

CHAPTER 127**(HB 451)**

AN ACT relating to fish and wildlife resources.

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

Section 1. KRS 56.491 is amended to read as follows:

- (1) No state agency shall have power or authority to make plans and specifications, provide public notice of invitations for bids, let contracts, or incur any financing commitments, either in the way of a charge against public funds or in the way of negotiations for issuance of revenue bonds, for any capital construction projects involving the improvement of lands or the construction, alteration, reconstruction, or major repair of any building or other structure, or sewage disposal or water supply system, requiring the expenditure of more than two hundred thousand dollars (\$200,000) without first securing the approval of the Finance and Administration Cabinet.
- (2) The state agency seeking the approval shall submit to the Finance and Administration Cabinet a general description of the proposed project, with the detailed information the cabinet may require. Review of construction plans for conformance with the Uniform State Building Code shall be conducted by the Office of Housing, Buildings and Construction. The Finance and Administration Cabinet shall not approve any project requiring its approval in any instance if it finds that: the project is not needed; the proposed method of financing is not sound; the project will exceed the amount of the funds available therefor; the work contemplated will be insufficient to accomplish the purpose of the project; or after providing for the ordinary recurring expenses of government and debt service and for payments under existing allotments for extraordinary expenses and capital outlay, cash will not be available in the State Treasury to promptly pay for the work during the biennium, or except as provided in subsection (5) of this section, that the work is to be done by employees of the agency.
- (3) The finding of the Finance and Administration Cabinet shall be final, except in cases where the issuance and sale of bonds is proposed, in which cases the cabinet shall submit its findings to the commission for final approval, modification, or disapproval.
- (4) Any capital construction project, the total cost of completion of which the Finance and Administration Cabinet determines will exceed two hundred thousand dollars (\$200,000), shall be contracted for on a competitive bid basis, and the execution of the contracts shall be approved and authorized by the cabinet. When a capital construction project has been approved as provided in this section, in whole or in part, the cabinet shall prepare the plans and specifications, provide public notice of invitations for bids, award the contracts, supervise the construction, and handle the financial negotiations on behalf of the requesting state agency; or with prior written approval, the cabinet may authorize a state agency to do so with delegated authority of the cabinet.
- (5) A capital construction project, the total cost of completion of which the Finance and Administration Cabinet determines will not exceed two hundred thousand dollars (\$200,000), may be performed by the employees of the requesting agency or by individuals hired specifically for the project who shall be exempt from the requirements of KRS Chapter 18A, if the project is approved and authorized by the cabinet. Necessary materials and supplies shall be procured in accordance with the standard purchasing procedures and policies of the cabinet as defined in KRS Chapter 45A.
- (6) This section shall not apply to capital outlays to the Department of Highways for roads and bridges.
- (7) This section shall not apply to capital outlays by the Justice Cabinet for repair, maintenance, improvement, or expansion of present correctional facilities on which projects inmates are used. Any capital construction project to be performed by the Justice Cabinet shall be approved and authorized by the Finance and Administration Cabinet.
- (8) ***This section shall not apply to surveys capable of being performed by employees of the Department of Fish and Wildlife Resources. Boundary surveys or surveys involving property lines shall be performed by or under the supervision of an employee possessing a professional land surveyor license.***

Section 2. KRS 150.025 is amended to read as follows:

- (1) In carrying out the provisions of this chapter the department may, by administrative regulations promulgated under the provisions of KRS 13A:
 - (a) Fix, close, terminate, shorten or divide open season, or make open seasons conditional;
 - (b) Regulate bag or creel limits and possession limits;
 - (c) Regulate buying, selling, or transporting;
 - (d) Regulate the size or type of any device used for taking, and regulate any method of taking;
 - (e) Regulate or restrict the places where taking is permitted;
 - (f) Regulate taking, or the opening or closing of seasons, in waters in which the department is conducting experiments or making improvements for the purpose of promoting the conservation of wildlife and increasing the supply thereof;
 - (g) Make administrative regulations apply to a limited area or to the entire state;
 - (h) Promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of this chapter.
- (2) The commissioner shall cause the text of every administrative regulation to be published immediately after filing, once in two (2) newspapers having statewide circulation. ~~The commissioner shall also mail two (2) copies to the county clerk of each county in which the administrative regulation is applicable, one (1) copy of which shall be posted on the courthouse door or bulletin board.~~ The commissioner shall also cause to be prepared news releases concerning all administrative regulations for distribution to radio, television and newspaper media.
- (3) This section shall apply to KRS Chapter 150 and no other KRS chapter pertaining to this subject shall apply to KRS Chapter 150.

Section 3. KRS 150.177 is amended to read as follows:

In addition to the game permits issued under KRS 150.175, the commission may issue a special permit to an incorporated nonprofit wildlife conservation organization. ***The commission shall promulgate administrative regulations governing the number of special permits to be issued per year*** ~~In a license year, no more than two (2) special permits may be issued~~ per species for which a game permit is required. The commission may also promulgate regulations allowing the issuance of cooperator permits to individuals or entities who enroll land with the department for public hunting and meet all applicable regulatory requirements. An organization or cooperator that receives a special permit issued under this section may sell and transfer the permit if all proceeds of the sale are used in Kentucky for wildlife management.

Section 4. KRS 150.180 is amended to read as follows:

- (1) Except as otherwise provided for in this chapter, and subject to regulations adopted under this chapter, no person, for himself or as the agent or employee of another shall buy, or sell, or attempt to buy, or sell, barter, exchange, or trade, or have in possession for the purpose of selling, bartering, or trading any protected wildlife or part thereof, raw fur or processed wildlife, no matter where or when caught or killed, whether caught or killed in this state or in any other state or other country.
- (2) Mussels and fishes, other than sport fishes as designated by departmental regulations, and all fishes, regardless of species, raised by licensed propagation permittees may be bought, sold and transported, if in legal possession.
- (3) Raw furs, if in legal possession, may be sold, transported, or shipped, by a licensed trapper or licensed hunter to a licensed fur buyer (resident or nonresident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer if in legal possession. ~~Raw furs may be held in possession by a trapper or hunter twenty (20) days and a fur buyer for thirty (30) days following the close of the season.~~ A fur processor may hold raw furs or sell to another licensed fur processor at any time.
- (4) Subject to regulations adopted under this chapter, a person who has been issued a license under this chapter and who has the license on his person may transport anywhere as a part of his personal baggage any protected wildlife legally taken by him under such license, not in excess of the number that the law or regulation permits him to have in possession at any one (1) time.

- (5) A person who has legally taken any protected wildlife in another state and who has in his possession the license which authorizes such taking may, if the same be dead, transport the same in this state, as part of his personal baggage at any time during the open season for the particular species in the state in which taken or within ten (10) days after the close of such season. Any person may ship dead game or dead fish so taken subject to the provisions of the laws of the state in which the same was taken and the laws and regulations of the United States relating thereto.
- (6) No person shall import or transport into the State of Kentucky or receive shipment in the state from without the state, any live fish or wildlife without first procuring from the department a written fish transportation permit or wildlife transportation permit. If it is determined upon inspection that such fish or wildlife would not constitute a menace to the state and are free from disease and other undesirable physical characteristics, the commissioner shall issue a permit for a fee to be determined by the Fish and Wildlife Commission by administrative regulation, pursuant to KRS Chapter 13A. A fish transportation permit shall be valid for one (1) year from the date of issuance, and a wildlife transportation permit shall be valid for specific dates as indicated on the permit.
- (7) No person may at any time stock any species of fish secured from any source into the public waters of the Commonwealth without first securing a permit from the commissioner.
- (8) This section shall not in any way interfere with the transportation of any fish or wildlife by authorized personnel of the department.
- (9) Federal and state regulations shall govern the transportation of all migratory wild birds.

Section 5. KRS 150.320 is amended to read as follows:

- (1) No person shall take any wild bird except game birds or live raptors for which there is an open season, either under the laws of Kentucky and the regulations of the department or the laws of the United States, except those birds mentioned in subsection (2) of this section.
- (2) This chapter does not protect or in any way limit the taking of ~~the crow,~~ the starling~~,~~ or the English sparrow, but any persons taking any of them must have a hunting license.
- (3) No person shall take, disturb or destroy the nest or eggs of any wild birds except for raptors as prescribed by regulation.

Section 6. KRS 150.370 is amended to read as follows:

- (1) No person shall take any wildlife except during the open season for the particular species as prescribed by the department.
- (2) Subsection (1) of this section shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; and who during daylight or night hours exercise and train rabbit dogs, raccoon dogs, bird dogs and retrievers, but not to kill. The department may, however:
 - (a) Regulate training seasons for rabbit dogs, raccoon dogs, bird dogs, and retrievers in such manner as not to discriminate against one (1) type of animal over any other nor as to unduly limit such activities; and
 - (b) Permit rabbit dog, raccoon dog, bird dog, fox dog, and retriever meets held by organized clubs, regardless of any hunting season, with the prior approval of the department provided said approval was requested at least thirty (30) days prior to the meet.

~~{(3) The possession of any raw fur when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any fur by a trapper or hunter during the open season as prescribed by the department and twenty (20) days thereafter, or by a fur buyer during the open season and thirty (30) days thereafter.}~~

Section 7. KRS 150.412 is amended to read as follows:

- (1) ***While providing the services of a commercial guide, a guide already possessing the applicable sport hunting licenses and permits may participate in the taking of wildlife protected by this chapter up to*** ~~the bag limit set forth in administrative regulations~~ ***the bag limit set forth in administrative regulations*** ~~for creel limit of the person or persons he is guiding.~~

- (2) *While providing the services of a commercial guide, a guide already possessing the applicable sport fishing licenses and permits may participate in the taking of fish protected by this chapter up to the creel limit set forth in administrative regulations.*

Approved April 4, 2006.