AN ACT concerning the department of wildlife, parks and tourism; relating to licenses; related to hunting; amending K.S.A. 2011 Supp. 32-906 and 32-919, 32-919 and, 32-932, 32-937, 32-988 and 32-1002 and repealing the existing sections.

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

New Section 1. The Kansas department of wildlife, parks and tourism shall offer a resident senior combination hunting and fishing pass to residents of this state who are 65 years of age or more. The fee for such pass shall be an amount not to exceed 1/8 the fee for a general combination lifetime hunting and fishing license. The provisions of this section shall expire on June 30, 2020.

Section 2. K.S.A. 2011 Supp. 32-906 is hereby amended to read as follows: 32-906. (a) Except as otherwise provided by law or rules and regulations of the secretary, a valid Kansas fishing license is required to fish or to take any bullfrog in this state.

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

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

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

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

(4) a resident of this state who is 75 years of age or more;

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

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

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

(8) a person on dates designated pursuant to subsection (f);
(8)(7)(8){(7)} a person fishing under a valid institutional group fishing license issued pursuant to subsection (g); or
(9)(8)(9){(8)} a participant in a fishing clinic sponsored or cosponsored by the department, during the period of time that the fishing clinic is being conducted.
(c) The fee for a fishing license shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.
(d) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid throughout the state.
(e) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid from the date of issuance and expires on December 31 following its issuance, except that the secretary may issue a:
(1) Permanent license pursuant to K.S.A. 32-929, and amendments thereto;
(2) lifetime license pursuant to K.S.A. 32-930, and amendments thereto;
(3) nonresident fishing license valid for a period of five days; and
(4) resident or nonresident fishing license valid for a period of 24 hours.
(f) The secretary may designate by resolution two days each calendar year during which persons may fish by legal means without having a valid fishing license.
(g) The secretary shall issue an annual institutional group fishing license to each facility operating under the jurisdiction of or licensed by the secretary of social and rehabilitation services and to any veterans administration medical center in the state of Kansas upon application by such facility or center to the secretary of wildlife and parks, parks and tourism for such license.
All applications for facilities under the jurisdiction of the secretary of social and rehabilitation services shall be made with the approval of the secretary of social and rehabilitation services and shall provide such information as the secretary of wildlife and parks, parks and tourism requires. All applications for any veterans administration medical center shall be made with the approval of the director of such facility and shall provide such information as the secretary of wildlife and parks, parks and tourism requires. Persons who have been admitted to and are currently residing at the facility or center, not to exceed 20 at any one time, may fish under an institutional group fishing license within the state while on a group trip, group outing or other group activity which is supervised by the facility or center. Persons fishing under an institutional group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and to all rules and regulations relating to fishing.
The staff personnel of the facility or center supervising the group trip, group outing or other group activity shall have in their possession the institutional license when engaged in supervising any activity requiring the license. Such staff personnel may assist group members in all aspects of their fishing activity.

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

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

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

(i) The provisions of paragraph (b)(3) shall expire on June 30, 2020.

Sec. 2. K.S.A. 2011 Supp. 32-919 is hereby amended to read as follows: 32-919. (a) Except as otherwise provided by law or rules and regulations of the secretary, a valid Kansas hunting license is required to hunt in this state.

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

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

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

(3) a resident of this state who is 75 years of age or more;

(4) a nonresident who is participating in a field trial for dogs, recognized by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto, if such field trial is not conducted on a controlled shooting area;
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1. **(4) (5)** a person who holds a valid permit issued to such person pursuant to subsection (f) and who hunts only waterfowl; or
2. **(5) (6)** a resident of this state hunting only prairie dogs, moles or gophers.

3. The fee for a hunting license shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

4. Unless otherwise provided by law or rules and regulations of the secretary, a hunting license is valid throughout the state, except that the secretary may issue a special controlled shooting area license which is valid only for licensed controlled shooting areas.

5. Unless otherwise provided by law or rules and regulations of the secretary, a hunting license is valid from the date of issuance and expires on December 31 following its issuance, except that:
   - **(1)** The secretary may issue a permanent license pursuant to K.S.A. 32-929, and amendments thereto;
   - **(2)** the secretary may issue a lifetime license pursuant to K.S.A. 32-930, and amendments thereto.

6. A 48-hour waterfowl permit may be issued which authorizes hunting of waterfowl in this state subject to all other provisions of law and rules and regulations of the secretary. The fee for such permit shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto. Such permit is valid throughout the state, is valid from the time designated on the permit and expires 48 hours after such time. Purchase of such permit shall not affect the requirement to purchase any federal migratory bird hunting and conservation stamp or state migratory waterfowl habitat stamp.

7. **(g)** The provisions of paragraph (b)(3) shall expire on June 30, 2020.

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

**[b]** The secretary of wildlife and parks shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations requiring permits to hunt deer, antelope, elk or wild turkey pursuant to subsection (a) and providing for the approval of applicants for such permits and the issuance thereof. In addition, the secretary may adopt rules and regulations limiting the times and areas for hunting and taking deer, antelope, elk and wild turkey and limiting the number of deer, antelope, elk and wild turkey which may be taken pursuant to subsection (a).
(c) Falsely obtaining or using a permit authorized by this section
is a class C misdemeanor.

Sec. 5. K.S.A. 2011 Supp. 32-937 is hereby amended to read as
follows: 32-937. (a) When used in this section:

(1) "Landowner" means a resident owner of farm or ranch land
of 80 acres or more located in the state of Kansas.

(2) "Tenant" means an individual who is actively engaged in the
agricultural operation of 80 acres or more of Kansas farm or ranch
land for the purpose of producing agricultural commodities or
livestock and who: (A) Has a substantial financial investment in the
production of agricultural commodities or livestock on such farm or
ranch land and the potential to realize substantial financial benefit
from such production; or (B) is a bona fide manager having an overall
responsibility to direct, supervise and conduct such agricultural
operation and has the potential to realize substantial benefit from such
production in the form of salary, shares of such production or some
other economic incentive based upon such production. Evidence of
tenancy, if requested, shall be provided to the department and may
include, but is not limited to, natural resource conservation services
records, farm service agency records, or written agricultural contract
or lease documentation.

(3) "Regular season" means a statewide big game hunting season
authorized annually which may include one or more seasons restricted
to specific types of equipment.

(4) "Special season" means a big game hunting season in addition
to a regular season authorized on an irregular basis or at different
times of the year other than the regular season.

(5) "General permit" means a big game hunting permit available
to Kansas residents not applying for big game permits as a landowner
or tenant.

(6) "Nonresident landowner" means a nonresident of the state of
Kansas who owns farm or ranch land of 80 acres or more which is
located in the state of Kansas.

(7) "Nonresident permit" means a big game hunting permit
available to individuals who are not Kansas residents.

(b) Except as otherwise provided by law or rules and regulations
of the secretary and in addition to any other license, permit or stamp
required by law or rules and regulations of the secretary, valid big
game permits are required to take any big game in this state.

(c) The fee for big game permits and game tags shall be the
amount prescribed pursuant to K.S.A. 32-988, and amendments
thereto.

(d) Big game permits are valid throughout the state or such
portion thereof as provided by rules and regulations adopted by the
secretary in accordance with K.S.A. 32-805, and amendments thereto.

(e) Unless otherwise provided by law or rules and regulations of
the secretary, big game permits are valid from the date of issuance and
shall expire at the end of the season for which issued.

(f) The secretary may adopt, in accordance with K.S.A. 32-805,
and amendments thereto, rules and regulations for each regular or
special big game hunting season and for each management unit
regarding big game permits. The secretary is hereby authorized to
issue big game permits pertaining to the taking of big game. Separate
big game permits may be issued for each species of big game. No big
game permits shall be issued until the secretary has established, by
rules and regulations adopted in accordance with K.S.A. 32-805, and
amendments thereto, a regular or special big game hunting season.

(g) The secretary may authorize, by rule and regulation adopted
in accordance with K.S.A. 32-805, and amendments thereto, regular
landowner or tenant hunt-on-your-own-land big game permits.
Members of the landowner's or tenant's immediate family who are
domiciled with the landowner or tenant may apply for resident big
game permits as landowners or tenants, but the total number of
landowner or tenant regular hunt-on-your-own-land permits issued to
a landowner or tenant and a landowner's or tenant's immediate family
members for each big game species shall not exceed one permit for
each 80 acres owned by such landowner or operated by such tenant.
Evidence of ownership or tenancy, if requested, shall be provided to
the department. Such permits and applications may contain
provisions and restrictions as prescribed by rule and regulation
adopted by the secretary in accordance with K.S.A. 32-805, and
amendments thereto.

(h) Special hunt-on-your-own-land deer permits may be issued to
a landowner's or tenant's siblings and lineal ascendants or
descendants, and their spouses, whether or not a Kansas resident, by
paying the required fee for a general deer permit. The total number of
regular and special hunt-on-your-own-land deer permits issued to a
landowner's or tenant's siblings and lineal ascendants or descendants,
and their spouses, shall not exceed one deer permit for each 80 acres
owned by such landowner or operated by such tenant. Evidence of
ownership or tenancy, and sibling or lineal ascending or descending
relations, if requested, shall be provided to the department.

(i) Fifty percent of the big game permits authorized for a regular
season in any management unit shall be issued to landowners or
tenants, provided that a limited number of big game permits have
been authorized and landowner or tenant hunt-on-your-own-land big
game permits for that unit have not been authorized. A landowner or tenant is not eligible to apply for a big game permit as a landowner or as a tenant in a management unit other than the unit or units which includes such landowner's or tenant's land. Any big game permits not issued to landowners or tenants within the time period prescribed by rule and regulation may be issued without regard to the 50% limitation.

(j) (1) The secretary may issue, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, resident deer hunting permits available on a limited basis and valid for a designated species and sex in designated units, and antlerless-only deer permits in designated units as necessary for management purposes, and, any of the following options:

(1)(A) Either sex white-tailed deer permits valid statewide during any season with the equipment legal for that season;
(1)(B) either species, either sex archery permits valid statewide;
(1)(C) either species, either sex muzzle loader permits valid in designated units; or
(1)(D) either species, either sex firearm permits valid in designated units.

(2) The secretary shall develop and implement a pre-rut antlerless deer rifle season by deer management unit. The provisions of this paragraph shall expire on July 1, 2014.

(k) The secretary may issue permits for deer to nonresident landowners, but any such permit shall be restricted to hunting only on lands owned by the nonresident landowner.

(l) The secretary may issue deer hunting permits to nonresidents, subject to the following limitations:

(1) The total number of nonresident deer permits that may be issued for a deer season in a management unit and which may be used to take antlered deer shall be established with the goal of meeting demand for those permits, using a formula developed by the department that will consider adjustment factors, including deer population trends, deer-related vehicle accidents, age structure in the harvest, deer damage, landowner desire for nonresident deer permits, general public desires and health of habitat. The 2008 permit numbers shall be based on the adjustment factors and an average of nonresident demand for permits in each management unit from the previous six years, establishing at least a 10% increase but not more than 50% increase in permit numbers in each management unit, except in unit 16, where permit numbers shall not increase more than 100%. In subsequent years, the formula shall be used to determine permit allocations based on demand and the adjustment factors.
(2) Nonresident deer permits may be restricted to a particular deer species.

(3) Nonresident deer permits shall be restricted to two adjacent deer management units.

(4) Nonresident deer hunters shall select one season at the time of application.

(5) For an additional fee, nonresident deer hunters applying for a whitetail either sex archery or muzzle loader permit in a designated mule deer unit may also apply for one of the limited number of mule deer stamps. If they are successful in both drawings, they would be issued a permit that will allow them to take either a whitetail deer or a mule deer in that unit.

(m) A big game permit shall state the species, number and sex of the big game which may be killed by the permittee. The secretary may require any big game permittee to provide survey information at the conclusion of the open season.

(n) Prior to April 1, 2013, the secretary shall develop and implement a combination antlered and antlerless deer permit and adopt rules and regulations for the administration thereof.

(o) The permittee shall permanently affix the carcass tag to the carcass of any big game animal immediately after killing and thereafter take such killed game to a check station as may be required in the rules and regulations, where a check station tag shall be affixed to the big game carcass if the kill is legal. The tags shall remain affixed to the carcass until the carcass is processed for storage or consumption. The permittee shall retain the carcass tag until the carcass is consumed, given to another or otherwise disposed of.

(p) The provisions of this section do not apply to big game animals sold in surplus property disposal sales of department exhibit herds or big game animals legally taken outside this state.

Sec. 4. K.S.A. 2011 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

<table>
<thead>
<tr>
<th>Category</th>
<th>Maximum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident (other than elk permit)</td>
<td>maximum $100</td>
</tr>
<tr>
<td>Nonresident (other than elk permit)</td>
<td>maximum $400</td>
</tr>
<tr>
<td>Elk permit</td>
<td>maximum $350</td>
</tr>
<tr>
<td>Nonresident mule deer stamp</td>
<td>maximum $150</td>
</tr>
<tr>
<td>Nonresident applications</td>
<td>maximum $25</td>
</tr>
</tbody>
</table>

Combination hunting and fishing licenses
Resident: maximum $50
Lifetime: maximum $1,000; or 8 quarterly payments, each maximum $150
Nonresident: maximum $200
Commercial dog training permits: maximum $25
Commercial guide permit or associate guide permit
Resident: maximum $250
Nonresident: maximum $1,000
Commercial harvest or dealer permits: maximum $200
Commercial prairie rattlesnake harvesting permits
Resident or nonresident with valid hunting license: maximum $5
Resident or nonresident nonfirearm without valid hunting license: maximum $20
Controlled shooting area operator license: maximum $400
Duplicate licenses, permits, stamps and other issues of the department: maximum $10
Falconry
Permits: maximum $300
Examinations: maximum $100
Field trial permits: maximum $25
Fishing licenses
Resident: maximum $25
Lifetime: maximum $500; or 8 quarterly payments, each maximum $75
Nonresident: maximum $75
Five-day nonresident: maximum $25
Institutional group: maximum $200
Special nonprofit group: maximum $200
Twenty-four-hour: maximum $10
Fur dealer licenses
Resident: maximum $200
Nonresident: maximum $400
Furharvester licenses
Resident: maximum $25
Lifetime: maximum $500; or 8 quarterly payments, each maximum $75
Nonresident: maximum $400
Game breeder permits: maximum $15
Handicapped hunting and fishing permits: maximum $5
Hound trainer-breeder running permits: maximum $25
Hunting licenses
Resident: maximum $25
Lifetime: maximum $500; or 8 quarterly payments, each maximum $75
Nonresident 16 or more years of age: maximum $125
Nonresident under 16 years of age: maximum $75
Controlled shooting area: maximum $25
Forty-eight-hour waterfowl permits: maximum $25
Migratory waterfowl habitat stamps: maximum $8
Mussel fishing licenses
  Resident: maximum $200
  Nonresident: maximum $1,500
Rabbit permits
  Live trapping: maximum $200
  Shipping: maximum $400
Raptor propagation permits: maximum $100
Rehabilitation permits: maximum $50
Scientific, educational or exhibition permits: maximum $10
Wildlife damage control permits: maximum $10
Wildlife importation permits: maximum $10
Wild turkey permits
  Resident: maximum $100
  Nonresident: maximum $400
  Resident turkey tag: maximum $20
  Nonresident turkey tag: maximum $30
Special permits under K.S.A. 32-961: maximum $100
Miscellaneous fees
  Special events on department land or water: maximum $200
  Special departmental services, materials or supplies: no maximum
  Other issues of department: no maximum
  Vendor bond: no maximum
(b) (1) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to \( \frac{1}{2} \) the fee for a general resident big game or wild turkey hunting permit.
(2) The secretary shall verify proof of ownership or tenancy of no less than 25% of all such landowner-tenant resident big game or wild turkey hunting permit applicants in each calendar year. Failure of such applicant to provide such proof as required by the secretary shall be a violation of K.S.A. 32-1032, and amendments thereto.
(c) The fee for a big game or wild turkey hunting permit for a resident under 16 years of age shall be an amount equal to \( \frac{1}{2} \) the fee for a general resident big game or wild turkey hunting permit.
(d) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to \( \frac{1}{2} \) the fee for a resident furharvester
For a resident who is at least 65 years of age, but less than 75 years of age:

1. The fee for an annual hunting license shall be an amount equal to 1/2 the fee for a general annual hunting license;
2. the fee for an annual fishing license shall be an amount equal to 1/2 the fee for a general annual fishing license; and
3. the fee for an annual combination hunting and fishing license shall be an amount equal to 1/2 the fee for a general annual combination hunting and fishing license.

The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

The provisions of subsection (e) shall expire on June 30, 2020.

Sec. 7. K.S.A. 2011 Supp. 32-1002 is hereby amended to read as follows: 32-1002. (a) Unless and except as permitted by law or rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto, it is unlawful for any person to:

1. Hunt, fish, furharvest or take any wildlife in this state by any means or manner;
2. possess any wildlife, dead or alive, at any time or in any number, in this state;
3. purchase, sell, exchange, ship or offer for sale, exchange or shipment any wildlife in this state;
4. take any wildlife in this state for sale, exchange or other commercial purposes;
5. possess any seine, trammel net, hoop net, fyke net, fish gig, fish spear, fish trap or other device, contrivance or material for the purpose of taking wildlife; or
6. take or use, at any time or in any manner, any game bird, game animal, coyote or furbearing animal, whether pen-raised or wild, in any field trial or for training dogs.

(b) The provisions of subsections (a)(2) and (a)(3) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state, except the provisions of subsection (a)(3) shall apply to:

1. The meat of game animals legally taken outside this state; and
2. other restrictions as provided by rule and regulation of the secretary.

(c) The provisions of this section shall not be construed to prevent:
(1) Any person from taking starlings or English and European sparrows;
(2) owners or legal occupants of land from killing any animals when found in or near buildings on their premises or when destroying property, subject to the following: (A) The provisions of all federal laws and regulations governing protected species and the provisions of K.S.A. 32-957 through 32-963, and amendments thereto, and rules and regulations adopted thereunder; (B) it is unlawful to use, or possess with intent to use, any such animal so killed unless authorized by rules and regulations of the secretary; and (C) such owners or legal occupants shall make reasonable efforts to alleviate their problems with any such animals before killing them;
(3) any person who is licensed under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, from exercising the right to carry a concealed handgun while lawfully hunting, fishing or furharvesting;
(4) any person who lawfully possesses a device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm from using such device or attachment in conjunction with lawful hunting, fishing or furharvesting; or
(5) any person who has been issued a big game permit pursuant to K.S.A. 32-937, and amendments thereto, from using a crossbow during an archery big game season for which such permit is valid.
(d) Any person convicted of violating provisions of this section shall be subject to the penalties prescribed in K.S.A. 32-1031, and amendments thereto, except as provided in K.S.A. 32-1032, and amendments thereto, relating to big game and wild turkey.
Sec. 3. K.S.A. 2011 Supp. 32-906 and 32-919, 32-919 and, 32-932, 32-937, 32-988 and 32-1002 are hereby repealed.
Sec. 4. This act shall take effect and be in force from and after January 1, 2013 and its publication in the statute book.