

## HOUSE BILL No. 2669

By Committee on Agriculture

2-12

1 AN ACT concerning animals; relating to threatened and endangered  
2 species; the listing of such species; amending K.S.A. 32-960 and  
3 repealing the existing section.  
4

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 that has been determined to be a threatened~~  
9 ~~species or an endangered species pursuant to Pub. L. No. 93-205, the~~  
10 ~~endangered species act of 1973, and amendments thereto, shall be~~  
11 ~~considered a threatened species or an endangered species in this by the~~  
12 ~~state of Kansas~~ because of any of the following factors:

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

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

17 (3) disease or predation;

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

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

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

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

33 ~~(3) Species of wildlife which occur in this state and which have been~~  
34 ~~determined to be threatened species or endangered species pursuant to~~  
35 ~~Pub. L. No. 93-205 (December 28, 1973), the endangered species act of~~  
36 ~~1973, and amendments thereto, shall receive full consideration by the~~

1 secretary to determine whether each such species is a threatened or an  
2 endangered species in this state.

3 (c) (1) (A) On or before July 1, 2021, the secretary shall adopt, in  
4 accordance with K.S.A. 32-805, and amendments thereto, rules and  
5 regulations pursuant to K.S.A. 32-963, and amendments thereto, ~~which~~  
6 ~~that~~ contain:

7 (i) A list of all species of wildlife indigenous to this state ~~which have~~  
8 ~~been determined to be endangered~~ *threatened species pursuant to Pub. L.*  
9 *No. 93-205, the endangered species act of 1973, and amendments thereto,*  
10 *that shall also be considered threatened species pursuant to this section;*  
11 and

12 (ii) a list of all ~~such species of wildlife indigenous to this state~~  
13 ~~determined to be endangered~~ *species which have been determined to be*  
14 ~~threatened~~ *pursuant to Pub. L. No. 93-205, the endangered species act of*  
15 *1973, and amendments thereto, that shall also be considered endangered*  
16 *species pursuant to this section.*

17 (B) Each list shall refer to the species contained therein by their  
18 scientific and common names, if any, and shall specify with respect to each  
19 such species the portion of the range of such species within this state ~~in~~  
20 ~~which~~ *where* it is threatened or endangered.

21 (2) The secretary may not add a species to nor remove a species from  
22 any such list, *once adopted*, unless the secretary has first:

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

24 (B) notified the governor of any state ~~which that~~ shares a common  
25 border with this state and ~~in which~~ *where* the subject species is known to  
26 occur that such action is being proposed; and

27 (C) ~~(i) in cases where the secretary determines that an emergency~~  
28 ~~situation exists, published a public notice that such an emergency situation~~  
29 ~~exists, together with a summary of facts that support such determination;~~  
30 ~~or (ii) in all other cases, conducted public informational meetings to~~

31 coincide with the scientific review outside the agency ~~which that~~ will  
32 recommend action with regard to the addition of the species to or removal  
33 of the species from the list. All documents within the control and custody  
34 of the secretary that pertain to adding the species to or removing the  
35 species from the list shall be made available to the public in a local  
36 repository, such as a public library, courthouse or regional office of the  
37 department. The secretary shall also mail a notice of the proposed addition  
38 of the species to or removal of the species from the list to federal and state  
39 agencies and local and tribal governments that are or may be affected by  
40 results of the review and to all individuals and organizations that have  
41 requested notification of department action regarding the administration of  
42 this act. The secretary shall also issue news releases to publicize the  
43 proposed addition of the species to or removal of the species from the list.

1       ~~(3) Upon the petition of an interested person, the secretary shall~~  
2 ~~conduct a review of any listed or unlisted species of wildlife proposed to~~  
3 ~~be removed from or added to either of the lists adopted pursuant to this~~  
4 ~~subsection (c), but only if the secretary makes a determination and~~  
5 ~~publishes a public notice that such person has presented substantial~~  
6 ~~evidence which warrants such a review. Once the secretary has made a~~  
7 ~~determination that a review is warranted, the process described in~~  
8 ~~subsection (c)(2), including the conducting of a public information~~  
9 ~~meeting, shall apply.~~

10       *When the federal government removes any species of wildlife*  
11 *indigenous to the state from the threatened species list or the endangered*  
12 *species list pursuant to Pub. L. No. 93-205, the endangered species act of*  
13 *1973, and amendments thereto, the secretary, in accordance with the*  
14 *provisions of subsection (c)(2), shall remove such species from the*  
15 *corresponding state threatened species list or endangered species list.*

16       *(4) When the federal government adds any species of wildlife*  
17 *indigenous to the state to the threatened species list or the endangered*  
18 *species list pursuant to Pub. L. No. 93-205, the endangered species act of*  
19 *1973, and amendments thereto, the secretary, in accordance with the*  
20 *provisions of subsection (c)(2), may add such species to the corresponding*  
21 *state threatened species list or endangered species list.*

22       (d) (1) Every five years the secretary shall conduct a review of the  
23 species listed pursuant to this act ~~(except for those species listed pursuant~~  
24 ~~to the federal endangered species act of 1973, as amended)~~ and shall  
25 submit any proposed changes in the listings to the following for  
26 consideration:

27       ~~(A)~~ Federal and state agencies and local and tribal governments  
28 that are or may be affected by results of the change; and

29       ~~(B)~~ all individuals and organizations that have requested  
30 notification of departmental action regarding administration of this act.

31       (2) After at least 90 days for comment by the agencies, governments,  
32 individuals and organizations to which the proposed changes are  
33 submitted, the secretary shall submit to the commission proposed rules and  
34 regulations making any changes that the secretary determines should be  
35 made in the listings.

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

37       Sec. 3. This act shall take effect and be in force from and after its  
38 publication in the statute book.