

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Ross Doyen at
Chairperson

8:04 a.m. ~~pm~~ on January 30, 1990 in room 423-S of the Capitol

All members were present except: All present.

Committee staff present:

Raney Gilliland, Legislative Research Department
Don Hayward, Revisor of Statutes
Pat Mah, Legislative Research Department
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Douglas R. Henkle, Vice-President, Kansas Water Well Association
Wayne Bossert, N. W. Kansas Groundwater Management District #4
Robert L. Vincent, Groundwater Associates, Inc., Wichita, Ks.
Karl W. Muedener, Director, Bureau of Water, Dept. of Health and Environment
David Pope, Kansas State Board of Agriculture, Division of Water Resources

The Chairman opened the hearing on S.B. 538 - amending the Kansas groundwater exploration and protection act and providing for continuing educational requirements for applicants renewing licenses, and provides for the Secretary to adopt rules and regulations necessary to establish educational requirements.

Douglas R. Henkle, Vice-President, Kansas Water Well Association, presented testimony encouraging the passage of S.B. 538 (Attachment I).

Wayne Bossert, Northwest Kansas Groundwater District No. 4, testified in support of S.B. 538 (Attachment II).

Robert L. Vincent, Groundwater Associates, Inc., presented written testimony supporting the bill. He stated knowledgeable and informed drilling contractors can be very instrumental in avoiding new problems and alleviating existing ones (Attachment III).

Karl W. Muedener, Director, Bureau of Water, testimony stated they would not request and new positions or funding if the bill was passed, and they support its passage (Attachment IV).

The hearing on S.B. 538 was closed.

The Chairman called on David Pope, State Board of Agriculture.

Mr. Pope requested that the 1990 Legislature consider the passage of S.B. 344. In addition, he presented information requesting two new bills be introduced (Attachment V).

A motion was made by Senator Hayden to introduce the bills. Senator Martin seconded the motion. Motion carried.

The Chairman called on Bob Meinen, Secretary, Department of Wildlife and Parks.

Mr. Meinen requested the committee introduce legislation to amend the "Big Game Statutes". A copy of those amendments are (Attachment VI).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 423-S Statehouse, at 8:04 a.m./~~p.m.~~ on January 30, 1990

A motion was made by Senator Langworthy to accept the request and the bill be drafted. Senator Frahm seconded the motion. Motion carried.

Senator Thiessen moved to adopt the minutes of the January 23, 1990 meeting. Senator Sallee seconded the motion. Motion carried.

The meeting was adjourned by the Chairman at 8:46 a.m. The next meeting will be on January 31, 1990.

STATEMENT OF DOUGLAS R. HENKLE
VICE-PRESIDENT - KANSAS WATER WELL ASSOCIATION
AND
WATER WELL CONTRACTOR FROM GARDEN CITY
BEFORE THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON
SENATE BILL NUMBER 538
JANUARY 30, 1990

Chairman Doyen and Members of the Committee, I thank you for the opportunity to testify as a proponent of Senate Bill Number 538. I am presently serving as vice-president of the Kansas Water Well Association (KWWA) and the views I will present have the full support of the Board of Directors of that organization.

The Kansas Groundwater Exploration and Protection Act provides for the licensure of water well contractors and states that "in granting of such licenses due regard shall be given to the interest of the state of Kansas in the protection of its underground water resources". In light of that statement, the Act further declares that "under such reasonable rules and regulations as the secretary may adopt pertaining to the business of water well contracting and construction of water wells, the secretary shall investigate by examination or otherwise, the qualifications of all applicants for initial licenses as water well contractors to construct, reconstruct or treat wells for production of underground waters in this state." The Act then spells out the qualifications required of each candidate for such an examination and include:

*Attachment I
E. & N R
1/30/90*

(a) Familiarity with Kansas water laws, sanitary standards for water well drilling and construction of water wells and rules and regulations relating to water well construction, reconstruction, treatment, and plugging as adopted by the secretary;

(b) Knowledge of groundwater and subsurface geology in its relation to well construction.

The KWWA supports the examination process, as far as it goes, and we feel that it does initially help protect Kansas' underground water resources by verifying that the prospective licensee has met the qualifications for licensure at the time of the examination. However, once the contractor passes the examination and receives his license the only requirement which must be met in order to retain the license from year to year is payment of an "annual fee as determined by the secretary". This does not provide assurance that the license holder, in the ensuing years as a Kansas water well contractor, will be familiar with CURRENT Kansas water laws, sanitary standards, and rules and regulations related to water wells as adopted by the secretary and as presumably intended by law.

Neither does the present statute assure the public that the water well contractor offering his services in Kansas is aware of up-to-date well construction techniques, tools or equipment. I would not suggest that the Act was ever intended to provide such an assurance, but, if Senate Bill 538 does become law and continuing education is mandatory, the contractor will at least have been exposed to latest information in the water well industry.

Continuing education requirements are common among professionals and should be no less common among groundwater professionals. Physicians, educators, and others providing such essential services to the public are required to attend continuing education classes or seminars for the purpose of retaining the license or certificate required by law in order to practice their chosen professions.

Safe groundwater is no less critical to the welfare of every citizen of our state than is modern medical care or quality education. As aquifer pollution and contamination become less rare, the quality and professionalism of those locating and removing our precious groundwater from the aquifers must increase. The era of the dowser must be replaced with a new generation of well-informed, responsible water well contractors, as are many contractors. Unfortunately, not every driller makes the effort to attend the numerous seminars, conventions, and short courses offered throughout the region by manufacturers, associations, colleges, and state agencies. Many contractors are well-meaning, but do not see immediate returns from time invested in continuing education. However, the benefits to future generations of Kansans will be great.

The Kansas Water Well Association supports Senate Bill 538 and clean groundwater in Kansas and we would appreciate your passage of this bill.

1-3
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S.B. 538

Senate Energy and Natural Resources Committee

TESTIMONY

by

Northwest Kansas Groundwater Management District No. 4
January 30, 1990

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for this opportunity to offer testimony regarding the above referenced proposed legislative bill.

The proposed bill as we understand it would give the Secretary of Health and Environment the discretion of requiring certain additional conditions, specifically a pre-determined degree of continuing education, as a pre-requisite for a water well contractors license renewal.

Our district has over the past 18 months been organizing, through the state environmental grants program within the state water plan, the NW Kansas counties into one of the state's first regional environmental planning groups. Once organized and funded via the grants available, we will begin producing a sanitary code for the region, which will soon thereafter need to be locally implemented and enforced. One element of this required sanitary code deals with private water wells - their location, construction and final disposition (plugging).

As stated above, once developed, this locally designed code will need to be implemented and enforced. From the perspective of our local environmental group, there are two basic implementation and enforcement alternatives which will be available to us when we're ready to implement the code.

- 1 -- We could design a code embracing a formal licensing, permitting and site inspection process. This option would be staff intensive and would require at least the local registration of all well drillers working in the region, issuing permits for all wells constructed or plugged, and finally site inspection of all permits before work begins. All this to insure the proper code requirements are met.

Attachment II
E & N R
1/30/90

- 2 -- The other alternative is to see that an adequate well driller education program is put in place which includes sufficient instruction on proper well location, construction and plugging - all in the context of the locally developed sanitary codes which will be coming on-line in the near future. This approach would be far less formal, onerous and expensive (staff intensive) to implement. Under this concept, the contractors would be assumed to know and abide by the local codes, and consequently an effective enforcement effort is then simply spot checking a small percentage of permits, requiring re-work on those problem sites.

The fact that the Kansas Water Well Association stands ready and able (with amazingly little fiscal impact) to design and offer the kinds of continuing education needed by the well drillers of the state, under the scrutiny of KDHE, is yet another plus for this mandatory education idea. Of course, it also should go without saying that an appropriately educated drilling industry can only pay many other dividends to the state as well.

IN SUMMARY, WITHOUT PASSAGE OF THIS BILL AND THE SUBSEQUENT ESTABLISHMENT OF AN EFFECTIVE EDUCATIONAL PROGRAM FOR THE STATE'S WELL DRILLERS, THE IMPLEMENTATION ALTERNATIVES FOR ALL THE LOCAL SANITARY CODES NOW BEING PLANNED WILL BE VERY LIMITED AND UNNECESSARILY EXPENSIVE.

Thank you again for your time and consideration.

A STATEMENT CONCERNING
SENATE BILL 538

Statement presented to: Senator Ross Doyen, Chairman
Senate Committee on Energy & Natural Resources
Topeka, Kansas
January 30, 1990

Statement presented by: Robert L. Vincent, C.P.G., P. Hg.
Ground Water Associates, Inc.
Wichita, Kansas

I am a consulting ground water geologist and I have spent the past 33 years helping to develop ground water resources throughout Kansas and the western portion of the United States. My employment first as a contractor and now as a consultant has allowed me to be involved with water supply projects concerning both quantity and quality of water in all areas of Kansas. It is my observation that most of the water quality problems we have today in Kansas are a direct result of man's activities. Therefore, I support the enactment of legislation which will allow the Secretary of the Kansas Department of Health and Environment to require additional continuing education as a part of the licensing of water well contractors.

Drilling contractors are in all areas of the state and many times they are the only source of information for a potential water user that the user is aware. And, the contractor has equipment to accomplish what the user wants to do. Therefore, knowledgeable and informed drilling contractors can be very instrumental in avoiding new problems and alleviating existing ones.

It has been my privilege to serve as an instructor at the educational seminars which have been presented by the Kansas Water Well Association for drillers and pump installers. These have been well received by contractors which are interested

attachment III
E+NR
1/30/90

in keeping up on new developments and as refresher courses having to do with contaminants, products and methods. Unfortunately, those that could benefit the most from the education have not attended. And, I suspect that is why some wells are still improperly located and constructed, and why avenues for the direct entry of contaminants into the water table are still found.

I am aware of present licensing requirements for contractors, and I am also cognizant of what is actually going on in the field. Some contractors simply do not recognize the consequences of their actions and procedures. But informed contractors can and will do their part to protect our ground water.

To my knowledge all professions and the public have benefited from continuing education requirements. The results in the water well industry will be the same.

I will be pleased to answer any questions concerning my statement which you may have.

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3-2



State of Kansas

Mike Hayden, Governor

Department of Health and Environment

Division of Environment

Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

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Testimony presented to

Senate Energy and Natural Resources Committee

by

The Kansas Department of Health and Environment

Senate Bill 538

S.B. 538 authorizes and directs the Secretary of Health and Environment to establish continuing education requirements for water well contractors. The statute now requires a water well contractor to be state licensed. The state license is obtained by first passing an exam and annual renewal.

The intent of this Bill is to allow development of regulations which would require well drillers to periodically attend training sessions on drilling techniques and requirements. Most wells are drilled under the control of the driller, as opposed to site specific specifications. The more knowledgeable the driller, the better the final product, helping provide the proper well water quality and protecting groundwater resources. Topics we anticipate for training include casing requirements, grouting, well location from potential pollution sources, water quality, drilling techniques, and materials.

We intend to rely on the drilling industry to provide this training. The Kansas Water Well Contractors Association now hosts at least two training sessions per year. Additionally, similar training is available in surrounding states and nationally. We anticipate keeping a registry of approved training sessions and allowing drillers to present for approval information on sessions not listed. The intent is to continually update the knowledge of the driller.

By relying on training sessions, not necessarily sponsored by KDHE, we are not requesting any new positions or funding. Staff now participate in training sessions so we expect the extra work in reviewing the applications of 180 annual renewals.

We support passage of S.B. 538.

Testimony presented by: Karl W. Mueldener
Director
Bureau of Water
January 30, 1990

attachment IV
E&NR
1/30/90

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Chairman and Members of the Senate Energy and Natural Resources Committee
DATE: January 29, 1990
FROM: David L. Pope *DLP*
SUBJECT: Proposed Legislation

Please find attached information concerning three proposals for consideration by the 1990 Legislature. The first of these would be implemented by passage of Senate Bill No. 344, which was carried over from the 1989 Legislative Session. The proposal relates to fees for applications to construct dams, stream obstructions and channel changes. The revenue would be used to partially fund three new field engineers requested in our Level C budget for enhanced administration and enforcement of these laws. Workload is currently heavy in this area as a result of large increases in the number of projects which require permits and other related functions.

In addition, please find information regarding our request that two new bills be introduced to implement the following:

1. A proposed amendment to K.S.A. 82a-708b regarding proposed modifications to the filing fees for applications to change the point of diversion, place of use or use made of water under an existing water right.

2. A proposed amendment to K.S.A. 82a-714 regarding establishment of new fees for requests to extend the time to complete the diversion works or to perfect a water right. In addition, the amendment would also allow the assessment of a fee to reinstate a water right or permit which had been dismissed within certain time limits.

Attachment V
E+NR
1/30/90

Workload is also extremely heavy in areas associated with the administration of the Kansas Water Appropriation Act. Revenues from these new or modified fees would be used to support an enhanced budget for these matters.

LEGISLATIVE PROPOSAL/1990 LEGISLATURE

KANSAS STATE BOARD OF AGRICULTURE
DIVISION: WATER RESOURCES
TOPIC: Senate Bill No. 344

1. Bill Summary. In the 1989 Session of the Kansas Legislature, Senate Bill No. 344 was introduced. This bill would have set, for the first time, fees on applications to construct: dams, stream obstructions and channel changes. These are projects which require permits from the Chief Engineer pursuant to K.S.A. 82a-301 through 305a. It also proposed a fee on post construction dam safety inspections conducted by the Division of Water Resources.

New Section 2(a) provides that a sliding fee scale for applications for permits to construct a dam, ranging from \$100.00 to in excess of \$800.00, depending on the size and hazard classification of the dam. Subsection 2(b) provides a sliding scale fee for construction of channel changes or stream obstructions ranging from \$100.00 to \$500.00 depending on the size of the stream involved. The Division feels the size of the stream is indicative of the complexity in the processing of the application. Finally, a \$250.00 dam safety inspection fee would be assessed by the Chief Engineer for any post construction safety inspection of the dam.

2. Fiscal Impact. The FY 1991 budget at level C projects \$18,000.00 in revenue for applications for permits to construct dams, \$15,500.00 in anticipated revenues for permits to construct stream obstructions or make channel changes and \$27,500.00 from post construction dam safety inspections for a total of \$61,000.00. It is also proposed that the filing fee be doubled if the application is filed after construction has begun. Considerably more staff time is necessary to process an application and evaluate a structure that has already been constructed, in whole or in part, because many phases that need to be inspected, such as the core trench and the installation of the principal spillway tube, are forever buried once construction is completed. The \$61,000.00 in revenue would be used to partially fund the 3 new field office positions requested at level C for enhanced enforcement.
3. Policy Implications/Background. Senate Bill No. 344 was introduced as a result of a request of the 1987 Legislature which asked the Division of Water Resources to explore the use of dam inspection fees to recover the costs of funding positions for dam safety inspections in the Water Structures Subprogram. To date, the Division of Water Resources has never

assessed filing fees on any of the applications required pursuant to K.S.A. 82a-301 through 305a. The specified fees would allow recovery of less than half the cost of processing such applications or conducting such inspections.

4. Impact on Other State Agencies. At this time there is no known impact on other state agencies.

LEGISLATIVE PROPOSAL/1990 LEGISLATURE

KANSAS STATE BOARD OF AGRICULTURE
DIVISION: WATER RESOURCES
TOPIC: Amendment to K.S.A. 82a-708b

1. Bill Summary. Currently each application to change the place of use, point of diversion or use made of the water is charged a \$50.00 filing fee. The purpose of this proposed statutory change is to increase the filing fees on a sliding scale, depending on the complexity of the analysis required to process the application, with a maximum limit of \$250.00.
2. Fiscal Impact. The FY 1991 Level C budget estimates revenues at \$59,750.00, which is \$22,250.00 over and above the \$37,500.00 estimated at level B if these fee increases were not made. No new employees would be required.
3. Policy Implications/Background. Because many areas of the State of Kansas are fully appropriated and no new permits are available to appropriate water, more change applications are being filed. It is taking increasingly more staff time to analyze these applications because of the complexity of the issues involved in protecting existing water users in the area. This increase in the filing fees will help the Division recover a portion of the cost of actually processing such applications.
4. Impact on Other State Agencies. At this time there is no known impact on other state agencies.

K.S.A. 82a-708b. Same; applications to change place of use; appeal from decisions of chief engineer; fee. (a) Any owner of a water right may change the place of use, the point of diversion or the use made of the water, without losing priority of right, provided such owner shall: (1) Apply in writing to the chief engineer for approval of any proposed change; (2) demonstrate to the chief engineer that any proposed change is reasonable and will not impair existing rights; (3) demonstrate to the chief engineer that any proposed change relates to the same local source of supply as that to which the water right relates; and (4) receive the approval of the chief engineer with respect to any proposed change. The chief engineer shall approve or reject the application for change in accordance with the provisions and procedures prescribed for processing original applications for permission to appropriate water. If the chief engineer disapproves the application for change, the rights, priorities and duties of the applicant shall remain unchanged. Any person aggrieved by an order or decision by the chief engineer relating to an application for change may appeal to the district court in the manner prescribed by K.S.A. 82a-724 and amendments thereto.

(b) Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by a fee of ~~\$50.~~ the application fee set forth in the schedule below:

(1) <u>Application to change a point of diversion 300' or less</u>	<u>\$ 50</u>
(2) <u>Application to change a point of diversion more than 300'</u>	<u>100</u>
(3) <u>Application to change the place of use</u>	<u>100</u>
(4) <u>Application to change the use made of the water</u>	<u>150</u>

Any application submitted which requests two of the types of changes set forth above, shall be accompanied by a fee of \$150. Any application which requests three types of changes shall be accompanied by a fee of \$250.

All fees collected pursuant to this section shall be remitted to the State

Treasurer as provided in K.S.A. 82a-731 and amendments thereto.

5-7
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LEGISLATIVE PROPOSAL/1990 LEGISLATURE

KANSAS STATE BOARD OF AGRICULTURE
DIVISION: WATER RESOURCES
TOPIC: Amendment to K.S.A. 82a-714

1. Bill Summary. This proposed amendment would assess, for the first time, a fee on requests to extend the time to either: (1) complete the diversion works, or (2) perfect the water right. The proposed fee is \$50.00 for each such application. This proposed amendment would also for the first time require a fee on requests to reinstate a water right or permit which has been dismissed. The statute would limit the time period within which such a request could be filed to 60 days.
2. Fiscal Impact. The FY 1991 level C budget shows that there would be 785 requests to extend the time to either complete the diversion works or to perfect a water right at a fee of \$50.00 each, for a total of \$39,250.00. The FY 1991 Level C budget anticipates 12 requests to reinstate permits at \$100.00 per request, for a total of \$1,200.00. No new employees would be requested.
3. Policy Implications/Background. Currently the Division handles between 750 and 800 requests to extend the time to complete the diversion works or to perfect a water right. No fees are assessed. Processing such requests takes a considerable amount of time and the \$50.00 per extension request fee will allow the Division to recover a portion of the staff time. Currently the Division also charges no fee for reinstatement of a permit nor is there any statutory time limit within which those requests can be filed. The proposed fee will allow the Division to recover a portion of the costs of processing requests for reinstatement.
4. Impact on Other State Agencies. There is no anticipated impact on other state agencies at this time.

K.S.A. 82a-714. Same; notice of completion of works; certificate of appropriation; field inspection; fee, exception; recordation. (a) Upon the completion of the construction of the works and the actual application of water to the proposed beneficial use within the time allowed, the applicant shall notify the chief engineer to that effect. The chief engineer or the chief engineer's duly authorized representative shall then examine and inspect the appropriation diversion works and, if it is determined that the appropriation diversion works have been completed and the appropriation right perfected in conformity with the approved application and plans, the chief engineer shall issue a certificate of appropriation in duplicate. The original of such certificate shall be sent to the applicant owner and shall be recorded with the register of deeds in the county or counties wherein the point of diversion is located, as are other instruments affecting real estate, and the duplicate shall be made a matter of record in the office of the chief engineer.

(b) Except for works constructed to appropriate water for domestic use, each notification to the chief engineer under subsection (a) shall be accompanied by a field inspection fee of \$200. Failure to pay the field inspection fee, after reasonable notice by the chief engineer of such failure, shall result in the permit to appropriate water being revoked, forfeiture of the priority date and revocation of any appropriation right that may exist. All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-731 and amendments thereto.

5-9
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(c) A request for an extension of time to either: (1) complete the diversion works or (2) perfect the water right shall be accompanied by a \$50 fee.

(d) A request to reinstate a water right or a permit to appropriate water which has been dismissed shall be filed with the Chief Engineer within 60 days and shall be accompanied by a \$100 fee.

5-10
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32-937. Big game permits. (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.

160

(2) "Tenant" means a resident of this state who ~~manages or operates farm or ranch land of 80 acres or more for agricultural purposes located in the state of Kansas.~~

← is actively engaged in the agricultural operation of 160 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities. Further, the tenant shall have substantial financial investment in the production of agricultural commodities on such farm or ranch land and the potential to realize substantial financial benefit from such production.

(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.

160

(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, a valid big game permit and game tags are required to take any big game in this state.

(c) The fee for a big game permit shall be the amount prescribed pursuant to K.S.A. 1989 Supp. 32-988.

← permits and game tags

(d) A big game permit and game tags 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. 1989 Supp. 32-805 and amendments thereto.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a big game permit and game tags are valid from the date of issuance and ~~expires on December 31 following its issuance.~~

← shall expire at the end of the season for which issued.

Bob Meinen, Secretary
Ks Dept of Wildlife & Parks
Attachment VI
E+NR
1/30/90

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~~(f) The secretary is hereby authorized to issue permits and game tags pertaining to the taking of big game. Separate big game permits may be issued for each species of big game. No big game permits or game tags shall be issued until the secretary has established, by rules and regulations adopted in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto, a regular or special big game hunting season.~~

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 and game tags. The secretary is hereby authorized to issue big game permits and game tags pertaining to the taking of big game. Separate big game permits and game tags may be issued for each species of big game. No big game permits or game tags 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.

1989 supp.

~~(g) Fifty percent of the big game permits authorized for a regular season shall be issued to landowners or tenants and the balance shall be issued as general permits. 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. The secretary may issue turkey hunting permits to nonresidents in unlimited turkey hunting zones. Permits not issued to applicants within the time period prescribed by rules and regulations may be issued without regard to the 50% limitation. The secretary may authorize additional permits for landowners or tenants who were unsuccessful in obtaining a regular season permit after timely application. Such permits and applications therefor may contain such additional restrictions as prescribed by rules and regulations adopted by the secretary in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto. The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto, special seasons in addition to the regular seasons and permits may be issued without any percentage limitation. 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 or zone other than that which includes such landowner's or tenant's land. Members of the immediate family who are domiciled with a landowner or tenant may apply for a big game permit as a landowner or as a tenant, but the total number of permits issued to a landowner or tenant and a landowner's or tenant's immediate family shall not exceed one permit for each 80 acres owned,~~

(g) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805 and amendments thereto, landowner or tenant hunt-on-your-own-land big game permits. 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.

1989 Supp.

1989 Supp.

(h) 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 percent limitation.

(i) Members of the immediate family who are domiciled with a landowner or tenant may apply for a big game permit as a landowner or as a tenant, but the total number of permits issued to a landowner or tenant and a landowner's or tenant's immediate family shall not exceed one permit for each 160 acres owned by such landowner or operated by such tenant. The secretary may require proof of ownership or tenancy from individuals applying for a big game permit as a landowner or as a tenant.

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

(k) The secretary may issue turkey hunting permits to nonresidents in turkey management units with unlimited turkey hunting permits available.

6-2
130

~~managed or operated by such landowner or tenant. The secretary may require proof of ownership or tenancy from persons applying for a big game permit as a landowner or tenant. The secretary may adopt, in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto, rules and regulations for each management unit or zone regarding the procedures for issuance of big game permits.~~

(n) (h) No big game ~~archery~~ permit issued to a person under 14 years of age shall be valid until such person reaches 14 years of age. ~~No big game firearm permit issued to a person under 16 years of age shall be valid until such person reaches 16 years of age, except that a wild turkey firearm permit shall be valid when such person reaches 14 years of age.~~

(o) (i) 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 furnish an informational card with any big game permit and, at the conclusion of the open season, each permittee receiving such card shall return the card to the department, giving such information as is called for on the card.

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

(q) (k) The provisions of this section do not apply to ~~animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state.~~

History: L. 1963, ch. 245, § 4; L. 1965, ch. 270, § 1; L. 1969, ch. 214, § 2; L. 1973, ch. 178, § 4; L. 1975, ch. 227, § 1; L. 1978, ch. 152, § 11; L. 1981, ch. 176, § 3; L. 1981, ch. 178, § 1; L. 1981, ch. 179, § 1; L. 1985, ch. 135, § 1; L. 1986, ch. 149, § 3; L. 1986, ch. 151, § 2; L. 1989, ch. 118, § 69; July 1.

Source or prior law:
32-110a, 32-178, 32-179.

Research and Practice Aids:
Game ⇐ 5.
C.J.S. Game § 15.

(l) The secretary may issue deer hunting permits to nonresidents, but the total number of such nonresident permits shall not exceed five percent of the total number of resident permits authorized, by management unit, for the specified deer season. For a deer season or management unit with unlimited permits authorized, the total number of nonresident permits issued for that season or management unit shall not exceed five percent of the total number of resident permits issued during the most recent preceding similar season.

(m) Any recipient of a nonresident deer hunting permit as authorized under subsection (l) shall be ineligible to apply for or to receive a nonresident deer hunting permit for any deer season established for the following year.

~~big game~~
~~big game~~
~~from another~~

32-988. Fees. (a) The secretary is authorized to adopt, in accordance with K.S.A. 1989 Supp. 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: minimum ~~\$10~~, maximum \$100
Nonresident: minimum \$30, maximum \$400

#7.50

Combination hunting and fishing licenses

Resident: minimum \$10, maximum \$30
Lifetime: minimum \$400, maximum \$600; or 8 quarterly payments, each minimum \$55, maximum \$80
Nonresident: minimum \$75, maximum \$125

Big game tag: maximum \$10

Commercial dog training permits: minimum \$10, maximum \$25

or dealer

Commercial harvest permits: minimum \$10, maximum \$200

Controlled shooting area operator license: minimum \$200, maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

Permits: minimum \$50, maximum \$300
Examinations: minimum \$25, maximum \$100
Field trial permits: minimum \$10, maximum \$25

Fishing licenses

Resident: minimum \$5, maximum \$15
Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45
Nonresident: minimum \$15, maximum \$50
Five-day nonresident: minimum \$5, maximum \$15
Institutional group: minimum \$100, maximum \$200
Twenty-four-hour: maximum \$3

Fur dealer licenses

Resident: minimum \$50, maximum \$200
Nonresident: minimum \$50, maximum \$400

Furharvester licenses

Resident: minimum \$10, maximum \$20
Nonresident: minimum \$50, maximum \$400

Game breeder permits: minimum \$2, maximum \$15

Handicapped hunting and fishing permits: maximum \$5

Hound trainer-breeder running permits: minimum \$10, maximum \$25

Hunting licenses

Resident: minimum \$5, maximum \$15
Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45
Nonresident: minimum \$25, maximum \$75

Controlled shooting area: minimum \$5, maximum \$15

Forty-eight-hour waterfowl permits: maximum \$25

Migratory waterfowl habitat stamps: minimum \$3, maximum \$5

*6-4
1/30*

Mussel fishing licenses

Resident: minimum \$25, maximum \$200

Nonresident: minimum \$50, maximum \$400

Rabbit permits

Live trapping: maximum \$200

Shipping: minimum \$25, 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

Special permits under K.S.A. 1989 Supp. 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) The fee for a landowner-tenant resident big game hunting permit shall be an amount equal to 1/2 the fee for a general resident big game hunting permit.~~ ← The fee for a landowner-tenant resident big game hunting permit shall be an amount less than the fee for a general resident big game hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to 1/2 the fee for a resident furharvester license.

~~(d) The secretary may establish a different fee for each class of the following:~~ ← (d) The secretary may establish, by rules and regulations adopted 1989 Supp.

~~(1) Resident and nonresident big game permits;~~

~~(2) commercial harvest permits; and~~

~~(3) duplicate licenses, permits, stamps and other issues of the department.~~

~~(e) For the calendar year 1989, the fee for falconry permits shall be as follows: (1) Apprentice falconry permit, \$100; (2) general falconry permit, \$200; and (3) master falconry permit, \$300.~~

~~(f) For the calendar year 1989, the falconry testing fee shall be \$50.~~

History: L. 1978, ch. 152, § 14; L. 1981, ch. 174, § 2; L. 1982, ch. 175, § 9; L. 1985, ch. 131, § 3; L. 1985, ch. 134, § 3; L. 1986, ch. 149, § 4; L. 1986, ch. 151, § 1; L. 1987, ch. 144, § 1; L. 1989, ch. 119, § 1; L. 1989, ch. 118, § 105; L. 1989, ch. 274, § 2; July 1.

Source or prior law:
32-164b, 74-4509b.

6-5
130