

**SENATE BILL No. 80**

By Committee on Agriculture and Natural Resources

1-27

1 AN ACT concerning wildlife and parks; relating to hunting; eliminating  
2 the authority of the secretary of wildlife and parks to issue nonresident  
3 landowner deer permits; amending K.S.A. 32-937 and repealing the  
4 existing section.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 32-937 is hereby amended to read as follows: 32-  
8 937. (a) ~~When~~ *As* used in this section:

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

11 (2) "Tenant" means an individual who is actively engaged in the  
12 agricultural operation of 80 acres or more of Kansas farm or ranch land for  
13 the purpose of producing agricultural commodities or livestock and who:

14 (A) Has a substantial financial investment in the production of  
15 agricultural commodities or livestock on such farm or ranch land and the  
16 potential to realize substantial financial benefit from such production; or

17 (B) is a bona fide manager having an overall responsibility to direct,  
18 supervise and conduct such agricultural operation and has the potential to  
19 realize substantial benefit from such production in the form of salary,  
20 shares of such production or some other economic incentive based upon  
21 such production. Evidence of tenancy, if requested, shall be provided to  
22 the department and may include, but is not limited to, natural resource  
23 conservation services records, farm service agency records, or written  
24 agricultural contract or lease documentation.

25 (3) "Regular season" means a statewide big game hunting season  
26 authorized annually which may include one or more seasons restricted to  
27 specific types of equipment.

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

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

34 (6) ~~"Nonresident landowner" means a nonresident of the state of~~  
35 ~~Kansas who owns farm or ranch land of 80 acres or more which is located~~  
36 ~~in the state of Kansas.~~

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

3       (b) Except as otherwise provided by law or rules and regulations of  
4 the secretary and in addition to any other license, permit or stamp required  
5 by law or rules and regulations of the secretary, valid big game permits are  
6 required to take any big game in this state.

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) Big game permits are valid throughout the state or such portion  
10 thereof as provided by rules and regulations adopted by the secretary in  
11 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, big game permits are valid from the date of issuance and shall  
14 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. The secretary is hereby authorized to issue big game permits  
19 pertaining to the taking of big game. Separate big game permits may be  
20 issued for each species of big game. No big game permits shall be issued  
21 until the secretary has established, by rules and regulations adopted in  
22 accordance with K.S.A. 32-805, and amendments thereto, a regular or  
23 special big game hunting season.

24       (g) The secretary may authorize, by rules and regulations adopted in  
25 accordance with K.S.A. 32-805, and amendments thereto, regular  
26 landowner or tenant hunt-on-your-own-land big game permits. Members  
27 of the landowner's or tenant's immediate family who are domiciled with  
28 the landowner or tenant may apply for resident big game permits as  
29 landowners or tenants, but the total number of landowner or tenant regular  
30 hunt-on-your-own-land permits issued to a landowner or tenant and a  
31 landowner's or tenant's immediate family members for each big game  
32 species shall not exceed one permit for each 80 acres owned by such  
33 landowner or operated by such tenant. Evidence of ownership or tenancy,  
34 if requested, shall be provided to the department. Such permits and  
35 applications may contain provisions and restrictions as prescribed by rules  
36 and regulations adopted by the secretary in accordance with K.S.A. 32-  
37 805, and amendments thereto.

38       (h) Special hunt-on-your-own-land deer permits may be issued to a  
39 landowner's or tenant's siblings and lineal ascendants or descendants, and  
40 their spouses, whether or not a Kansas resident, by paying the required fee  
41 for a general deer permit. The total number of regular and special hunt-on-  
42 your-own-land deer permits issued to a landowner's or tenant's siblings and  
43 lineal ascendants or descendants, and their spouses, shall not exceed one

1 deer permit for each 80 acres owned by such landowner or operated by  
 2 such tenant. Evidence of ownership or tenancy, and sibling or lineal  
 3 ascending or descending relations, if requested, shall be provided to the  
 4 department.

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

15 (j) The secretary may issue, by rules and regulations adopted in  
 16 accordance with K.S.A. 32-805, and amendments thereto, resident deer  
 17 hunting permits available on a limited basis and valid for a designated  
 18 species and sex in designated units, and antlerless-only deer permits in  
 19 designated units as necessary for management purposes, and, any of the  
 20 following options:

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

23 (2) either species, either sex archery permits valid statewide;

24 (3) either species, either sex muzzle loader permits valid in  
 25 designated units; or

26 (4) either species, either sex firearm permits valid in designated units.

27 ~~(k) The secretary may issue permits for deer to nonresident~~  
 28 ~~landowners, but any such permit shall be restricted to hunting only on~~  
 29 ~~lands owned by the nonresident landowner.~~

30 (⊕) The secretary may issue deer hunting permits to nonresidents,  
 31 subject to the following limitations:

32 (1) The total number of nonresident deer permits that may be issued  
 33 for a deer season in a management unit and ~~which may be used to take~~  
 34 antlered deer shall be established with the goal of meeting demand for  
 35 those permits, using a formula developed by the department that will  
 36 consider adjustment factors, including deer population trends, deer-related  
 37 vehicle accidents, age structure in the harvest, deer damage, landowner  
 38 desire for nonresident deer permits, general public desires and health of  
 39 habitat. The 2008 permit numbers shall be based on the adjustment factors  
 40 and an average of nonresident demand for permits in each management  
 41 unit from the previous six years, establishing at least a 10% increase but  
 42 not more than 50% increase in permit numbers in each management unit,  
 43 except in unit 16, where permit numbers shall not increase more than

1 100%. In subsequent years, the formula shall be used to determine permit  
2 allocations based on demand and the adjustment factors.

3 (2) Nonresident deer permits may be restricted to a particular deer  
4 species.

5 (3) Nonresident deer permits shall be restricted to two adjacent deer  
6 management units.

7 (4) Nonresident deer hunters shall select one season at the time of  
8 application.

9 (5) For an additional fee, nonresident deer hunters applying for a  
10 whitetail either sex archery or muzzle loader permit in a designated mule  
11 deer unit may also apply for one of the limited number of mule deer  
12 stamps. If they are successful in both drawings, they would be issued a  
13 permit that will allow them to take either a whitetail deer or a mule deer in  
14 that unit.

15 ~~(m)(l)~~ A big game permit shall state the species, number and sex of  
16 the big game which may be killed by the permittee. The secretary may  
17 require any big game permittee to provide survey information at the  
18 conclusion of the open season.

19 ~~(n)(1)(m)~~ ~~Prior to April 30, 2013,~~ The secretary shall develop and  
20 implement a combination antlered and antlerless deer permit and adopt  
21 rules and regulations for the administration thereof.

22 ~~(2)~~ ~~Prior to April 30, 2013,~~ the secretary shall develop and implement  
23 a ~~pre-rut antlerless deer rifle season by deer management unit.~~ The  
24 ~~provisions of this paragraph shall expire on July 1, 2015.~~

25 ~~(3)~~ ~~The secretary shall develop and implement a deer crossbow-~~  
26 ~~hunting pilot project. Such pilot project shall be implemented in no more~~  
27 ~~than four deer management units. The secretary of wildlife, parks and~~  
28 ~~tourism shall study the effects of such pilot project on the deer population~~  
29 ~~and the number of crossbow users in such deer management units and~~  
30 ~~report to the house committee on agriculture and natural resources and the~~  
31 ~~senate committee on natural resources prior to January 31, 2014. The~~  
32 ~~provisions of this paragraph shall expire on January 31, 2014.~~

33 ~~(o)(n)~~ The permittee shall permanently affix the carcass tag to the  
34 carcass of any big game animal immediately after killing and thereafter  
35 take such killed game to a check station as may be required in the rules  
36 and regulations, where a check station tag shall be affixed to the big game  
37 carcass if the kill is legal. The tags shall remain affixed to the carcass until  
38 the carcass is processed for storage or consumption. The permittee shall  
39 retain the carcass tag until the carcass is consumed, given to another or  
40 otherwise disposed of.

41 ~~(p)(o)~~ The provisions of this section do not apply to big game animals  
42 sold in surplus property disposal sales of department exhibit herds or big  
43 game animals legally taken outside this state.

1       Sec. 2.   K.S.A. 32-937 is hereby repealed.

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