

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, August 20, 2020 at North Central Kansas Technical College, 3033 US Highway 24, Beloit, Kansas, to consider the approval and adoption of the proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., August 20 at the location listed above. The meeting will recess at approximately 5:00 p.m. and then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. August 21 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

The regulations that will be heard during the regulatory hearing portion of the meeting is as follows:

K.A.R. 115-5-1. This permanent regulation establishes the legal equipment, taking methods, and general provisions for furbearers and coyotes. The proposed changes to the regulation include allowing the use of artificial light, night vision equipment and thermal imaging equipment for hunting coyotes under certain conditions, times and locations.

Economic Impact Summary: No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 115-6-1. This permanent regulation establishes the application, authority, possession of furs, records, and revocation regarding the fur dealer license. The proposed amendments would allow a department-approved electronic record system for fur dealers.

Economic Impact Summary: No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of each regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber, Chairman

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. (a)

Hunting equipment permitted during furbearer hunting seasons and during coyote hunting seasons shall consist of the following:

- (1) Firearms, except fully automatic firearms;
- (2) archery equipment;
- (3) crossbows; and
- (4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light, except as specified in subsection (d).

(b) Trapping equipment permitted during furbearer and coyote trapping seasons shall consist of the following:

(1) Smooth-jawed foothold traps, except that all types of foothold traps may be used in water sets;

- (2) body-gripping traps;
- (3) box traps;
- (4) cage traps;
- (5) colony traps;
- (6) snares; and
- (7) deadfalls.

(c) The following general provisions shall apply to the taking of furbearers and coyotes:

- (1) Calls may be used in the taking of furbearers and coyotes.
- (2) Handheld, battery-powered flashlights, hat lamps, and handheld lanterns may be used while

APPROVED

MAY 29 2020

DIVISION OF THE BUDGET

APPROVED

JUN 01 2020

DEPT. OF ADMINISTRATION

APPROVED

JUN 02 2020

ATTORNEY GENERAL

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

trapping furbearers or coyotes or while running furbearers.

(3) Any .22 or .17 caliber rimfire rifle or handgun may be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) Any .22 or .17 caliber rimfire rifle or handgun may be used while using a handheld, battery-powered flashlight, hat lamp, or handheld lantern to take furbearers treed with the aid of dogs.

(5) Lures, baits, and decoys may be used in the taking of furbearers and coyotes.

(6) The use of horses and mules shall be permitted while hunting, trapping, or running furbearers and coyotes.

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes, except as provided in subsection (d).

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes.

(9) The use of dogs for hunting and during running seasons shall be permitted.

(10) Each body-gripping trap with an inside jawspread of eight inches or greater, when measured across the jaws at a 90-degree angle, shall be used only in a water set.

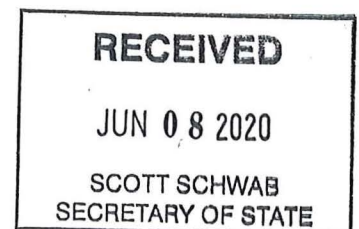
(11) Only landowners or tenants of land immediately adjacent to the right-of-way of a public road, or their immediate family members or authorized agents, may set slide-locking wire or snare-type cable traps as dryland sets within five feet of a fence bordering a public road or within 50 feet of the outside edge of the surface of a public road. Only these landowners or tenants, or their immediate family members or authorized agents, may possess the fur, pelt, skin, or carcass of any furbearer or

APPROVED
MAY 29 2020

DIVISION OF THE BUDGET

APPROVED
JUN 01 2020
DEPT. OF ADMINISTRATION

APPROVED
JUN 02 2020
ATTORNEY GENERAL



coyote removed from these devices located within these specified limits.

(12) A person shall not have in possession any equipment specified in subsection (a) while pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with either the user's name and address or the user's department-issued identification number and shall be tended and inspected at least once every calendar day.

(14) Each foothold trap that has an outside jawsread greater than seven inches, when measured across the jaws at a 90-degree angle, shall be used only in a water set.

(d) From January 1 through March 31, the following provisions shall apply to the hunting of coyotes:

(1) Artificial light, scopes and equipment that amplify visible light, and thermal-imaging scopes and thermal-imaging equipment may be used for hunting.

(2) The use of vehicles when hunting with the equipment specified in paragraph (d)(1) shall be prohibited.

(3) The use of the equipment specified in paragraph (d)(1) shall not be authorized on department lands and waters.

(4) Each person using the equipment specified in paragraph (d)(1) in the manner prescribed in this subsection shall first obtain a permit from the department. (Authorized by and implementing K.S.A.

APPROVED

MAY 29 2020

DIVISION OF THE BUDGET

APPROVED

JUN 01 2020

DEPT. OF ADMINISTRATION

APPROVED

JUN 02 2020

ATTORNEY GENERAL

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 115-5-1

Page 4

2018 2019 Supp. 32-807 and 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005; amended Sept. 4, 2009; amended July 22, 2011; amended July 26, 2013; amended May 31, 2019; amended P-_____.)

APPROVED

MAY 29 2020

DIVISION OF THE BUDGET

APPROVED

JUN 01 2020

DEPT. OF ADMINISTRATION

APPROVED

JUN 02 2020

ATTORNEY GENERAL

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

115-6-1. Fur dealer license; application, authority, possession of furs, records, and revocation. (a)

Each application shall be submitted on a form provided by the department. Each applicant shall provide the following information:

- (1) Name of applicant;
 - (2) residential address;
 - (3) the address of each business location;
 - (4) an inventory of raw furs, pelts, skins, and carcasses of furbearing animals and coyotes on hand at time of application; and
 - (5) any other relevant information as required by the secretary.
- (b) Each fur dealer license shall expire on June 30 following the date of issuance.
- (c) Each fur dealer shall deal only with properly licensed persons and only at authorized fur dealer business locations.
- (d) Any fur dealer may buy, purchase, or trade in the furs, pelts, skins, or carcasses of coyotes.
- (e) Any fur dealer may possess legally acquired furs, pelts, skins, or carcasses of furbearing animals for no more than 30 days after the expiration date of the fur dealer's license. Coyote furs, pelts, skins, or carcasses may be possessed without limit in time.
- (f) Each fur dealer shall purchase or acquire only those bobcat, otter, and swift fox pelts that have been tagged with a department export tag or with the official export tag provided by the wildlife agency of another state, except for any legally harvested swift fox pelt originating from a state that does not require an official export tag.
- (g) Each fur dealer shall maintain a furharvester record book and a fur dealer book provided by

APPROVED

MAY 21 2020

DIVISION OF THE BUDGET

APPROVED

MAY 21 2020

DEPT. OF ADMINISTRATION

APPROVED

JUN 02 2020

ATTORNEY GENERAL

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

the department or shall use a department-approved electronic record system. Entries shall be made in the appropriate record book or electronic record system whenever receiving, shipping, or otherwise disposing of furs, pelts, skins, or carcasses of furbearing animals or coyotes. Each record book or electronic record system, all receipts, and all furs, pelts, skins, and carcasses in the fur dealer's possession shall be subject to inspection upon demand by any conservation officer. Each record book or electronic record and all receipts shall be subject to copying upon demand by any conservation officer. Each fur dealer shall forward all record books or electronic records to the department annually on or before May 1.

(1) The furharvester record book or electronic record system shall include the following information:

- (A) The name of the fur dealer;
- (B) residential address;
- (C) fur dealer license number;
- (D) the date of each receipt of furs, pelts, skins, or carcasses;
- (E) name, address, and license number of each person from whom furs, pelts, skins, or carcasses were acquired;

- (F) name of the state where the furs, pelts, skins, or carcasses were harvested;
- (G) number of each species of furs, pelts, skins, or carcasses acquired; and
- (H) any other relevant information as required by the secretary.

(2) The fur dealer record book or electronic record system shall include the following

APPROVED

MAY 21 2020

DIVISION OF THE BUDGET

APPROVED

MAY 21 2020

DEPT. OF ADMINISTRATION

APPROVED

JUN 02 2020

ATTORNEY GENERAL

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

information:

- (A) The name of the fur dealer;
- (B) residential address;
- (C) fur dealer license number;
- (D) date of each receipt or disposal of furs, pelts, skins, or carcasses;
- (E) name, address, and fur dealer license number of each fur dealer from which furs, pelts, skins, or carcasses are acquired or to which they are sold;
- (F) number and species of furs, pelts, skins, or carcasses acquired or sold; and
- (G) any other relevant information as required by the secretary.

(h) In addition to other penalties prescribed by law, a fur dealer's license may be refused issuance or revoked by the secretary under any of the following circumstances:

- (1) The application is incomplete or contains false information.
- (2) The fur dealer fails to meet reporting requirements.
- (3) The fur dealer violates license conditions.
- (4) The fur dealer has violated department laws or regulations or has had any other department license or permit revoked or suspended. (Authorized by and implementing K.S.A. 2018 2019 Supp. 32-807 and K.S.A. 32-942; effective March 19, 1990; amended Sept. 4, 2009; amended July 26, 2013; amended May 31, 2019; amended P-_____.)

APPROVED

MAY 21 2020

DIVISION OF THE BUDGET

APPROVED

MAY 21 2020

DEPT. OF ADMINISTRATION

APPROVED

JUN 02 2020

ATTORNEY GENERAL

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Proposed

KDWPT

Agency

Christopher J Tymeson

Agency Contact

785-296-1032

Contact Phone Number

K.A.R. 115-5-1

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This proposed amendments to the regulation would allow the use of certain types of equipment during specified times to hunt coyotes.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

This is not a federal mandate. Missouri, Oklahoma, Nebraska and Colorado all have varying regulations dealing with legal equipment requirements for the hunting of coyotes.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed amendments will not enhance or restrict business activities or growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The proposed amendments will have no economic effect on any sector.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposal is expanding opportunities for coyote hunters.

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

DOB APPROVAL STAMP

APPROVED

MAY 29 2020

DIVISION OF THE BUDGET

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

There are no costs associated with this proposal.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

There are no implementation or compliance costs with this proposal.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no implementation or compliance costs with this proposal.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

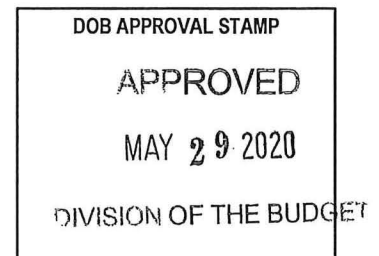
YES ☐ NO ☒

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

Not applicable.

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

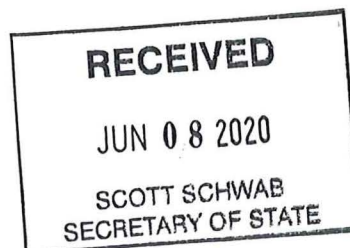
News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.



Proposed

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Not applicable.



**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Proposed

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-6-1
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This regulation establishes the fur dealer license requirements and record keeping. The proposed changes would allow for electronic record keeping by fur dealers.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This is not a federal mandate. Missouri, Oklahoma, Nebraska and Colorado all have varying regulations dealing with furbearer seasons and dealer requirements.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed amendments will may enhance business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

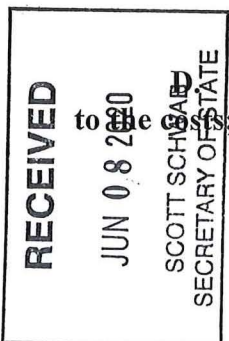
The proposed amendments could have a positive economic impact on fur dealers who choose to use electronic records thereby saving personnel time.

C. Businesses that would be directly affected by the proposed rule and regulation;

Fur dealers.

Benefits of the proposed rule(s) and regulation(s) compared

The proposed change is designed to alleviate some record keeping requirements for fur dealers.



Proposed

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no costs associated with this proposal.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no implementation or compliance costs with this proposal.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

RECEIVED

JUN 08 2020

SCOTT SCHWAB
SECRETARY OF STATE

DOB APPROVAL STAMP

APPROVED

MAY 21 2020

DIVISION OF THE BUDGET

Proposed

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Not applicable.

