

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

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

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) "Agent commission" means the fee an agent is permitted to charge in addition to the product price that represents the agent's profit for the transaction.

(2) "Agent fees" means all fees established in administrative regulation that a license agent may charge in a transaction in addition to the product price for the licenses, permits, items, or services purchased.

(3) "Class A" means vessels less than sixteen (16) feet in length or a personal watercraft as defined by KRS 235.010(4).

(4) "Class 1" means vessels sixteen (16) feet or over and less than twenty-six (26) feet in length.

(5) "Class 2" means vessels twenty-six (26) feet or over and less than forty (40) feet in length.

(6) "Class 3" means vessels forty (40) feet or more in length.

(7) "Commission" is defined by KRS 150.010(6).

(8) ~~“(4)”~~ "Commissioner" is defined by KRS 150.010(7).

(9) ~~“(5)”~~ "Department" is defined by KRS 150.010(11).

(10) ~~“(6)”~~ "License agent" means a person, government entity including the department, business, or organization authorized to sell and issue licenses and conduct other transactions for the department.

(11) ~~“(7)”~~ "License stock" means the blank paper upon which licenses are printed.

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

(13) ~~“(9)”~~ "Payment processing fee" means a fee charged for the processing of payments.

(14) ~~“(10)”~~ "Product price" means the price of a license, permit, item, or service without any agent fees.

(15) ~~“(11)”~~ "Transaction" means the application for a hunt or the purchase or sale of a license, permit, item, product, or service.

(16) ~~“(12)”~~ "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.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 12:00 p.m., 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 September 30, 2025. 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, phone (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:

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:

There will be no increase in fees or funding necessary to implement these changes.

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

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

(9) TIERING: Is tiering applied?

All impacted entities are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 150.195

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to 150.195.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:These amendments will not result in any additional expenditures for the department.

For subsequent years:These amendments will not result in any additional expenditures for the department.

2. Revenues:

For the first year:These amendments will not result in any change in revenues for the department.

For subsequent years:These amendments will not result in any change in revenues for the department.

3. Cost Savings:

For the first year:These amendments will not result in any cost savings for the department.

For subsequent years:These amendments will not result in any cost savings for the department.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No local entities should be affected by these amendments.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

No other entities should be affected by these amendments.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

This amendment will not have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion:

This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13):

This amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:

This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.