

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 314

By Committee on Natural Resources

1-20

1 AN ACT concerning the department of wildlife, parks and tourism;  
2 relating to licenses; **related to hunting**; amending K.S.A. 2011 Supp.  
3 32-906 and 32-919, 32-919 ~~and~~, **32-932, 32-937, 32-988 and 32-1002**  
4 and repealing the existing sections.

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

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

13 ~~Section 1.~~ **Sec. 2.** K.S.A. 2011 Supp. 32-906 is hereby amended to  
14 read as follows: 32-906. (a) Except as otherwise provided by law or rules  
15 and regulations of the secretary, a valid Kansas fishing license is required  
16 to fish or to take any bullfrog in this state.

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

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

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

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

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

25 (4)(3)(4) a person fishing in a private water fishing impoundment  
26 unless waived pursuant to K.S.A. 32-975, and amendments thereto;

27 (5)(4)(5) a resident of an adult care home, as defined by K.S.A. 39-  
28 923, and amendments thereto, licensed by the secretary of aging;

29 (6)(5)(6) ~~an inmate in an honor camp operated by the secretary of~~  
30 ~~corrections, pursuant to an agreement between the secretary of corrections~~  
31 ~~and the secretary of wildlife and parks, parks and tourism~~;

32 (7)(6)(7) a person on dates designated pursuant to subsection (f);

1       ~~(8)(7)(8)~~~~(7)~~ a person fishing under a valid institutional group  
2 fishing license issued pursuant to subsection (g); or

3       ~~(9)(8)(9)~~~~(8)~~ a participant in a fishing clinic sponsored or  
4 cosponsored by the department, during the period of time that the fishing  
5 clinic is being conducted.

6       (c) The fee for a fishing license shall be the amount prescribed  
7 pursuant to K.S.A. 32-988, and amendments thereto.

8       (d) Unless otherwise provided by law or rules and regulations of the  
9 secretary, a fishing license is valid throughout the state.

10       (e) Unless otherwise provided by law or rules and regulations of the  
11 secretary, a fishing license is valid from the date of issuance and expires  
12 on December 31 following its issuance, except that the secretary may issue  
13 a:

14       (1) Permanent license pursuant to K.S.A. 32-929, and amendments  
15 thereto;

16       (2) lifetime license pursuant to K.S.A. 32-930, and amendments  
17 thereto;

18       (3) nonresident fishing license valid for a period of five days; and

19       (4) resident or nonresident fishing license valid for a period of 24  
20 hours.

21       (f) The secretary may designate by resolution two days each calendar  
22 year during which persons may fish by legal means without having a valid  
23 fishing license.

24       (g) The secretary shall issue an annual institutional group fishing  
25 license to each facility operating under the jurisdiction of or licensed by  
26 the secretary of social and rehabilitation services and to any veterans  
27 administration medical center in the state of Kansas upon application by  
28 such facility or center to the secretary of wildlife ~~and parks~~, *parks and*  
29 *tourism* for such license.

30       All applications for facilities under the jurisdiction of the secretary of  
31 social and rehabilitation services shall be made with the approval of the  
32 secretary of social and rehabilitation services and shall provide such  
33 information as the secretary of wildlife ~~and parks~~, *parks and tourism*  
34 requires. All applications for any veterans administration medical center  
35 shall be made with the approval of the director of such facility and shall  
36 provide such information as the secretary of wildlife ~~and parks~~, *parks and*  
37 *tourism* requires. Persons who have been admitted to and are currently  
38 residing at the facility or center, not to exceed 20 at any one time, may fish  
39 under an institutional group fishing license within the state while on a  
40 group trip, group outing or other group activity which is supervised by the  
41 facility or center. Persons fishing under an institutional group fishing  
42 license shall not be required to obtain a fishing license but shall be subject  
43 to all other laws and to all rules and regulations relating to fishing.

1 The staff personnel of the facility or center supervising the group trip,  
2 group outing or other group activity shall have in their possession the  
3 institutional license when engaged in supervising any activity requiring the  
4 license. Such staff personnel may assist group members in all aspects of  
5 their fishing activity.

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

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

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

27 ***(i) The provisions of paragraph (b)(3) shall expire on June 30,***  
28 ***2020.***

29 ~~Sec. 2.~~ **3.** K.S.A. 2011 Supp. 32-919 is hereby amended to read as  
30 follows: 32-919. (a) Except as otherwise provided by law or rules and  
31 regulations of the secretary, a valid Kansas hunting license is required to  
32 hunt in this state.

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

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

37 (2) a resident of this state who is less than 16 years of age ~~or who is~~  
38 ~~65 or more years of age;~~

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

40 (4) a nonresident who is participating in a field trial for dogs,  
41 recognized by rules and regulations adopted by the secretary in accordance  
42 with K.S.A. 32-805, and amendments thereto, if such field trial is not  
43 conducted on a controlled shooting area;

1       ~~(4)~~ (5) a person who holds a valid permit issued to such person  
2 pursuant to subsection (f) and who hunts only waterfowl; or

3       ~~(5)~~ (6) a resident of this state hunting only prairie dogs, moles or  
4 gophers.

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

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

11       (e) Unless otherwise provided by law or rules and regulations of the  
12 secretary, a hunting license is valid from the date of issuance and expires  
13 on December 31 following its issuance, except that:

14           (1) The secretary may issue a permanent license pursuant to K.S.A.  
15 32-929, and amendments thereto;

16           (2) the secretary may issue a lifetime license pursuant to K.S.A. 32-  
17 930, and amendments thereto.

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

27       (g) *The provisions of paragraph (b)(3) shall expire on June 30,*  
28 *2020.*

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

35       (b) The secretary of wildlife and parks shall adopt, in accordance  
36 with K.S.A. 32-805, and amendments thereto, rules and regulations  
37 requiring permits to hunt deer, antelope, elk or wild turkey pursuant  
38 to subsection (a) and providing for the approval of applicants for such  
39 permits and the issuance thereof. In addition, the secretary may adopt  
40 rules and regulations limiting the times and areas for hunting and  
41 taking deer, antelope, elk and wild turkey and limiting the number of  
42 deer, antelope, elk and wild turkey which may be taken pursuant to  
43 subsection (a).

1 (c) Falsely obtaining or using a permit authorized by this section  
2 is a class C misdemeanor.

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

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

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

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

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

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

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

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

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

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

43 (d) Big game permits are valid throughout the state or such

1 portion thereof as provided by rules and regulations adopted by the  
2 secretary in accordance with K.S.A. 32-805, and amendments thereto.

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

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

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

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

40 (i) Fifty percent of the big game permits authorized for a regular  
41 season in any management unit shall be issued to landowners or  
42 tenants, provided that a limited number of big game permits have  
43 been authorized and landowner or tenant hunt-on-your-own-land big

1 game permits for that unit have not been authorized. A landowner or  
2 tenant is not eligible to apply for a big game permit as a landowner or  
3 as a tenant in a management unit other than the unit or units which  
4 includes such landowner's or tenant's land. Any big game permits not  
5 issued to landowners or tenants within the time period prescribed by  
6 rule and regulation may be issued without regard to the 50%  
7 limitation.

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

14 ~~(A)~~(A) Either sex white-tailed deer permits valid statewide during  
15 any season with the equipment legal for that season;

16 ~~(B)~~(B) either species, either sex archery permits valid statewide;

17 ~~(C)~~(C) either species, either sex muzzle loader permits valid in  
18 designated units; or

19 ~~(D)~~(D) either species, either sex firearm permits valid in  
20 designated units.

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

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

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

29 (1) The total number of nonresident deer permits that may be  
30 issued for a deer season in a management unit and which may be used  
31 to take antlered deer shall be established with the goal of meeting  
32 demand for those permits, using a formula developed by the  
33 department that will consider adjustment factors, including deer  
34 population trends, deer-related vehicle accidents, age structure in the  
35 harvest, deer damage, landowner desire for nonresident deer permits,  
36 general public desires and health of habitat. The 2008 permit numbers  
37 shall be based on the adjustment factors and an average of  
38 nonresident demand for permits in each management unit from the  
39 previous six years, establishing at least a 10% increase but not more  
40 than 50% increase in permit numbers in each management unit,  
41 except in unit 16, where permit numbers shall not increase more than  
42 100%. In subsequent years, the formula shall be used to determine  
43 permit allocations based on demand and the adjustment factors.

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

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

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

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

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

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

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

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

31 *Sec. ~~4~~ 6. K.S.A. 2011 Supp. 32-988 is hereby amended to read as*  
32 *follows: 32-988. (a) The secretary is authorized to adopt, in accordance*  
33 *with K.S.A. 32-805, and amendments thereto, rules and regulations*  
34 *fixing the amount of fees for the following items, subject to the following*  
35 *limitations and subject to the requirement that no such rules and*  
36 *regulations shall be adopted as temporary rules and regulations:*

37 *Big game permits*

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

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

40 *Elk permit: maximum \$350*

41 *Nonresident mule deer stamp: maximum \$150*

42 *Nonresident applications: maximum \$25*

43 *Combination hunting and fishing licenses*



- 1            *Resident: maximum \$50*  
2            *Lifetime: maximum \$1,000; or 8 quarterly payments, each*  
3            *maximum \$150*  
4            *Nonresident: maximum \$200*  
5            *Commercial dog training permits: maximum \$25*  
6            *Commercial guide permit or associate guide permit*  
7            *Resident: maximum \$250*  
8            *Nonresident: maximum \$1,000*  
9            *Commercial harvest or dealer permits: maximum \$200*  
10          *Commercial prairie rattlesnake harvesting permits*  
11          *Resident or nonresident with valid hunting license: maximum*  
12          *\$5*  
13          *Resident or nonresident nonfirearm without valid hunting*  
14          *license: maximum \$20*  
15          *Controlled shooting area operator license: maximum \$400*  
16          *Duplicate licenses, permits, stamps and other issues of the department:*  
17          *maximum \$10*  
18          *Falconry*  
19            *Permits: maximum \$300*  
20            *Examinations: maximum \$100*  
21          *Field trial permits: maximum \$25*  
22          *Fishing licenses*  
23            *Resident: maximum \$25*  
24            *Lifetime: maximum \$500; or 8 quarterly payments, each*  
25            *maximum \$75*  
26            *Nonresident: maximum \$75*  
27            *Five-day nonresident: maximum \$25*  
28            *Institutional group: maximum \$200*  
29            *Special nonprofit group: maximum \$200*  
30            *Twenty-four-hour: maximum \$10*  
31          *Fur dealer licenses*  
32            *Resident: maximum \$200*  
33            *Nonresident: maximum \$400*  
34          *Furharvester licenses*  
35            *Resident: maximum \$25*  
36            *Lifetime: maximum \$500; or 8 quarterly payments, each*  
37            *maximum \$75*  
38            *Nonresident: maximum \$400*  
39          *Game breeder permits: maximum \$15*  
40          *Handicapped hunting and fishing permits: maximum \$5*  
41          *Hound trainer-breeder running permits: maximum \$25*  
42          *Hunting licenses*  
43            *Resident: maximum \$25*

- 1            *Lifetime: maximum \$500; or 8 quarterly payments, each*  
 2                            *maximum \$75*  
 3            *Nonresident 16 or more years of age: maximum \$125*  
 4            *Nonresident under 16 years of age: maximum \$75*  
 5            *Controlled shooting area: maximum \$25*  
 6            *Forty-eight-hour waterfowl permits: maximum \$25*  
 7            *Migratory waterfowl habitat stamps: maximum \$8*  
 8            *Mussel fishing licenses*  
 9                            *Resident: maximum \$200*  
 10                           *Nonresident: maximum \$1,500*  
 11            *Rabbit permits*  
 12                            *Live trapping: maximum \$200*  
 13                            *Shipping: maximum \$400*  
 14            *Raptor propagation permits: maximum \$100*  
 15            *Rehabilitation permits: maximum \$50*  
 16            *Scientific, educational or exhibition permits: maximum \$10*  
 17            *Wildlife damage control permits: maximum \$10*  
 18            *Wildlife importation permits: maximum \$10*  
 19            *Wild turkey permits*  
 20                            *Resident: maximum \$100*  
 21                            *Nonresident: maximum \$400*  
 22                            *Resident turkey tag: maximum \$20*  
 23                            *Nonresident turkey tag: maximum \$30*  
 24            *Special permits under K.S.A. 32-961: maximum \$100*  
 25            *Miscellaneous fees*  
 26                            *Special events on department land or water: maximum \$200*  
 27                            *Special departmental services, materials or supplies: no*  
 28    *maximum*  
 29                            *Other issues of department: no maximum*  
 30                            *Vendor bond: no maximum*  
 31            (b) (1) *The fee for a landowner-tenant resident big game or wild*  
 32 *turkey hunting permit shall be an amount equal to ½ the fee for a*  
 33 *general resident big game or wild turkey hunting permit.*  
 34            (2) *The secretary shall verify proof of ownership or tenancy of no*  
 35 *less than 25% of all such landowner-tenant resident big game or wild*  
 36 *turkey hunting permit applicants in each calendar year. Failure of*  
 37 *such applicant to provide such proof as required by the secretary shall*  
 38 *be a violation of K.S.A. 32-1032, and amendments thereto.*  
 39            (c) *The fee for a big game or wild turkey hunting permit for a*  
 40 *resident under 16 years of age shall be an amount equal to ½ the fee for*  
 41 *a general resident big game or wild turkey hunting permit.*  
 42            (d) *The fee for a furharvester license for a resident under 16 years*  
 43 *of age shall be an amount equal to ½ the fee for a resident furharvester*

1 *license.*

2 (e) *For a resident who is at least 65 years of age, but less than 75*  
3 *years of age:*

4 (1) *The fee for an annual hunting license shall be an amount equal to*  
5 *1/2 the fee for a general annual hunting license;*

6 (2) *the fee for an annual fishing license shall be an amount equal to*  
7 *1/2 the fee for a general annual fishing license; and*

8 (3) *the fee for an annual combination hunting and fishing license*  
9 *shall be an amount equal to 1/2 the fee for a general annual combination*  
10 *hunting and fishing license.*

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

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

17 **Sec. 7. K.S.A. 2011 Supp. 32-1002 is hereby amended to read as**  
18 **follows: 32-1002. (a) Unless and except as permitted by law or rules**  
19 **and regulations adopted by the secretary in accordance with K.S.A.**  
20 **32-805, and amendments thereto, it is unlawful for any person to:**

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

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

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

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

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

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

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

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

40 (2) **other restrictions as provided by rule and regulation of the**  
41 **secretary.**

42 (c) **The provisions of this section shall not be construed to**  
43 **prevent:**

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

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

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

17 (4) any person who lawfully possesses a device or attachment of  
18 any kind designed, used or intended for use in suppressing the report  
19 of any firearm from using such device or attachment in conjunction  
20 with lawful hunting, fishing or furharvesting; *or*

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

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

28 Sec. ~~3-5~~ 8. K.S.A. 2011 Supp. 32-906 and ~~32-919~~, 32-919 and, 32-  
29 932, 32-937, 32-988 and 32-1002 are hereby repealed.

30 Sec. ~~4-6~~ 9. This act shall take effect and be in force from and after  
31 January 1, 2013 and its publication in the statute book.