

CHAPTER 161**(HB 394)**

AN ACT relating to the Fish and Wildlife Resources Commission and declaring an emergency.

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

➔Section 1. KRS 150.021 is amended to read as follows:

- (1) The Department of Fish and Wildlife Resources shall constitute a department of state government within the meaning of KRS Chapter 12. The department shall consist of a commissioner, a Fish and Wildlife Resources Commission, the Division of Law Enforcement, and other agents and employees provided for in this chapter. The department shall enforce the laws and regulations adopted under this chapter relating to wildlife and shall exercise all powers necessarily incident thereto.
- (2) ***Except with regard to the commission's authority to appoint and compensate a commissioner under Section 2 of this Act***, any powers conferred by this chapter upon the Department of Fish and Wildlife Resources, the Fish and Wildlife Resources Commission, or the commissioner of the Department of Fish and Wildlife Resources, and any powers conferred by KRS Chapter 235 shall be exercised subject to the provisions of KRS Chapters 42, 45, 45A, 56, and 64, which chapters in all respects are controlling.
- (3)
 - (a) The Finance and Administration Cabinet shall assess the Department of Fish and Wildlife Resources each fiscal year a fee in an amount equal to five percent (5%) of the debt service associated with all phases and implementation of the capital project to replace, repair, or maintain the two (2) way radio system utilized by the Department of Kentucky State Police.
 - (b) The fee shall be assessed on each phase of the implementation of the two (2) way radio system and shall continue to be assessed until all debt for the system has been retired.

➔Section 2. KRS 150.061 is amended to read as follows:

- (1) ***Notwithstanding any provisions of KRS Chapter 18A, 42, 45, 45A, 56, or 64 to the contrary***, the commission shall ***have the sole authority to*** appoint a commissioner of the Department of Fish and Wildlife Resources, who shall be a person with knowledge of and experience in the requirements for the protection, conservation and restoration of the wildlife resources of the state. ***The commission shall be the sole contracting body for the purposes of KRS Chapter 45A and shall submit any proposed personal service contract with a commissioner to the Government Contract Review Committee for its review pursuant to KRS 45A.690 to 45A.725.*** The commissioner shall serve for a defined employment contract term not to exceed four (4) years and shall be subject to:
 - (a) Annual review by the commission in closed, executive session;
 - (b) Removal by the commission for the same cause and in the same manner in which the Governor may remove a member of the commission; and
 - (c) Reappointment by the commission.
- (2) The commissioner shall receive such compensation as the commission may ***solely*** determine, and shall be reimbursed for all actual and necessary travel and other expenses incurred by him in the performance of his official duties.
- (3) Before entering upon the duties of his office, the commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position upon or under any political committee or party. Upon appointment by the commission, the commissioner shall execute a bond of five thousand dollars (\$5,000) in favor of the Department of Fish and Wildlife Resources, the premium on said bond to be paid out of department funds.
- (4) The commissioner shall have general supervision and control of all activities, functions, appointments, and employees of the Department of Fish and Wildlife Resources. He shall enforce all provisions of the laws of the state relating to wild animals, birds, fish and amphibians, and shall exercise all powers necessarily incident thereto not specifically conferred on the commission. The commissioner shall make an annual report of all receipts and disbursements and file same with the Secretary of State of the Commonwealth of Kentucky.

- (5) If federal or other grant funds become available to pay their salaries, the commissioner may appoint and employ other persons that he may deem necessary or desirable to accomplish the purposes of this chapter. The commissioner shall determine the compensation, duties, and terms of employment of these employees, and grant funded, time-limited positions shall be approved by the commission as needed. Employees whose salaries are funded through federal or other grant funds shall not be counted in any tally of permanent employees made for employee cap or budgetary purposes.

→Section 3. Whereas it is critical for the proper administration of the Fish and Wildlife Resources Commission that any ambiguity regarding its authority to hire and compensate a commissioner be alleviated as soon as possible, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Veto overridden March 29, 2021.