

SENATE BILL No. 526

By Committee on Agriculture

2-8

10 AN ACT concerning hunting; relating to sales of over-the-counter deer
11 tags; amending K.S.A. 2005 Supp. 32-937 and repealing the existing
12 section.

13

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

15 Section 1. K.S.A. 2005 Supp. 32-937 is hereby amended to read as
16 follows: 32-937. (a) When used in this section:

17 (1) "Landowner" means a resident owner of farm or ranch land of
18 80 acres or more located in the state of Kansas.

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

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

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

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

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

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

- 1 (b) Except as otherwise provided by law or rules and regulations of
2 the secretary and in addition to any other license, permit or stamp re-
3 quired by law or rules and regulations of the secretary, a valid big game
4 permit and game tags are required to take any big game in this state. **Big**
5 **game antlerless permits and game tags shall be issued, as necessary,**
6 **without regard to antlered permits being first required.**
- 7 (c) The fee for big game permits and game tags shall be the amount
8 prescribed pursuant to K.S.A. 32-988, and amendments thereto.
- 9 (d) A big game permit and game tags are valid throughout the state
10 or such portion thereof as provided by rules and regulations adopted by
11 the secretary in accordance with K.S.A. 32-805 and amendments thereto.
- 12 (e) Unless otherwise provided by law or rules and regulations of the
13 secretary, a big game permit and game tags are valid from the date of
14 issuance and shall expire at the end of the season for which issued.
- 15 (f) The secretary may adopt, in accordance with K.S.A. 32-805, and
16 amendments thereto, rules and regulations for each regular or special big
17 game hunting season and for each management unit regarding big game
18 permits and game tags. The secretary is hereby authorized to issue big
19 game permits and game tags pertaining to the taking of big game. Sep-
20 arate big game permits and game tags may be issued for each species of
21 big game. No big game permits or game tags shall be issued until the
22 secretary has established, by rules and regulations adopted in accordance
23 with K.S.A. 32-805, and amendments thereto, a regular or special big
24 game hunting season.
- 25 (g) The secretary may authorize, by rule and regulation adopted in
26 accordance with K.S.A. 32-805, and amendments thereto, landowner or
27 tenant hunt-on-your-own-land big game permits. Such permits and ap-
28 plications may contain provisions and restrictions as prescribed by rule
29 and regulation adopted by the secretary in accordance with K.S.A. 32-
30 805, and amendments thereto.
- 31 (h) The secretary may authorize, by rule and regulation adopted in
32 accordance with K.S.A. 32-805 and amendments thereto, special land-
33 owner or tenant hunt-on-your-own-land deer permits. Such special per-
34 mits shall not be issued to landowners or tenants in possession of a hunt-
35 on-your-own-land deer permit as authorized in subsection (g). The special
36 permits shall be transferable to any immediate family member of the
37 landowner or tenant, whether or not a Kansas resident, or the permit may
38 be retained for use by the landowner or tenant. The special permits shall
39 be transferable through the secretary at the request of the landowner or
40 tenant and by paying the required fee for a general deer permit. The
41 special permits and applications may contain provisions and restrictions
42 as prescribed by rule and regulation adopted by the secretary in accord-
43 ance with K.S.A. 32-805 and amendments thereto. For the purposes of

1 this subsection, “member of the immediate family” means lineal or col-
2 lateral ascendants or descendants, and their spouses.

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

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

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

25 (l) 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 for the year 2004, not be less than 7% nor more than 14%; for
31 the year 2005, not be less than 8% nor more than 16%; for the year 2006,
32 not be less than 9% nor more than 18%; and for any year thereafter, not
33 be less than 10% nor more than 20%, of the total number of resident
34 deer firearm permits of such type authorized for such season in such
35 management unit; and

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

1 management unit.

2 Nonresident deer permits may be restricted to a particular deer species
3 without regard to resident deer permit species restrictions, or lack
4 thereof.

5 ~~If resident antlerless deer tags are issued over the counter, then non-~~
6 ~~resident antlerless deer tags shall be issued over the counter.~~

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

19 (m) Any nonresident deer hunting permits authorized under subsec-
20 tion (1) that remain unissued due to an insufficient number of nonresident
21 applications as of a deadline determined by the secretary, shall be made
22 available to residents.

23 (n) The secretary shall issue nonresident deer permits pursuant to
24 subsection (1) to landowners and tenants applying for such permits, except
25 that the total number of nonresident deer permits of each type specified
26 by rules and regulations that may be issued to landowners and tenants
27 for a deer season in a management unit shall not exceed 50% of the total
28 number of nonresident deer permits of such a type authorized for such
29 season in such management unit. A nonresident deer permit obtained by
30 a landowner or tenant shall retain the permit's nonresident and species
31 designation, except that such permit shall only be valid within a desig-
32 nated county and one additional county where the qualifying landowner's
33 or tenant's lands are located. The permit shall be transferable, with or
34 without consideration, to any resident or nonresident through the sec-
35 retary at the request of the landowner or tenant. A landowner or tenant
36 purchasing a nonresident deer permit pursuant to this subsection shall
37 pay the established fee for a nonresident deer permit.

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

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

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

1 the boundaries of such archery management units.

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

6 (p) A big game permit shall state the species, number and sex of the
7 big game which may be killed by the permittee. The secretary may furnish
8 an informational card with any big game permit and, at the conclusion of
9 the open season, each permittee receiving such card shall return the card
10 to the department, giving such information as is called for on the card.

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

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

21 Sec. 2. K.S.A. 2005 Supp. 32-937 is hereby repealed.

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