving any information under the
40 provisions of this subsection shall be subject to the confidentiality
41 provisions of subsection (b) and to the penalty provisions of subsection
42 (e);

43 (9) permit the commissioner of internal revenue of the United States,

1 or the proper official of any state imposing an income tax, or the
2 authorized representative of either, to inspect the income tax returns made
3 under this act and the secretary of revenue may make available or furnish
4 to the taxing officials of any other state or the commissioner of internal
5 revenue of the United States or other taxing officials of the federal
6 government, or their authorized representatives, information contained in
7 income tax reports or returns or any audit thereof or the report of any
8 investigation made with respect thereto, filed pursuant to the income tax
9 laws, as the secretary may consider proper, but such information shall not
10 be used for any other purpose than that of the administration of tax laws of
11 such state, the state of Kansas or of the United States;

12 (10) communicate to the executive director of the Kansas lottery
13 information as to whether a person, partnership or corporation is current in
14 the filing of all applicable tax returns and in the payment of all taxes,
15 interest and penalties to the state of Kansas, excluding items under formal
16 appeal, for the purpose of determining whether such person, partnership or
17 corporation is eligible to be selected as a lottery retailer;

18 (11) communicate to the executive director of the Kansas racing
19 commission as to whether a person, partnership or corporation has failed
20 to meet any tax obligation to the state of Kansas for the purpose of
21 determining whether such person, partnership or corporation is eligible for
22 a facility owner license or facility manager license pursuant to the Kansas
23 parimutuel racing act;

24 (12) provide such information to the executive director of the Kansas
25 public employees retirement system for the purpose of determining that
26 certain individuals' reported compensation is in compliance with the
27 Kansas public employees retirement act, K.S.A. 74-4901 *et seq.*, and
28 amendments thereto; and

29 (13) (i) provide taxpayer information of persons suspected of
30 violating K.S.A. 2011 Supp. 44-766, and amendments thereto, to the
31 secretary of labor or such secretary's designee for the purpose of
32 determining compliance by any person with the provisions of *subsection*
33 *(i)(3)(D)* of K.S.A. 44-703~~(i)(3)(D)~~ and K.S.A. 2011 Supp. 44-766, and
34 amendments thereto. The information to be provided shall include all
35 relevant information in the possession of the department of revenue
36 necessary for the secretary of labor to make a proper determination of
37 compliance with the provisions of *subsection (i)(3)(D)* of K.S.A. 44-703~~(i)~~
38 ~~(3)(D)~~ and K.S.A. 2011 Supp. 44-766, and amendments thereto, and to
39 calculate any unemployment contribution taxes due. Such information to
40 be provided by the department of revenue shall include, but not be limited
41 to, withholding tax and payroll information, the identity of any person that
42 has been or is currently being audited or investigated in connection with
43 the administration and enforcement of the withholding and declaration of

1 estimated tax act, K.S.A. 79-3294 *et seq.*, and amendments thereto, and the
2 results or status of such audit or investigation.

3 (ii) Any person receiving tax information under the provisions of this
4 paragraph shall be subject to the same duty of confidentiality imposed by
5 law upon the personnel of the department of revenue and shall be subject
6 to any civil or criminal penalties imposed by law for violations of such
7 duty of confidentiality.

8 (iii) Each of the secretary of labor and the secretary of revenue may
9 adopt rules and regulations necessary to effect the provisions of this
10 paragraph.

11 (d) Any person receiving information under the provisions of
12 subsection (c) shall be subject to the confidentiality provisions of
13 subsection (b) and to the penalty provisions of subsection (e).

14 (e) Any violation of subsection (b) or (c) is a class A nonperson
15 misdemeanor and, if the offender is an officer or employee of the state,
16 such officer or employee shall be dismissed from office.

17 (f) Nothing in this section shall be construed to allow disclosure of
18 the amount of income or any particulars set forth or disclosed in any
19 report, return, federal return or federal return information, where such
20 disclosure is prohibited by the federal internal revenue code as in effect on
21 September 1, 1996, and amendments thereto, related federal internal
22 revenue rules or regulations, or other federal law.

23 Sec. 128. K.S.A. 2011 Supp. 79-3234b is hereby amended to read as
24 follows: 79-3234b. (a) All reports and returns required by this act shall be
25 preserved for three years and thereafter until the director orders them to be
26 destroyed.

27 (b) Except in accordance with proper judicial order, or as provided in
28 subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106,
29 K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be
30 unlawful for the secretary, the director, any deputy, agent, clerk or other
31 officer, employee or former employee of the department of revenue or any
32 other state officer or employee or former state officer or employee to
33 divulge, or to make known in any way, the amount of income or any
34 particulars set forth or disclosed in any report, return, federal return or
35 federal return information required under this act; and it shall be unlawful
36 for the secretary, the director, any deputy, agent, clerk or other officer or
37 employee engaged in the administration of this act to engage in the
38 business or profession of tax accounting or to accept employment, with or
39 without consideration, from any person, firm or corporation for the
40 purpose, directly or indirectly, of preparing tax returns or reports required
41 by the laws of the state of Kansas, by any other state or by the United
42 States government, or to accept any employment for the purpose of
43 advising, preparing material or data, or the auditing of books or records to

1 be used in an effort to defeat or cancel any tax or part thereof that has been
2 assessed by the state of Kansas, any other state or by the United States
3 government.

4 (c) The secretary or the secretary's designee may: (1) Publish
5 statistics, so classified as to prevent the identification of particular reports
6 or returns and the items thereof;

7 (2) allow the inspection of returns by the attorney general or other
8 legal representatives of the state;

9 (3) provide the post auditor access to all income tax reports or returns
10 in accordance with and subject to the provisions of subsection (g) of
11 K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

12 (4) disclose taxpayer information from income tax returns to persons
13 or entities contracting with the secretary of revenue where the secretary
14 has determined disclosure of such information is essential for completion
15 of the contract and has taken appropriate steps to preserve confidentiality;

16 (5) disclose to the secretary of commerce the following: (A) Specific
17 taxpayer information related to financial information previously submitted
18 by the taxpayer to the secretary of commerce concerning or relevant to any
19 income tax credits, for purposes of verification of such information or
20 evaluating the effectiveness of any tax credit or economic incentive
21 program administered by the secretary of commerce; (B) the amount of
22 payroll withholding taxes an employer is retaining pursuant to K.S.A.
23 2011 Supp. 74-50,212, and amendments thereto; (C) information received
24 from businesses completing the form required by K.S.A. 2011 Supp. 74-
25 50,217, and amendments thereto; and (D) findings related to a compliance
26 audit conducted by the department of revenue upon the request of the
27 secretary of commerce pursuant to K.S.A. 2011 Supp. 74-50,215, and
28 amendments thereto;

29 (6) disclose income tax returns to the state gaming agency to be used
30 solely for the purpose of determining qualifications of licensees of and
31 applicants for licensure in tribal gaming. Any information received by the
32 state gaming agency shall be confidential and shall not be disclosed except
33 to the executive director, employees of the state gaming agency and
34 members and employees of the tribal gaming commission;

35 (7) disclose the taxpayer's name, last known address and residency
36 status to the *Kansas* department of wildlife and ~~parks~~, *parks and tourism* to
37 be used solely in its license fraud investigations;

38 (8) disclose the name, residence address, employer or Kansas
39 adjusted gross income of a taxpayer who may have a duty of support in a
40 title IV-D case to the secretary of the Kansas department of social and
41 rehabilitation services for use solely in administrative or judicial
42 proceedings to establish, modify or enforce such support obligation in a
43 title IV-D case. In addition to any other limits on use, such use shall be

1 allowed only where subject to a protective order which prohibits
2 disclosure outside of the title IV-D proceeding. As used in this section,
3 "title IV-D case" means a case being administered pursuant to part D of
4 title IV of the federal social security act (42 U.S.C. § 651 *et seq.*), and
5 amendments thereto. Any person receiving any information under the
6 provisions of this subsection shall be subject to the confidentiality
7 provisions of subsection (b) and to the penalty provisions of subsection
8 (e);

9 (9) permit the commissioner of internal revenue of the United States,
10 or the proper official of any state imposing an income tax, or the
11 authorized representative of either, to inspect the income tax returns made
12 under this act and the secretary of revenue may make available or furnish
13 to the taxing officials of any other state or the commissioner of internal
14 revenue of the United States or other taxing officials of the federal
15 government, or their authorized representatives, information contained in
16 income tax reports or returns or any audit thereof or the report of any
17 investigation made with respect thereto, filed pursuant to the income tax
18 laws, as the secretary may consider proper, but such information shall not
19 be used for any other purpose than that of the administration of tax laws of
20 such state, the state of Kansas or of the United States;

21 (10) communicate to the executive director of the Kansas lottery
22 information as to whether a person, partnership or corporation is current in
23 the filing of all applicable tax returns and in the payment of all taxes,
24 interest and penalties to the state of Kansas, excluding items under formal
25 appeal, for the purpose of determining whether such person, partnership or
26 corporation is eligible to be selected as a lottery retailer;

27 (11) communicate to the executive director of the Kansas racing
28 commission as to whether a person, partnership or corporation has failed
29 to meet any tax obligation to the state of Kansas for the purpose of
30 determining whether such person, partnership or corporation is eligible for
31 a facility owner license or facility manager license pursuant to the Kansas
32 parimutuel racing act;

33 (12) provide such information to the executive director of the Kansas
34 public employees retirement system for the purpose of determining that
35 certain individuals' reported compensation is in compliance with the
36 Kansas public employees retirement act at K.S.A. 74-4901 *et seq.*, and
37 amendments thereto;

38 (13) provide taxpayer information of persons suspected of violating
39 K.S.A. 2011 Supp. 44-766, and amendments thereto, to the staff attorneys
40 of the department of labor for the purpose of determining compliance by
41 any person with the provisions of K.S.A. 2011 Supp. 44-766, and
42 amendments thereto, which information shall be limited to withholding tax
43 and payroll information, the identity of any person that has been or is

1 currently being audited or investigated in connection with the
2 administration and enforcement of the withholding and declaration of
3 estimated tax act, K.S.A. 79-3294 *et seq.*, and amendments thereto, and the
4 results or status of such audit or investigation; and

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 (d) Any person receiving information under the provisions of
13 subsection (c) shall be subject to the confidentiality provisions of
14 subsection (b) and to the penalty provisions of subsection (e).

15 (e) Any violation of subsection (b) or (c) is a class A nonperson
16 misdemeanor and, if the offender is an officer or employee of the state,
17 such officer or employee shall be dismissed from office.

18 (f) Nothing in this section shall be construed to allow disclosure of
19 the amount of income or any particulars set forth or disclosed in any
20 report, return, federal return or federal return information, where such
21 disclosure is prohibited by the federal internal revenue code as in effect on
22 September 1, 1996, and amendments thereto, related federal internal
23 revenue rules or regulations, or other federal law.

24 Sec. 129. K.S.A. 79-32,203 is hereby amended to read as follows: 79-
25 32,203. (a) There shall be allowed two types of credits against the tax
26 liability of a taxpayer imposed under the Kansas income tax act related to
27 real property that is both:

28 (1) Designated by the secretary of wildlife ~~and parks~~, *parks and*
29 *tourism* pursuant to the nongame and endangered species conservation act
30 as critical habitat for a threatened or endangered species or certified by the
31 secretary of wildlife ~~and parks~~, *parks and tourism* as land known to
32 support populations of species in need of conservation; and

33 (2) included in management activities as part of a recovery plan, or an
34 agreement identified in subsection (b) of K.S.A. 32-962, and amendments
35 thereto, as approved by the secretary of wildlife ~~and parks~~, *parks and*
36 *tourism* for a species listed as threatened, endangered or in need of
37 conservation pursuant to the nongame and endangered species
38 conservation act.

39 (b) There shall be allowed as an annual credit against the tax liability
40 of a taxpayer imposed an amount equal to the total amount paid by the
41 taxpayer during the taxable year for ad valorem taxes and assessments that
42 are imposed by the state or by any political or taxing subdivision of the
43 state or related to real property described in subsection (a) for each year

1 that the management activities specified in the recovery plan or agreement
2 described in subsection (a)(2) remain in effect and apply to such real
3 property. The credit allowed by this subsection shall not exceed the
4 amount of tax imposed under the Kansas income tax act reduced by the
5 sum of any other credits allowable pursuant to law.

6 (c) There shall be allowed as a credit against the tax liability of a
7 taxpayer imposed under the Kansas income tax act an amount equal to
8 costs incurred by the taxpayer for habitat management or construction and
9 maintenance of improvements on real property described in subsection (a).
10 Such costs shall be for management or improvements in accordance with
11 management activities as a part of a recovery plan or conservation
12 agreement identified in subsection (b) of K.S.A. 32-962, and amendments
13 thereto, as approved by the secretary of wildlife ~~and parks~~, *parks and*
14 *tourism*, for a species listed as threatened, endangered or in need of
15 conservation pursuant to the nongame and endangered species
16 conservation act. The tax credit allowed by this subsection shall be
17 deducted from the taxpayer's income tax liability for the taxable year in
18 which the expenditures are made by the taxpayer. If the amount of such
19 tax credit exceeds the taxpayer's income tax liability for such taxable year,
20 the taxpayer may elect, at the time of filing the initial return upon which
21 the credit is claimed, to: (1) Carry over the amount thereof that exceeds
22 such tax liability for deduction from the taxpayer's income tax liability in
23 the next succeeding taxable year or years until the total amount of the tax
24 credit has been deducted from tax liability; or (2) receive reimbursement
25 of the amount thereof that exceeds such tax liability, to be paid from
26 amounts appropriated to the secretary of revenue for that purpose upon
27 warrants of the director of accounts and reports issued pursuant to
28 vouchers approved by the secretary or a person or persons designated by
29 the secretary.

30 (d) The provisions of this section shall be applicable to all taxable
31 years commencing after December 31, 1997, but before January 1, 2003.

32 Sec. 130. K.S.A. 2011 Supp. 79-5212 is hereby amended to read as
33 follows: 79-5212. (a) Whenever a taxpayer liable to pay any tax, penalty or
34 interest assessed pursuant to K.S.A. 79-5205, and amendments thereto,
35 refuses or neglects to immediately pay the amount due, the director of
36 taxation may issue one or more warrants for the immediate collection of
37 the amount due, directed to the sheriff of any county of the state
38 commanding the sheriff to seize and sell the real and personal property of
39 the taxpayer, or to seize, appraise and dispose of the firearms of the
40 taxpayer, found within the sheriff's county to satisfy the amount specified
41 on the warrant and the cost of executing the warrant. The director of
42 taxation may also issue one or more warrants directed to any employee of
43 the department of revenue commanding the employee to seize and sell the

1 real and personal property of the taxpayer, or to seize, appraise and dispose
2 of the firearms of the taxpayer, found anywhere within the state of Kansas
3 to satisfy the amount specified on the warrant and the cost of executing the
4 warrant. A copy of the warrant shall also be mailed to the taxpayer at the
5 taxpayer's last known address or served upon the taxpayer in person.

6 (b) The sheriff or department of revenue employee shall proceed to
7 execute upon the warrant in the same manner as provided for attachment
8 orders by K.S.A. 60-706, 60-707 and 60-710, and amendments thereto,
9 except as otherwise provided herein. In the execution of a warrant issued
10 to a department of revenue employee, the employee shall have all of the
11 powers conferred by law upon sheriffs. Any law enforcement officer may
12 assist in the execution of a warrant if requested to do so by a department of
13 revenue employee.

14 (c) No law exempting any goods and chattels, land and tenements
15 from forced sale under execution shall apply to a seizure and sale, or in the
16 case of firearms, sale or disposal, under any warrant.

17 (d) A third party holding funds or other personal property of the
18 taxpayer shall immediately, or as soon thereafter as possible, after service
19 of the warrant on such third party, deliver such funds or other personal
20 property to the sheriff or department of revenue employee, who shall then
21 deliver such to the director of taxation or the director's designee for deposit
22 toward the balance due on the taxpayer's assessment.

23 (e) The sheriff or department of revenue employee shall make return
24 of such warrant to the director of taxation within 60 days from the date of
25 the warrant. If property is seized, then the sheriff or department of revenue
26 employee shall also make return of such warrant to the clerk of the district
27 court in the county where the property was seized.

28 (f) (1) If the taxpayer fails to appeal the assessment as provided by
29 subsection (b) of K.S.A. 79-5205, and amendments thereto, or if the
30 taxpayer requests a hearing and a final order has been entered by the
31 director of taxation as to the correctness of the assessment, then the sheriff
32 or department of revenue employee shall sell the seized property at public
33 auction, except that firearms may be sold at public auction or disposed of
34 as provided in subsection (2). The provisions of K.S.A. 60-2406, and
35 amendments thereto, shall apply to liens against the property being sold.
36 Notice of the sale of personal property shall be given in accordance with
37 K.S.A. 60-2409, and amendments thereto. Notice of the sale of real
38 property shall be given in accordance with K.S.A. 60-2410, and
39 amendments thereto. The taxpayer shall have the right to redeem real
40 property within a period of six months from the date of the sale.

41 (2) In the case of seized firearms not sold, the director of taxation
42 shall obtain an appraisal value performed by a federally licensed firearms
43 dealer or an employee thereof. Such value shall be credited against the

1 taxpayer's outstanding liability. Subsequent to such appraisal and credit
2 against the taxpayer's outstanding liability, the director shall transfer such
3 firearm or firearms as follows:

4 (A) If the firearm or firearms have historical significance, the director
5 may transfer the firearm or firearms to the Kansas state historical society;

6 (B) the director may transfer the firearm or firearms to the secretary
7 of wildlife ~~and parks~~, *parks and tourism*;

8 (C) the director may transfer the firearm or firearms to the director of
9 the Kansas bureau of investigation; or

10 (D) the director may transfer the firearm or firearms to such city or
11 county law enforcement agency where the firearm was seized.

12 At least 30 days prior to the transfer of such firearm or firearms,
13 pursuant to this subsection, the director shall give written notice by mail to
14 the taxpayer at the taxpayer's last known address of the appraised value of
15 such firearm or firearms and the date that the director intends to transfer
16 such firearm or firearms. The taxpayer may appeal the appraised value of
17 any such firearm or firearms by filing a written request for a hearing
18 before the district court in which the tax warrant used to seize such firearm
19 or firearms was filed. Such request must be filed with the district court
20 within 15 days after such notice to the taxpayer was mailed by the director.
21 If no appeal is filed with the district court within 15 days, or if upon appeal
22 the district court rules against the taxpayer, the director shall transfer such
23 firearm or firearms.

24 (g) The director of taxation may also direct the sheriff or department
25 of revenue employee to file any warrant issued pursuant to subsection (a)
26 with the clerk of the district court of any county in Kansas, and thereupon
27 the clerk shall enter in the appearance docket the name of the taxpayer
28 mentioned in the warrant, the amount of the tax or portion of it, interest
29 and penalties for which the warrant is issued and the date such copy is
30 filed and note the taxpayer's name in the general index. No fee shall be
31 charged for such entry. The amount of such warrant shall thereupon
32 become a lien upon the title to, and interest in, the real property of the
33 taxpayer located within such county. Thereupon, the director of taxation
34 shall have the same remedies to collect the amount of the tax, penalty and
35 interest, as if the state of Kansas had recovered judgment against the
36 taxpayer, including immediately garnishing the wages or other property of
37 the taxpayer pursuant to K.S.A. 60-716 *et seq.*, and amendments thereto.
38 Such remedies shall be in addition to the other collection remedies
39 provided herein.

40 (h) The director of taxation shall have the right at any time to issue
41 alias warrants until the full amount of the tax, penalty and interest is
42 collected.

43 Sec. 131. K.S.A. 82a-209 is hereby amended to read as follows: 82a-

1 209. Whenever the channel, or any part thereof, of any navigable stream in
2 or bordering upon the state of Kansas has ~~heretofore~~ *previously* been, or
3 shall hereafter be, changed or altered by such stream establishing a new
4 channel by flood or avulsion, so that any land situated between the banks
5 of such stream at high-water mark shall be abandoned or no longer used as
6 a channel for such stream and the title to such channel is not controlled by
7 K.S.A. 24-454, and amendments thereto, or the provisions of article 2 of
8 chapter 82a of the Kansas Statutes Annotated are not applicable, the
9 ~~Kansas secretary of state of the state of Kansas~~ shall cause such land to be
10 surveyed by a surveyor selected by the secretary of state, and may
11 thereafter sell and convey the same, or any part thereof, by grant or patent,
12 as hereinafter provided. Any such survey and appropriate field notes,
13 maps, records or other papers relating to such survey shall be filed with the
14 register of the state land office. A certified copy of such survey may be
15 filed in the office of the register of deeds of the county within which the
16 land is located. Such land, or any part thereof, may be conveyed to the
17 Kansas department of wildlife ~~and parks~~, *parks and tourism* or may be
18 sold at the best price obtainable to be agreed upon between the secretary of
19 state, acting for and in behalf of the state of Kansas, and any person
20 desiring to buy the same. In any case where any such land has been a part
21 of the bed or channel of any navigable stream bordering on the state of
22 Kansas and the survey establishes parts of such land lying between the
23 Kansas bank of such stream at the high-water mark and the center of the
24 main channel of such stream to be the property of this state which prior to
25 the survey has been occupied and claimed by any person under any patent,
26 conveyance or grant issued or made after April, 1952, to such person from
27 a bordering state or a political subdivision thereof, the secretary of state
28 first shall offer such parts of such lands to such persons occupying and
29 claiming the same as aforesaid at a price represented by the proportionate
30 cost of such survey determined by applying the total cost of the survey to
31 the total acreage of lands covered by said survey. Upon satisfactory proof
32 made thereof, the secretary of state shall allow as a credit to such purchase
33 price the actual cash paid for any such patent, conveyance or grant and the
34 actual costs of any permanent improvements made to any such lands or
35 parts thereof by the person occupying and claiming the same. Upon the
36 refusal of any such offer to such person, the land may be sold by the
37 secretary of state as herein provided.

38 If it is not possible for such prospective purchaser and the secretary of
39 state to agree on a price, then the land shall be sold by the secretary of
40 state as one tract, or in different tracts, as the secretary of state may
41 determine, under an appraisalment made by three disinterested persons
42 residing in the county or counties where such abandoned channel sought to
43 be sold is situated, which appraisers shall be appointed by the secretary of

1 state. Such sale shall be for not less than three-fourths of the appraised
2 value. In no case shall such land be sold for less than the cost of surveying,
3 appraising and selling the same.

4 Sec. 132. K.S.A. 2011 Supp. 82a-220 is hereby amended to read as
5 follows: 82a-220. (a) As used in this act:

6 (1) "Conservation project" means any project or activity that the
7 director of the Kansas water office determines will assist in restoring,
8 protecting, rehabilitating, improving, sustaining or maintaining the banks
9 of the Arkansas, Kansas or Missouri rivers from the effects of erosion;

10 (2) "director" means the director of the Kansas water office; and

11 (3) "state property" means real property currently owned in full or in
12 part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in
13 and along the bed of the river to the ordinary high water mark on the banks
14 of such rivers.

15 (b) (1) The director is hereby authorized to negotiate and grant
16 easements on state property for construction and maintenance of
17 conservation projects with cooperating landowners in such projects for the
18 expected life of the project and with such terms and conditions as the
19 director, after consultation with the Kansas department of agriculture, the
20 Kansas department of health and environment, the Kansas department of
21 wildlife ~~and parks~~, *parks and tourism* and the state conservation
22 commission, may deem appropriate.

23 (2) Notice of the easement shall be given to the county or counties in
24 which the easement is proposed and to any municipality or other
25 governmental entity that, in the opinion of the director, holds a riparian
26 interest in the river and may have an interest in the project or results
27 thereof. Those persons or entities receiving notice shall have a period, not
28 to exceed 30 days, to provide comment on the proposed easement to the
29 director.

30 (3) In the event such an easement is proposed to be granted on state
31 property owned or managed by any other agency of the state, the director
32 shall give notice of the proposed easement and project to that agency and
33 shall jointly negotiate any easement so granted.

34 (4) A copy of all easements so entered shall be filed by the director
35 with the office of the secretary of state and the office of the register of
36 deeds for the county or counties in which the easement is located.

37 (c) The director shall adopt rules and regulations necessary to carry
38 out the provisions of this act.

39 Sec. 133. K.S.A. 82a-326 is hereby amended to read as follows: 82a-
40 326. When used in this act:

41 (a) "Water development project" means any project or plan which
42 may be allowed or permitted pursuant to K.S.A. 24-126, 24-1213, 82a-301
43 *et seq.*, and amendments thereto, or the multipurpose small lakes program

1 act, and amendments thereto;

2 (b) "environmental review agencies" means the:

3 (1) Kansas department of wildlife ~~and parks~~, *parks and tourism*;

4 (2) Kansas forest service;

5 (3) state biological survey;

6 (4) Kansas department of health and environment;

7 (5) state historical society;

8 (6) state conservation commission; and

9 (7) state corporation commission.

10 Sec. 134. K.S.A. 2011 Supp. 82a-903 is hereby amended to read as
11 follows: 82a-903. In accordance with the policies and long-range goals and
12 objectives established by the legislature, the office shall formulate on a
13 continuing basis a comprehensive state water plan for the management,
14 conservation and development of the water resources of the state. Such
15 state water plan shall include sections corresponding with water planning
16 areas as determined by the office. The Kansas water office and the Kansas
17 water authority shall seek advice from the general public and from
18 committees consisting of individuals with knowledge of and interest in
19 water issues in the water planning areas. The plan shall set forth the
20 recommendations of the office for the management, conservation and
21 development of the water resources of the state, including the general
22 location, character, and extent of such existing and proposed projects,
23 programs, and facilities as are necessary or desirable in the judgment of
24 the office to accomplish such policies, goals and objectives. The plan shall
25 specify standards for operation and management of such projects,
26 programs, and facilities as are necessary or desirable. The plan shall be
27 formulated and used for the general purpose of accomplishing the
28 coordinated management, conservation and development of the water
29 resources of the state. The division of water resources of the Kansas
30 department of agriculture, state geological survey, the division of
31 environment of the department of health and environment, *Kansas*
32 *department of wildlife and parks, parks and tourism*, state conservation
33 commission and all other interested state agencies shall cooperate with the
34 office in formulation of such plan.

35 Sec. 135. K.S.A. 2011 Supp. 82a-1501 is hereby amended to read as
36 follows: 82a-1501. As used in the water transfer act:

37 (a) (1) "Water transfer" means the diversion and transportation of
38 water in a quantity of 2,000 acre feet or more per year for beneficial use at
39 a point of use outside a 35-mile radius from the point of diversion of such
40 water. In determining the amount of water transferred in the case of a
41 water transfer supplying water to multiple public water supply systems or
42 other water users, the amount of water transferred shall be considered to be
43 the aggregate amount of water which will be supplied by the transfer to all

1 public water supply systems and other water users whose points of use are
2 located outside a 35-mile radius from the point of diversion of such water.

3 (2) Water transfer does not include a release of water from a reservoir
4 to the water's natural watercourse for use within the natural watercourse or
5 watershed, made under the authority of the state water plan storage act
6 (K.S.A. 82a-1301 *et seq.*, and amendments thereto) or the water assurance
7 program act (K.S.A. 82a-1330 *et seq.*, and amendments thereto).

8 (b) "Point of diversion" means:

9 (1) The point where the longitudinal axis of the dam crosses the
10 center line of the stream in the case of a reservoir;

11 (2) the location of the headgate or intake in the case of a direct
12 diversion from a river, stream or other watercourse;

13 (3) the location of a well in the case of groundwater diversion; or

14 (4) the geographical center of the points of diversion in the case of
15 multiple diversion points.

16 (c) "Point of use" means the geographical center of each water user's
17 proposed or authorized place of use where any water authorized by the
18 proposed transfer will be used.

19 (d) "Chief engineer" means the chief engineer of the division of water
20 resources of the Kansas department of agriculture.

21 (e) "Secretary" means the secretary of the department of health and
22 environment, or the director of the division of environment of the
23 department of health and environment if designated by the secretary.

24 (f) "Director" means the director of the Kansas water office.

25 (g) "Panel" means the water transfer hearing panel.

26 (h) "Party" means: (1) The applicant; or (2) any person who
27 successfully intervenes pursuant to K.S.A. 82a-1503, and amendments
28 thereto, and actively participates in the hearing. "Party" does not mean a
29 person who makes a limited appearance for the purpose of presenting a
30 statement for or against the water transfer.

31 (i) "Commenting agencies" means groundwater management districts
32 and state natural resource and environmental agencies, including but not
33 limited to the Kansas department of health and environment, the Kansas
34 water office, the Kansas water authority, the Kansas department of wildlife
35 ~~and parks~~, *parks and tourism* and the division of water resources of the
36 Kansas department of agriculture.

37 (j) "Public water supply system" means any water supply system,
38 whether publicly or privately owned, for which a permit is required
39 pursuant to K.S.A. 65-163, and amendments thereto.

40 Sec. 136. K.S.A. 2011 Supp. 82a-2001 is hereby amended to read as
41 follows: 82a-2001. As used in this act:

42 (a) (1) "Classified stream segments" shall include all stream segments
43 that are waters of the state as defined in subsection (a) of K.S.A. 65-161,

1 and amendments thereto, and waters described in subsection (d) of K.S.A.
2 65-171d, and amendments thereto, that:

3 (A) Are indicated on the federal environmental protection agency's
4 reach file 1 (RF1) (1982) and have the most recent 10-year median flow of
5 equal to or in excess of one cubic foot per second based on data collected
6 and evaluated by the United States geological survey or in the absence of
7 stream segment flow data, calculations of flow conducted by extrapolation
8 methods provided by the United States geological survey;

9 (B) have the most recent 10-year median flow of equal to or in excess
10 of one cubic foot per second based on data collected and evaluated by the
11 United States geological survey or in the absence of stream segment flow
12 data, calculations of flow conducted by extrapolation methods provided by
13 the United States geological survey;

14 (C) are actually inhabited by threatened or endangered aquatic
15 species listed in rules and regulations promulgated by the Kansas
16 department of wildlife ~~and parks~~, *parks and tourism* or the United States
17 fish and wildlife service;

18 (D) (i) scientific studies conducted by the department show that
19 during periods of flow less than one cubic foot per second stream
20 segments provide important refuges for aquatic life and permit biological
21 recolonization of intermittently flowing segments; and

22 (ii) a ~~cost/benefit~~ *cost-benefit* analysis conducted by the department
23 and taking into account the economic and social impact of classifying the
24 stream segment indicates that the benefits of classifying the stream
25 segment outweigh the costs of classifying the stream segment, as
26 consistent with the federal clean water act and federal regulations; or

27 (E) are at the point of discharge on the stream segment and
28 downstream from such point where the department has issued a national
29 pollutant discharge elimination system permit other than a permit for a
30 confined feeding facility, as defined in K.S.A. 65-171d, and amendments
31 thereto.

32 (2) Classified stream segments other than those described in
33 subsection (a)(1)(E) shall not include ephemeral streams; grass, vegetative
34 or other waterways; culverts; or ditches.

35 (3) Any definition of classified stream or "classified stream segment"
36 in rules and regulations or law that is inconsistent with this definition is
37 hereby declared null and void.

38 (b) "Department" means the department of health and environment.

39 (c) "Designated uses of classified stream segments" shall be defined
40 as follows:

41 (1) "Agricultural water supply use" means the use of a classified
42 stream segment for agricultural purposes, including the following:

43 (A) "Irrigation" means the withdrawal of water from a classified

1 stream segment for application onto land; or

2 (B) "livestock watering" means the provision of water from a
3 classified stream segment to livestock for consumption.

4 (2) "Aquatic life support use" means the use of a classified stream
5 segment for the maintenance of the ecological integrity of streams, lakes
6 and wetlands, including the sustained growth and propagation of native
7 aquatic life; naturalized, important, recreational aquatic life; and
8 indigenous or migratory semiaquatic or terrestrial wildlife directly or
9 indirectly dependent on surface water for survival. Categories of aquatic
10 life support use include:

11 (A) "Special aquatic life use waters" means classified stream
12 segments that contain combinations of habitat types and indigenous biota
13 not found commonly in the state, or classified stream segments that
14 contain representative populations of threatened or endangered species,
15 that are listed in rules and regulations promulgated by the Kansas
16 department of wildlife ~~and parks~~, *parks and tourism* or the United States
17 fish and wildlife service.

18 (B) "Expected aquatic life use waters" means classified stream
19 segments containing habitat types and indigenous biota commonly found
20 or expected in the state.

21 (C) "Restricted aquatic life use waters" means classified stream
22 segments containing indigenous biota limited in abundance or diversity by
23 the physical quality or availability of habitat, due to natural deficiencies or
24 artificial modifications, compared to more suitable habitats in adjacent
25 waters.

26 (3) "Domestic water supply" means the use of a classified stream
27 segment, after appropriate treatment, for the production of potable water.

28 (4) "Food procurement use" means the use of a classified stream
29 segment for the obtaining of edible forms of aquatic or semiaquatic life for
30 human consumption.

31 (5) "Groundwater recharge use" means the use of a classified stream
32 segment for the replenishing of fresh or usable groundwater resources.
33 This use may involve the infiltration and percolation of surface water
34 through sediments and soils or the direct injection of surface water into
35 underground aquifers.

36 (6) "Industrial water supply use" means the use of a classified stream
37 segment for nonpotable purposes by industry, including withdrawals for
38 cooling or process water.

39 (7) (A) "Recreational use" means:

40 (i) Primary contact recreational use is use of a classified stream
41 segment for recreation during the period from April 1 through October 31
42 of each year, provided such classified stream segment is capable of
43 supporting the recreational activities of swimming, skin diving, water

1 skiing, wind surfing, kayaking or mussel harvesting where the body is
2 intended to be immersed in surface water to the extent that some
3 inadvertent ingestion of water is probable.

4 (a) Primary contact recreational use-Class A: Use of a classified
5 stream segment for recreation during the period from April 1 through
6 October 31 of each year, and the classified stream segment is a designated
7 public swimming area. Water quality criterion for bacterial indicator
8 organisms applied to Class A waters shall be set at an illness rate of eight
9 or more per 1000 swimmers. The classified stream segment shall only be
10 considered impaired for primary contact recreational use-Class A if the
11 calculated geometric mean of at least five samples collected in separate
12 24-hour periods within a 30-day period exceeds the corresponding water
13 quality criterion. The water quality criterion for primary contact
14 recreational use-Class A waters during the period November 1 through
15 March 31 of each year shall be equal to the criterion applied to secondary
16 contact recreational use-Class A waters.

17 (b) Primary contact recreational use-Class B: Use of a classified
18 stream segment for recreation, where moderate full body contact
19 recreation is expected, during the period from April 1 through October 31
20 of each year, and the classified stream segment is by law or written
21 permission of the landowner open to and accessible by the public. Water
22 quality criterion for bacterial indicator organisms applied to Class B waters
23 shall be set at an illness rate of 10 or more per 1000 swimmers. The
24 classified stream segment shall only be considered impaired for primary
25 contact recreational use-Class B if the calculated geometric mean of at
26 least five samples collected in separate 24-hour periods within a 30-day
27 period exceeds the corresponding water quality criterion. The water quality
28 criterion for primary contact recreational use-Class B waters during the
29 period November 1 through March 31 of each year shall be equal to the
30 criterion applied to secondary contact recreational use-Class A waters.

31 (c) Primary contact recreational use-Class C: Use of a classified
32 stream segment for recreation, where full body contact recreation is
33 infrequent during the period from April 1 through October 31 of each year,
34 and is not open to and accessible by the public under Kansas law and is
35 capable of supporting the recreational activities of swimming, skin diving,
36 water-skiing, wind surfing, boating, mussel harvesting, wading or fishing.
37 Water quality criterion for bacterial indicator organisms applied to Class C
38 waters shall be set at an illness rate of 12 or more per 1000 swimmers. The
39 classified stream segment shall only be considered impaired for primary
40 contact recreational use-Class C if the calculated geometric mean of at
41 least five samples collected in separate 24-hour periods within a 30-day
42 period exceeds the corresponding water quality criterion. The water quality
43 criterion for primary contact recreational use-Class C waters during the

1 period November 1 through March 31 of each year shall be equal to the
2 criterion applied to secondary contact recreational use-Class B waters.

3 (ii) Secondary contact recreational use is use of a classified stream
4 segment for recreation, provided such classified stream segment is capable
5 of supporting the recreational activities of wading, fishing, canoeing,
6 motor boating, rafting or other types of boating where the body is not
7 intended to be immersed and where ingestion of surface water is not
8 probable.

9 (a) Secondary contact recreational use-Class A: Use of a classified
10 stream segment for recreation capable of supporting the recreational
11 activities of wading or fishing and the classified stream segment is by law
12 or written permission of the landowner open to and accessible by the
13 public. Water quality criterion for bacterial indicator organisms applied to
14 secondary contact recreational use-Class A waters shall be nine times the
15 criterion applied to primary contact recreational use-Class B waters. The
16 classified stream segment shall only be considered impaired for secondary
17 contact recreational use-Class A if the calculated geometric mean of at
18 least five samples collected in separate 24-hour periods within a 30-day
19 period exceeds the corresponding water quality criterion.

20 (b) Secondary contact recreational use-Class B: Use of a classified
21 stream segment for recreation capable of supporting the recreational
22 activities of wading or fishing and the classified stream segment is not
23 open to and accessible by the public under Kansas law. Water quality
24 criterion for bacterial indicator organisms applied to secondary contact
25 recreational use- Class B waters shall be nine times the criterion applied to
26 primary contact recreational-Class C use waters. The classified stream
27 segment shall only be considered impaired for secondary contact
28 recreational use-Class B if the calculated geometric mean of at least five
29 samples collected in separate 24-hour periods within a 30-day period
30 exceeds the corresponding water quality criterion.

31 (B) If opposite sides of a classified stream segment would have
32 different designated recreational uses due to differences in public access,
33 the designated use of the entire classified stream segment may be the
34 higher attainable use, notwithstanding that such designation does not grant
35 the public access to both sides of such segment.

36 (C) Recreational use designations shall not apply to stream segments
37 where the natural, ephemeral, intermittent or low flow conditions or water
38 levels prevent recreational activities.

39 (d) "Ephemeral stream" means streams that flow only in response to
40 precipitation and whose channel is at all times above the water table.

41 (e) "Secretary" means the secretary of health and environment.

42 Sec. 137. K.S.A. 2011 Supp. 82a-2204 is hereby amended to read as
43 follows: 82a-2204. (a) The governing board of the horsethief reservoir

1 benefit district shall consist of eight members, as follows:

2 (1) Four members to be appointed one each by the board of county
3 commissioners of the four counties in the district;

4 (2) one member to be appointed one each by the governing body of
5 the cities of Dodge City and Garden City;

6 (3) one member appointed by the Pawnee watershed district; and

7 (4) the secretary of wildlife ~~and parks~~, *parks and tourism* or the
8 secretary's designee.

9 (b) The member appointed by the Pawnee watershed district shall
10 serve as chairperson of the governing board.

11 (c) The board shall meet upon call of the chairperson as necessary to
12 carry out its duties under this act.

13 (d) The initial appointment for the members appointed by Finney and
14 Gray counties and Dodge City shall be for a term of one year. The initial
15 appointment for the members appointed by Ford and Hodgeman counties,
16 Garden City and the Pawnee watershed district shall be for a term of two
17 years. For each subsequent appointment, each appointed member of the
18 board shall be appointed for a term of two years. Each member shall
19 continue in such position until a successor is appointed and qualified.
20 Members shall be eligible for reappointment. Whenever a vacancy occurs
21 in the membership of the board, a successor shall be selected to fill such
22 vacancy in the same manner as and for the unexpired term of the member
23 such person is succeeding.

24 (e) The governing body shall have the following powers and duties:
25 (1) Authority to impose a district wide sales tax pursuant to the provisions
26 of this act;

27 (2) authority to issue bonds pursuant to the provisions of this act; and

28 (3) authority to manage recreational facilities within the district.

29 (f) The governing body shall provide that any fee schedule imposed
30 for users of recreational facilities within the district may be set at a
31 reduced rate or schedule for residents of any county which is a part of the
32 district.

33 Sec. 138. K.S.A. 2-2473, 19-2803b, 19-2803d, 19-2817, 19-2822, 19-
34 2835, 19-2836, 19-2839, 19-2844, 19-2844a, 19-2855, 19-2868, 19-2873,
35 19-2894, 19-3543, 32-802, 32-806, 32-807, 32-809, 32-832, 32-839, 32-
36 840, 32-845, 32-846, 32-869, 32-874, 32-874c, 32-886, 32-887, 32-888,
37 32-976, 32-1040, 32-1041, 32-1049, 32-1051, 32-1052, 32-1053, 32-1203,
38 49-408, 58-3221, 58-3225, 65-189e, 68-406, 73-2101, 73-2102, 73-2103,
39 73-2104, 74-134, 74-3322, 74-5032, 74-5032a, 74-5090, 74-6614, 74-
40 7901, 75-3339, 75-3907, 75-3908, 75-3910, 76-463, 79-3221e, 79-32,203,
41 82a-209 and 82a-326 and K.S.A. 2011 Supp. 2-1334, 21-5810, 21-6416,
42 32-701, 32-801, 32-805, 32-833, 32-844, 32-873, 32-874a, 32-874b, 32-
43 874d, 32-874e, 32-906, 32-918, 32-930, 32-932, 32-938, 32-966, 32-996,

1 32-997, 32-998, 32-999, 32-1001, 32-1004, 32-1005, 32-1031, 32-1032,
2 32-1049a, 32-1050, 32-1054, 32-1062, 32-1063, 32-1064, 32-1066, 32-
3 1102, 32-1112, 32-1174, 32-1306, 32-1308, 32-1310, 47-2101, 65-3424b,
4 65-3483, 65-5703, 74-5,133, 74-2622, 74-4722, 74-4911f, 74-5005, 74-
5 5089, 74-5091, 74-50,167, 74-50,168, 74-50,173, 74-5602, 74-9001, 74-
6 9002, 74-9003, 74-9004, 74-9005, 74-9201, 75-1253, 75-2720, 75-2935,
7 75-37,121, 77-415, 77-421, 79-201a, 79-3221h, 79-3234, 79-3234b, 79-
8 5212, 82a-220, 82a-903, 82a-1501, 82a-2001 and 82a-2204 are hereby
9 repealed.

10 Sec. 139. This act shall take effect and be in force from and after its
11 publication in the statute book.