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

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

{Section 1. 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.}

Section 1. Sec. 2. 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;
(2) (B) either species, either sex archery permits valid statewide;
(3) (C) either species, either sex muzzle loader permits valid in
designated units; or
(4) (D) either species, either sex firearm permits valid in designated
(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.

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. 23. 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
- Resident (other than elk permit): maximum $100
- Nonresident (other than elk permit): maximum $400
- Elk permit: maximum $350
- Nonresident mule deer stamp: maximum $150
- Nonresident applications: maximum $25

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 ½ 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 ½ 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 ½ the fee for a resident
furharvester license.
(e) 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).}
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; or

(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. 2. K.S.A. 2011 Supp. 32-988 and 32-1002 are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.