

1 AN ACT relating to depredating wildlife and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 → Section 1. KRS 150.170 is amended to read as follows:

- 4 (1) Except as provided in the following subsections of this section, and subject to
5 administrative regulations promulgated under this chapter, no person, resident, or
6 nonresident shall do any act authorized by any kind of license or permit or assist in
7 any way any person in doing any act provided for in this chapter with respect to
8 wildlife unless he or she holds the kind of license or permit, resident or nonresident,
9 that authorizes the act. It shall be the specific purpose of this chapter to prohibit the
10 taking or pursuing of any wildlife, protected or unprotected, or the fishing in any
11 stream or body of water whether public or private, without first procuring the
12 license provided for in KRS 150.175, except to the extent as may be otherwise
13 provided in this section.
- 14 (2) A person under sixteen (16) years of age may, without a sport fishing license, take
15 fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip
16 net.
- 17 (3) A person under twelve (12) years of age shall be exempt from being required to
18 obtain a sport hunting or sport trapping license as required by this chapter.
- 19 (4) The resident owner of farmlands or his or her spouse or dependent children shall,
20 without procuring any sport hunting or sport fishing licenses, have the right to take
21 fish or hunt during the open season, except trapping, on farmlands of which they are
22 bona fide owners. Tenants or their dependent children residing upon these
23 farmlands shall have the same privilege.
- 24 (5) Residents or nonresidents observing and participating in field trials, training
25 exercises, or other competitions as authorized by the department may observe and
26 participate without obtaining a hunting or guide's license so long as game is not
27 taken.

- 1 (6) Any resident serviceman on furlough of more than three (3) days in this state may,
 2 without any Kentucky sport hunting or sport fishing licenses, do any act authorized
 3 by the licenses, but while so doing he or she shall carry on his or her person proper
 4 identification and papers showing his or her furlough status.
- 5 (7) (a) A bona fide landowner or his or her spouse or dependent children:
- 6 1. May take or trap on their lands any wildlife causing damage to the
 7 lands or any real or personal property situated thereon during periods
 8 other than the open season for the particular species, without a
 9 hunting or trapping license;
- 10 2. May dispose of the carcass on site;
- 11 3. Shall request a carcass tag from the department before transporting
 12 the carcass from the property upon which it was taken; and
- 13 4. Shall report the destruction of any wildlife under this paragraph to the
 14 department within twenty-four (24) hours of the take.
- 15 (b) A tenant that resides on the landowner's land and is engaged in work upon
 16 the landowner's farm or land, or his or her spouse or dependent children:
- 17 1. May take or trap on the lands any wildlife causing damage to the
 18 lands or any personal property situated thereon during periods other
 19 than the open season for the particular species, without a hunting or
 20 trapping license;
- 21 2. May dispose of the carcass on site;
- 22 3. Shall request a carcass tag from the department before transporting
 23 the carcass from the property upon which it was taken; and
- 24 4. Shall report the destruction of any wildlife under this paragraph to the
 25 department within twenty-four (24) hours of the take.
- 26 (c) A person who has been designated by a bona fide landowner as a designee
 27 for the purposes of this subsection:

- 1 1. Shall hold a valid Kentucky hunting license or trapping permit in
2 accordance with the method of take;
- 3 2. Shall be approved by the department, if eligible;
- 4 3. Shall be issued a destruction tag by the department in order to take or
5 trap on the landowner's land any wildlife causing damage to the
6 landowner's lands or the landowner's real or personal property
7 situated thereon, during periods other than the open season for the
8 particular species;
- 9 4. May dispose of the carcass on site;
- 10 5. Shall request a carcass tag from the department before transporting
11 the carcass from the property upon which it was taken; and
- 12 6. Shall report the destruction of any wildlife under this paragraph to the
13 department within twenty-four (24) hours of the take[

14 ~~Landowners, their spouses or dependent children, or their designee who must~~
15 ~~be approved by the commissioner, who kill or trap on their lands any~~
16 ~~wildlife causing damage to the lands or any personal property situated~~
17 ~~thereon shall not be required to have a hunting or trapping license and~~
18 ~~may do so during periods other than the open season for the particular~~
19 ~~species without a tag and dispose of the carcass on site. Tenants, their~~
20 ~~spouses, their dependent children, or other persons approved by the~~
21 ~~commissioner, shall also have the same privilege].~~

- 22 (8) (a) Any designee selected by the landowner and approved by the department
23 whose landowner's land or real or personal property has been damaged by
24 wildlife may request a destruction tag from the department. Within fifteen
25 (15) days of receiving the request, the department shall inspect and confirm
26 any damage to the lands or personal property caused by wildlife. Upon
27 confirmation of damage, the department shall issue to the designee a

1 minimum of five (5) destruction tags each year for the duration of a two (2)
 2 year period. The destruction tag shall authorize the designee to take
 3 antlerless deer outside of an established hunting season for a period of two
 4 (2) years from the date of confirmation of damage to the lands or personal
 5 property.

6 (b) The department shall grant immediate renewal of a destruction tag if the
 7 designee provides verification of continued damage to the lands or personal
 8 property by submitting a:

9 1. Time- and date-stamped electronic image; or

10 2. Current crop production report documenting evidence of the damage.

11 (c) Any approved designee who has been issued a destruction tag by the
 12 department in the consecutive three (3) year period prior to the effective
 13 date of this Act under administrative regulations promulgated by the
 14 department may request renewal of an existing destruction tag by providing
 15 verification of continued damage to the lands or personal property by
 16 submitting to the department a:

17 1. Time- and date-stamped electronic image; or

18 2. Current crop production report documenting evidence of the damage.

19 (9) (a) Upon destruction of any wildlife by~~[the above specified]~~ individuals
 20 specified in subsection (7) of this section, the act shall be reported to the
 21 department through a reporting mechanism established by the department,
 22 as promulgated by administrative regulation,~~[a game warden]~~ within twenty-
 23 four (24) hours of the take~~[kill]~~. Individuals wishing to transport the carcass
 24 from the property upon which it was taken~~[killed]~~ shall contact personnel of
 25 the department as designated by administrative regulation to request a
 26 carcass~~[disposal]~~ tag or other authorization. Inedible parts from wildlife taken
 27 under the authorization of this section shall not be utilized for any purpose

1 and shall be destroyed or left on the property on which the taking
 2 occurred~~[a field]~~.

3 **(b)** The department shall promulgate administrative regulations establishing
 4 procedures for the designee appointment process, including request and
 5 approval deadlines.

6 ~~(10)~~~~(8)~~ If a reciprocal agreement is entered into by the commissioner, with the
 7 approval of the commission, and promulgated as an administrative regulation by the
 8 department and similar action is taken by the appropriate authority in Missouri,
 9 Tennessee, Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a
 10 resident or nonresident fishing or a resident or nonresident hunting license issued in
 11 these states shall be permitted to perform the acts authorized by the license upon
 12 certain contiguous waters and land areas adjacent to the common boundaries of the
 13 above-mentioned states and the State of Kentucky. A resident of the State of
 14 Kentucky shall purchase a proper Kentucky license to conform with the reciprocal
 15 agreement.

16 ~~(11)~~~~(9)~~ Any member of the Kentucky Army or Air National Guard, active duty or
 17 Reserve Component, in any branch in the United States Armed Forces that is based
 18 in the Commonwealth of Kentucky, shall have the right to take fish or hunt on any
 19 military property belonging to the Commonwealth without procuring any sport
 20 hunting or sport fishing license.

21 ~~(12)~~~~(10)~~ A person not otherwise exempted from hunter safety education or from
 22 procuring any sport hunting or sport fishing license shall be exempt from the
 23 department-sanctioned live-fire exercise component of the hunter education course
 24 requirement if he or she:

- 25 (a) Is a current member of the Armed Forces of the United States;
- 26 (b) Has served in the Armed Forces of the United States and was discharged or
 27 released therefrom under conditions other than dishonorable; or

1 (c) Is a peace officer certified pursuant to KRS 15.380 to 15.404.

2 → Section 2. KRS 150.390 is amended to read as follows:

- 3 (1) No person shall possess, take, pursue, or attempt to take or pursue or otherwise
4 molest any wild elk, deer, wild turkey, or bear in any manner contrary to any
5 provisions of this chapter or its regulations.
- 6 (2) No person shall use a dog to chase or molest wild elk or deer in any manner, at any
7 time, or at any place. Any game warden, peace officer, sheriff, or constable may
8 take necessary steps to stop, prevent, or bring under control any dog or dogs found
9 chasing or molesting wild elk or deer at any time.
- 10 (3) The department shall establish by administrative regulation the conditions under
11 which depredation permits may be issued without cost to persons suffering damage
12 from wild elk to allow the taking of wild elk.
- 13 (4) If Kentucky's wild elk population reaches a level that will sustain limited hunting,
14 the department may establish by administrative regulations the conditions and
15 permits that would allow the controlled taking of wild elk.
- 16 (5) The department shall identify areas where deer and elk pose a significant threat to
17 agriculture or to health and human safety from automobile accidents and may take
18 necessary steps to reduce the deer and elk population in those areas. Methods to
19 reduce the deer and elk population may include but are not limited to the following:
- 20 (a) Special hunts;
- 21 (b) Increasing the doe harvest; and
- 22 (c) Working with the Transportation Cabinet to make vegetation along highways
23 unpalatable to deer and elk.
- 24 **(6) The commission shall promulgate administrative regulations establishing an**
25 **additional seven (7) to ten (10) day season allowing the taking of antlerless deer**
26 **in overpopulated areas, as designated by the department, until the population**
27 **density is sufficiently decreased.**

1 (7) With exception to the taking of any wild elk, the department shall allow an entry
 2 into the department's special agency fundraising permit drawing process to any
 3 individual who:

4 (a) Has taken and reported to the department a minimum of four (4) female
 5 antlerless deer from a designated overpopulated area during the previous
 6 hunting season in accordance with the provisions of this chapter and the
 7 administrative regulations promulgated by the department;

8 (b) Provides a time-stamped photograph of each harvested female antlerless
 9 deer through the department's telecheck review system as required by
 10 administrative regulation; and

11 (c) Submits a request to the department for entry into the special agency
 12 fundraising permit drawing and confirms that the requester matches the
 13 name of the individual carrying out the requirements of paragraphs (a) and
 14 (b) of this subsection.

15 (8) The department shall promulgate administrative regulations establishing
 16 objectives for circumstances in which the deer density of an overpopulated area
 17 meets or falls below the population objective.

18 ➔Section 3. The Department of Fish and Wildlife Resources shall promulgate
 19 administrative regulations to effectuate the provisions of this Act within 120 days of its
 20 becoming law.

21 ➔Section 4. Whereas it is essential to curb increased destruction of vital
 22 agricultural crops throughout the Commonwealth, an emergency is declared to exist, and
 23 this Act takes effect upon its passage and approval by the Governor or upon its otherwise
 24 becoming a law.