

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

RELATES TO: KRS 150.195

STATUTORY AUTHORITY: KRS 150.195

NECESSITY, FUNCTION, AND CONFORMITY: To define the terms used in 301 KAR Chapter 5.

Section 1. Definitions. (1) "Agents of county clerks" means the business establishments included on the list submitted to the department by county clerks of their authorized license agents as of July 16, 1994.

(2) "Commission" is defined by KRS 150.010(4).

(3) "Commissioner" is defined by KRS 150.010(5).

(4) "Department" is defined by KRS 150.010(8).

(5) "License agent" means a county clerk, government office, or business authorized to sell licenses and conduct other transactions for the department.

(a) "Governmental agent" means a license agent who is a county clerk or the representative of another federal, state, or local governmental entity.

(b) "Out-of-state agent" means a license agent who sells licenses at a location outside the boundaries of Kentucky.

(6) "License stock" means the blank paper upon which licenses are printed by the POS device.

(7) "POS device" means a point-of-sale computer terminal, printer, and associated hardware, software, and connecting cables used to generate licenses and record license sale data.

(8) "POS licenses" means the licenses or permits authorized by KRS 150.175 and 301 KAR 3:022 which are available for sale through POS devices.

(9) "Transaction" means the application for a hunt or the purchase or sale of a license, permit, or product, ~~or the application for a hunt~~, using a POS device at a license agent location.

(10) "Upload" means the transfer, over telephone lines, of electronic data from the POS device to the department.

Approved by the Fish and Wildlife Commission

RICH STORM, Commissioner

MIKE E. BERRY, Secretary

APPROVED BY AGENCY: July 20, 2021

FILED WITH LRC: August 5, 2021 at 9:22 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2021 at 10:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation

through October 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: The regulation defines terms for 301 KAR chapter 5.

(b) The necessity of the administrative regulation: The regulation is necessary to establish the precise meaning of the terms when utilized within other 301 KAR chapter 5 regulations.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.195 authorizes the department to promulgate administrative regulations for the control, design, issuance, distribution, and other matters related to all licenses and permits issued by the department. This regulation provides definitions of terms utilized in the other regulations related to the issuance and distribution of licenses and permits.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the administration of the statutes by providing definitions to the terms utilized in other regulations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: The amendment improves the readability of the regulation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to correct grammatical errors and improve the readability of the regulation.

(c) How does the amendment conform to the authorizing statutes: The amendment does not make any substantive changes to the regulation.

(d) How the amendment will assist in the effective administration of the statutes: It will assist by improving the readability of the regulation which will improve the reader's understanding of the terms.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: All individuals purchasing licenses or permits as well as any businesses or governmental agencies which enter into agreements to become a license and permit vendor.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The amendment will not require any additional action on the part of any regulated entity.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no added cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefit is easier understanding of the terms of the regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no additional cost to initially implement the regulation.

(b) On a continuing basis: There will be no continuing additional cost to implement the regulation.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation: The Fish and Game Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. There will be no increase in fees or funding needed to implement the amendment.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. The amendment does not establish or increase any fees directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied. All entities are treated equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.195,

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment will not alter any revenues generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment will not alter any revenues generated.

(c) How much will it cost to administer this program for the first year? There will be no added costs related to the administration of the amended regulation.

(d) How much will it cost to administer this program for subsequent years? There will be no added costs related to the administration of the amended regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: