

{As Amended by House Committee of the Whole}

Session of 2012

Substitute for HOUSE BILL No. 2295

By Committee on Agriculture and Natural Resources

2-17

1 AN ACT concerning wildlife, parks and tourism; relating to crossbows;
2 relating to deer hunting; amending K.S.A. 2011 Supp. ~~{32-932,} 32-~~
3 ~~937{,32-988 and 32-1002}~~ and repealing the existing section
4 ~~{sections}~~.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 **{Section 1. K.S.A. 2011 Supp. 32-932 is hereby amended to read**
8 **as follows: 32-932. (a) Any person having a permanent disability to the**
9 **extent that such person cannot physically use a conventional long bow or**
10 **compound bow, as certified by a person licensed to practice the healing**
11 **arts in any state, shall be authorized to hunt and take deer, antelope, elk**
12 **or wild turkey with a crossbow.**

13 **(b) The secretary of wildlife and parks shall adopt, in accordance**
14 **with K.S.A. 32-805, and amendments thereto, rules and regulations**
15 **requiring permits to hunt deer, antelope, elk or wild turkey pursuant**
16 **to subsection (a) and providing for the approval of applicants for such**
17 **permits and the issuance thereof. In addition, the secretary may adopt**
18 **rules and regulations limiting the times and areas for hunting and**
19 **taking deer, antelope, elk and wild turkey and limiting the number of**
20 **deer, antelope, elk and wild turkey which may be taken pursuant to**
21 **subsection (a).**

22 **(c) Falsely obtaining or using a permit authorized by this section**
23 **is a class C misdemeanor.}**

24 ~~Section 1. Sec. 2.~~ K.S.A. 2011 Supp. 32-937 is hereby amended to
25 read as follows: 32-937. (a) When used in this section:

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

28 (2) "Tenant" means an individual who is actively engaged in the
29 agricultural operation of 80 acres or more of Kansas farm or ranch land for
30 the purpose of producing agricultural commodities or livestock and who:
31 (A) Has a substantial financial investment in the production of agricultural
32 commodities or livestock on such farm or ranch land and the potential to
33 realize substantial financial benefit from such production; or (B) is a bona
34 fide manager having an overall responsibility to direct, supervise and
35 conduct such agricultural operation and has the potential to realize
36 substantial benefit from such production in the form of salary, shares of

1 such production or some other economic incentive based upon such
2 production. Evidence of tenancy, if requested, shall be provided to the
3 department and may include, but is not limited to, natural resource
4 conservation services records, farm service agency records, or written
5 agricultural contract or lease documentation.

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

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

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

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

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

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

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

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

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

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

41 (g) The secretary may authorize, by rule and regulation adopted in
42 accordance with K.S.A. 32-805, and amendments thereto, regular
43 landowner or tenant hunt-on-your-own-land big game permits. Members

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

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

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

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

38 (⊕) (A) Either sex white-tailed deer permits valid statewide during any
39 season with the equipment legal for that season;

40 (⊖) (B) either species, either sex archery permits valid statewide;

41 (⊗) (C) either species, either sex muzzle loader permits valid in
42 designated units; or

43 (⊕) (D) either species, either sex firearm permits valid in designated

1 units.

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

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

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

10 (1) The total number of nonresident deer permits that may be issued
11 for a deer season in a management unit and which may be used to take
12 antlered deer shall be established with the goal of meeting demand for
13 those permits, using a formula developed by the department that will
14 consider adjustment factors, including deer population trends, deer-related
15 vehicle accidents, age structure in the harvest, deer damage, landowner
16 desire for nonresident deer permits, general public desires and health of
17 habitat. The 2008 permit numbers shall be based on the adjustment factors
18 and an average of nonresident demand for permits in each management
19 unit from the previous six years, establishing at least a 10% increase but
20 not more than 50% increase in permit numbers in each management unit,
21 except in unit 16, where permit numbers shall not increase more than
22 100%. In subsequent years, the formula shall be used to determine permit
23 allocations based on demand and the adjustment factors.

24 (2) Nonresident deer permits may be restricted to a particular deer
25 species.

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

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

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

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

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

43 (†) (o) The permittee shall permanently affix the carcass tag to the

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

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

11 {Sec. 23. K.S.A. 2011 Supp. 32-988 is hereby amended to read as
12 follows: 32-988. (a) The secretary is authorized to adopt, in
13 accordance with K.S.A. 32-805 and amendments thereto, rules and
14 regulations fixing the amount of fees for the following items, subject to
15 the following limitations and subject to the requirement that no such
16 rules and regulations shall be adopted as temporary rules and
17 regulations:

18 **Big game permits**

19 Resident (other than elk permit): maximum \$100

20 Nonresident (other than elk permit): maximum \$400

21 Elk permit: maximum \$350

22 Nonresident mule deer stamp: maximum \$150

23 Nonresident applications: maximum \$25

24 **Combination hunting and fishing licenses**

25 Resident: maximum \$50

26 Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

27 Nonresident: maximum \$200

28 **Commercial dog training permits: maximum \$25**

29 **Commercial guide permit or associate guide permit**

30 Resident: maximum \$250

31 Nonresident: maximum \$1,000

32 **Commercial harvest or dealer permits: maximum \$200**

33 **Commercial prairie rattlesnake harvesting permits**

34 Resident or nonresident with valid hunting license: maximum \$5

35 Resident or nonresident nonfirearm without valid hunting license: maximum \$20

36 **Controlled shooting area operator license: maximum \$400**

37 **Duplicate licenses, permits, stamps and other issues of the department: maximum \$10**

38 **Falconry**

39 Permits: maximum \$300

40 Examinations: maximum \$100

41 **Field trial permits: maximum \$25**

42 **Fishing licenses**

43 Resident: maximum \$25

- 1 **Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75**
- 2 **Nonresident: maximum \$75**
- 3 **Five-day nonresident: maximum \$25**
- 4 **Institutional group: maximum \$200**
- 5 **Special nonprofit group: maximum \$200**
- 6 **Twenty-four-hour: maximum \$10**
- 7 **Fur dealer licenses**
- 8 **Resident: maximum \$200**
- 9 **Nonresident: maximum \$400**
- 10 **Furharvester licenses**
- 11 **Resident: maximum \$25**
- 12 **Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75**
- 13 **Nonresident: maximum \$400**
- 14 **Game breeder permits: maximum \$15**
- 15 **Handicapped hunting and fishing permits: maximum \$5**
- 16 **Hound trainer-breeder running permits: maximum \$25**
- 17 **Hunting licenses**
- 18 **Resident: maximum \$25**
- 19 **Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75**
- 20 **Nonresident 16 or more years of age: maximum \$125**
- 21 **Nonresident under 16 years of age: maximum \$75**
- 22 **Controlled shooting area: maximum \$25**
- 23 **Forty-eight-hour waterfowl permits: maximum \$25**
- 24 **Migratory waterfowl habitat stamps: maximum \$8**
- 25 **Mussel fishing licenses**
- 26 **Resident: maximum \$200**
- 27 **Nonresident: maximum \$1,500**
- 28 **Rabbit permits**
- 29 **Live trapping: maximum \$200**
- 30 **Shipping: maximum \$400**
- 31 **Raptor propagation permits: maximum \$100**
- 32 **Rehabilitation permits: maximum \$50**
- 33 **Scientific, educational or exhibition permits: maximum \$10**
- 34 **Wildlife damage control permits: maximum \$10**
- 35 **Wildlife importation permits: maximum \$10**
- 36 **Wild turkey permits**
- 37 **Resident: maximum \$100**
- 38 **Nonresident: maximum \$400**
- 39 **Resident turkey tag: maximum \$20**
- 40 **Nonresident turkey tag: maximum \$30**
- 41 **Special permits under K.S.A. 32-961: maximum \$100**
- 42 **Miscellaneous fees**
- 43 **Special events on department land or water: maximum \$200**

1 Special departmental services, materials or supplies: no maximum

2 Other issues of department: no maximum

3 Vendor bond: no maximum

4 **(b) (1) The fee for a landowner-tenant resident big game or wild**
5 **turkey hunting permit shall be an amount equal to ½ the fee for a**
6 **general resident big game or wild turkey hunting permit.**

7 *(2) The secretary shall verify proof of ownership or tenancy of no less*
8 *than 25% of all such landowner-tenant resident big game or wild turkey*
9 *hunting permit applicants in each calendar year. Failure of such applicant*
10 *to provide such proof as required by the secretary shall be a violation of*
11 *K.S.A. 32-1032, and amendments thereto.*

12 **(c) The fee for a big game or wild turkey hunting permit for a**
13 **resident under 16 years of age shall be an amount equal to ½ the fee**
14 **for a general resident big game or wild turkey hunting permit.**

15 **(d) The fee for a furharvester license for a resident under 16**
16 **years of age shall be an amount equal to ½ the fee for a resident**
17 **furharvester license.**

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

23 {Sec. 34. K.S.A. 2011 Supp. 32-1002 is hereby amended to read as
24 follows: 32-1002. (a) Unless and except as permitted by law or rules
25 and regulations adopted by the secretary in accordance with K.S.A.
26 32-805, and amendments thereto, it is unlawful for any person to:

27 **(1) Hunt, fish, furharvest or take any wildlife in this state by any**
28 **means or manner;**

29 **(2) possess any wildlife, dead or alive, at any time or in any**
30 **number, in this state;**

31 **(3) purchase, sell, exchange, ship or offer for sale, exchange or**
32 **shipment any wildlife in this state;**

33 **(4) take any wildlife in this state for sale, exchange or other**
34 **commercial purposes;**

35 **(5) possess any seine, trammel net, hoop net, fyke net, fish gig,**
36 **fish spear, fish trap or other device, contrivance or material for the**
37 **purpose of taking wildlife; or**

38 **(6) take or use, at any time or in any manner, any game bird,**
39 **game animal, coyote or furbearing animal, whether pen-raised or**
40 **wild, in any field trial or for training dogs.**

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

1 of subsection (a)(3) shall apply to:

2 (1) The meat of game animals legally taken outside this state; and

3 (2) other restrictions as provided by rule and regulation of the
4 secretary.

5 (c) The provisions of this section shall not be construed to
6 prevent:

7 (1) Any person from taking starlings or English and European
8 sparrows;

9 (2) owners or legal occupants of land from killing any animals
10 when found in or near buildings on their premises or when destroying
11 property, subject to the following: (A) The provisions of all federal
12 laws and regulations governing protected species and the provisions of
13 K.S.A. 32-957 through 32-963, and amendments thereto, and rules and
14 regulations adopted thereunder; (B) it is unlawful to use, or possess
15 with intent to use, any such animal so killed unless authorized by rules
16 and regulations of the secretary; and (C) such owners or legal
17 occupants shall make reasonable efforts to alleviate their problems
18 with any such animals before killing them;

19 (3) any person who is licensed under the personal and family
20 protection act, K.S.A. 75-7c01 et seq., and amendments thereto, from
21 exercising the right to carry a concealed handgun while lawfully
22 hunting, fishing or furharvesting; or

23 (4) any person who lawfully possesses a device or attachment of
24 any kind designed, used or intended for use in suppressing the report
25 of any firearm from using such device or attachment in conjunction
26 with lawful hunting, fishing or furharvesting; or

27 (5) *any person who has been issued a big game permit pursuant to*
28 *K.S.A. 32-937, and amendments thereto, from using a crossbow during an*
29 *archery big game season for which such permit is valid.*

30 (d) Any person convicted of violating provisions of this section
31 shall be subject to the penalties prescribed in K.S.A. 32-1031, and
32 amendments thereto, except as provided in K.S.A. 32-1032, and
33 amendments thereto, relating to big game and wild turkey.}

34 Sec. -2. {5.} K.S.A. 2011 Supp. {32-932,} 32-937 is- {32-988 and 32-
35 1002} is- {are} hereby repealed.

36 Sec. -3. {6.} This act shall take effect and be in force from and after
37 its publication in the Kansas register.
38