

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) Landowners, their spouses or dependent children, or their designee who must
6 be approved by the department~~[commissioner]~~, who kill or trap on their lands
7 any wildlife causing damage to the lands or any personal property situated
8 thereon shall not be required to have a hunting or trapping license and may do
9 so during periods other than the open season for the particular species with a
10 destruction tag~~[without a tag]~~ and dispose of the carcass on-site. Tenants,
11 their spouses, their dependent children, or other persons approved by the
12 department~~[commissioner]~~, shall also have the same privilege.

13 (b) Individuals specified in paragraph (a) of this subsection whose lands or
14 personal property has been damaged by wildlife may request a destruction
15 tag from the department. Within fifteen (15) days of receiving the request,
16 the department shall inspect and confirm any damage to the lands or
17 personal property caused by wildlife. Upon confirmation of damage, the
18 department shall issue to the requesting individual a minimum of five (5)
19 destruction tags each year for the duration of a two (2) year period. The
20 destruction tag shall authorize the individual to take antlerless deer outside
21 of an established hunting season for a period of two (2) years from the date
22 of confirmation of damage to the lands or personal property.

23 (c) The department shall grant immediate renewal of a destruction tag if the
24 permitted individuals provide verification of continued damage to the lands
25 or personal property by submitting a:

- 26 1. Time- and date-stamped electronic image; or
27 2. Current crop production report.

(d) Any landowner or individual specified in paragraph (a) of this subsection who has been issued a destruction tag by the department in the three (3) year period prior to the effective date of this Act under administrative regulations promulgated by the department may request renewal of an existing destruction tag by providing verification of continued damage to the lands or personal property by submitting to the department a:

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

2. Current crop production report.

(e) Upon destruction of any wildlife by~~[the above specified]~~ individuals **specified in paragraph (a) of this subsection**, the act shall be reported to a game warden within twenty-four (24) hours of the kill. Individuals wishing to transport the carcass from the property upon which it was killed shall contact personnel of the department to request a **carcass**~~[disposal]~~ tag or other authorization. Inedible parts from wildlife taken under the authorization of this section shall not be utilized for any purpose and shall be destroyed or left **on the property on which the taking occurred**~~[a field]~~.

(f) The department shall promulgate administrative regulations establishing procedures for the designee appointment process, including request and approval deadlines.

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

1 shall purchase a proper Kentucky license to conform with the reciprocal agreement.

2 (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve
3 Component, in any branch in the United States Armed Forces that is based in the
4 Commonwealth of Kentucky, shall have the right to take fish or hunt on any
5 military property belonging to the Commonwealth without procuring any sport
6 hunting or sport fishing license.

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

11 (a) Is a current member of the Armed Forces of the United States;

12 (b) Has served in the Armed Forces of the United States and was discharged or
13 released therefrom under conditions other than dishonorable; or

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

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

16 (1) No person shall possess, take, pursue, or attempt to take or pursue or otherwise
17 molest any wild elk, deer, wild turkey, or bear in any manner contrary to any
18 provisions of this chapter or its regulations.

19 (2) No person shall use a dog to chase or molest wild elk or deer in any manner, at any
20 time, or at any place. Any game warden, peace officer, sheriff, or constable may
21 take necessary steps to stop, prevent, or bring under control any dog or dogs found
22 chasing or molesting wild elk or deer at any time.

23 (3) The department shall establish by administrative regulation the conditions under
24 which depredation permits may be issued without cost to persons suffering damage
25 from wild elk to allow the taking of wild elk.

26 (4) If Kentucky's wild elk population reaches a level that will sustain limited hunting,
27 the department may establish by administrative regulations the conditions and

1 permits that would allow the controlled taking of wild elk.

2 (5) The department shall identify areas where deer and elk pose a significant threat to
3 agriculture or to health and human safety from automobile accidents and may take
4 necessary steps to reduce the deer and elk population in those areas. Methods to
5 reduce the deer and elk population may include but are not limited to the following:

- 6 (a) Special hunts;
7 (b) Increasing the doe harvest; and
8 (c) Working with the Transportation Cabinet to make vegetation along highways
9 unpalatable to deer and elk.

10 (6) The commission shall promulgate administrative regulations establishing an
11 additional seven (7) to ten (10) day season allowing the taking of antlerless deer
12 in overpopulated areas, as designated by the department, until the population
13 density is sufficiently decreased.

14 (7) The department shall allow an entry into the department's special agency
15 fundraising permit drawing process to any individual who:

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

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

23 (c) Submits a request to the department for entry into the special agency
24 fundraising permit drawing and confirms that the requester matches the
25 name of the individual carrying out the requirements of paragraph (b) of
26 this subsection.

27 (8) The department shall promulgate administrative regulations establishing

1 *objectives for circumstances in which the deer density of an overpopulated area*
2 *meets or falls below the population objective.*

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

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