

SESSION OF 2016

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2156**

As Agreed to April 28, 2016

**Brief\***

Senate Sub. for HB 2156 would make several changes to the Nongame and Endangered Species Act, which are detailed below.

***Special Permit Exceptions***

In current law, a special permit is required for any person subject to the jurisdiction of Kansas to act in a manner contrary to any rules and regulations adopted by the Secretary of Wildlife, Parks and Tourism (Secretary) which pertain to endangered or threatened species of wildlife included in the Kansas Threatened and Endangered Species List.

The bill would create three exceptions to this existing requirement:

- Normal farming and ranching practices, including government cost-shared agriculture land treatment measures, unless a permit is required by another state or federal agency or the practices involve an intentional taking of a threatened or endangered species, as defined in law;

---

\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/klrd>

- Development of residential and commercial property on privately owned property financed with private, non-public funds, unless a permit is required by another state or federal agency or the development involves an intentional taking of a threatened or endangered species, as defined in law; and
- Activities for which a person has obtained a scientific, educational, or exhibition permit.

The bill also would declare that for purposes of this section, a permit required by another state or federal agency would not include a certification or registration.

### ***Recovery Plans***

The bill would require on and after July 1, 2016, for all new species listed as endangered or threatened by the Secretary, recovery plans for the species be completed within four years of the species being listed. If the recovery plan is not completed within four years, no permit would be required for activities that would otherwise require a permit until the recovery plan is complete. This provision of the bill would not apply to any endangered or threatened species listed under the federal Endangered Species Act of 1973.

The Secretary would be required to submit an annual report on all species listed as endangered or threatened, as of June 30, 2016, to the Senate Committee on Natural Resources and the House Committee on Agriculture and Natural Resources. This report would include:

- The status of any species with a completed recovery plan;
- The status of species with a recovery plan currently in process, but not yet complete; and

- Future goals for completing recovery plans for any listed species that does not yet have a recovery plan.

In addition, the Secretary would be required to publish and maintain each developed and implemented recovery plan on the Kansas Department of Wildlife, Parks and Tourism (KDWPT) website.

### **Conference Committee Action**

The Conference Committee agreed to remove the contents of the Senate Substitute version of this bill and agreed to insert the contents of HB 2547 that pertain to the Nongame and Endangered Species Act, which was introduced and originally heard in the Senate Committee as SB 384.

### **Background**

[*Note:* this Conference Committee removed the contents of Senate Sub. for HB 2156 and placed a modified version of the language into House Sub. for SB 337. The Conference Committee then inserted into the bill the contents of HB 2547 regarding the Nongame and Endangered Species Act. Prior Conference Committee action removed this language from HB 2547, which left the Conference Committee with only the provisions pertaining to the Bob Grant Bison Herd. The language regarding the Nongame and Endangered Species Act was introduced and had a hearing in the Senate Committee as SB 384 prior to the Senate Committee adding SB 384 to HB 2547. Background information on SB 384 follows.]

### ***SB 384 Background***

At the hearing before the Senate Committee on Natural Resources, representatives of the Kansas Livestock Association and the Kansas Farm Bureau provided testimony in favor of the bill. A representative of Westar Energy provided written neutral testimony on the bill.

The Secretary of Wildlife, Parks and Tourism, along with representatives of The Nature Conservancy, Kansas Sierra Club, and Audubon of Kansas, presented testimony in opposition to the bill. Written opponent testimony was provided by representatives of Pheasants Forever, Inc., and Quail Forever; the Kansas Natural Resource Council; the Kansas Chapter of The Wildlife Society; and the Kansas Wildlife Federation.

The Chairman of the Senate Committee appointed a subcommittee to further discuss the bill, which included Senators Smith, Arpke, and Francisco.

The Senate Committee adopted a balloon amendment that amended the bill as follows:

- Deleted Section 1 of the original bill;
- Deleted new language pertaining to the Secretary adopting rules and regulations;
- Added language to clarify the exceptions to requiring a special permit and deleted new language regarding publicly funded actions;
- Added language to define permits required by another state or federal agency;
- Deleted new language regarding the effective date of rules and regulations being 30 days after the publication of a recovery plan; and

- Added new language regarding when recovery plans should be completed, the effect of not completing a recovery plan within the specified time period, and requiring KDWPT to submit an annual report to two legislative committees.

The Senate Committee then added the contents of SB 384, as amended, to the contents of HB 2547.

The fiscal note prepared by the Division of the Budget on the original version of SB 384 states that KDWPT reports passage of the bill would cause some additional expenditures connected with the publication of currently existing recovery plans and shifting responsibilities from one program to another; however, those expenditures would be absorbed within the existing budget. Any fiscal effect associated with SB 384 is not reflected in *The FY 2017 Governor's Budget Report*.

Nongame and Endangered Species Act; threatened species; endangered species; Kansas Department of Wildlife, Parks and Tourism; species listing; special permits; recovery plans

ccrb\_hb2156\_01\_42816.odt