

3
4 **SENATE BILL No. 431**

5
6 By Committee on Natural Resources

7
8 1-24

9
10 AN ACT relating to big game permits; amending K.S.A. 32-937 and re-
11 pealing the existing section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 32-937 is hereby amended to read as follows: 32-
15 937. (a) When used in this section:

16 (1) "Landowner" means a resident owner of farm or ranch land of
17 80 acres or more located in the state of Kansas.

18 (2) "Tenant" means an individual who is actively engaged in the ag-
19 ricultural operation of 80 acres or more of Kansas farm or ranch land for
20 the purpose of producing agricultural commodities or livestock and who:
21 (A) Has a substantial financial investment in the production of agricultural
22 commodities or livestock on such farm or ranch land and the potential to
23 realize substantial financial benefit from such production; or (B) is a bona
24 fide manager having an overall responsibility to direct, supervise and con-
25 duct such agricultural operation and has the potential to realize substan-
26 tial benefit from such production in the form of salary, shares of such
27 production or some other economic incentive based upon such
28 production.

29 (3) "Regular season" means a statewide big game hunting season au-
30 thorized annually which may include one or more seasons restricted to
31 specific types of equipment.

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

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

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

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

43 (b) Except as otherwise provided by law or rules and regulations of

1 the secretary and in addition to any other license, permit or stamp re-
2 quired by law or rules and regulations of the secretary, a valid big game
3 permit and game tags are required to take any big game in this state.

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

6 (d) A big game permit and game tags are valid throughout the state
7 or such portion thereof as provided by rules and regulations adopted by
8 the secretary in accordance with K.S.A. 32-805 and amendments thereto.

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

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

22 (g) The secretary may authorize, by rule and regulation adopted in
23 accordance with K.S.A. 32-805, and amendments thereto, landowner or
24 tenant hunt-on-your-own-land big game permits. Such permits and ap-
25 plications may contain provisions and restrictions as prescribed by rule
26 and regulation adopted by the secretary in accordance with K.S.A. 32-
27 805, and amendments thereto.

28 (h) The secretary may authorize, by rule and regulation adopted in
29 accordance with K.S.A. 32-805 and amendments thereto, special land-
30 owner or tenant hunt-on-your-own-land deer permits. Such special per-
31 mits shall not be issued to landowners or tenants in possession of a hunt-
32 on-your-own-land deer permit as authorized in subsection (g). The special
33 permits shall be transferable to any immediate family member of the
34 landowner or tenant, whether or not a Kansas resident, or the permit may
35 be retained for use by the landowner or tenant. The special permits shall
36 be transferable through the secretary at the request of the landowner or
37 tenant and by paying the required fee for a general deer permit. The
38 special permits and applications may contain provisions and restrictions
39 as prescribed by rule and regulation adopted by the secretary in accord-
40 ance with K.S.A. 32-805 and amendments thereto. For the purposes of
41 this subsection, “member of the immediate family” means lineal or col-
42 lateral ascendants or descendants, and their spouses.

43 (i) Fifty percent of the big game permits authorized for a regular

1 season in any management unit shall be issued to landowners or tenants,
2 provided that a limited number of big game permits have been authorized
3 and landowner or tenant hunt-on-your-own-land big game permits for
4 that unit have not been authorized. A landowner or tenant is not eligible
5 to apply for a big game permit as a landowner or as a tenant in a man-
6 agement unit other than the unit or units which includes such landowner's
7 or tenant's land. Any big game permits not issued to landowners or ten-
8 ants within the time period prescribed by rule and regulation may be
9 issued without regard to the 50% limitation.

10 (j) Members of the immediate family who are domiciled with a land-
11 owner or tenant may apply for a resident big game permit as a landowner
12 or as a tenant, but the total number of landowner or tenant hunt-on-your-
13 own-land or special hunt-on-your-own-land permits issued to a landowner
14 or tenant and a landowner's or tenant's immediate family for each big
15 game species shall not exceed one permit for each 80 acres owned by
16 such landowner or operated by such tenant. The secretary may require
17 proof of ownership or tenancy from individuals applying for a big game
18 permit as a landowner or as a tenant.

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

22 (l) The secretary may issue turkey hunting permits to nonresidents
23 in turkey management units with unlimited turkey hunting permits
24 available.

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

27 (1) The total number of nonresident deer firearm permits of each
28 type specified by rules and regulations that may be issued for a deer
29 season in a management unit and which may be used to take antlered
30 deer shall not exceed 10% of the total number of resident deer firearm
31 permits of such type authorized for such season in such management unit;
32 and

33 (2) the total number of nonresident deer archery permits of each type
34 specified by rules and regulations that may be issued for a deer season in
35 a management unit and which may be used to take antlered deer shall
36 not exceed 15% of the total number of resident deer archery permits of
37 such type authorized for such season in such management unit.

38 Nonresident deer archery permits may be restricted to a particular deer
39 species without regard to resident deer archery permit species restric-
40 tions, or lack thereof.

41 If an unlimited number of resident deer permits that may be used to
42 take antlered deer is authorized for a deer season or management unit,
43 the percentage limitations of subsections (m)(1) and (m)(2) shall be based

1 upon the total number of resident firearm permits that may be used to
2 take antlered deer and the total number of archery permits that may be
3 used to take antlered deer, respectively, issued in the management unit
4 during the most recent preceding similar season. If in a management unit
5 there are an unlimited number of resident permits that may be used to
6 take only antlerless deer, the secretary, in the secretary's discretion and
7 in accordance with rules and regulations, may authorize the issuance of
8 an unlimited number of nonresident permits that may be used to take
9 only antlerless deer.

10 (n) Any nonresident deer hunting permits authorized under subsection
11 (m) that remain unissued due to an insufficient number of nonresi-
12 dent applications as of a deadline determined by the secretary, shall be
13 made available to residents.

14 (o) The secretary shall issue nonresident deer permits pursuant to
15 subsection (m) to landowners and tenants applying for such permits, ex-
16 cept that the total number of nonresident deer permits of each type spec-
17 ified by rules and regulations that may be issued to landowners and ten-
18 ants for a deer season in a management unit shall not exceed 50% of the
19 total number of nonresident deer permits of such a type authorized for
20 such season in such management unit. A nonresident deer permit ob-
21 tained by a landowner or tenant shall retain the permit's original desig-
22 nation, except that such permit shall be transferable, with or without
23 consideration, to any resident or nonresident through the secretary at the
24 request of the landowner or tenant. A landowner or tenant purchasing a
25 nonresident deer permit pursuant to this subsection shall pay the estab-
26 lished fee for a nonresident deer permit.

27 The provisions of this subsection shall expire on June 30, 2004.

28 (p) No big game permit issued to a person under 14 years of age shall
29 be valid until such person reaches 14 years of age, except that *a person*
30 *under 14 years of age may be issued a wild turkey permit, and a person*
31 *who is 12 years or 13 years of age may be issued a permit for a big game*
32 *species other than wild turkey. Such permits shall be valid only while the*
33 *person is hunting under the immediate supervision of an adult 21 years*
34 *of age or older, to: (1) Take big game using a firearm; or (2) take big*
35 *game using a bow, if the person submits to the secretary evidence satis-*
36 *factory to the secretary of completion of a bow hunting safety education*
37 *course.*

38 (q) A big game permit shall state the species, number and sex of the
39 big game which may be killed by the permittee. The secretary may furnish
40 an informational card with any big game permit and, at the conclusion of
41 the open season, each permittee receiving such card shall return the card
42 to the department, giving such information as is called for on the card.

43 (r) The permittee shall permanently affix the game tag to the carcass

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

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

10 Sec. 2. K.S.A. 32-937 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the ~~statute book~~ **Kansas register**.

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