

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: KRS 150.195 requires the department to promulgate administrative regulations. This administrative regulation establishes definitions for 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(6).

(2) ~~[(3)]~~ "Commissioner" is defined by KRS 150.010(7).

(3) ~~[(4)]~~ "Department" is defined by KRS 150.010(11).

(4) ~~[(5)]~~ "License agent" means a ~~[county clerk, government office, or business]~~ person, government entity including the department, business, or organization authorized to sell and issue licenses and conduct other transactions for the department.

(a) "Governmental agent" means a license agent who is a county clerk or ~~a~~ 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.

(5) ~~[(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.]~~

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

(7) "Vendor" means a person, organization, or business under contract with the department to provide the operation, storage, security, maintenance, and support of the solutions required to deliver department-defined goods and services.

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

(8) "Operational Cost" means the fees charged for the operation, storage, security, maintenance, and support of the applicable sales solutions.

(9) "Issuance Fee" means the fee charged for the sale and delivery of a license, permit, product, or service.

(22 Ky.R. 1176; Am. 1456; eff. 2-12-1996; 48 Ky.R. 910, 2589; 6-9-2022; 49 Ky.R. 1659; eff. 6-8-2023.)

RICH STORM, Commissioner

APPROVED BY AGENCY: January 12, 2023

FILED WITH LRC: January 13, 2023 at 11:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 28, 2023, at 11:00am, at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes definitions for terms used within 301 KAR, Chapter 5.

(b) The necessity of this administrative regulation:

This regulation is necessary to define terms used throughout 301 KAR, Chapter 5.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 150.195 authorizes the department to promulgate regulations to provide for the issuance of licenses and permits issued by the department.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

By defining specific terms used in the other regulations within 301 KAR, Chapter 5, it will assist the effective administration of the statutes by clarifying the specific meanings of the terms in one consolidated location.

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

(a) How the amendment will change this existing administrative regulation:

Terms that are no longer applicable have been removed and additional terms that are to be utilized are included.

(b) The necessity of the amendment to this administrative regulation:

Changes are being made to other regulations in 301 KAR, Chapter 5 to include terms that need to be defined.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 150.195 authorizes the department to promulgate regulations to provide for the issuance of licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes:

By defining the new terms to be used in the other regulations within 301 KAR, Chapter 5, it will assist the effective administration of the statutes by clarifying the specific meanings of the terms in one consolidated location.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Department currently has 512 license agents who contract to sell licenses and permits; these include 80 county clerks, 8 other government entities such as state parks, and 424 retail businesses.

(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:

This regulation only addresses definitions of terms and therefore does not require any specific action for compliance.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

This regulation only addresses definitions of terms and therefore does not require any cost for compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The entities do not require any sort of action for compliance. The benefit to the entities will be a clear understanding of the defined terms.

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

(a) Initially:

None.

(b) On a continuing basis:

No continuing additional costs.

(6) What is the source of the funding to be used for the 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:

The implementation of the amendments to this regulation will not increase fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not directly or indirectly establish or increase any fees.

(9) TIERING: Is tiering applied?

No tiering is applied. All impacted entities are treated equally.

FISCAL NOTE

(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 and any entities that participate as license agents, including some county clerks and state parks.

(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 regulation will not directly impact revenue.

(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 regulation will not directly impact revenue in subsequent years.

(c) How much will it cost to administer this program for the first year?

There will be no added cost to administer these amendments.

(d) How much will it cost to administer this program for subsequent years?

There will be no added cost to administer these amendments in subsequent years.

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:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

These amendments will not impact cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

These amendments will not impact cost savings.

(c) How much will it cost the regulated entities for the first year?

There will be no cost.

(d) How much will it cost the regulated entities for subsequent years?

There will be no cost.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. These amendments will not have a major economic impact.