



**COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL**

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**OAG 26-02**

*Subject:* Does a Kentucky owner of farmland need to live on the farmland to qualify for the exemption to the state's licensure requirements provided by KRS 150.170(4), or does ownership of the farmland alone qualify an individual?

*Requested by:* Senator Gary Boswell  
Kentucky Senate, District 8

*Written by:* J. Christopher Bowlin, Assistant Attorney General

*Syllabus:* A bona fide owner of farmland in Kentucky, who is a resident of the Commonwealth of Kentucky, *is not required to live on the farmland* to qualify for the licensure exemption provided by KRS 150.170(4).

***Opinion of the Attorney General***

The general requirements for purchasing a hunting and fishing license in Kentucky are outlined in KRS 150.170(1). The statute states:

Except as provided in the following subsections of this section, and subject to administrative regulations promulgated under this chapter, no person, resident, or nonresident shall do any act authorized by any kind of license or permit or assist in any way any person in doing any act provided for in this chapter with respect to wildlife unless he or she holds the kind of license or permit, resident or nonresident, that authorizes the act. It shall be

the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife, protected or unprotected, or the fishing in any stream or body of water whether public or private, without first procuring the license provided for in KRS 150.175, except to the extent as may be otherwise provided in this section.

However, KRS 150.170(4) exempts a “resident owner of farmlands” from the requirement to obtain a hunting or fishing license. It states:

The resident owner of farmlands or his or her spouse or dependent children shall, without procuring any sport hunting or sport fishing licenses, have the right to take fish or hunt during the open season, except trapping, on farmlands of which they are bona fide owners. Tenants or their dependent children residing upon these farmlands shall have the same privilege.

When interpreting statutes, Kentucky courts apply well-established principles of construction. “In matters of statutory interpretation, the first rule is that the text of the statute is supreme.” *Garrard Cnty. v. Middleton*, 520 S.W.3d 746, 750 (Ky. 2017). Statutes must be interpreted as written, and when the language is plain and unambiguous, the intent of the General Assembly must be deduced from the text. *Farley v. P&P Constr., Inc.*, 677 S.W.3d 415, 419 (Ky. 2023) (quoting *W. Ky Coal Co. v. Nall & Bailey*, 14 S.W.2d 400, 401–02 (Ky. 1929)). When the General Assembly defines a word or gives it a particular meaning, it must be accepted when construing the statute. *See Schroader v. Atkins*, 657 S.W.2d 945, 947 (Ky. 1983). It is presumed that the General Assembly “meant exactly what it said, and said exactly what it meant.” *Farley*, 677 S.W.3d at 423 (quoting *Univ. of Louisville v. Rothstein*, 532 S.W.3d 644, 648 (Ky. 2017)).

Applying these principles, the Office must first look to the language of the licensure exemption in the statute. It exempts a “resident owner of farmlands or his or her spouse or dependent children” on “farmlands of which they are bona fide owners.” The General Assembly defined the term “resident” in KRS 150.010(38). It states:

“Resident” means any person who has established permanent domicile and legal residence and has resided in

this state for thirty (30) days immediately prior to his or her application for a license. All other persons shall be classed as nonresidents, except students enrolled for at least six (6) months in an educational institution as full-time students and military personnel of the United States who are under permanent assignment, shall be classified as residents while so enrolled or assigned in this state[.]

This definition refers to an individual's connection to Kentucky as expressed plainly by the language "in this state." Furthermore, the General Assembly defined the term "nonresident" in KRS 150.010(28) to mean "a person who has not established a permanent domicile in this state and has not resided in this state for thirty (30) days immediately prior to his or her application for a license." This definition also plainly refers to an individual's connection to the state. Neither definition contains language linking the term "resident" to a particular parcel of farmland owned by an individual.

By contrast, the term "tenant," to which KRS 150.170(4) also applies, is defined differently. The General Assembly chose expressly to link the term to individuals working upon and residing on a particular parcel of land. KRS 150.010(47) provides:

"Tenant" means any resident sharecropper, lessee, or any other person actually engaged in work upon a farm or lands and residing in a dwelling on the farms or lands including noncontiguous lands, but shall not include any other employee or tenant unless actually residing on the property and engaged or employed as above mentioned[.]

This distinction is harmonious with the disparate treatment of "resident owners" and "tenants" in the licensure exemption provided by KRS 150.170(4). The statute does not expressly require a resident owner of farmland to reside on the land, but it expressly limits the exception for tenants to those "residing upon" the farmland.

In response to a request from this Office for input as to Senator Boswell's question, the Department of Fish and Wildlife Resources ("KDFWR") stated:

Historically, and considering the Department's understanding of KRS 150.170 . . . , KDFWR has applied a lenient interpretation of the same; construing the phrase

‘resident [owner] of farmlands’ to include bona fide owners of farmland, without regard to whether such owners physically resided upon the farmland.<sup>1</sup>

KDFWR further stated, “the Department has not applied an internal policy for enforcement accounting for whether a landowner physically resides on the property.”

KDFWR’s stated interpretation differs from how two prior decades-old Opinions of the Attorney General suggest that the exemption should be construed. As a result, the Office will consider this issue anew and decide whether the older Opinions remain valid in response to Senator Boswell’s question.

In 1963 the Office answered the question of whether a Conservation Officer properly arrested a man for hunting upon a piece of his father-in-law’s farm without a license. The Office opined that “... only the owner, his wife and children who actually reside on the farm may hunt thereon without a license.” OAG 63-14. The Office further opined that the arrest of the son-in-law was proper because he did not own the farm and he resided in another county.

Then in 1979 the Office answered the question of what constitutes a “resident owner” of farmlands under the licensure exception statute. The Office opined that owners of farmland were required to reside on the parcel of land upon which they were hunting or fishing to be exempt from purchasing a hunting and fishing license. OAG 79-127.

Both OAG 63-14 and OAG 79-127 relied, in part, upon the reasoning contained in *Holland v. Flora*, 284 S.W.2d 824 (Ky. 1955). However, the facts underlying *Holland* were materially different from those posed by Senator Boswell’s question. *Holland* involved pay lake owners who attempted to characterize patrons as lessees to avoid the statutory fishing license requirement. In rejecting one of the arguments of the pay lake owners, the Court held that the characterization was an “obvious attempt to evade the requirements of the statute.” *Id.* at 825. The Court further observed that “the patrons of the appellees’ business, even if they are true lessees, are not sufficiently connected with the land of the appellees to come within the purview of the exclusionary provision of the statute.” *Id.* *Holland* only construed the

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<sup>1</sup> KDFWR stated that it had not performed an exhaustive review of historical practices on the subject due to the expedited time frame in which the Office requested input, and it expressly reserved the right to supplement or amend its response upon further review or if additional records come to light.

license exemption statute as applied to pay lake patrons claiming to be lessees; it did not involve application of the statute with respect to the owners.

OAG 63-14 additionally relied upon *Draffen v. Black*, 196 S.W.2d 362 (Ky. 1946), which is likewise distinguishable. In *Draffen*, the owner of a private pond allowed the public to fish from his pond for a fee. *Id.* at 362. The owner objected to Conservation Officers employed by the Fish and Game Commission entering his property to determine whether the persons fishing in the pond had obtained fishing licenses and were following the applicable size and number restrictions. *Id.* at 362–63. The parties “conceded that the [licensure] Statute has no application to the owner of the land, his resident children, or lessees of the land on which the pond is located.” *Id.* at 363. In holding that the Conservation Officers could enforce the state’s licensure statute and fishing regulations on private property and that they could enter on private property for that purpose, the Court observed that “our [licensure] Statute seems to exempt the owner himself, his resident children, and his lessees from the provisions of the Act.” *Id.* at 364. *Draffen* thus construed the statute only in the context of paid patrons using the pond; it did not decide whether an owner must reside upon a particular parcel to qualify for the farmland-owner exemption.

Neither *Holland* nor *Draffen*, upon which these prior Opinions relied, interpreted the licensure exemption statute with respect to owners. Therefore, they shed no light on the application of the exemption statute with respect to Senator Boswell’s question.

While the interpretation of statutes is ultimately a question of law for Kentucky courts, the manner in which KDFWR has historically construed the exemption is not contrary to the plain language of the licensure exemption statute. The statutory definition of “resident” in KRS 150.010(38), the statutory definition of “nonresident” in KRS 150.010(28), and the text of KRS 150.170(4) do not compel a conclusion that a farmland owner’s eligibility for the exemption depends upon him or her residing upon a particular parcel of farmland. Instead, the language of these statutes plainly contemplates residency within Kentucky as sufficient. Interpreting the language of KRS 150.170(4) to require farmland owners to live upon a particular parcel would impose a parcel-specific residency requirement not required by the statutory text.

For these reasons, it is the opinion of the Office of the Attorney General that a bona fide owner of farmland in Kentucky, who is a resident of the Commonwealth of Kentucky, *is not required to live on the farmland* in order to qualify for the licensure

exemption provided by KRS 150.170(4). To the extent that OAG 63-14 or OAG 79-127 are inconsistent with this conclusion insofar as they apply to owners of farmland, they are overruled.

Notwithstanding the foregoing, this Opinion is not intended to discourage owners of farmland from voluntarily purchasing hunting and fishing licenses. License purchases are a critical source of support for KDFWR's work, which has included historic wildlife recovery successes—like the creation of the largest elk herd east of the Rocky Mountains,<sup>2</sup> the recovery of the white-tailed deer herd,<sup>3</sup> and the restoration of wild turkeys to every county in the Commonwealth<sup>4</sup>—as well as many valuable conservation and educational programs “for the purpose of furnishing sport and recreation for the present and for the future residents of this state.” KRS 150.015.

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<sup>2</sup> <https://fw.ky.gov/News/Pages/Kentucky-Fish-and-Wildlife-receives-prestigious-wildlife-conservation-award.aspx> (last visited February 3, 2026).

<sup>3</sup> <https://fw.ky.gov/Hunt/Pages/History-of-KY-Deer-Management.aspx> (last visited February 3, 2026).

<sup>4</sup> [https://fw.ky.gov/Hunt/Documents/2022\\_Turkey\\_Population\\_Status.pdf](https://fw.ky.gov/Hunt/Documents/2022_Turkey_Population_Status.pdf) (last visited February 3, 2026).