

CHAPTER 143
SENATE BILL No. 192
(Amends Chapter 2)

AN ACT concerning wildlife and parks; relating to permits to take big game; concerning youth hunt of a lifetime deer permits; concerning the Kansas wildlife and parks commission; amending K.S.A. 32-805 and K.S.A. 2006 Supp. 32-920 and 32-970 and repealing the existing sections; also repealing K.S.A. 32-805, as amended by section 1 of 2007 House Bill No. 2002.

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

Section 1. K.S.A. 2006 Supp. 32-970 is hereby amended to read as follows: 32-970. (a) The commission may authorize commission permits to take big game. Such permits shall be made available only to *local chapters of nonprofit organizations based or operating in Kansas* that actively promote wildlife conservation and the hunting and fishing heritage. Organizations that oppose hunting and fishing shall not be eligible for award of a commission permit.

(b) The issuance of commission permits shall be subject to the following limitations:

(1) Not more than one permit allowing the taking of an antelope shall be issued in a calendar year;

(2) not more than one permit allowing the taking of an elk shall be issued in a calendar year;

(3) any deer permits may comprise the entire allotment or the balance of the total quota if permits for other species are issued;

(4) a total of not more than seven commission permits shall be available in one calendar year; and

(5) commission permits shall not be included in nor reduce any limited quota permit allotments set by other rules and regulations of the secretary.

(c) Not more than one commission permit may be issued to an organization, but this limitation shall not preclude individual chapters of the same organization from being issued permits.

(d) Organizations receiving commission permits shall market the permit to the public in order to receive the maximum financial benefit available for the organization and the department.

(e) Application requests by qualified organizations shall be submitted to any member of the commission and shall be provided to the commission as a whole.

(f) The commission shall conduct a random drawing from the pool of eligible qualified organizations to award commission permits, subject to the approval of the secretary.

(g) Organizations shall not be eligible to receive a commission permit more than once in a three-year period.

(h) Organizations awarded commission permits shall pay to the department the price established by rules and regulations for the highest value for the type of permit awarded. No other compensation shall be provided to the commission or the department with regard to issuance of a commission permit. The balance of the sale price for the permit shall be retained by the organization. If the organization is Kansas farmers and hunters feeding the hungry, not less than 15% of the amount retained by the organization shall be used to supplement department sponsored or approved projects. For any other organization, not less than 85% shall be used to supplement department sponsored or approved projects.

(i) Limitations established by law or by rules and regulations adopted by the secretary pursuant to K.S.A. 32-807, and amendments thereto, relating to the ability to receive a same species permit in the future shall apply to the final recipient of the commission permit.

(j) Commission permits shall only be issued in the name of the final recipient. Once a commission permit is issued in the name of the final recipient, it shall not be transferred to any other individual.

(k) Any commission permit shall be subject to the restrictions of the season, sex, equipment type or hunt units as issued on the permit by the department.

(l) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement the provisions of this section.

Sec. 2. K.S.A. 32-805 is hereby amended to read as follows: 32-805.

(a) There is hereby created within and as a part of the department the Kansas wildlife and parks commission which shall be composed of seven members. The governor shall appoint ~~seven~~ residents of this state to be members of the commission. *One member of the commission shall be chosen from each fish and wildlife administration region as established by the department.* In the appointment of members of the commission, the governor shall give consideration to the appointment of licensed hunters, fishermen and furharvesters, park users; *and to nonconsumptive users of wildlife and park resources and to geographic balance among commission members.* No more than ~~four~~ *a majority of the* members shall be of the same political party. Each member of the commission shall hold office for a term of four years and until a successor is appointed and qualified, except that in appointing the original commission members, the governor shall designate one member for a term ending July 1, 1988, one member for a term ending July 1, 1989, and two members for terms ending July 1, 1990. The governor shall fill any vacancy on the commission prior to the expiration of a term by appointment for the unexpired term.

(b) Each member of the commission shall take and subscribe an oath or affirmation as required by law before taking office.

(c) The governor may remove a commissioner after opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act. If the commissioner is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner and the governor's findings thereon, together with a complete record of the proceedings.

(d) The commission shall have such powers, duties and functions as prescribed by law. Other than rules and regulations pertaining to personnel matters of the department, the secretary shall submit to the commission all proposed rules and regulations. The commission shall either approve, modify and approve, or reject such proposed rules and regulations. The secretary shall adopt such rules and regulations so approved or so modified and approved. Fees established for licenses, permits, stamps and other issues of the department shall be subject to the approval of the commission. It also shall be the duty of the commission to serve in an advisory capacity to the governor and the secretary in the formulation of policies and plans relating to the department.

(e) The governor shall designate one commission member to serve as chairperson of the commission. Members of the commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto. ~~Four~~ *A majority of the* members of the commission shall constitute a quorum for the transaction of business. Meetings may be called by the chairperson and shall be called on the request of a majority of the members of the commission.

New Sec. 3. (a) The commission may authorize youth hunt of a lifetime deer permits to take deer. Such permits shall be made available only to nonprofit organizations based or operating in Kansas that actively promote hunting for youth under the age of 21 who are handicapped or experiencing life threatening illnesses.

(b) The issuance of youth hunt of a lifetime deer permits shall be subject to the following limitations:

(1) A total of not more than 10 youth hunt of a lifetime permits shall be available in one calendar year;

(2) youth hunt of a lifetime permits shall not be included in nor reduce any limited quota permit allotments set by other rules and regulations of the secretary.

(c) Application requests by qualified organizations shall be submitted to any member of the commission and shall be provided to the commission as a whole.

(d) The commission shall conduct a random drawing from the pool of eligible qualified organizations to award youth hunt of a lifetime permits, subject to the approval of the secretary.

(e) Organizations awarded youth hunt of a lifetime permits shall pay to the department the price established by rules and regulations for the highest value for the type of permit awarded.

(f) Youth hunt of a lifetime permits shall only be issued in the name of the final recipient. Once a youth hunt of a lifetime permit is issued in the name of the final recipient, it shall not be transferred to any other

individual.

(g) Youth hunt of a lifetime permits shall be subject to the restrictions of the season, sex, equipment type or hunt units as issued on the permit by the department.

(h) Organizations awarded youth hunt of a lifetime permits shall provide the department with a final report on the use of the permit by the final recipient not later than 30 days following the close of the season for which the permit is valid.

(i) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement the provisions of this section.

Sec. 4. K.S.A. 2006 Supp. 32-920 is hereby amended to read as follows: 32-920. (a) Except as provided by ~~subsection~~ *subsections (d) and (e)*, no person who is born on or after July 1, 1957, and is 16 or more years of age shall hunt in this state on land other than such person's own land unless the person has been issued a certificate of completion of an approved hunter education course. If such person is required by law to obtain a hunting license, the person shall attest to or exhibit proof of completion of such course to the person issuing the license at the time of purchasing the license. If such person is not required by law to obtain a hunting license, is less than 27 years of age but 16 or more years of age or is less than 16 but 12 or more years of age and hunting without adult supervision, the person shall be in possession of the person's certificate of completion of such course while hunting. A person may purchase for another person, under rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, a lifetime hunting or combination hunting and fishing license without the license recipient's first having been issued a certificate of completion of an approved hunter education course.

(b) A person less than 12 years of age shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.

(c) A person who is 12 or more years of age but less than 16 years of age and who has not been issued a certificate of completion of an approved hunter education course shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.

~~(d) A person less than 14 years of age shall not be issued a permit to take big game using a bow unless the person submits to the secretary evidence satisfactory to the secretary of completion of a bow hunting safety education course. A person who is 16 or more years of age may obtain a one-time deferral of completion of hunter education that is valid until the end of the current license year. Such person may purchase an apprentice hunting license but shall not hunt unless under the direct supervision of a licensed adult who is 18 or more years of age.~~

(e) Completion of an approved hunter education course shall not be required to obtain a special controlled shooting area hunting license valid only for licensed controlled shooting areas.

Sec. 5. K.S.A. 32-805 and K.S.A. 32-805, as amended by section 1 of 2007 House Bill No. 2002 and K.S.A. 2006 Supp. 32-920 and 32-970 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2007.
