

## CHAPTER 93

## ( SB 39 )

AN ACT relating to fish and wildlife and declaring an emergency.

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

➔Section 1. 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) ~~An~~~~The resident~~ owner of farmlands ***who is a resident of the Commonwealth*** or his or her spouse or dependent children shall, without procuring any sport hunting or sport fishing licenses, have the right to take fish or hunt during the open season, except trapping, on farmlands of which they are bona fide owners. Tenants or their dependent children residing upon these farmlands shall have the same privilege.
- (5)
  - (a) ***A bona fide owner of private land in Kentucky who is also a resident of the Commonwealth shall:***
    1. ***Not be subject to any limits or restrictions established in this chapter or the administrative regulations promulgated under this chapter for creel, possession, size, or method of take for the fish in the private landowner's private lake or pond;***
    2. ***Be able to extend the privileges in subparagraph 1. of this paragraph in written or electronic form to any other person who has a valid fishing license; and***
    3. ***Include the landowner's address and telephone number in any written or electronic permission extended to another person under this paragraph.***
  - (b) ***Except for restrictions on the stocking of invasive fish, a bona fide owner of private land shall:***
    1. ***Not be subject to any state requirements regarding the stocking of private lakes or ponds located in the private landowner's property; and***
    2. ***Provide written or electronic permission to any person allowed to obtain and transport live fish from the bona fide owner's private pond or lake to another location. The person granted permission to transport the fish from the bona fide landowner's lake or pond shall, while transporting the live fish, keep and be able to furnish the bona fide landowner's written permission to a game warden. The written or electronic permission shall detail the species of fish, the amounts allowed to be in his or her possession, and the bona fide landowner's address and phone number.***
  - (c) ***There shall not be any restriction on the stocking of first filial (F1) largemouth bass or Florida (Micropterus salmoides floridanus) bass in a bona fide landowner's private lakes and ponds.***
  - (d) ***Paragraphs (b) and (c) of this subsection shall not apply to private lakes and ponds located within the one hundred (100) year floodplain.***
- (6) 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.

- ~~(7)(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.
- ~~(8)(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 game warden within twenty-four (24) hours of the kill. Individuals wishing to transport the carcass from the property upon which it was killed shall contact personnel of the department to request a 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.
- ~~(9)(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.
- ~~(10)(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.
- ~~(11)(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.
- (12) Any person found in violation of administrative regulations promulgated under this chapter for creel, possession, size, or method of take when checked by a game warden on public lakes, rivers, or streams shall not claim as a defense any right or privilege conferred to a landowner under subsection (5)(a) of this section for fishing in a private lake or pond on the landowner's private land.**
- (13) As used in this section, "private lake or pond" means a lake or pond that is:**
- (a) Not connected by surface water to any public waters;**
  - (b) Not accessible to fish from other public bodies of water; and**
  - (c) Not located within the one hundred (100) year floodplain.**
- ➔Section 2. KRS 150.180 is amended to read as follows:
- (1) Except as otherwise provided for in this chapter, and subject to regulations adopted under this chapter, no person, for himself or as the agent or employee of another shall buy, or sell, or attempt to buy, or sell, barter, exchange, or trade, or have in possession for the purpose of selling, bartering, or trading any protected wildlife or part thereof, raw fur or processed wildlife, no matter where or when caught or killed, whether caught or killed in this state or in any other state or other country.
  - (2) Mussels and fishes, other than sport fishes as designated by departmental regulations, and all fishes, regardless of species, raised by licensed propagation permittees may be bought, sold, and transported, if in legal possession.

- (3) Raw furs, if in legal possession, may be sold, transported, or shipped, by a licensed trapper or licensed hunter to a licensed fur buyer (resident or nonresident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer if in legal possession. A fur processor may hold raw furs or sell to another licensed fur processor at any time.
- (4) Subject to regulations adopted under this chapter, a person who has been issued a license under this chapter and who has the license on his person may transport anywhere as a part of his personal baggage any protected wildlife legally taken by him under such license, not in excess of the number that the law or regulation permits him to have in possession at any one (1) time.
- (5) A person who has legally taken any protected wildlife in another state and who has in his possession the license which authorizes such taking may, if the same be dead, transport the same in this state, as part of his personal baggage at any time during the open season for the particular species in the state in which taken or within ten (10) days after the close of such season. Any person may ship dead game or dead fish so taken subject to the provisions of the laws of the state in which the same was taken and the laws and regulations of the United States relating thereto.
- (6) No person shall import or transport into the State of Kentucky or receive shipment in the state from without the state, any live fish or wildlife without first procuring from the department a written fish transportation permit or wildlife transportation permit. If it is determined upon inspection that such fish or wildlife would not constitute a menace to the state and are free from disease and other undesirable physical characteristics, the commissioner shall issue a permit for a fee to be determined by the Fish and Wildlife Commission by administrative regulation, pursuant to KRS Chapter 13A. A fish transportation permit shall be valid for one (1) year from the date of issuance, and a wildlife transportation permit shall be valid for specific dates as indicated on the permit.
- (7)
  - (a) No person may at any time stock any species of fish secured from any source into the public waters of the Commonwealth without first securing a permit from the commissioner.
  - (b) ***The stocking or intentional release of first filial (F1) largemouth bass or Florida (Micropterus salmoides floridanus) bass from any source into the public waters of the Commonwealth is strictly prohibited, except that the department may promulgate administrative regulations in accordance with KRS Chapter 13A to stock first filial (F1) largemouth bass and Florida (Micropterus salmoides floridanus) bass in department-owned lakes.***
- (8) This section shall not in any way interfere with the transportation of any fish or wildlife by authorized personnel of the department.
- (9) Federal and state regulations shall govern the transportation of all migratory wild birds.

➔Section 3. KRS 150.360 is amended to read as follows:

- (1) No person shall take any wildlife, whether protected by this chapter or not, except by trapping, snaring, gig, crossbow, bow and arrow, hook and line, nets, gun, gun and dog, dog, falconry, or as expressly prescribed by regulation.
- (2) Shotguns used in the taking of wildlife, protected or unprotected, shall not be larger than 10-gauge and shall be fired from the shoulder. No wildlife, except deer or light geese during a light geese conservation order, protected or unprotected, shall be taken with or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three (3) shells, the magazine of which has not been cut off or plugged with a one (1) piece filler incapable of removal through the loading end, in such manner as to reduce the capacity of the gun to not more than three (3) shells at one (1) time in the magazine and chamber combined.
- (3) No person shall take or attempt to take any wildlife, protected or unprotected, from an automobile, or other vehicle, unless prescribed by regulation. Boats may be used except as prohibited by state or federal regulation.
- (4) No person shall discharge any firearm, bow and arrow, crossbow or other similar device, upon, over, or across any public roadway.
- (5) No person shall take wildlife, except opossum, raccoon, fishes, ***beavers***, and frogs, with lights or other means designed to make wildlife visible at night. ***Within ninety (90) days after the effective date of this Act, the department shall promulgate administrative regulations in accordance with KRS Chapter 13A for nocturnal beaver hunting.***

- (6) Coyotes *and bobcat* may be taken at night with ~~[- or without the use of lights or other]~~ means designed to make wildlife visible at night, *including but not limited to night vision, thermal, and infrared technologies*, as established by administrative regulation.

➔Section 4. 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 game warden 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 KRS 150.195(5) to (8), 150.290, 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, or 150.660 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)
  - (a) 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).

- (b) In addition to the penalties under paragraph (a) this subsection, any person who violates the provisions of subsection (7)(b) of Section 2 of this Act may be fined up to ten thousand dollars (\$10,000) for each offense.*
- (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 guide for a period of ten (10) years.

➔Section 5. 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. A member whose reappointment is not confirmed by the Senate while it is in session shall vacate his or her seat upon the date of sine die adjournment of the session in which the confirmation was declined. Otherwise, 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 *commission member's*~~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 *or sportswomen* of each respective district.
  - (b) When the term of a member expires, the commissioner shall call a meeting of the sportsmen *and sportswomen* 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 *and sportswomen* in attendance shall select and submit to the Governor a list of five (5) residents and citizens of the district, *each of whom:*~~who~~
    - 1. *Is either an experienced hunter, angler, trapper, or biologist;*
    - 2. *Notwithstanding any provision of law to the contrary, has*~~have~~ *held a hunting and fishing license*~~licenses~~ *in Kentucky*~~for another state~~ *for at least the previous five (5) consecutive years; and*~~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~~
    - 3. *Is*~~Are~~ *well informed on the subject of wildlife conservation and restoration.*
  - (d) Each sportsman *or sportswoman* 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.
  - (e)~~(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 *member of the commission*~~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.
- (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. *At the commission's first meeting after sine die of the regular session of the General Assembly of each year, it shall elect from among its members a person to serve as chairperson of the commission for the coming calendar year.*
- (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) *Within one (1) year of his or her initial appointment to the commission, a commission member shall complete three (3) hours of executive branch ethics training conducted by the Executive Branch Ethics Commission established under KRS Chapter 11A. Each commission member shall complete three (3) hours of executive branch ethics training each year that he or she serves on the commission thereafter. Current commission members shall complete their initial three (3) hours of executive branch ethics training within one (1) year after the effective date of this Act.*
- (12) *Official logos, decals, or emblems used by the department or that bear the state seal shall not be used on any vehicle, except in accordance with KRS 186.065. Members of the commission shall not place official department logos, decals, or emblems with the state seal on any personal vehicle used by them. This subsection does not apply to the placement of bumper stickers or any other decals or emblems that are not used by the department to designate the vehicle as a state-owned vehicle.*
- (13) The word "sportsman" or "sportswoman" as used in this section shall mean a resident hunter or fisherman or fisherwoman who has been licensed in Kentucky for each of the past two (2) consecutive years.

➔Section 6. KRS 150.061 is amended to read as follows:

- (1) (a) 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:
  1. With knowledge of and experience in the requirements for the protection, conservation and restoration of the wildlife resources of the *Commonwealth*; ~~{state}~~
  2. *Who has demonstrated active participation in hunting, fishing, or both for ten (10) years prior to appointment;*
  3. *Who, notwithstanding any provision of law to the contrary, has held a hunting and fishing license in Kentucky or another state for at least the previous ten (10) consecutive years; and*
  4. *Who has not served on the Department of Fish and Wildlife Resources Commission or in the General Assembly for at least two (2) years.*
- (b) 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:
  1. ~~{(a)}~~ Annual review by the commission in closed, executive session;

- 2.~~{(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
- 3.~~{(c)}~~ Reappointment by the commission.
- (2) ***For commissioner vacancies that occur after the effective date of this Act, the commission shall conduct a national search to identify the best qualified individual to hold the position and carry out the requirements of this chapter.***
- (3) 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 or her in the performance of his or her official duties.
- ~~(4){(3)}~~ Before entering upon the duties of his or her office, the commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he or she 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.
- ~~(5){(4)}~~ Notwithstanding any provision of law to the contrary, the commissioner shall be the sole appointing authority for the department for the purposes of KRS Chapter 18A and shall have general supervision and control of all activities, functions, appointments, and employees of the department. He or she 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.
- ~~(6){(5)}~~ If federal or other grant funds become available to pay their salaries, the commissioner may appoint and employ other persons that he or she 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 7. KRS 235.280 is amended to read as follows:
- (1) ***Except as provided in subsection (2) of this section,*** the commissioner of the department, with approval of the Department of Fish and Wildlife Resources Commission, shall promulgate administrative regulations in accordance with KRS Chapter 13A to govern the fair, reasonable, equitable, and safe use of all waters of this state and otherwise to carry out the purposes of this chapter.
- (2) ***Notwithstanding any provision of law to the contrary, the department shall not promulgate or enforce any administrative regulation that:***
- (a) ***Prohibits, restricts, or limits using wakeboats or engaging in wakesports on bodies of water where wakeboats were allowed to engage in wakesports as of December 1, 2025; or***
- (b) ***Imposes a wakeboat zone or prescribes mandatory setbacks or distances from shorelines, commercial docks, or moorage harbors.***
- (3) ***As used in this section:***
- (a) ***"Hydrofoil" means a vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing and a rear stabilizer;***
- (b) ***"Wakeboat" means a motorboat that has one (1) or more ballast tanks, ballast bags, or other devices or design features that increase the size of the motorboat's wake; and***
- (c) ***"Wakesports" means operating a wakeboat or to use a surfboard, wakeboard, hydrofoil, or similar device to ride on or ride in the wake of the wakeboat.***

➔Section 8. All current members of the Department of Fish and Wildlife Resources Commission on the effective date of this Act may serve out the remainder of their terms.

➔Section 9. Whereas it is critical that that the changes to the qualifications for the members of the Department of Fish and Wildlife Resources Commission and the commissioner be enacted as soon as possible to apply to any new vacancies that may arise, and the rights of landowners and other citizens of the Commonwealth

must be clarified to mitigate the release of invasive fish species, 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.

**Signed by Governor April 10, 2026.**