

CHAPTER 139

(SB 241)

AN ACT relating to the Department of Fish and Wildlife Resources, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. 2022 Ky. Acts ch. 197, sec. 11, is amended to read as follows:

(1) The *Department of Fish and Wildlife Resources*~~[Finance and Administration Cabinet]~~ is directed to acquire perpetual conservation easements~~[for the benefit of the Department of Fish and Wildlife Resources]~~ on approximately 54,000 acres of real property in Knox, Bell, and Leslie Counties, that was conveyed by Ataya Hardwoods LLC to Cumberland Forest LP, which is a fund established by The Nature Conservancy, by special warranty deeds dated December 17, 2007, and recorded in:

(a) Knox County on December 26, 2007, in deed book D368, pages 615 to 700, and by correction deed dated February 13, 2008, and recorded in Knox County, deed book 369, page 716;

(b) Bell County on December 21, 2007, deed book 339, page 533, and by correction deed dated February 13, 2008, and recorded in Bell County, deed book 340, page 518; and

(c) Leslie County on December 26, 2007, in deed book 177, page 20, and by correction deed dated February 13, 2008, and recorded in Leslie County, deed book 177, page 520.

~~(2) [The Finance and Administration Cabinet shall procure outside legal counsel who has real property acquisition expertise and who does not currently have a contract to render legal service to the Commonwealth to advise the Department of Fish and Wildlife Resources on all issues related to the transaction.]~~

~~(3) [The terms of the conservation easements acquired pursuant to subsection (1) of this section shall protect the Commonwealth from all liability arising from conditions of the properties as they were prior to the acquisition of the conservation easements, including but not limited to conditions that resulted from prior mining, oil and gas drilling, or other natural resource extraction activities.]~~

(3) *Cumberland Forest LP, when transferring a conservation easement to the Department of Fish and Wildlife Resources, shall not be subject to the provisions of KRS 382.850, provided that for any mineral rights severed from the fee title of the property prior to its conveyance to Cumberland Forest LP, the conservation easement states that it shall not operate to limit, preclude, delete, or require waivers for conducting coal mining operations or oil and gas exploration or production activities, including the transportation of coal, oil, or natural gas, on or across the property.*

(4) The cost of the acquisition of the conservation easements directed by subsection (1) of this section shall be paid from ***appropriated state funds***, federal funds, grants, and gifts made available to the Department of Fish and Wildlife Resources. The purchase price shall not exceed \$250 per acre and shall be substantiated by an appraisal paid for by Cumberland Forest LP or The Nature Conservancy. ***The Department of Fish and Wildlife Resources may work with third parties, contractors, or partners to assist in procuring other necessary due diligence required to complete the acquisitions directed by this section.***

(5) The terms of the conservations easements acquired pursuant to subsection (1) of this section shall set forth, in a comprehensive manner, the rights and obligations of the parties.

(6) Acquisition of the conservation easements as provided for in this section shall follow a reasonable time for due diligence and negotiation, but all transactions for the acquisition of conservation easements shall close no later than ***June 30, 2024***~~[18 months after the effective date of this Act].~~

(7) *Notwithstanding KRS 56.040, surveys and plats of lands for which the conservation easements are directed to be acquired under this section shall not be required to be completed prior to closing. However, the Department of Fish and Wildlife Resources and Cumberland Forest LP shall deposit mutually agreeable funds in escrow accounts to reconcile any differences in the final acreage of the lands once the surveys are completed, which shall be within a reasonable time after closing.*

(8) *Notwithstanding any provision of law to the contrary, the Department of Fish and Wildlife Resources is authorized to sign all documents necessary to complete any transactions to acquire the conservation easements under this section, including the signing of deeds and any closing documents.*

(9) *Notwithstanding any provision of law to the contrary, on the effective date of this Act, the Finance and Administration Cabinet shall deliver to the Department of Fish and Wildlife Resources any work product, documents, or other related materials it has prepared or caused to be prepared in performing its due diligence in the acquisition of the conservation easements directed by this section to avoid duplication of efforts and further delays in the acquisition process. Furthermore, the Department of Fish and Wildlife Resources shall have the option, in its sole discretion, to accept via assignment, any contracts the Finance and Administration Cabinet has entered into for the acquisitions directed by this section prior to the effective date of this Act. Contracts not accepted by the Department of Fish and Wildlife Resources shall be canceled by the Finance and Administration Cabinet at its own expense.*

➔Section 2. 2022 Kentucky Acts Chapter 199, Part I, Operating Budget, L. Tourism, Arts and Heritage Cabinet, 7. Fish and Wildlife Resources, (4) Kentucky Cumberland Forest Conservation Program, at page 1705, is amended to read as follows:

(4) **Kentucky Cumberland Forest Conservation Program:** Included in the above General Fund appropriation is a one-time allocation of \$3,875,000 in fiscal year 2022-2023 to support the Kentucky Cumberland Forest Conservation Program. *Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.*

➔Section 3. KRS 45A.295 is amended to read as follows:

As used in KRS 45A.295 to 45A.320:

- (1) "State public purchasing unit" shall mean the Finance and Administration Cabinet and any other purchasing agency of this Commonwealth, *including the Department of Fish and Wildlife Resources;*~~;~~
- (2) "Local public purchasing unit" shall mean any county, city, governmental entity and other subdivision of the Commonwealth or public agency thereof, public authority, public educational, health, or other institution, any other entity which expends public funds for the acquisition or leasing of supplies, services, and construction, and any nonprofit corporation operating a charitable hospital;~~;~~
- (3) "Public purchasing unit" shall mean either a local public purchasing unit or a state public purchasing unit;~~;~~
- (4) "Foreign purchasing activity" shall mean any buying organization not located in this Commonwealth which, if located in this Commonwealth, would qualify as a public purchasing unit. An agency of the United States government is a foreign purchasing activity; *and*~~;~~
- (5) "Cooperative purchasing" shall mean purchasing conducted by, or on behalf of, more than one (1) public purchasing unit, or by a public purchasing unit with a foreign purchasing activity.

➔Section 4. KRS 45A.300 is amended to read as follows:

- (1) Any public purchasing unit may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the acquisition of any supplies, services, or construction with any other public purchasing unit or foreign purchasing activity, in accordance with an agreement entered into between the participants. This cooperative purchasing may include, but is not limited to, joint contracts between public purchasing units and access by local public purchasing units to open-ended state public purchasing unit contracts.
- (2) Nothing in this code shall limit any public purchasing unit from selling to, acquiring from, or using any property belonging to another public purchasing unit or foreign purchasing activity independent of the requirements of KRS 45A.070 to 45A.180.
- (3) Nothing in this code shall limit or restrict any public purchasing unit from entering into an agreement, independent of the requirements of KRS 45A.045(5) and KRS 45A.070 to 45A.165, with any other public purchasing unit or foreign purchasing activity for the cooperative use of supplies or services.
- (4) Any public purchasing unit may enter into an agreement for the joint or common use of warehousing facilities or the lease or common use of capital equipment or facilities with any other public purchasing unit or a foreign purchasing activity subject to the terms as may be agreed upon between the parties.
- (5) Nothing in this code shall limit or restrict the ability of local school districts to acquire supplies outside of the public purchasing agreements when the supplies and equipment meeting the same specifications as the contract items are available at a lower price elsewhere and the purchase does not exceed two thousand five hundred dollars (\$2,500).

- (6) Nothing in this code shall limit any public purchasing unit from receiving notice of or accepting a price reduction on supplies or equipment when the supplies or equipment are being offered by the vendor with whom a price agreement has been made; the supplies or equipment are being offered in accordance with all terms and conditions that are specified in the price agreement, except those relating to price; and the price reduction is offered to all of the participants in the price agreement. Public purchasing units may accept special price reductions under this subsection even if the reduced price requires the purchase of a specified quantity of units different from the quantity stated in the original price agreement. Price reductions under this subsection shall not be considered to permanently alter the price of the supplies or equipment under the price agreement with the Commonwealth, except where the price reductions are to be made permanent under the express terms of the price agreement and where the purchasing agency which solicited the price agreement determines that the enforcement of those terms serves the best interest of the Commonwealth.
- (7) ***The Finance and Administration Cabinet shall not exclude the Department of Fish and Wildlife Resources from, or interfere with the department's participation in, any contracts available to multiple state agencies for the procurement of goods or services, including but not limited to interfering with the department's electronic access to the statewide accounting system in any way.***

➔Section 5. KRS 45A.800 is amended to read as follows:

As used in KRS 45A.800 to 45A.835, 45A.195, 45A.440, and 45A.695, unless the context requires otherwise:

- (1) "Architect" means an architect licensed under KRS Chapter 323 or a landscape architect licensed under KRS Chapter 323A;
- (2) "Engineer" means an engineer licensed under KRS Chapter 322;
- (3) "Procuring agency" means either the Finance and Administration Cabinet, ~~or~~ the Transportation Cabinet, ***or the Department of Fish and Wildlife Resources***;
- (4) "Project" means any undertaking requiring professional architectural, engineering, or engineering-related services, except as provided in KRS 45A.100;
- (5) "User agency" means the state agency or any public supported institution of higher education, when it declines to exercise the authority granted under KRS 164A.590, that will occupy or otherwise be the primary beneficiary of a completed Finance and Administration Cabinet ***or Department of Fish and Wildlife Resources*** project;
- (6) "User division" means ~~a~~ the division of the Transportation Cabinet ***or Department of Fish and Wildlife Resources*** that requires the procuring of engineering or engineering-related services for a project;
- (7) "Engineering-related services" means specialized professional services performed by individuals, consultants, or other organizations of recognized technical competence, education, or experience that are involved in the planning, design, construction, maintenance, or operation of Kentucky's transportation systems, ***mitigation projects***, or construction projects in accordance with applicable licensing statutes; and
- (8) "Firm" means an individual or other entity that offers professional architectural, engineering, or engineering-related services.

➔Section 6. KRS 45A.810 is amended to read as follows:

- (1)
 - (a) One (1) or more architectural services selection committees and one (1) or more engineering or engineering-related services selection committees shall be created in the Finance and Administration Cabinet.
 - (b) One (1) or more engineering and engineering-related services selection committees shall be created in the Transportation Cabinet.
 - (c) ***One (1) or more engineering and engineering-related services selection committees shall be created in the Department of Fish and Wildlife Resources.***
- (2) Except when an emergency condition exists as defined by KRS 45A.095(1)(a), when architectural, engineering, or engineering-related services are procured under KRS 45A.837 and 45A.838, or when the project is constructed under KRS 45A.045(11)(a) or (b):
 - (a) An architectural services selection committee created in the Finance and Administration Cabinet shall participate in every instance of that cabinet's procuring architectural services ***for its own needs and the***

needs of other agencies, and upon request from the commissioner of the Department of Fish and Wildlife Resources, shall assist and participate in that department's procuring of architectural services;

- (b) An engineering and engineering-related services selection committee created in the Finance and Administration Cabinet shall participate in every instance of that cabinet's procuring engineering or engineering-related services;~~and~~
 - (c) An engineering and engineering-related services selection committee created in the Transportation Cabinet shall participate in every instance of that cabinet's procuring engineering or engineering-related services; *and*
 - (d) *An engineering and engineering-related services selection committee created in the Department of Fish and Wildlife Resources shall participate in every instance of that department's procuring of engineering or engineering-related services.*
- (3) An architectural services selection committee created in the Finance and Administration Cabinet *to perform its own procurement and assist other state agencies with procuring architectural services* shall consist of six (6) or more members selected in the manner specified within each paragraph:
- (a) Two (2) architects. The secretary of the Finance and Administration Cabinet shall appoint a pool of at least six (6) architects who are employees of the cabinet. At least three (3) of the architects shall be merit employees of the cabinet. The secretary, or~~his~~ designee, under the supervision of the Auditor of Public Accounts, or~~his~~ designee, shall randomly select architects from the pool. The first employee selected shall be placed on the selection committee. If the first employee selected is a merit employee, the second employee selected shall be placed on the selection committee. If the first employee selected is a nonmerit employee, the selection process shall continue until a merit employee is selected. That merit employee shall be placed on the selection committee;
 - (b) One (1) or more additional employees of the Department for Facilities Management, appointed by the commissioner of the Department for Facilities Management, to serve as a nonvoting technical adviser for a given project selection. Advisory members shall serve on a project-by-project basis and shall have the requisite knowledge, training, or experience pertaining to the professional requirements of the project;~~;~~
 - (c) Two (2) merit employees of the user agency appointed by the head of that agency to serve for the duration of the selection committee's participation in the project for which they were appointed by the user agency;
 - (d) An individual. The Kentucky Society of Architects shall nominate nine (9) individuals, and the Governor shall appoint three (3) of these individuals to serve in the pool from which the secretary of the Finance and Administration Cabinet, or~~his~~ designee, under the supervision of the Auditor of Public Accounts, or~~his~~ designee, shall randomly select one (1) individual to serve on the committee;
 - (e) One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as nonvoting members of the committee. If one (1) employee is appointed, then that employee may attend any committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any committee proceeding; and
 - (f) Upon completion of the selection process set forth in this subsection, the commissioner of the Department of Facilities Management shall submit a statement to the Auditor of Public Accounts attesting to full compliance with the selection process for each architectural firm appointed to provide architectural services. In addition, a complete record of the selection process for each project shall be maintained by the department and shall be subject to audit by the Auditor of Public Accounts.
- (4) The engineering and engineering-related services selection committee created in the Finance and Administration Cabinet shall consist of six (6) or more members selected in the manner specified in each paragraph:
- (a) Two (2) engineers. The secretary of the Finance and Administration Cabinet shall appoint a pool of at least six (6) engineers who are employees of the cabinet. At least three (3) of the engineers shall be merit employees of the cabinet. The secretary, or~~his~~ designee, under the supervision of the Auditor of Public Accounts, or~~his~~ designee, shall randomly select engineers from the pool. The first employee selected shall be placed on the selection committee. If the first employee selected is a merit employee, the second employee selected shall be placed on the selection committee. If the first employee selected

- is a nonmerit employee, the selection process shall continue until a merit employee is selected. That merit employee shall be placed on the selection committee;
- (b) Two (2) merit employees of the user agency appointed by the head of that agency to serve for the duration of the selection committee's participation in the project for which they were appointed by the user agency;
 - (c) An individual. The Kentucky Society of Professional Engineers and the Kentucky Consulting Engineers Council shall together nominate nine (9) individuals, and the Governor shall appoint three (3) of these individuals to serve in the pool from which the secretary of the Finance and Administration Cabinet, or ~~his~~ designee, under the supervision of the Auditor of Public Accounts, or ~~his~~ designee, shall randomly select one (1) individual to serve on the committee;
 - (d) One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as nonvoting members of the committee. If one (1) employee is appointed, then that employee may attend any committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any committee proceeding;
 - (e) One (1) or more additional employees of the Department for Facilities Management to serve as nonvoting technical adviser for a specific project selection. Advisory members shall serve on a project-by-project basis and shall have the requisite knowledge, training, or experience pertaining to the professional requirements of the project; and
 - (f) Upon completion of the selection process set forth in this subsection, the commissioner of the Department of Facilities Management shall submit a statement to the Auditor of Public Accounts attesting to full compliance with the selection process for each firm appointed to provide engineering or engineering-related services. In addition, a complete record of the selection process for each project shall be maintained by the department and shall be subject to audit by the Auditor of Public Accounts.
- (5) The engineering and engineering-related services selection committee created in the Transportation Cabinet shall consist of six (6) or more members selected in the manner specified in each paragraph:
- (a) Two (2) engineers. The secretary of the Transportation Cabinet shall appoint a pool of six (6) engineers who are employees of the cabinet. At least three (3) of the engineers shall be merit employees of the cabinet. The secretary, or ~~his~~ designee, under the supervision of the Auditor of Public Accounts, or ~~his~~ designee, shall randomly select engineers from the pool. The first employee selected shall be placed on the selection committee. If the first employee selected is a merit employee, the second employee selected shall be placed on the selection committee. If the first employee selected is a nonmerit employee, the selection process shall continue until a merit employee is selected. That merit employee shall be placed on the selection committee;
 - (b) Two (2) engineers who are merit employees of the user division appointed by the head of that division to serve for the duration of the selection committee's participation in the project for which they were appointed by the user agency. However, if two (2) user divisions have approximately equal responsibilities or separate responsibilities for the project, each user division head shall appoint one (1) member to the selection committee;
 - (c) An individual. The Kentucky Society of Professional Engineers and the Kentucky Consulting Engineers Council shall together nominate nine (9) individuals, and the Governor shall appoint three (3) of these individuals to serve in the pool from which the secretary of the Transportation Cabinet, or ~~his~~ designee, under the supervision of the Auditor of Public Accounts, or ~~his~~ designee, shall randomly select one (1) individual to serve on the committee;
 - (d) One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as nonvoting members of the committee. If one (1) employee is appointed, then that employee may attend any committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any committee proceeding; and
 - (e) Upon completion of the selection process set forth in this subsection, the commissioner of the Department of Highways shall submit a statement to the Auditor of Public Accounts attesting to full compliance with the selection process for each firm appointed to provide engineering or engineering-related services. In addition, a complete record of the selection process for each project shall be maintained by the department and shall be subject to audit by the Auditor of Public Accounts.

- (6) *The engineering and engineering-related services selection committee created within the Department of Fish and Wildlife Resources shall consist of six (6) or more members selected as follows:*
- (a) *The commissioner of the Department of Fish and Wildlife Resources shall appoint five (5) members:*
 1. *One (1) department employee in or designated to the job classification of Department of Fish and Wildlife Resources Project Manager;*
 2. *Two (2) Department of Fish and Wildlife Resources employees in the Engineering and Geological series, at least one (1) of whom shall be a merit employee;*
 3. *One (1) merit employee of the Department of Fish and Wildlife Resources designated by the division head for the project or by the commissioner; and*
 4. *One (1) employee of the Department of Fish and Wildlife Resources who is an attorney;*
 - (b) *The Kentucky Society of Professional Engineers and the Kentucky Consulting Engineers Council shall together nominate nine (9) individuals, and the Governor shall select three (3) of these individuals to serve in a pool from which the commissioner of the Department of Fish and Wildlife Resources, or designee, under the supervision of the Auditor of Public Accounts, or designee, shall randomly select one (1) individual to serve on the committee;*
 - (c) *One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as nonvoting members of the committee. If one (1) employee is appointed, then that employee may attend any committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any committee proceeding; and*
 - (d) *Upon completion of the selection process set forth in this subsection, the commissioner of the Department of Fish and Wildlife Resources shall submit a statement to the Auditor of Public Accounts attesting to full compliance with the selection process for each firm appointed to provide engineering or engineering-related services. A complete record of the selection process for each project shall be maintained by the Department of Fish and Wildlife Resources and shall be subject to audit by the Auditor of Public Accounts.*
- (7)~~(6)~~
- (a) All selection committee members shall have experience which qualifies them to serve on the committee.
 - (b) The same appointment procedures set out in this section apply to any user agency or user division listed in subsection (3), (4), ~~(5)~~, or (6) of this section that does not operate under a merit system.
 - (c) Any individual appointed to serve in a pool from which selection committee members are drawn shall serve in the pool for an initial one (1) year term and may be reappointed ~~to succeed himself~~. He *or she* shall serve until his *or her* successor is appointed and qualified. A successor or a replacement, in the case of a vacancy in the pool, shall be appointed in the same manner as the initial appointee. If a selection committee member, drawn from a pool, leaves a selection committee, his *or her* replacement shall be drawn from the pool in the same manner as he *or she*. The replacement shall have the merit or nonmerit status of his *or her* predecessor.
 - (d) Any individual appointed by the Auditor of Public Accounts to serve on selection committees shall serve an initial one (1) year term and may be reappointed to succeed himself *or herself*. He *or she* shall serve until his *or her* successor is appointed and qualified. A successor or a replacement, in the case of a vacancy, shall be appointed in the same manner as the initial appointee.
 - (e) The selection committee members appointed by the head of a user agency or user division shall serve on a project-by-project basis. These members shall participate only in committee action related to the project for which they were appointed. A replacement, in the case of a vacancy, shall be appointed in the same manner as the initial appointee.
- ➔Section 7. KRS 45A.815 is amended to read as follows:
- (1) Before a person joins a selection committee, he *or she* shall receive an orientation from the procuring agency whose secretary *or commissioner* appointed members to the committee. The orientation shall include, but not be limited to, an explanation of all statutes and administrative regulations pertaining to the person's service on the selection committee.
 - (2) For administrative purposes, a selection committee shall be attached to the procuring agency whose secretary *or commissioner* appointed members to the committee.

- (3) A procuring agency shall provide a selection committee with:
- (a) Suitable quarters in Frankfort, Kentucky, in which to conduct its business;
 - (b) An executive secretary and any other staff support necessary for the expeditious conduct of a selection committee's duties and responsibilities; and
 - (c) Office supplies.

➔Section 8. KRS 45A.825 is amended to read as follows:

- (1) (a) A firm shall not be considered for providing architectural, engineering, or engineering-related services to the Finance and Administration Cabinet, *the Department of Fish and Wildlife Resources*, or ~~engineering or engineering related services to the~~ Transportation Cabinet, unless the relevant procuring agency has prequalified the firm prior to notice of a request for proposals to which that firm intends to respond.
- (b) A firm's prequalification shall remain in effect for twelve (12) months from the date of prequalification.
- (2) (a) The procuring agency shall consult with the user agency or user division before arriving at a request for proposals.
- (b) The request for proposals:
 - 1. Shall include as an evaluation factor whether the work tasks are to be performed in Kentucky or outside Kentucky;
 - 2. Shall indicate the relative weight of evaluation factors, including the reciprocal preference for resident bidders required by KRS 45A.494; and
 - 3. Shall establish a timetable for:
 - a. The selection committee's first meeting held pursuant to subsection (6) of this section; and
 - b. The selection committee's activities conducted pursuant to subsection (7)(b) of this section or subsection (8)(b), (d), and (e) of this section, as appropriate.
- (c) The procuring agency shall provide adequate public notice of a request for proposals and notice of the materials that the procuring agency will provide to a firm to assist that firm in responding to a request for proposals. Those materials shall include, but not be limited to, the request for proposals and the project evaluation sheet to be used by the relevant selection committee. The notice shall also set a deadline for filing responses to a request for proposals with the procuring agency. It shall be the intent of this subsection that firms in all regions of the Commonwealth are given an equal opportunity to be selected.
- (3) A firm shall respond to a request for proposals by submitting before the deadline, a completed form, devised by the procuring agency, which states the firm's experience and its qualifications for the project as described in the request for proposals. A firm which fails to meet the deadline shall be barred from the procurement process.
- (4) The employees of a procuring agency and the members of the selection committee shall keep all responses to a request for proposals confidential until the procuring agency has awarded a contract.
- (5) The secretary *or commissioner* of the procuring agency shall designate a procuring agency employee to determine which firms have prequalified pursuant to subsection (1) of this section and have filed, in a timely fashion, responses to a request for proposals. He *or she* shall create a list of the firms which have done so and certify the list.
- (6) The procuring agency shall organize the selection committee's first meeting. At that meeting, each selection committee member shall sign a statement of confidentiality. Also, at that meeting, the selection committee shall:
 - (a) Elect from among the voting members of the committee a chairman and a vice chairman who shall hold their positions for the duration of the selection committee's participation in the project;
 - (b) Be provided with:
 - 1. The certified list created pursuant to subsection (5) of this section;

2. The firms' responses to the request for proposals;
 3. The request for proposals;
 4. The notice of request for proposals; and
 5. The project evaluation sheets; and
- (c) Discuss the future conduct of its affairs.
- (7) (a) When the Transportation Cabinet *or Department of Fish and Wildlife Resources* procures any engineering or engineering-related services, or when the Finance and Administration Cabinet procures architectural services for an estimated fee of less than fifty thousand dollars (\$50,000) or engineering or engineering-related services for an estimated fee of less than one hundred thousand dollars (\$100,000), this subsection and subsection (9) of this section shall govern the procurement process.
- (b) The selection committee shall meet in executive session to:
1. Evaluate the materials with which it has been provided;
 2. Select the three (3) most qualified firms and rank them in order of preference, based upon the weighted evaluation factors established in the request for proposals; and
 3. Notify the procuring agency of the ranking.
- (c) The procuring agency shall notify each firm which responded to the request for proposals, informing the firm of:
1. The three (3) finalists;
 2. Their ranking; and
 3. The rest of the procedure that will be followed in the awarding of the contract.
- (d) The procuring agency shall then begin negotiations with the top-ranked firm pursuant to subsection (9) of this section.
- (8) (a) When the Finance and Administration Cabinet is procuring architectural services for an estimated fee of fifty thousand dollars (\$50,000) or more or engineering or engineering-related services for an estimated fee of one hundred thousand dollars (\$100,000) or more, this subsection and subsection (9) of this section shall govern the procurement process.
- (b) The selection committee shall meet in executive session to:
1. Evaluate the materials with which it has been provided;
 2. Select, but not rank, the three (3) most qualified firms, based upon the weighted evaluation factors established in the request for proposals; and
 3. Notify the procuring agency of the three (3) finalists.
- (c) The procuring agency shall notify each firm which responded to the request for proposals, informing the firm of:
1. The three (3) finalists; and
 2. The rest of the procedure that will be followed in the awarding of the contract.
- (d) The selection committee shall interview the three (3) finalists, preferably on the same day. The finalists shall be interviewed one (1) at a time, and each interview shall be attended only by representatives of the finalist and members of the selection committee. Members of the selection committee shall keep confidential the substance of an interview until the procuring agency has awarded a contract.
- (e) The selection committee shall meet in executive session to:
1. Rank the three (3) finalists based upon the weighted evaluation factors established in the request for proposals; and
 2. Forward the ranking to the procuring agency.
- (f) The procuring agency shall notify each finalist, informing the finalist of:
1. ***The finalist's***~~His~~ ranking; and

2. The rest of the procedure that will be followed in the awarding of the contract.
- (g) The procuring agency shall then begin negotiations with the top-ranked firm pursuant to subsection (9) of this section.
- (9) The secretary *or commissioner* of the procuring agency shall designate a procuring agency employee as the procuring officer in charge of negotiating a contract with the top-ranked firm, as determined by the selection committee, at compensation which the procuring officer determines in writing to be fair and reasonable to the Commonwealth. In making this decision, the employee shall take into account the estimated value of the services to be rendered, and the scope, complexity, and professional nature thereof. Should the procuring officer be unable to negotiate a satisfactory contract with the top-ranked firm, at a price that he *or she* considers fair and reasonable to the Commonwealth, he *or she* shall formally terminate negotiations with the firm. The procuring officer shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, the purchasing officer shall formally terminate negotiations. The purchasing officer shall then undertake negotiations with the third-ranked firm. Should the purchasing officer be unable to negotiate a satisfactory contract with any of the selected firms, he *or she* shall formally terminate negotiations, and the procurement procedure shall start again from the beginning pursuant to KRS 45A.810.
- (10) Once a procuring officer has negotiated a contract, the procuring agency shall notify the other finalists, informing them of:
 - (a) Which firm has successfully negotiated a contract; and
 - (b) The rest of the procedure that will be followed in the awarding of the contract.
- (11) Notwithstanding the provisions of KRS 45A.045, when the Transportation Cabinet *or the Department of Fish and Wildlife Resources* is the procuring agency, the negotiated contract shall take effect without the approval of the secretary of the Finance and Administration Cabinet.
- (12) The provisions of this section shall not apply to the procurement of architectural, engineering, or engineering-related services under KRS 45A.837 and 45A.838.

➔Section 9. KRS 45A.830 is amended to read as follows:

- (1) For architectural, engineering, and engineering-related construction services procured under KRS 45A.180 and 45A.825, the procuring officer shall make available a copy of the proposed contract to each member of the selection committee involved in the procurement process for that contract after the procuring officer has negotiated an architectural, engineering, or engineering-related services contract for the Finance and Administration Cabinet *or the Department of Fish and Wildlife Resources*, or an engineering or engineering-related services contract for the Transportation Cabinet, but before the contract is submitted to the Government Contract Review Committee.
- (2) For architectural, engineering, and engineering-related construction services procured under KRS 45A.180 and 45A.825, the secretary *or commissioner* of the procuring agency, the procuring officer, and each voting member of the selection committee shall sign separate certificates, devised by the procuring agency, that shall provide the signatory with the option of certifying that, to the best of his *or her* knowledge, he *or she* is either aware or unaware of circumstances that may constitute a violation of this chapter occurring in the procurement process. Any employee of the Auditor of Public Accounts, who served as a nonvoting member of the selection committee and who attended any committee proceeding, may participate in the preparation of a report for filing with the Government Contract Review Committee certifying that the applicable procedural provisions of subsections (4), (6), (7), and (8) of KRS 45A.825 were or were not met. Before filing the report, the employee or employees who participated in its preparation shall sign it.
- (3) For architectural, engineering, and engineering-related construction services procured under KRS 45A.180 and 45A.825, the procuring agency shall maintain the following information, readily available to the Government Contract Review Committee upon request:
 - (a) The certificates;
 - (b) The selection committee's ranking of firms; and
 - (c) A statement affirming that responding firms in all regions of the Commonwealth were given equal consideration for selection.

➔Section 10. KRS 45A.837 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS 45A.800 to 45A.835, the Finance and Administration Cabinet, *the Department of Fish and Wildlife Resources*, and the Transportation Cabinet may enter into price contracts for architectural, engineering, and engineering-related services. If the agencies choose to enter into a price contract, subsection (2) of this section shall apply.
- (2) Price contracts shall be awarded to firms qualified by the Finance and Administration Cabinet, Department of Facilities Management or by the Transportation Cabinet, Department of Highways. The Finance and Administration Cabinet selection committee established by KRS 45A.810 shall meet at least quarterly during each fiscal year to review and make recommendations to the commissioner of the Department for Facilities Management for qualification of interested firms. The Transportation Cabinet selection committee established by KRS 45A.810 shall meet at least quarterly during each fiscal year to review and make recommendations to the commissioner of the Department of Highways for qualification of interested firms.
 - (a) The respective committees shall evaluate those firms submitting statements of interest in obtaining a price contract. The submitting firms shall be reviewed according to the following criteria:
 1. Qualifications;
 2. Ability of professional personnel; and
 3. Past record and experience.
 - (b) Firms qualified by the commissioner of the Department for Facilities Management or by the commissioner of the Department of Highways shall be awarded price contracts by the respective departments for the type of work for which they have been qualified.
 - (c) The commissioner of the Department for Facilities Management, *the commissioner of the Department of Fish and Wildlife Resources*, or the commissioner of the Department of Highways may select firms to perform work under price contract for small projects for which the architectural, engineering, or engineering-related fees do not exceed seventy-five thousand dollars (\$75,000). However, no firm that has received more than one hundred fifty thousand dollars (\$150,000) in price contract fees in any one (1) fiscal year in the contract discipline being awarded shall be selected to work under a price contract unless the secretary of *the Finance and Administration Cabinet*, ~~or~~ the secretary of *the Transportation Cabinet, or the commissioner of the Department of Fish and Wildlife Resources* makes a written determination that the selection is in the best interest of the Commonwealth and the determination is confirmed by the appropriate cabinet's *or department's* selection committee established by KRS 45A.810.
- (3) Notwithstanding any provision of the Kentucky Revised Statutes, no price contract shall be awarded under the provisions of this section before completion of the review procedure provided for in KRS 45A.695 and 45A.705.

➔Section 11. KRS 45A.838 is amended to read as follows:

- (1) If choosing to operate under this section, the Transportation Cabinet *and the Department of Fish and Wildlife Resources* shall, by administrative regulations promulgated under KRS Chapter 13A, designate each type of project for which a pool of firms is to be established and from which the firm to provide the needed architectural, engineering, or engineering-related contract services is to be selected. The project types designated by these administrative regulations shall be limited to those projects for which the professional services to be rendered for each individual contract are substantially similar and to those project types for which architectural, engineering, or engineering-related fees are expected to be at least fifty thousand dollars (\$50,000).
- (2) The Transportation Cabinet *and the Department of Fish and Wildlife Resources* selection ~~committees~~*committee* established under KRS 45A.810 shall annually select the engineering or engineering-related services firms for each pool in accordance with the standards for application and selection established by administrative regulation under subsection (4) of this section.
- (3) Once selected for a particular pool, a firm providing architectural, engineering, or engineering-related services shall remain in the pool for two (2) years unless disqualified under subsection (6) of this section. Upon the expiration of the two (2) year period, a firm may reapply for selection.
- (4) The procedures and criteria for qualifying and selecting the firms to be placed in each annual pool shall be set forth in administrative regulations promulgated by the Transportation Cabinet *or the Department of Fish and Wildlife Resources*. The administrative regulations shall provide for adequate notice to firms of the

establishment of the individual pools, an application procedure for a firm interested in the pool for a particular type of project, the deadline for submission of the application, and the criteria to be used for the establishment of each pool.

- (5) The procedures for determining which firm is to be selected from the pool to provide services for a particular project shall be set forth in administrative regulations promulgated by the Transportation Cabinet *or the Department of Fish and Wildlife Resources*.
- (6) The secretary of *the Transportation Cabinet or the commissioner of the Department of Fish and Wildlife Resources* may remove a firm from a pool for good cause. Any firm that has been removed from a pool may, within thirty (30) days after the removal, petition the secretary for reinstatement. Within sixty (60) days following the secretary's receipt of a petition, the selection committee shall meet to consider the request for reinstatement. If the selection committee recommends that the firm be reinstated to the pool and the secretary accepts the recommendation, the affected firm shall be reinstated.
- (7) After one (1) year of disqualification, a firm that has been removed from a pool under subsection (6) of this section may reapply to be qualified.
- (8) Nothing in this section shall be construed to require use of any pool for a particular project if the responsible cabinet *or department* has determined that the project does not meet the criteria established for pool projects.

➔Section 12. KRS 56.040 is amended to read as follows:

When any land or interest in land is to be paid for out of state funds, the Finance and Administration Cabinet, *the* ~~†(†)Transportation Cabinet for requirements of that cabinet, *or the Department of Fish and Wildlife Resources for its acquisitions of land or interests in land,††*~~ shall take action to provide for the examination and certification of the title to the affected land, with or without exceptions, by an attorney licensed to practice law in this state, or for the insurance of the title to such land by a land title insurance company authorized to do business in this state. A survey and plat of the land showing the corners, angles, and calls of the land shall be made by a competent land surveyor prior to the date of the deed conveying the land or any interest therein to the state. The costs incurred under this section shall be charged against the funds of the agency for whose use and benefit the land is acquired.

➔Section 13. KRS 150.022 is amended to read as follows:

- (1) The Department of Fish and Wildlife Resources Commission shall consist of nine (9) members, one (1) from each commission district, as set out by the commissioner with the approval of the commission, and not more than five (5) of the same political party.
- (2) The Governor shall appoint the members of the commission subject to confirmation by the Senate as described in subsection (3) of this section. Each of the members shall be appointed for a term ending on December 31 of the fourth calendar year following his or her appointment, except that a member's term shall continue until his or her successor is duly appointed and confirmed by the Senate, but no later than one (1) year following the expiration of the member's term. If after one (1) year a successor has not been duly appointed and confirmed by the Senate, the commissioner's seat for that district shall be vacant until a successor is duly appointed and confirmed by the Senate. A member shall serve no more than two (2) full terms, not including any partial term that a member may additionally serve. A person who has been convicted of a felony offense, in Kentucky or under the law of any other state, or any other law of the United States shall not be eligible to serve on the commission.
- (3)
 - (a) Vacancies through the expiration of terms of the members of the commission shall be filled by appointment by the Governor from a list of five (5) names from each commission district, recommended and submitted by the sportsmen of each respective district.
 - (b) When the term of a member expires, the commissioner shall call a meeting of the sportsmen in that district not later than thirty (30) days prior to the expiration of the member's term. Notice of the meeting shall be given by publication pursuant to KRS Chapter 424.
 - (c) At the meeting, the sportsmen in attendance shall select and submit to the Governor a list of five (5) residents and citizens of the district who have held hunting and fishing licenses in Kentucky or another state for at least the previous five (5) consecutive years, or who have been hunting and fishing in the Commonwealth for the previous five (5) consecutive years while license-exempt under KRS 150.170, and who are well informed on the subject of wildlife conservation and restoration. Each sportsman may vote for one (1) candidate only, and the list submitted to the Governor shall be made up of the names of the five (5) candidates receiving the five (5) highest vote totals.

- (d) The Governor shall appoint a successor to the member whose term has expired no later than January 20 of the year following the year in which the member's term expired.
- (4) Upon appointment to the Department of Fish and Wildlife Resources Commission, each commissioner shall execute a bond of one thousand dollars (\$1,000) in favor of the Department of Fish and Wildlife Resources, the premium on this bond to be paid out of department funds.
- (5) In the event of vacancies other than by expiration, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list previously submitted for the district from which the vacancy arose. ***An appointee chosen under this subsection shall not serve on the commission until duly confirmed by the Senate.***
- (6) Each member of the commission shall take the constitutional oath of office.
- (7) The Governor shall remove any member of the commission for cause under subsection (2) of this section and may remove a member of the commission for nonfeasance, neglect of duty, or misconduct in office; but shall first deliver to the member a copy of all charges in writing and afford to him or her an opportunity for an administrative hearing to be conducted in accordance with KRS Chapter 13B. ~~[In order to remove a member of the commission, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and his or her findings thereon, together with a complete record of the proceedings.]~~
- (8) Each member of the commission shall be entitled to reimbursement for actual and necessary traveling and other expenses incurred by him or her in the discharge of his or her official duties and to be paid from the game and fish fund.
- (9) A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the commission.
- (10) The department shall have its principal office in Franklin County, and is authorized to purchase all supplies, equipment, and printed forms and to issue any notices and publications as the commissioner may deem necessary to carry out the provisions of this chapter.
- (11) The word "sportsman" as used in this section shall mean a resident hunter or fisherman who has been licensed in Kentucky for each of the past two (2) consecutive years.

➔Section 14. KRS 150.0242 is amended to read as follows:

- (1) Notwithstanding any provision of law to the contrary, the department shall conduct all procurements necessary for the performance of its duties in accordance with ***the procurement procedures outlined in KRS Chapter 45A, [and] this chapter, and the administrative regulations promulgated under this chapter, but the department shall not be subject to any provision of KRS Chapter 45A that requires the approval of any Finance and Administration Cabinet official for the department to proceed with any aspect of the procurement process.*** Upon approval of the commission, the commissioner shall be deemed the chief purchasing officer for the purposes of conducting procurements for the department and shall have all of the authority and responsibility with regard to the department's procurements as the secretary for the Finance and Administration Cabinet has for procurements under KRS Chapter 45A. All department personal service contracts, tax incentive agreements, and memoranda of agreement shall be subject to review by the Government Contract Review Committee established by KRS 45A.705.
- (2) In its bidding and negotiation processes, the department, upon approval of the commission, shall perform its own bidding and procurement in accordance with the procedures established by KRS Chapter 45A.
- (3) All members of the commission, the commissioner, and employees of the department shall be subject to the requirements of the Executive Branch Code of Ethics established under KRS Chapter 11A.
- (4) ***On or before January 1, 2024, the department shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement its procedures for the procurement of engineering services pursuant to this chapter and KRS 45A.800 to 45A.835.***

➔Section 15. KRS 150.120 is amended to read as follows:

- (1) The commissioner, all conservation officers, persons appointed by the commissioner, and all peace officers and their deputies shall seize and take possession of any and all furs, wildlife, guns, dogs, instruments, boats or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this chapter. Upon complaint showing probable cause for believing that any of the wildlife protected by any

law or regulation are illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause the same to be searched. Any wildlife, furs, guns, dogs, instruments, or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.

- (2) Upon conviction, the court trying the case shall have the discretion of determining whether or not any of the things seized under the provisions of subsection (1) of this section shall be declared contraband. Any wildlife, fur or dog taken, and any device used or possessed contrary to the provisions of this chapter, or any regulations adopted hereunder, is subject to being declared contraband. When any such item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the commissioner and the contraband shall be placed in the custody of the arresting officer, to be delivered to the commissioner.
- (3) The commissioner may sell to the residents of this state, at the highest market price obtainable, with the approval of the ~~commission~~~~Governor and the Finance and Administration Cabinet~~ all contraband which comes to his *or her* possession under the order of any court, or which has been seized under this chapter and declared to be contraband under any law relating to fish or wildlife. All proceeds arising from the sale of contraband articles shall be paid into the game and fish fund, **and shall be subject to audit by the Auditor of Public Accounts under Section 16 of this Act.** A record of the sale, including the name of the purchaser and the price paid, shall be kept by the commissioner.
- (4) Any device or contrivance, the use of which is not expressly recognized and sanctioned by the provisions of this chapter for the taking of wildlife, is hereby declared to be an illegal device. No person shall have in his *or her* possession any illegal device or other thing prohibited by law or by any regulation adopted under this chapter for the taking of wildlife.

➔Section 16. KRS 150.152 is amended to read as follows:

Each year when the Auditor of Public Accounts conducts the statewide single audit of the Commonwealth of Kentucky, the Auditor of Public Accounts shall with respect to the Department of Fish and Wildlife Resources:

- (1) Examine the separate revenue streams of each account within the game and fish fund to ensure compliance with the prohibition against commingling of funds;
- (2) Disaggregate and report the revenue and expenditures, by type, within the program income fund of the fish and game fund;
- (3) Identify internal controls, weaknesses, operating inefficiencies, and make recommendations for improvements;
- (4) Examine ~~all department procurement procedures and~~ procurements, **expenditures, and procurement policies** ~~made by the department since the previous annual statewide audit~~ to ensure compliance with the **procurement procedure** requirements of KRS Chapter 45A and 150.0242; and
- (5) Submit a written report to the Interim Joint Committee on Natural Resources and Energy in conjunction with the release of the statewide single audit of the Commonwealth of Kentucky.

➔Section 17. KRS 150.170 is amended to read as follows:

- (1) 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.
- (2) A person under sixteen (16) years of age may, without a sport fishing license, take fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip net.
- (3) A person under twelve (12) years of age shall be exempt from being required to obtain a sport hunting or sport trapping license as required by this chapter.
- (4) The resident owner of farmlands **of five (5) or more acres** 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 ~~the~~ farmlands **of five (5) or more acres** of which they are bona fide owners. Tenants or their dependent children residing upon these farmlands shall have the same privilege.

- (5) Residents or nonresidents observing and participating in field trials, training exercises, or other competitions as authorized by the department may observe and participate without obtaining a hunting or guide's license so long as game is not taken.
- (6) Any resident serviceman on furlough of more than three (3) days in this state may, without any Kentucky sport hunting or sport fishing licenses, do any act authorized by the licenses, but while so doing he or she shall carry on his *or her* person proper identification and papers showing his or her furlough status.
- (7) Landowners, their spouses or dependent children, or their designee who must be approved by the commissioner, who kill or trap on their lands any wildlife causing damage to the lands or any personal property situated thereon shall not be required to have a hunting or trapping license and may do so during periods other than the open season for the particular species without a tag and dispose of the carcass on-site. Tenants, their spouses, their dependent children, or other persons approved by the commissioner, shall also have the same privilege. Upon destruction of any wildlife by the above-specified individuals, the act shall be reported to a conservation officer 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 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 afield. 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 shall purchase a proper Kentucky license to conform with the reciprocal agreement.
- (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve Component, in any branch in the United States Armed Forces that is based in the Commonwealth of Kentucky, shall have the right to take fish or hunt on any military property belonging to the Commonwealth without procuring any sport hunting or sport fishing license.
- (10) A person not otherwise exempted from hunter safety education or from procuring any sport hunting or sport fishing license shall be exempt from the department-sanctioned live-fire exercise component of the hunter education course requirement if he or she:
 - (a) Is a current member of the Armed Forces of the United States;
 - (b) Has served in the Armed Forces of the United States and was discharged or released therefrom under conditions other than dishonorable; or
 - (c) Is a peace officer certified pursuant to KRS 15.380 to 15.404.

➔Section 18. KRS 150.175 is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under the licenses and tags, subject to the other provisions of this chapter and subject to administrative regulations promulgated under this chapter, shall be as follows:

- (1) Statewide resident sport fishing license, which authorizes the holder to take fishes by angling, or take crayfish by a minnow seine, or by hand, to take minnows by the use of a minnow seine, minnow trap, or dip net, or to take fishes by grabbing, giggering, snagging, snaring, jugging, and bow and arrow, and to take frogs and turtles from any waters in any county of this state open for such purposes and subject to the limitations in this chapter and additional limitations that the department may from time to time prescribe. This license shall not authorize the holder to sell fish;
- (2) A short-term sport fishing license, which authorizes the holder to perform all acts authorized by a statewide sport fishing license and subject to the same limitations or prescribed administrative regulations. This license shall not authorize the holder to sell fish;
- (3) A resident commercial fishing license and a nonresident commercial fishing license, which authorize a holder to perform any act authorized by a sport fishing license and to take rough fishes from the waters of the state by

the use of commercial fishing gear as prescribed by administrative regulation. The license shall also authorize the holder to sell rough fishes, other than those protected by administrative regulation;

- (4) A commercial fishing gear tag, which shall be attached to each piece of commercial fishing gear including hoop nets, slat traps, trotline, wing nets, and to each one hundred (100) feet of linear gear or portion thereof in use, including commercial seines, gill nets, or trammel nets. Commercial gear tags may be issued only to a person holding a resident or nonresident commercial fishing license;
- (5) Live fish and bait dealer's licenses, resident and nonresident, which authorize the holder to sell bait and live fish as may be prescribed by administrative regulation;
- (6) Musseling licenses, resident and nonresident, which authorize the holder to take mussels for commercial purposes as may be prescribed by administrative regulation;
- (7) A statewide resident hunting license, which authorizes the holder to take or pursue wild animals, wild birds, frogs, and turtles with gun, bow and arrow, dog, or falcon, or to participate in a fox-hunting party engaged in the hunting or pursuing of foxes with dogs for sport, according to the provisions of the laws and administrative regulations of the department;
- (8) A ~~youth~~~~junior~~ statewide hunting license, which may be issued to a person before he or she has reached his or her sixteenth birthday, and which authorizes the holder to exercise all the privileges authorized by a statewide hunting license~~. No junior hunting license shall be issued without the written permission of parent, guardian, or person having custody of the person under sixteen (16) years of age~~;
- (9) Trapping licenses, resident and nonresident, which authorize the holder to take wild animals by trapping upon his or her own lands or upon the lands of another person, if the holder of the license has first obtained oral or written consent as provided in KRS 150.092 and administrative regulation;
- (10) A taxidermist license, which authorizes the holder to engage in the act of preparing, stuffing, and mounting the skins of wildlife;
- (11) A commercial guide's license, which authorizes the holder to guide hunting and fishing parties according to the provisions of the laws and administrative regulations of the department;
- (12) Fur buyer's licenses, resident and nonresident, which authorize the holder to buy raw furs from licensed trappers and hunters and to sell raw furs so purchased. Applicants for the license shall state the number of premises to be used and shall display at each a copy of the license as furnished by the department, except that the commissioner may limit the number of copies furnished and may revoke the license for violation;
- (13) A fur processor's license, which may be issued only to a resident, a partnership, firm, or corporation of this state and which authorizes the holder to buy raw furs when in legal possession for processing, manufacture, or retention in cold storage or for resale;
- (14) A nonresident sport fishing license, which authorizes the holder to perform any act authorized by a resident statewide sport fishing license. This license shall not authorize the holder to sell fish;
- (15) A nonresident annual hunting license, which authorizes the holder to perform any act authorized by a resident statewide hunting license;
- (16) Shoot-to-retrieve field trial permits, four (4) day and single day, which authorize a permit holder to conduct a shoot-to-retrieve field trial on private or government-owned lands. With a four (4) day permit, all participants, whether residents or nonresidents, shall not be required to possess any other license to participate in the permitted field trial, and the permit shall expire four (4) days after the date on which the field trial began. With the single day permit, the permit is valid for one (1) day and all participants shall have a valid resident or nonresident annual Kentucky hunting license. A permit is not required to conduct a shoot-to-retrieve field trial on a licensed shooting preserve; however, all participants that take or attempt to take game shall have in their possession a resident or nonresident annual Kentucky hunting license;
- (17) Game permits and ~~youth~~~~junior~~ game permits, which, in combination with a valid statewide hunting license or a valid ~~youth~~~~junior~~ statewide hunting license, authorize the holder to take or pursue the specified game species in any designated open area of this state, during the open season and according to the provisions of the laws and administrative regulations governing the hunting;
- (18) A combination hunting and fishing license, which authorizes only resident holders to perform all acts valid under either a sport fishing or hunting license;

- (19) A trout permit, which in combination with a valid statewide fishing license, authorizes the holder to take trout by angling or as may be prescribed by administrative regulation;
- (20) A commercial waterfowl permit, which authorizes the holder to establish and operate a commercial waterfowl hunting preserve;
- (21) A short-term hunting license, which authorizes the holder to perform all acts authorized by a statewide hunting license according to the provisions of the laws and administrative regulations of the department;
- (22) A joint statewide resident sport fishing license issued to a husband and wife which authorizes them to take fish as provided in subsection (1) of this section. The license fee for this joint license shall be ten percent (10%) less than the license fee set by the commission for two (2) statewide resident sport fishing licenses;
- (23) A Kentucky migratory bird permit, which in combination with a valid statewide hunting license and compliance with applicable federal law, authorizes the holder to take or pursue waterfowl and migratory shore or upland game birds;
- (24) A pay lake license which authorizes the holder to operate privately owned impounded waters for fishing purposes for which a fee is charged;
- (25) A senior *sportsman's*~~[combination]~~ hunting and fishing license, which authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, or a state permit to take deer, turkey, trout, waterfowl, or migratory shore or upland game birds, and which shall be available to a Kentucky resident who is sixty-five (65) years of age or older.

The senior *sportsman's hunting and fishing*~~[combination]~~ license shall not be valid unless the holder carries proof of residency and proof of age, as the department may require by administrative regulation, on his or her person while performing an act authorized by the license;

- (26) A senior lifetime *sportsman's*~~[combination]~~ hunting and fishing license, which remains valid until the death of the holder and authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state permit to take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and which shall be available to a Kentucky resident who is sixty-five (65) years of age or older;
- (27) A disabled *sportsman's*~~[combination]~~ hunting and fishing license, which authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state permit to take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and which shall be available to a Kentucky resident who is:
 - (a) An American veteran at least fifty percent (50%) disabled as a result of a service-connected disability; or
 - (b) Declared permanently and totally disabled by the federal Social Security Administration, the United States Office of Personnel Management, the Kentucky Teachers' Retirement System, the Department of Workers' Claims or its equivalent from another state, or the United States Railroad Retirement Board.

The disabled *sportsman's hunting and fishing*~~[combination]~~ license shall not be valid unless the holder carries proof of residency~~[and proof of disability]~~, as the department may require by administrative regulation, on his or her person while performing an act authorized by the license;

- (28) A sportsman's license *and youth sportsman's license* for residents that *include*~~[includes an]~~ annual hunting and fishing *licenses*~~[license]~~ and such permits as allowed by administrative regulations promulgated by the department; and
- (29) A special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. This license shall be valid only for the shooting areas for which it was issued and shall remain in effect for one (1) year. If the hunter holds either a nonresident or resident statewide hunting license for the current year, the special license shall not be required.

The department may offer multiyear licenses or permits for any of the annual licenses or permits authorized in subsections (1), (7), (9), (14), (15), (17), (18), (19), (23), and (28) of this section. A multiyear license or permit shall authorize the holder to perform all acts authorized by the same license or permit if purchased annually and shall be issued in accordance with the provisions of this chapter and the administrative regulations promulgated hereunder. Any multiyear licenses or permits offered by the department relating to the annual licenses or permits authorized in subsections (1), (7), (9), (14), (15), (17), (18), (19), (23), and (28) of this section shall be implemented by administrative regulation and may be discontinued at any time.

➔Section 19. KRS 150.195 is amended to read as follows:

- (1) The department shall by administrative regulation provide for the control of the design, issuance, distribution, and other matters relating to all licenses and permits issued by the department.
- (2) The department shall name each county clerk not granted an exemption from selling licenses or permits by the commissioner as an agent for the sale of licenses and permits or other items. The county clerk shall not appoint any other person or organization, other than a paid deputy clerk, to sell licenses and permits. A county clerk may, at any time during his term of office, apply in writing to the commissioner for an exemption from the requirement that he *or she* sell licenses and permits or other items for the department. The commissioner shall then grant the exemption until the clerk requests otherwise in writing.
- (3) The department ~~may~~~~shall~~ sell its own licenses or permits and may name any other *persons, governmental entities, businesses, or organizations*~~person or organization~~ meeting the requirements specified by statute and by the department by administrative regulation as *agents*~~an agent~~ for the sale of specified licenses and permits or other items for the department.
- (4) The department shall, by administrative regulation, determine:
 - (a) The number and distribution of agents in a county;
 - (b) Which licenses and permits or other items shall be sold *or issued* by the department and agents of the department;
 - (c) The requirements for persons, *governmental entities, businesses,* or organizations~~other than county clerks,~~ to sell licenses and permits or other items issued by the department;
 - (d) The fees allowed to be retained by agents of the department;
 - (e) Matters relating to the remittance of license and permit fees and proceeds of the sale of other items, procedures for accountability for licenses and permits, and accountability for license and permit fees and proceeds of the sales of other items;
 - (f) The license and permit term, and the date of expiration of licenses and permits; and
 - (g) The manner in which the licenses, permits, and other items issued by the department are designed, issued, and sold, and details relating to the application for and sale of licenses, permits, and other items, the reporting of license, permit, and other sales, and other matters deemed necessary by the department for the proper administration and operation of a program relating to the design, issuance, and sale of licenses, permits, and other items issued by the department.
- (5) No person shall make a false statement or provide any false information when applying for a license or permit.
- (6) Unless permitted to do so by administrative regulation, no person shall alter or modify a license or permit in any manner.
- (7) No *person*~~employee of the department, no agent designated by the department, or no employee of an agent designated by the commissioner~~ shall knowingly make a false entry upon a license or permit, license or permit record, or an application or report required by this chapter or by an administrative regulation issued thereunder.
- (8) The department~~and each agent designated by the commissioner~~ shall keep a correct and complete record of all licenses and permits applied for or issued, and all other records required to be kept by statute or by the department by administrative regulation. License and permit records shall be public records and shall be open to public inspection in the manner provided by KRS 61.870 to 61.884.
- (9) No fee for the issuance of a license or permit issued by or on behalf of the department shall be charged or collected by the department or agent of the department other than the amount specified by administrative regulation. Tie-in sales required to obtain a license or permit are prohibited.
- (10) The department shall by administrative regulation develop a procedure for suspending or revoking the agent status of a person or organization violating any provision of this chapter, or the administrative regulations promulgated thereunder, relating to the sale, reporting of, or financial accountability for the sale of licenses or permits which the agent is authorized to sell on behalf of the department.
 - (a) The initial determination to suspend or revoke an agent's status shall be made by the commissioner, or by his *or her* designee; and the agent shall be informed of the decision in writing.

- (b) A decision of the commissioner or his *or her* designee may be appealed to the commission in writing and received by the department within ten (10) days of receipt of the commissioner's notice. Hearings of appeals shall be conducted in accordance with KRS Chapter 13B.
 - (c) Appeals from a final order of the commission shall be to the Franklin Circuit Court in accordance with KRS Chapter 13B.
- (11) Penalties which the commissioner, his *or her* designee in writing, or the commission may assess are:
- (a) A suspension of the agent's status for not less than one (1) nor more than five (5) years; or
 - (b) Revocation of the agent's status permanently, if a natural person, or for not less than ten (10) years to permanently, if an organization.
- (12) Suspension periods shall not be waived, probated, or delayed by the commissioner, his *or her* designee in writing, or the commission. The commission or the Franklin Circuit Court, as appropriate, may reduce a suspension period ordered by the commissioner or his *or her* designee in writing, but to not less than one (1) year, and may reduce a revocation to a suspension.
- (13) The department may experiment with computerized, electronic, or other improved forms of license and permit sales by the department and its agents. Experiments may be conducted on a regional or other basis. The commission shall implement any improved method of license and permit sales finally selected, on a statewide basis by administrative regulation.

→Section 20. KRS 150.250 is amended to read as follows:

The department, with the approval of the ~~commission~~~~secretary of the Finance and Administration Cabinet and the consent of the Governor~~, may enter into any contract with the United States government, or any department or agency thereof, or with any individual in regard to the preservation, protection and propagation of wildlife which it may deem to the advantage of the state to enter into.

→Section 21. KRS 150.990 is amended to read as follows:

- (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each device used or possessed contrary to the provisions of this chapter or any administrative regulation promulgated by the commission thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.
- (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a conservation officer or peace officer of this Commonwealth for violation of this chapter or any administrative regulation promulgated thereunder shall forfeit his or her license or, if that person is license-exempt, shall forfeit the privilege to perform the acts authorized by the license. The individual shall not be permitted to purchase another license or exercise the privileges granted by a license until the citation or summons is resolved. The court shall notify the department whenever a person has failed to appear pursuant to a citation or summons for a violation of this chapter or any administrative regulation promulgated thereunder.
- (b) Any person who violates any of the provisions of this chapter or any administrative regulations promulgated by the commission thereunder may, in addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8) of this section, forfeit his *or her* license or, if that person is license-exempt, may forfeit the privilege to perform the acts authorized by the license and shall not be permitted to purchase another license or exercise the privileges granted by a license during the same license year. No fines, penalty, or judgment assessed or rendered under this chapter shall be suspended, reduced, or remitted otherwise than expressly provided by law. Any person who violates any administrative regulation which has been or may be promulgated by the commission under any provisions of this chapter shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the administrative regulation is promulgated.
- (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the provisions of this chapter or any administrative regulation promulgated by the commission for which no definite fine or imprisonment is fixed shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- (4) Any person who violates any of the provisions of *subsections (5) to (8) of Section 19 of this Act*, KRS 150.290, 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, *or* 150.660~~, the provisions of KRS 150.195(5) to (8), or KRS 150.660(3)~~ shall be fined not less than fifty dollars (\$50) nor more than five

hundred dollars (\$500) or be imprisoned for not more than six (6) months, or both. Also, any person violating the provisions of KRS 150.300 shall be assessed treble damages as provided in KRS 150.690 or 150.700. Damages assessed under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the damages be paid through the circuit clerk.

- (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365, 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.
- (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both, and in addition to these penalties shall be liable to the department in an amount not to exceed the replacement value of the fish and wildlife which has been killed or destroyed. Costs assessed for the restoration of wildlife under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the costs be paid through the circuit clerk.
- (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or administrative regulations issued thereunder shall for the first offense be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); and shall for a second offense be fined not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500); and for any subsequent offense, be fined two thousand dollars (\$2,000).
- (9) Any person who violates the provisions of KRS 150.520 or administrative regulations issued thereunder shall, if the violation relates to methods of taking mussels, for a first offense be imprisoned in the county jail for no more than thirty (30) days; for a second offense be imprisoned in the county jail for no more than six (6) months; and for any subsequent offense be imprisoned in the county jail for no more than one (1) year. The penalties for violation of this subsection shall be in addition to the penalties for violation of subsection (8).
- (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4) shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit his *or her* license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of one (1) to three (3) years and shall be liable to the department in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in violation of KRS 150.390 and for violations of KRS 150.092(4) shall be liable to the landowner or occupant for reasonable compensation for damages. Wildlife replacement costs assessed under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the damages be paid through the circuit clerk. Damages assessed under this subsection shall be ordered to be paid directly to the landowner or occupant. The court shall not direct that the damages be paid through the circuit clerk. Any person who possesses, takes, or molests a wild elk in violation of KRS 150.390 or administrative regulations promulgated under authority of that section shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisoned for up to six (6) months, or both. In addition to these penalties, the person shall pay to the department an amount not to exceed the greater of the replacement cost of the wild elk or double any monetary gain realized from the illegal activity and shall forfeit his or her license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of one (1) to three (3) years.
- (12) Any person who violates any of the provisions of KRS 150.090 other than a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall be guilty of a Class A misdemeanor.
- (13) Any person who commits a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall be subject to the penalties specified for the offense under KRS Chapter 507 or 508, as appropriate.
- (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a violation of KRS 150.710. A subsequent conviction shall be a Class A misdemeanor.

- (15) Any person who violates the provisions of KRS 150.092 or the administrative regulations promulgated thereunder for which no other penalty is specified elsewhere in this section shall for the first offense be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second offense, be fined not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or, if license-exempt, the privilege to perform the acts authorized by the license, for one (1) year and shall be fined not less than one thousand dollars (\$1,000) or be imprisoned in the county jail for up to one (1) year, or both. In addition to the penalties prescribed in this subsection, the violator shall be liable to the landowner or tenant for the replacement cost of any property which was damaged or destroyed by his *or her* actions. Damages assessed under this subsection shall be ordered to be paid directly to the landowner or the tenant. The court shall not direct that the damages be paid through the circuit clerk.
- (16) (a) Any person who knowingly violates KRS 150.361 shall for a first offense be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or be imprisoned in the county jail for not more than six (6) months, or both.
- (b) Any person who knowingly violates KRS 150.361 shall for a second or subsequent offense be fined not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) or be imprisoned in the county jail for not more than six (6) months, or both.
- (c) In addition to the penalties specified in paragraphs (a), (b), and (d) of this subsection, a person knowingly violating KRS 150.361 shall forfeit his or her hunting license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of not less than one (1) nor more than three (3) years.
- (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this subsection any person knowingly violating KRS 150.361 shall be liable to the department in an amount not to exceed the greater of the replacement value of any wildlife killed or wounded in violation of KRS 150.361 or double the amount of the monetary gain from knowingly violating KRS 150.361.
- (e) Wildlife replacement costs or other costs specified in paragraph (d) of this subsection shall be ordered paid directly to the department. The court shall not direct that the replacement costs be paid through the circuit clerk.
- (17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10) years.

→Section 22. The requirements of this Act shall apply to all procurements and acquisitions of interests in real property undertaken by, or for the benefit of, the Department of Fish and Wildlife Resources, including procurements and acquisitions of interests in real property that commenced prior to the effective date of this Act.

→Section 23. Whereas it is critical to the proper administration of the Department of Fish and Wildlife Resources that its procurements and acquisitions of interests in real property are completed in a timely manner, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden March 29, 2023.