

HOUSE BILL No. 2167

By Committee on Commerce, Labor and Economic Development

2-6

1 AN ACT concerning wildlife; relating to the transferability of deer
2 permits;

; amending K.S.A. 2018 Supp. 32-937 and repealing the existing section

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

4 Section 1. (a) The secretary of wildlife, parks and tourism shall
5 establish a system to approve and administer the transfer of regular
6 landowner or tenant hunt-on-your-own-land big game permits issued under
7 K.S.A. 32-937(g), and amendments thereto, from the original recipient of
8 the permit to a nonresident of the state of Kansas solely for the purpose of
9 hunting white-tailed deer.

10 (b) The transfer system established under subsection (a) shall meet
11 the following requirements:

12 (1) Any transfer shall not occur until all nonresident hunting permits
13 issued under K.S.A. 32-937(l), and amendments thereto, have been filled
14 in each management unit where the regular landowner or tenant hunt-on-
15 your-own-land big game permit was issued for the applicable white-tailed
16 deer season;

17 (2) any recipient of a nonresident hunting permit issued under K.S.A.
18 32-937(l), and amendments thereto, is not eligible for a transfer under this
19 section during the applicable white-tailed deer season of the permit issued
20 under K.S.A. 32-937(l), and amendments thereto;

21 (3) the secretary of wildlife, parks and tourism shall allow the
22 transferee to designate whether the transferee will hunt both antlered and
23 antlerless white-tailed deer or only antlerless white-tailed deer pursuant to
24 the permit transferred under this section;

25 (4) the secretary of wildlife, parks and tourism may charge a transfer
26 fee, not to exceed half the cost of a nonresident hunting permit issued
27 under K.S.A. 32-937(l), and amendments thereto, for transfers designated
28 for antlered and antlerless white-tailed deer, and not to exceed the cost of
29 the original permit for the regular landowner or tenant hunt-on-your-own-
30 land big game permits under K.S.A. 32-937(g), and amendments thereto,
31 for transfers designated for antlerless white-tailed deer.

32 (5) The secretary of wildlife, parks and tourism shall not prohibit nor
33 restrict the sale of regular landowner or tenant hunt-on-your-own-land big
34 game permits under K.S.A. 32-937(g), and amendments thereto, by the
35 original permit holder to a nonresident, so long as the transfer is approved
36

Proposed Amendments for HB 2167 #2
House Committee on Commerce Labor and
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Office of Revisor of Statutes

1 under the transfer system established by the secretary pursuant to this
2 section.
3 Sec. 2. This act shall take effect and be in force from and after its
4 publication in the statute book.

See attached insert

And by renumbering remaining section accordingly

Sec. 2. K.S.A. 2018 Supp. 32-937 is hereby amended to read as follows: 32-937. (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.
- (2) "Tenant" means an individual who is actively engaged in the agricultural operation of 80 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities or livestock and who: (A) Has a substantial financial investment in the production of agricultural commodities or livestock on such farm or ranch land and the potential to realize substantial financial benefit from such production; or (B) is a bona fide manager having an overall responsibility to direct, supervise and conduct such agricultural operation and has the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production. Evidence of tenancy, if requested, shall be provided to the department and may include, but is not limited to, natural resource conservation services records, farm service agency records, or written agricultural contract or lease documentation.
- (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.
- (7) "Nonresident permit" means a big game hunting permit available to individuals who are not Kansas residents.
- (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, valid big game permits are required to take any big game in this state.
- (c) The fee for big game permits and game tags shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.
- (d) Big game permits 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. 32-805, and amendments thereto.
- (e) Unless otherwise provided by law or rules and regulations of the secretary, big game permits are valid from the date of issuance and shall expire at the end of the season for which issued.

(f) 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. The secretary is hereby authorized to issue big game permits pertaining to the taking of big game. Separate big game permits may be issued for each species of big game. No big game permits 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.

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

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

descendants, and their spouses, shall not exceed one deer permit for each 80 acres owned by such landowner or operated by such tenant. Evidence of ownership or tenancy, and sibling or lineal ascending or descending relations, if requested, shall be provided to the department.

(i) ~~Fifty~~ Ten 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 rules and regulations may be issued without regard to the 50% limitation.

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

- (1) Either sex white-tailed deer permits valid statewide during any season with the equipment legal for that season;
- (2) either species, either sex archery permits valid statewide;

- (3) either species, either sex muzzle loader permits valid in designated units; or
- (4) either species, either sex firearm permits valid in designated units.
- (k) 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.
 - (1) The secretary may issue deer hunting permits to nonresidents, subject to the following limitations:
 - (1) The total number of nonresident deer permits that may be issued for a deer season in a management unit and which may be used to take antlered deer shall be established with the goal of meeting demand for those permits, using a formula developed by the department that will consider adjustment factors, including deer population trends, deer-related vehicle accidents, age structure in the harvest, deer damage, landowner desire for nonresident deer permits, general public desires and health of habitat. The 2008 permit numbers shall be based on the adjustment factors and an average of nonresident demand for permits in each management unit from the previous six years, establishing at least a 10% increase but not more than 50% increase in permit numbers in each management unit, except in unit 16, where permit numbers shall not increase more than 100%. In subsequent years, the formula shall be used to determine permit allocations based on demand and the adjustment factors.
 - (2) Nonresident deer permits may be restricted to a particular deer species.

- (3) Nonresident deer permits shall be restricted to two adjacent deer management units.
- (4) Nonresident deer hunters shall select one season at the time of application.
- (5) For an additional fee, nonresident deer hunters applying for a whitetail either sex archery or muzzle loader permit in a designated mule deer unit may also apply for one of the limited number of mule deer stamps. If they are successful in both drawings, they would be issued a permit that will allow them to take either a whitetail deer or a mule deer in that unit.
- (m) 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 require any big game permittee to provide survey information at the conclusion of the open season.
- (n) (1) Prior to April 30, 2013, the secretary shall develop and implement a combination antlered and antlerless deer permit and adopt rules and regulations for the administration thereof.
- (2) Prior to April 30, 2013, the secretary shall develop and implement a pre-rut antlerless deer rifle season by deer management unit. The provisions of this paragraph shall expire on July 1, 2015.
- (3) The secretary shall develop and implement a deer crossbow hunting pilot project. Such pilot project shall be implemented in no more than four deer management units. The secretary of wildlife, parks and tourism shall study the effects of such pilot project on the deer population and the number of crossbow users in such deer management units and report to the house committee on

agriculture and natural resources and the senate committee on natural resources prior to January 31, 2014. The provisions of this paragraph shall expire on January 31, 2014.

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

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

Sec. 3. K.S.A. 2018 Supp. 32-937 is hereby repealed.

