

HOUSE BILL No. 2458

By Committee on Agriculture and Natural Resources

1-14

9 AN ACT concerning hunting; relating to deer hunting permits; amending
10 K.S.A. 2009 Supp. 32-932 and 32-937 and repealing the existing
11 sections.

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

14 Section 1. K.S.A. 2009 Supp. 32-932 is hereby amended to read as
15 follows: 32-932. (a) (1) Any person having a permanent disability to the
16 extent that such person cannot physically use a conventional long bow or
17 compound bow, as certified by a person licensed to practice the healing
18 arts in any state, shall be authorized to hunt and take deer, antelope, elk
19 or wild turkey with a crossbow.

20 (2) *Such person holding a crossbow permit shall be subject to the*
21 *limitations of K.S.A. 32-937, and amendments thereto.*

22 (b) The secretary of wildlife and parks shall adopt, in accordance with
23 K.S.A. 32-805, and amendments thereto, rules and regulations requiring
24 permits to hunt deer, antelope, elk or wild turkey pursuant to subsection
25 (a) and providing for the approval of applicants for such permits and the
26 issuance thereof. In addition, the secretary may adopt rules and regula-
27 tions limiting the times and areas for hunting and taking deer, antelope,
28 elk and wild turkey and limiting the number of deer, antelope, elk and
29 wild turkey which may be taken pursuant to subsection (a).

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

32 Sec. 2. K.S.A. 2009 Supp. 32-937 is hereby amended to read as fol-
33 lows: 32-937. (a) When used in this section:

34 (1) "Landowner" means a resident owner of farm or ranch land of
35 80 acres or more located in the state of Kansas.

36 (2) "Tenant" means an individual who is actively engaged in the ag-
37 ricultural operation of 80 acres or more of Kansas farm or ranch land for
38 the purpose of producing agricultural commodities or livestock and who:
39 (A) Has a substantial financial investment in the production of agricultural
40 commodities or livestock on such farm or ranch land and the potential to
41 realize substantial financial benefit from such production; or (B) is a bona
42 fide manager having an overall responsibility to direct, supervise and con-
43 duct such agricultural operation and has the potential to realize substan-

1 tial benefit from such production in the form of salary, shares of such
2 production or some other economic incentive based upon such produc-
3 tion. Evidence of tenancy, if requested, shall be provided to the depart-
4 ment and may include, but is not limited to, natural resource conservation
5 services records, farm service agency records, or written agricultural con-
6 tract or lease documentation.

7 (3) “Regular season” means a statewide big game hunting season au-
8 thorized annually which may include one or more seasons restricted to
9 specific types of equipment.

10 (4) “Special season” means a big game hunting season in addition to
11 a regular season authorized on an irregular basis or at different times of
12 the year other than the regular season.

13 (5) “General permit” means a big game hunting permit available to
14 Kansas residents not applying for big game permits as a landowner or
15 tenant.

16 (6) “Nonresident landowner” means a nonresident of the state of
17 Kansas who owns farm or ranch land of 80 acres or more which is located
18 in the state of Kansas.

19 (7) “Nonresident permit” means a big game hunting permit available
20 to individuals who are not Kansas residents.

21 (b) Except as otherwise provided by law or rules and regulations of
22 the secretary and in addition to any other license, permit or stamp re-
23 quired by law or rules and regulations of the secretary, valid big game
24 permits are required to take any big game in this state.

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

27 (d) Big game permits are valid throughout the state or such portion
28 thereof as provided by rules and regulations adopted by the secretary in
29 accordance with K.S.A. 32-805 and amendments thereto.

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

33 (f) The secretary may adopt, in accordance with K.S.A. 32-805, and
34 amendments thereto, rules and regulations for each regular or special big
35 game hunting season and for each management unit regarding big game
36 permits. The secretary is hereby authorized to issue big game permits
37 pertaining to the taking of big game. Separate big game permits may be
38 issued for each species of big game. No big game permits shall be issued
39 until the secretary has established, by rules and regulations adopted in
40 accordance with K.S.A. 32-805, and amendments thereto, a regular or
41 special big game hunting season.

42 (g) The secretary may authorize, by rule and regulation adopted in
43 accordance with K.S.A. 32-805, and amendments thereto, regular land-

1 owner or tenant hunt-on-your-own-land big game permits. Members of
2 the landowner's or tenant's immediate family who are domiciled with the
3 landowner or tenant may apply for resident big game permits as land-
4 owners or tenants, but the total number of landowner or tenant regular
5 hunt-on-your-own-land permits issued to a landowner or tenant and a
6 landowner's or tenant's immediate family members for each big game
7 species shall not exceed one permit for each 80 acres owned by such
8 landowner or operated by such tenant. Evidence of ownership or tenancy,
9 if requested, shall be provided to the department. Such permits and ap-
10 plications may contain provisions and restrictions as prescribed by rule
11 and regulation adopted by the secretary in accordance with K.S.A. 32-
12 805, and amendments thereto.

13 (h) Special hunt-on-your-own-land deer permits may be issued to a
14 landowner's or tenant's siblings and lineal ascendants or descendants, and
15 their spouses, whether or not a Kansas resident, by paying the required
16 fee for a general deer permit. The total number of regular and special
17 hunt-on-your-own-land deer permits issued to a landowner's or tenant's
18 siblings and lineal ascendants or descendants, and their spouses, shall not
19 exceed one deer permit for each 80 acres owned by such landowner or
20 operated by such tenant. Evidence of ownership or tenancy, and sibling
21 or lineal ascending or descending relations, if requested, shall be provided
22 to the department.

23 (i) Fifty percent of the big game permits authorized for a regular
24 season in any management unit shall be issued to landowners or tenants,
25 provided that a limited number of big game permits have been authorized
26 and landowner or tenant hunt-on-your-own-land big game permits for
27 that unit have not been authorized. A landowner or tenant is not eligible
28 to apply for a big game permit as a landowner or as a tenant in a man-
29 agement unit other than the unit or units which includes such landowner's
30 or tenant's land. Any big game permits not issued to landowners or ten-
31 ants within the time period prescribed by rule and regulation may be
32 issued without regard to the 50% limitation.

33 (j) The secretary may issue, by rules and regulations adopted in ac-
34 cordance with K.S.A. 32-805, and amendments thereto, resident deer
35 hunting permits available on a limited basis and valid for a designated
36 species and sex in designated units, and antlerless-only deer permits in
37 designated units as necessary for management purposes, and, any of the
38 following options:

39 (1) Either sex white-tailed deer permits valid statewide during any
40 season with the equipment legal for that season;

41 (2) (A) either species, either sex archery permits valid statewide; *or*
42 (B) *a holder of a resident either species, either sex archery permit shall*
43 *first take a doe before taking a buck;*

- 1 (3) either species, either sex muzzle loader permits valid in desig-
2 nated units; or
- 3 (4) either species, either sex firearm permits valid in designated units.
- 4 (k) The secretary may issue permits for deer to nonresident land-
5 owners, but any such permit shall be restricted to hunting only on lands
6 owned by the nonresident landowner.
- 7 (l) The secretary may issue deer hunting permits to nonresidents,
8 subject to the following limitations:
- 9 (1) The total number of nonresident deer permits that may be issued
10 for a deer season in a management unit and which may be used to take
11 antlered deer shall be established with the goal of meeting demand for
12 those permits, using a formula developed by the department that will
13 consider adjustment factors, including deer population trends, deer-re-
14 lated vehicle accidents, age structure in the harvest, deer damage, land-
15 owner desire for nonresident deer permits, general public desires and
16 health of habitat. The 2008 permit numbers shall be based on the ad-
17 justment factors and an average of nonresident demand for permits in
18 each management unit from the previous six years, establishing at least a
19 10% increase but not more than 50% increase in permit numbers in each
20 management unit, except in unit 16, where permit numbers shall not
21 increase more than 100%. In subsequent years, the formula shall be used
22 to determine permit allocations based on demand and the adjustment
23 factors.
- 24 (2) Nonresident deer permits may be restricted to a particular deer
25 species.
- 26 (3) Nonresident deer permits shall be restricted to two adjacent deer
27 management units.
- 28 (4) Nonresident deer hunters shall select one season at the time of
29 application.
- 30 (5) (A) For an additional fee, nonresident deer hunters applying for
31 a whitetail either sex archery or muzzle loader permit in a designated
32 mule deer unit may also apply for one of the limited number of mule
33 deer stamps. If they are successful in both drawings, they would be issued
34 a permit that will allow them to take either a whitetail deer or a mule
35 deer in that unit; *or (B) a holder of a nonresident whitetail either sex*
36 *archery permit shall first take a doe before taking a buck.*
- 37 (m) A big game permit shall state the species, number and sex of the
38 big game which may be killed by the permittee. The secretary may require
39 any big game permittee to provide survey information at the conclusion
40 of the open season.
- 41 (n) The permittee shall permanently affix the carcass tag to the car-
42 casso of any big game animal immediately after killing and thereafter take
43 such killed game to a check station as may be required in the rules and

1 regulations, where a check station tag shall be affixed to the big game
2 carcass if the kill is legal. The tags shall remain affixed to the carcass until
3 the carcass is processed for storage or consumption. The permittee shall
4 retain the carcass tag until the carcass is consumed, given to another or
5 otherwise disposed of.

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

9 Sec. 3. K.S.A. 2009 Supp. 32-932 and 32-937 are hereby repealed.

10 Sec. 4. This act shall take effect and be in force from and after its
11 publication in the statute book.