

## SENATE BILL No. 281

By Senators Olson, Apple, Denning, Lynn, Melcher, Pettey, Pilcher-Cook, Smith  
and Wolf

1-21

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1 AN ACT concerning wildlife; relating to the nongame and endangered  
2 species conservation act; amending K.S.A. 32-960 and repealing the  
3 existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 32-960 is hereby amended to read as follows: 32-  
7 960. (a) The secretary shall determine whether any species of wildlife  
8 indigenous to the state is a threatened species or an endangered species in  
9 this state because of any of the following factors:

10 (1) The present or threatened destruction, modification or curtailment  
11 of its habitat or range;

12 (2) the overutilization of such species for commercial, sporting,  
13 scientific, educational or other purposes;

14 (3) disease or predation;

15 (4) the inadequacy of existing regulatory mechanisms; or

16 (5) the presence of other natural or man-made factors affecting its  
17 continued existence within this state.

18 (b) (1) The secretary shall make the determinations required by  
19 subsection (a) on the basis of the best scientific, commercial and other data  
20 available to the secretary and after consultation, as appropriate, with  
21 federal agencies, other interested state agencies and interested persons and  
22 organizations.

23 (2) In determining whether any species of wildlife is a threatened  
24 species or an endangered species in this state, the secretary shall take into  
25 consideration those actions, if any, being carried out or about to be carried  
26 out by the federal government, by other states, by other agencies of this  
27 state or political subdivisions thereof, or by nongovernmental persons or  
28 organizations which may affect the species under consideration.

29 (3) Species of wildlife which occur in this state and which have been  
30 determined to be threatened species or endangered species pursuant to  
31 Pub. L. No. 93-205 (December 28, 1973), the endangered species act of  
32 1973, ~~and amendments thereto as in effect on July 1, 2014~~, shall receive  
33 full consideration by the secretary to determine whether each such species  
34 is a threatened or an endangered species in this state.

35 (c) (1) The secretary shall adopt, in accordance with K.S.A. 32-805,

1 and amendments thereto, rules and regulations pursuant to K.S.A. 32-963,  
2 and amendments thereto, which contain a list of all species of wildlife  
3 indigenous to this state which have been determined to be endangered  
4 species pursuant to this section and a list of all such species which have  
5 been determined to be threatened species pursuant to this section. *Such*  
6 *rules and regulations shall not include the redbelly snake, known as*  
7 *storeria occipitomaculata, and the smooth earth snake, known as Virginia*  
8 *valeriae.* Each list shall refer to the species contained therein by their  
9 scientific and common names, if any, and shall specify with respect to each  
10 such species the portion of the range of such species within this state in  
11 which it is threatened or endangered.

12 (2) The secretary may not add a species to nor remove a species from  
13 any such list unless the secretary has first:

14 (A) Published a public notice of such proposed action;

15 (B) notified the governor of any state which shares a common border  
16 with this state and in which the subject species is known to occur that such  
17 action is being proposed; and

18 (C) (i) in cases where the secretary determines that an emergency  
19 situation exists, published a public notice that such an emergency situation  
20 exists, together with a summary of facts that support such determination;  
21 or (ii) in all other cases, conducted public informational meetings to  
22 coincide with the scientific review outside the agency which will  
23 recommend action with regard to the addition of the species to or removal  
24 of the species from the list. All documents within the control and custody  
25 of the secretary that pertain to adding the species to or removing the  
26 species from the list shall be made available to the public in a local  
27 repository, such as a public library, courthouse or regional office of the  
28 department. The secretary shall also mail a notice of the proposed addition  
29 of the species to or removal of the species from the list to federal and state  
30 agencies and local and tribal governments that are or may be affected by  
31 results of the review and to all individuals and organizations that have  
32 requested notification of department action regarding the administration of  
33 this act. The secretary shall also issue news releases to publicize the  
34 proposed addition of the species to or removal of the species from the list.

35 (3) Upon the petition of an interested person, the secretary shall  
36 conduct a review of any listed or unlisted species of wildlife proposed to  
37 be removed from or added to either of the lists adopted pursuant to this  
38 subsection (c), but only if the secretary makes a determination and  
39 publishes a public notice that such person has presented substantial  
40 evidence which warrants such a review. Once the secretary has made a  
41 determination that a review is warranted, the process described in  
42 subsection (c)(2), including the conducting of a public information  
43 meeting, shall apply.

1 (d) Every five years the secretary shall conduct a review of the  
2 species listed pursuant to this act (except for those species listed pursuant  
3 to the federal endangered species act of 1973, as amended) and shall  
4 submit any proposed changes in the listings to the following for  
5 consideration: (1) Federal and state agencies and local and tribal  
6 governments that are or may be affected by results of the change; and (2)  
7 all individuals and organizations that have requested notification of  
8 departmental action regarding administration of this act. After at least 90  
9 days for comment by the agencies, governments, individuals and  
10 organizations to which the proposed changes are submitted, the secretary  
11 shall submit to the commission proposed rules and regulations making any  
12 changes that the secretary determines should be made in the listings.

13 Sec. 2. K.S.A. 32-960 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its  
15 publication in the Kansas register.