

HOUSE BILL No. 2459

By Committee on Wildlife, Parks and Tourism

2-11

9 AN ACT concerning hunting; relating to antelope permits; amending
10 K.S.A. 2004 Supp. 32-937 and repealing the existing section.

11

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

13 Section 1. K.S.A. 2004 Supp. 32-937 is hereby amended to read as
14 follows: 32-937. (a) When used in this section:

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

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

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

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

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

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

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

42 (b) Except as otherwise provided by law or rules and regulations of
43 the secretary and in addition to any other license, permit or stamp re-

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

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

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

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

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

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

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

42 (i) Fifty percent of the big game permits authorized for a regular
43 season in any management unit shall be issued to landowners or tenants,

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

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

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

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

23 (1) The total number of nonresident deer firearm permits of each
24 type specified by rules and regulations that may be issued for a deer
25 season in a management unit and which may be used to take antlered
26 deer shall for the year 2004, not be less than 7% nor more than 14%; for
27 the year 2005, not be less than 8% nor more than 16%; for the year 2006,
28 not be less than 9% nor more than 18%; and for any year thereafter, not
29 be less than 10% nor more than 20%, of the total number of resident
30 deer firearm permits of such type authorized for such season in such
31 management unit; and

32 (2) the total number of nonresident deer archery permits of each type
33 specified by rules and regulations that may be issued for a deer season in
34 a management unit and which may be used to take antlered deer shall
35 for the year 2004, not be less than 9.5% nor more than 19%; for the year
36 2005, not be less than 10.5% nor more than 21%; for the year 2006, not
37 be less than 11.5% nor more than 23%; and for any year thereafter, not
38 be less than 12.5% nor more than 25%, of the total number of resident
39 deer archery permits of such type authorized for such season in such
40 management unit.

41 Nonresident deer permits may be restricted to a particular deer species
42 without regard to resident deer permit species restrictions, or lack
43 thereof.

1 If an unlimited number of resident deer permits that may be used to
2 take antlered deer is authorized for a deer season or management unit,
3 the percentage limitations of subsections (l)(1) and (l)(2) shall be based
4 upon the total number of resident firearm permits that may be used to
5 take antlered deer and the total number of archery permits that may be
6 used to take antlered deer, respectively, issued in the management unit
7 during the most recent preceding similar season. If in a management unit
8 there are an unlimited number of resident permits that may be used to
9 take only antlerless deer, the secretary, in the secretary's discretion and
10 in accordance with rules and regulations, may authorize the issuance of
11 an unlimited number of nonresident permits that may be used to take
12 only antlerless deer.

13 (m) Any nonresident deer hunting permits authorized under subsec-
14 tion (l) that remain unissued due to an insufficient number of nonresident
15 applications as of a deadline determined by the secretary, shall be made
16 available to residents.

17 (n) The secretary shall issue nonresident deer permits pursuant to
18 subsection (l) to landowners and tenants applying for such permits, except
19 that the total number of nonresident deer permits of each type specified
20 by rules and regulations that may be issued to landowners and tenants
21 for a deer season in a management unit shall not exceed 50% of the total
22 number of nonresident deer permits of such a type authorized for such
23 season in such management unit. A nonresident deer permit obtained by
24 a landowner or tenant shall retain the permit's nonresident and species
25 designation, except that such permit shall only be valid within a desig-
26 nated county and one additional county where the qualifying landowner's
27 or tenant's lands are located. The permit shall be transferable, with or
28 without consideration, to any resident or nonresident through the sec-
29 retary at the request of the landowner or tenant. A landowner or tenant
30 purchasing a nonresident deer permit pursuant to this subsection shall
31 pay the established fee for a nonresident deer permit.

32 The provisions of this subsection shall expire on June 30, 2007.

33 (o) On or before January 31, 2005:

34 (1) The secretary, by rules and regulations adopted in accordance
35 with K.S.A. 32-805, and amendments thereto, shall establish not less than
36 nine archery management units for deer. To the extent possible, bound-
37 aries of firearm management units for deer shall be used in establishing
38 the boundaries of such archery management units.

39 (2) The secretary shall submit to the house standing committee on
40 tourism and parks and the senate standing committee on natural re-
41 sources a report regarding the archery management units established pur-
42 suant to subsection (o)(1).

43 (p) A big game permit shall state the species, number and sex of the

1 big game which may be killed by the permittee. The secretary may furnish
2 an informational card with any big game permit and, at the conclusion of
3 the open season, each permittee receiving such card shall return the card
4 to the department, giving such information as is called for on the card.

5 (q) The permittee shall permanently affix the game tag to the carcass
6 of any big game immediately after killing and thereafter, if required by
7 rules and regulations, the permittee shall immediately take such killed
8 game to a check station as required in the rules and regulations, where a
9 check station tag shall be affixed to the game carcass if the kill is legal.
10 The tags shall remain affixed until the carcass is consumed or processed
11 for storage.

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

15 (s) *A landowner or tenant in possession of an antelope permit may*
16 *transfer such permit, with or without consideration to any resident or*
17 *nonresident through the secretary. Upon receipt of a request for transfer*
18 *of an antelope permit by a landowner or tenant in possession of such*
19 *permit, the secretary shall transfer the antelope permit to the resident or*
20 *nonresident designated by the landowner or tenant. The secretary may*
21 *charge a transfer fee of not more than \$50 if the permit is transferred to*
22 *a resident and not more than \$150 if the permit is transferred to a*
23 *nonresident.*

24 Sec. 2. K.S.A. 2004 Supp. 32-937 is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the statute book.