

HOUSE BILL No. 2078

AN ACT concerning wildlife and parks; relating to hunting permits; commercialization of wildlife; penalties therefor; amending K.S.A. 32-1005 and K.S.A. 2002 Supp. 32-937, 32-988 and 32-1047 and repealing the existing sections.

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

Section 1. K.S.A. 2002 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.

(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, a valid big game permit and game tags 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) 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. 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 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 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.

(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.

(h) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805 and amendments thereto, special landowner or tenant hunt-on-your-own-land deer permits. Such special permits shall not be issued to landowners or tenants in possession of a hunt-on-your-own-land deer permit as authorized in subsection (g). The special permits shall be transferable to any immediate family member of the

landowner or tenant, whether or not a Kansas resident, or the permit may be retained for use by the landowner or tenant. The special permits shall be transferable through the secretary at the request of the landowner or tenant and by paying the required fee for a general deer permit. The special 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. For the purposes of this subsection, “member of the immediate family” means lineal or collateral ascendants or descendants, and their spouses.

(i) 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% limitation.

(j) Members of the immediate family who are domiciled with a landowner or tenant may apply for a resident big game permit as a landowner or as a tenant, but the total number of landowner or tenant hunt-on-your-own-land or special hunt-on-your-own-land permits issued to a landowner or tenant and a landowner’s or tenant’s immediate family for each big game species shall not exceed one permit for each 80 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.

(k) 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.

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

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

(1) The total number of nonresident deer firearm permits of each type specified by rules and regulations that may be issued for a deer season in a management unit and which may be used to take antlered deer shall ~~not exceed 10% for the year 2004, not be less than 7% nor more than 14%; for the year 2005, not be less than 8% nor more than 16%; for the year 2006, not be less than 9% nor more than 18%; and for any year thereafter, not be less than 10% nor more than 20%~~, of the total number of resident deer firearm permits of such type authorized for such season in such management unit; and

(2) the total number of nonresident deer archery permits of each type specified by rules and regulations that may be issued for a deer season in a management unit and which may be used to take antlered deer shall ~~not exceed 15% for the year 2004, not be less than 9.5% nor more than 19%; for the year 2005, not be less than 10.5% nor more than 21%; for the year 2006, not be less than 11.5% nor more than 23%; and for any year thereafter, not be less than 12.5% nor more than 25%~~, of the total number of resident deer archery permits of such type authorized for such season in such management unit.

Nonresident deer ~~archery~~ permits may be restricted to a particular deer species without regard to resident deer ~~archery~~ permit species restrictions, or lack thereof.

If an unlimited number of resident deer permits that may be used to take antlered deer is authorized for a deer season or management unit, the percentage limitations of subsections (m)(1) and (m)(2) shall be based upon the total number of resident firearm permits that may be used to take antlered deer and the total number of archery permits that may be used to take antlered deer, respectively, issued in the management unit during the most recent preceding similar season. If in a management unit there are an unlimited number of resident permits that may be used to take only antlerless deer, the secretary, in the secretary’s discretion and in accordance with rules and regulations, may authorize the issuance of

an unlimited number of nonresident permits that may be used to take only antlerless deer.

(n) Any nonresident deer hunting permits authorized under subsection (m) that remain unissued due to an insufficient number of nonresident applications as of a deadline determined by the secretary, shall be made available to residents.

(o) The secretary shall issue nonresident deer permits pursuant to subsection (m) to landowners and tenants applying for such permits, except that the total number of nonresident deer permits of each type specified by rules and regulations that may be issued to landowners and tenants for a deer season in a management unit shall not exceed 50% of the total number of nonresident deer permits of such a type authorized for such season in such management unit. A nonresident deer permit obtained by a landowner or tenant shall retain the permit's ~~original nonresident and species~~ designation, except that such permit shall *only be valid within a designated county and one additional county where the qualifying landowner's or tenant's lands are located*. The permit shall be transferable, with or without consideration, to any resident or nonresident through the secretary at the request of the landowner or tenant. A landowner or tenant purchasing a nonresident deer permit pursuant to this subsection shall pay the established fee for a nonresident deer permit.

The provisions of this subsection shall expire on June 30, ~~2004~~ 2007.

(p) No big game permit issued to a person under 14 years of age shall be valid until such person reaches 14 years of age, except that a person under 14 years of age may be issued a wild turkey permit, and a person who is 12 years or 13 years of age may be issued a permit for a big game species other than wild turkey. Such permits shall be valid only while the person is hunting under the immediate supervision of an adult 21 years of age or older, to: (1) Take big game using a firearm; or (2) take big game using a bow, if the person submits to the secretary evidence satisfactory to the secretary of completion of a bow hunting safety education course.

(q) 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.

(r) 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.

(s) 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. 2. K.S.A. 2002 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 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 (other than elk permit): maximum \$100

Nonresident (other than elk permit): maximum \$400

Elk permit: maximum \$350

Resident big game tag: maximum ~~\$10~~ \$20

Nonresident big game tag: maximum \$30

Nonresident applications: maximum ~~\$5~~ \$25

Combination hunting and fishing licenses

Resident: maximum \$50

Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

Resident: maximum \$250

Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits  
Resident or nonresident with valid hunting license: maximum \$5  
Resident or nonresident nonfirearm without valid hunting license: maximum \$20  
Controlled shooting area operator license: maximum \$400  
Duplicate licenses, permits, stamps and other issues of the department: maximum \$10  
Falconry  
Permits: maximum \$300  
Examinations: maximum \$100  
Field trial permits: maximum \$25  
Fishing licenses  
Resident: maximum \$25  
Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75  
Nonresident: maximum \$75  
Five-day nonresident: maximum \$25  
Institutional group: maximum \$200  
Special nonprofit group: maximum \$200  
Twenty-four-hour: maximum \$10  
Fur dealer licenses  
Resident: maximum \$200  
Nonresident: maximum \$400  
Furharvester licenses  
Resident: maximum \$25  
Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75  
Nonresident: maximum \$400  
Game breeder permits: maximum \$15  
Handicapped hunting and fishing permits: maximum \$5  
Hound trainer-breeder running permits: maximum \$25  
Hunting licenses  
Resident: maximum \$25  
Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75  
Nonresident 16 or more years of age: maximum \$125  
Nonresident under 16 years of age: maximum \$75  
Controlled shooting area: maximum \$25  
Forty-eight-hour waterfowl permits: maximum \$25  
Migratory waterfowl habitat stamps: maximum \$8  
Mussel fishing licenses  
Resident: maximum \$200  
Nonresident: maximum \$1,500  
Rabbit permits  
Live trapping: maximum \$200  
Shipping: 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. 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  $\frac{1}{2}$  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  $\frac{1}{2}$  the fee for a resident furharvester license.

(d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

Sec. 3. K.S.A. 32-1005 is hereby amended to read as follows: 32-1005. (a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:

(1) Capturing, killing or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(2) selling, bartering, purchasing or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(3) shipping, exporting, importing, transporting or carrying; causing to be shipped, exported, imported, transported or carried; or delivering or receiving for shipping, exporting, importing, transporting or carrying all or any part of any wildlife protected by this section, for profit or commercial purposes; or

(4) purchasing, for personal use or consumption, all or any part of any wildlife protected by this section.

(b) The wildlife protected by this section and the minimum value thereof are as follows:

- (1) Eagles, \$500;
- (2) deer or antelope, ~~\$200~~ \$400;
- (3) elk or buffalo, ~~\$500~~ \$600;
- (4) furbearing animals, \$25;
- (5) wild turkey, \$75;
- (6) owls, hawks, falcons, kites, harriers or ospreys, ~~\$125~~ \$200;
- (7) game birds, migratory game birds, resident and migratory nongame birds, game animals and nongame animals, ~~\$10~~ \$20 unless a higher amount is specified above;
- (8) fish, the value for which shall be no less than the value listed for the appropriate fish species in the monetary values of freshwater fish and fish kill counting guidelines of the American fisheries society (special publication number ~~13~~ 24);
- (9) turtles, ~~\$8~~ \$10 each for unprocessed turtles or ~~\$6~~ \$8 per pound or fraction of a pound for processed turtle parts;
- (10) bullfrogs, \$2, whether dressed or not dressed;
- (11) any wildlife classified as threatened or endangered, \$200 unless a higher amount is specified above; and
- (12) any other wildlife not listed above, ~~\$5~~ \$10.

(c) Possession of wildlife, in whole or in part, captured or killed in violation of law and having an aggregate value of \$500 or more, as specified in subsection (b), is prima facie evidence of possession for profit or commercial purposes.

(d) Commercialization of wildlife having an aggregate value of \$500 or more, as specified in subsection (b), is a severity level 10, nonperson felony. Commercialization of wildlife having an aggregate value of less than \$500, as specified in subsection (b), is a class A nonperson misdemeanor.

(e) In addition to any other penalty provided by law, a court convicting a person of the crime of commercialization of wildlife may:

(1) Confiscate all equipment used in the commission of the crime and may revoke for a period of up to 10 years all licenses and permits issued to the convicted person by the Kansas department of wildlife and parks; and

(2) order restitution to be paid to the Kansas department of wildlife and parks for the wildlife taken, which restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).

(f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by any person having actual knowledge that ~~said~~ *such* wildlife was illegally harvested.

New Sec. 4. The department is hereby authorized and directed to develop a report containing recommendations for the establishment of a landowner deer management program. The report shall include recommended procedures, requirements and guidelines to provide qualified landowners an allotment of antlered and antlerless deer permits that may be transferred by the landowner to resident or nonresident deer hunters for use on such landowner's property and may include such other recommendations as the department finds appropriate. Such report shall be presented to the senate natural resources committee and the house tourism and parks committee on or before January 15, 2004.

Sec. 5. K.S.A. 2002 Supp. 32-1047 is hereby amended to read as follows: 32-1047. The department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. The department is *hereby* authorized *and directed* to:

(a) Sell the seized item, *including wildlife parts with a dollar value*, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. *If the seized item is a firearm that has been forfeited pursuant to K.S.A. 21-4206, and amendments thereto, then it may be sold unless: (1) The firearm is significantly altered in any manner; or (2) the sale and public possession of*

*such firearm is otherwise prohibited by law.* Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the ~~fee fund designated by the secretary~~ *wildlife fee fund*; or

(b) retain the seized item for educational, scientific or department operational purposes.

New Sec. 6. The secretary shall identify local geographical areas in which deer populations are causing significant property damage. The secretary is hereby authorized and directed to take such actions as are necessary to reduce the deer populations in such areas for the purpose of reducing damage to private property.

Sec. 7. K.S.A. 32-1005 and K.S.A. 2002 Supp. 32-937, 32-988 and 32-1047 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after January 1, 2004, and its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

\_\_\_\_\_  
HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*