

Substitute for HOUSE BILL No. 2295

By Committee on Agriculture and Natural Resources

2-17

1 AN ACT concerning wildlife, parks and tourism; relating to crossbows;
2 relating to deer hunting; amending K.S.A. 2011 Supp. 32-937 and
3 repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 32-937 is hereby amended to read as
7 follows: 32-937. (a) When used in this section:

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

10 (2) "Tenant" means an individual who is actively engaged in the
11 agricultural operation of 80 acres or more of Kansas farm or ranch land for
12 the purpose of producing agricultural commodities or livestock and who:
13 (A) Has a substantial financial investment in the production of agricultural
14 commodities or livestock on such farm or ranch land and the potential to
15 realize substantial financial benefit from such production; or (B) is a *bona*
16 *fide* manager having an overall responsibility to direct, supervise and
17 conduct such agricultural operation and has the potential to realize
18 substantial benefit from such production in the form of salary, shares of
19 such production or some other economic incentive based upon such
20 production. Evidence of tenancy, if requested, shall be provided to the
21 department and may include, but is not limited to, natural resource
22 conservation services records, farm service agency records, or written
23 agricultural contract or lease documentation.

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

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

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

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

36 (7) "Nonresident permit" means a big game hunting permit available

1 to individuals who are not Kansas residents.

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

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

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

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

14 (f) The secretary may adopt, in accordance with K.S.A. 32-805, and
15 amendments thereto, rules and regulations for each regular or special big
16 game hunting season and for each management unit regarding big game
17 permits. The secretary is hereby authorized to issue big game permits
18 pertaining to the taking of big game. Separate big game permits may be
19 issued for each species of big game. No big game permits shall be issued
20 until the secretary has established, by rules and regulations adopted in
21 accordance with K.S.A. 32-805, and amendments thereto, a regular or
22 special big game hunting season.

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

37 (h) Special hunt-on-your-own-land deer permits may be issued to a
38 landowner's or tenant's siblings and lineal ascendants or descendants, and
39 their spouses, whether or not a Kansas resident, by paying the required fee
40 for a general deer permit. The total number of regular and special hunt-on-
41 your-own-land deer permits issued to a landowner's or tenant's siblings and
42 lineal ascendants or descendants, and their spouses, shall not exceed one
43 deer permit for each 80 acres owned by such landowner or operated by

1 such tenant. Evidence of ownership or tenancy, and sibling or lineal
2 ascending or descending relations, if requested, shall be provided to the
3 department.

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

14 (j) (1) The secretary may issue, by rules and regulations adopted in
15 accordance with K.S.A. 32-805, and amendments thereto, resident deer
16 hunting permits available on a limited basis and valid for a designated
17 species and sex in designated units, and antlerless-only deer permits in
18 designated units as necessary for management purposes, and, any of the
19 following options:

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

22 (⊖) (B) either species, either sex archery permits valid statewide;

23 (⊗) (C) either species, either sex muzzle loader permits valid in
24 designated units; or

25 (⊙) (D) either species, either sex firearm permits valid in designated
26 units.

27 (2) *The secretary shall develop and implement a pre-rut antlerless*
28 *deer rifle season by deer management unit. The provisions of this*
29 *paragraph shall expire on July 1, 2014.*

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

33 (l) The secretary may issue deer hunting permits to nonresidents,
34 subject to the following limitations:

35 (1) The total number of nonresident deer permits that may be issued
36 for a deer season in a management unit and which may be used to take
37 antlered deer shall be established with the goal of meeting demand for
38 those permits, using a formula developed by the department that will
39 consider adjustment factors, including deer population trends, deer-related
40 vehicle accidents, age structure in the harvest, deer damage, landowner
41 desire for nonresident deer permits, general public desires and health of
42 habitat. The 2008 permit numbers shall be based on the adjustment factors
43 and an average of nonresident demand for permits in each management

1 unit from the previous six years, establishing at least a 10% increase but
2 not more than 50% increase in permit numbers in each management unit,
3 except in unit 16, where permit numbers shall not increase more than
4 100%. In subsequent years, the formula shall be used to determine permit
5 allocations based on demand and the adjustment factors.

6 (2) Nonresident deer permits may be restricted to a particular deer
7 species.

8 (3) Nonresident deer permits shall be restricted to two adjacent deer
9 management units.

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

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

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

22 (n) *Prior to April 1, 2013, the secretary shall develop and implement*
23 *a combination antlered and antlerless deer permit and adopt rules and*
24 *regulations for the administration thereof.*

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

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

36 Sec. 2. K.S.A. 2011 Supp. 32-937 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the Kansas register.

39