

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

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

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

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

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

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

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

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

24 (3) The terms of the conservation easements acquired pursuant to subsection (1)
25 of this section shall protect the Commonwealth from all liability arising from conditions
26 of the properties as they were prior to the acquisition of the conservation easements,
27 including but not limited to conditions that resulted from prior mining, oil and gas

1 drilling, or other natural resource extraction activities.

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

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

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

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

24 (7) Notwithstanding KRS 56.040, surveys and plats of lands for which the
25 conservation easements are directed to be acquired under this section shall not be
26 required to be completed prior to closing. However, the Department of Fish and
27 Wildlife Resources and Cumberland Forest LP shall deposit mutually agreeable funds

1 in escrow accounts to reconcile any differences in the final acreage of the lands once
2 the surveys are completed, which shall be within a reasonable time after closing.

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

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

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

21 **(4) Kentucky Cumberland Forest Conservation Program:** Included in the
22 above General Fund appropriation is a one-time allocation of \$3,875,000 in fiscal year
23 2022-2023 to support the Kentucky Cumberland Forest Conservation Program.
24 Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.

25 ➔Section 3. KRS 45A.800 is amended to read as follows:

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

- 1 (1) "Architect" means an architect licensed under KRS Chapter 323 or a landscape
2 architect licensed under KRS Chapter 323A;
- 3 (2) "Engineer" means an engineer licensed under KRS Chapter 322;
- 4 (3) "Procuring agency" means either the Finance and Administration Cabinet, ~~or~~ the
5 Transportation Cabinet, **or the Department of Fish and Wildlife Resources**;
- 6 (4) "Project" means any undertaking requiring professional architectural, engineering,
7 or engineering-related services, except as provided in KRS 45A.100;
- 8 (5) "User agency" means the state agency or any public supported institution of higher
9 education, when it declines to exercise the authority granted under KRS 164A.590,
10 that will occupy or otherwise be the primary beneficiary of a completed Finance
11 and Administration Cabinet **or Department of Fish and Wildlife Resources** project;
- 12 (6) "User division" means ~~a~~ the division of the Transportation Cabinet **or Department**
13 **of Fish and Wildlife Resources** that requires the procuring of engineering or
14 engineering-related services for a project;
- 15 (7) "Engineering-related services" means specialized professional services performed
16 by individuals, consultants, or other organizations of recognized technical
17 competence, education, or experience that are involved in the planning, design,
18 construction, maintenance, or operation of Kentucky's transportation systems, ~~and~~
19 **mitigation projects**, or construction projects in accordance with applicable licensing
20 statutes; and
- 21 (8) "Firm" means an individual or other entity that offers professional architectural,
22 engineering, or engineering-related services.
- 23 ➔Section 4. KRS 45A.810 is amended to read as follows:
- 24 (1) (a) One (1) or more architectural services selection committees and one (1) or
25 more engineering or engineering-related services selection committees shall
26 be created in the Finance and Administration Cabinet.
- 27 (b) One (1) or more engineering and engineering-related services selection

1 committees shall be created in the Transportation Cabinet.

2 **(c) One (1) or more engineering and engineering-related services selection**
3 **committees shall be created in the Department of Fish and Wildlife**
4 **Resources.**

5 (2) Except when an emergency condition exists as defined by KRS 45A.095(1)(a),
6 when architectural, engineering, or engineering-related services are procured under
7 KRS 45A.837 and 45A.838, or when the project is constructed under KRS
8 45A.045(11)(a) or (b):

9 (a) An architectural services selection committee created in the Finance and
10 Administration Cabinet shall participate in every instance of that cabinet's
11 procuring architectural services **for its own needs and the needs of other**
12 **agencies, and upon request from the commissioner of the Department of**
13 **Fish and Wildlife Resources, shall assist and participate in that**
14 **department's procuring of architectural services;**

15 (b) An engineering and engineering-related services selection committee created
16 in the Finance and Administration Cabinet shall participate in every instance
17 of that cabinet's procuring engineering or engineering-related services;~~and~~

18 (c) An engineering and engineering-related services selection committee created
19 in the Transportation Cabinet shall participate in every instance of that
20 cabinet's procuring engineering or engineering-related services; **and**

21 **(d) An engineering and engineering-related services selection committee**
22 **created in the Department of Fish and Wildlife Resources shall participate**
23 **in every instance of that department's procuring of engineering or**
24 **engineering-related services.**

25 (3) An architectural services selection committee created in the Finance and
26 Administration Cabinet **to perform its own procurement and assist other state**
27 **agencies with procuring architectural services** shall consist of six (6) or more

1 members selected in the manner specified within each paragraph:

- 2 (a) Two (2) architects. The secretary of the Finance and Administration Cabinet
3 shall appoint a pool of at least six (6) architects who are employees of the
4 cabinet. At least three (3) of the architects shall be merit employees of the
5 cabinet. The secretary, or ~~his~~ designee, under the supervision of the Auditor
6 of Public Accounts, or ~~his~~ designee, shall randomly select architects from
7 the pool. The first employee selected shall be placed on the selection
8 committee. If the first employee selected is a merit employee, the second
9 employee selected shall be placed on the selection committee. If the first
10 employee selected is a nonmerit employee, the selection process shall
11 continue until a merit employee is selected. That merit employee shall be
12 placed on the selection committee;
- 13 (b) One (1) or more additional employees of the Department for Facilities
14 Management, appointed by the commissioner of the Department for Facilities
15 Management, to serve as a nonvoting technical adviser for a given project
16 selection. Advisory members shall serve on a project-by-project basis and
17 shall have the requisite knowledge, training, or experience pertaining to the
18 professional requirements of the project; ~~and~~
- 19 (c) Two (2) merit employees of the user agency appointed by the head of that
20 agency to serve for the duration of the selection committee's participation in
21 the project for which they were appointed by the user agency;
- 22 (d) An individual. The Kentucky Society of Architects shall nominate nine (9)
23 individuals, and the Governor shall appoint three (3) of these individuals to
24 serve in the pool from which the secretary of the Finance and Administration
25 Cabinet, or ~~his~~ designee, under the supervision of the Auditor of Public
26 Accounts, or ~~his~~ designee, shall randomly select one (1) individual to serve
27 on the committee;

- 1 (e) One (1) or more merit employees of the Auditor of Public Accounts,
2 appointed by the Auditor, who may, at the discretion of the Auditor, serve as
3 nonvoting members of the committee. If one (1) employee is appointed, then
4 that employee may attend any committee proceedings. If more than one (1)
5 employee is appointed, then either of the employees may attend any
6 committee proceeding; and
- 7 (f) Upon completion of the selection process set forth in this subsection, the
8 commissioner of the Department of Facilities Management shall submit a
9 statement to the Auditor of Public Accounts attesting to full compliance with
10 the selection process for each architectural firm appointed to provide
11 architectural services. In addition, a complete record of the selection process
12 for each project shall be maintained by the department and shall be subject to
13 audit by the Auditor of Public Accounts.
- 14 (4) The engineering and engineering-related services selection committee created in the
15 Finance and Administration Cabinet shall consist of six (6) or more members
16 selected in the manner specified in each paragraph:
- 17 (a) Two (2) engineers. The secretary of the Finance and Administration Cabinet
18 shall appoint a pool of at least six (6) engineers who are employees of the
19 cabinet. At least three (3) of the engineers shall be merit employees of the
20 cabinet. The secretary, or ~~his~~ designee, under the supervision of the Auditor
21 of Public Accounts, or ~~his~~ designee, shall randomly select engineers from
22 the pool. The first employee selected shall be placed on the selection
23 committee. If the first employee selected is a merit employee, the second
24 employee selected shall be placed on the selection committee. If the first
25 employee selected is a nonmerit employee, the selection process shall
26 continue until a merit employee is selected. That merit employee shall be
27 placed on the selection committee;

- 1 (b) Two (2) merit employees of the user agency appointed by the head of that
2 agency to serve for the duration of the selection committee's participation in
3 the project for which they were appointed by the user agency;
- 4 (c) An individual. The Kentucky Society of Professional Engineers and the
5 Kentucky Consulting Engineers Council shall together nominate nine (9)
6 individuals, and the Governor shall appoint three (3) of these individuals to
7 serve in the pool from which the secretary of the Finance and Administration
8 Cabinet, or ~~his~~ designee, under the supervision of the Auditor of Public
9 Accounts, or ~~his~~ designee, shall randomly select one (1) individual to serve
10 on the committee;
- 11 (d) One (1) or more merit employees of the Auditor of Public Accounts,
12 appointed by the Auditor, who may, at the discretion of the Auditor, serve as
13 nonvoting members of the committee. If one (1) employee is appointed, then
14 that employee may attend any committee proceedings. If more than one (1)
15 employee is appointed, then either of the employees may attend any
16 committee proceeding;
- 17 (e) One (1) or more additional employees of the Department for Facilities
18 Management to serve as nonvoting technical adviser for a specific project
19 selection. Advisory members shall serve on a project-by-project basis and
20 shall have the requisite knowledge, training, or experience pertaining to the
21 professional requirements of the project; and
- 22 (f) Upon completion of the selection process set forth in this subsection, the
23 commissioner of the Department of Facilities Management shall submit a
24 statement to the Auditor of Public Accounts attesting to full compliance with
25 the selection process for each firm appointed to provide engineering or
26 engineering-related services. In addition, a complete record of the selection
27 process for each project shall be maintained by the department and shall be

1 subject to audit by the Auditor of Public Accounts.

2 (5) The engineering and engineering-related services selection committee created in the
3 Transportation Cabinet shall consist of six (6) or more members selected in the
4 manner specified in each paragraph:

5 (a) Two (2) engineers. The secretary of the Transportation Cabinet shall appoint a
6 pool of six (6) engineers who are employees of the cabinet. At least three (3)
7 of the engineers shall be merit employees of the cabinet. The secretary, or~~f~~
8 ~~his~~ designee, under the supervision of the Auditor of Public Accounts, or~~f~~
9 ~~his~~ designee, shall randomly select engineers from the pool. The first
10 employee selected shall be placed on the selection committee. If the first
11 employee selected is a merit employee, the second employee selected shall be
12 placed on the selection committee. If the first employee selected is a nonmerit
13 employee, the selection process shall continue until a merit employee is
14 selected. That merit employee shall be placed on the selection committee;

15 (b) Two (2) engineers who are merit employees of the user division appointed by
16 the head of that division to serve for the duration of the selection committee's
17 participation in the project for which they were appointed by the user agency.
18 However, if two (2) user divisions have approximately equal responsibilities
19 or separate responsibilities for the project, each user division head shall
20 appoint one (1) member to the selection committee;

21 (c) An individual. The Kentucky Society of Professional Engineers and the
22 Kentucky Consulting Engineers Council shall together nominate nine (9)
23 individuals, and the Governor shall appoint three (3) of these individuals to
24 serve in the pool from which the secretary of the Transportation Cabinet, or~~f~~
25 ~~his~~ designee, under the supervision of the Auditor of Public Accounts, or~~f~~
26 ~~his~~ designee, shall randomly select one (1) individual to serve on the
27 committee;

1 (d) One (1) or more merit employees of the Auditor of Public Accounts,
2 appointed by the Auditor, who may, at the discretion of the Auditor, serve as
3 nonvoting members of the committee. If one (1) employee is appointed, then
4 that employee may attend any committee proceedings. If more than one (1)
5 employee is appointed, then either of the employees may attend any
6 committee proceeding; and

7 (e) Upon completion of the selection process set forth in this subsection, the
8 commissioner of the Department of Highways shall submit a statement to the
9 Auditor of Public Accounts attesting to full compliance with the selection
10 process for each firm appointed to provide engineering or engineering-related
11 services. In addition, a complete record of the selection process for each
12 project shall be maintained by the department and shall be subject to audit by
13 the Auditor of Public Accounts.

14 **(6) The engineering and engineering-related services selection committee created**
15 **within the Department of Fish and Wildlife Resources shall consist of six (6) or**
16 **more members selected as follows:**

17 **(a) The commissioner of the Department of Fish and Wildlife Resources shall**
18 **appoint five (5) members:**

19 **1. One (1) department employee in or designated to the job classification**
20 **of Department of Fish and Wildlife Resources Project Manager;**

21 **2. Two (2) Department of Fish and Wildlife Resources employees in the**
22 **Engineering and Geological series, at least one (1) of whom shall be a**
23 **merit employee;**

24 **3. One (1) merit employee of the Department of Fish and Wildlife**
25 **Resources designated by the division head for the project or by the**
26 **commissioner; and**

27 **4. One (1) employee of the Department of Fish and Wildlife Resources**

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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.

~~(Z)~~~~(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.

- 1 (c) Any individual appointed to serve in a pool from which selection committee
2 members are drawn shall serve in the pool for an initial one (1) year term and
3 may be reappointed~~[to succeed himself]~~. He or she shall serve until his or
4 her successor is appointed and qualified. A successor or a replacement, in the
5 case of a vacancy in the pool, shall be appointed in the same manner as the
6 initial appointee. If a selection committee member, drawn from a pool, leaves
7 a selection committee, his or her replacement shall be drawn from the pool in
8 the same manner as he or she. The replacement shall have the merit or
9 nonmerit status of his or her predecessor.
- 10 (d) Any individual appointed by the Auditor of Public Accounts to serve on
11 selection committees shall serve an initial one (1) year term and may be
12 reappointed to succeed himself or herself. He or she shall serve until his or
13 her successor is appointed and qualified. A successor or a replacement, in the
14 case of a vacancy, shall be appointed in the same manner as the initial
15 appointee.
- 16 (e) The selection committee members appointed by the head of a user agency or
17 user division shall serve on a project-by-project basis. These members shall
18 participate only in committee action related to the project for which they were
19 appointed. A replacement, in the case of a vacancy, shall be appointed in the
20 same manner as the initial appointee.
- 21 ➔Section 5. KRS 45A.815 is amended to read as follows:
- 22 (1) Before a person joins a selection committee, he or she shall receive an orientation
23 from the procuring agency whose secretary or commissioner appointed members to
24 the committee. The orientation shall include, but not be limited to, an explanation of
25 all statutes and administrative regulations pertaining to the person's service on the
26 selection committee.
- 27 (2) For administrative purposes, a selection committee shall be attached to the

1 procuring agency whose secretary or commissioner appointed members to the
2 committee.

3 (3) A procuring agency shall provide a selection committee with:

4 (a) Suitable quarters in Frankfort, Kentucky, in which to conduct its business;

5 (b) An executive secretary and any other staff support necessary for the
6 expeditious conduct of a selection committee's duties and responsibilities; and

7 (c) Office supplies.

8 ➔Section 6. KRS 45A.825 is amended to read as follows:

9 (1) (a) A firm shall not be considered for providing architectural, engineering, or
10 engineering-related services to the Finance and Administration Cabinet, the
11 Department of Fish and Wildlife Resources, or ~~engineering or engineering-~~
12 ~~related services to the~~ Transportation Cabinet, unless the relevant procuring
13 agency has prequalified the firm prior to notice of a request for proposals to
14 which that firm intends to respond.

15 (b) A firm's prequalification shall remain in effect for twelve (12) months from
16 the date of prequalification.

17 (2) (a) The procuring agency shall consult with the user agency or user division
18 before arriving at a request for proposals.

19 (b) The request for proposals:

20 1. Shall include as an evaluation factor whether the work tasks are to be
21 performed in Kentucky or outside Kentucky;

22 2. Shall indicate the relative weight of evaluation factors, including the
23 reciprocal preference for resident bidders required by KRS 45A.494;
24 and

25 3. Shall establish a timetable for:

26 a. The selection committee's first meeting held pursuant to
27 subsection (6) of this section; and

- 1 b. The selection committee's activities conducted pursuant to
2 subsection (7)(b) of this section or subsection (8)(b), (d), and (e) of
3 this section, as appropriate.
- 4 (c) The procuring agency shall provide adequate public notice of a request for
5 proposals and notice of the materials that the procuring agency will provide to
6 a firm to assist that firm in responding to a request for proposals. Those
7 materials shall include, but not be limited to, the request for proposals and the
8 project evaluation sheet to be used by the relevant selection committee. The
9 notice shall also set a deadline for filing responses to a request for proposals
10 with the procuring agency. It shall be the intent of this subsection that firms in
11 all regions of the Commonwealth are given an equal opportunity to be
12 selected.
- 13 (3) A firm shall respond to a request for proposals by submitting before the deadline, a
14 completed form, devised by the procuring agency, which states the firm's
15 experience and its qualifications for the project as described in the request for
16 proposals. A firm which fails to meet the deadline shall be barred from the
17 procurement process.
- 18 (4) The employees of a procuring agency and the members of the selection committee
19 shall keep all responses to a request for proposals confidential until the procuring
20 agency has awarded a contract.
- 21 (5) The secretary *or commissioner* of the procuring agency shall designate a procuring
22 agency employee to determine which firms have prequalified pursuant to subsection
23 (1) of this section and have filed, in a timely fashion, responses to a request for
24 proposals. He *or she* shall create a list of the firms which have done so and certify
25 the list.
- 26 (6) The procuring agency shall organize the selection committee's first meeting. At that
27 meeting, each selection committee member shall sign a statement of confidentiality.

1 Also, at that meeting, the selection committee shall:

2 (a) Elect from among the voting members of the committee a chairman and a vice
3 chairman who shall hold their positions for the duration of the selection
4 committee's participation in the project;

5 (b) Be provided with:

6 1. The certified list created pursuant to subsection (5) of this section;

7 2. The firms' responses to the request for proposals;

8 3. The request for proposals;

9 4. The notice of request for proposals; and

10 5. The project evaluation sheets; and

11 (c) Discuss the future conduct of its affairs.

12 (7) (a) When the Transportation Cabinet or Department of Fish and Wildlife
13 Resources procures any engineering or engineering-related services, or when
14 the Finance and Administration Cabinet procures architectural services for an
15 estimated fee of less than fifty thousand dollars (\$50,000) or engineering or
16 engineering-related services for an estimated fee of less than one hundred
17 thousand dollars (\$100,000), this subsection and subsection (9) of this section
18 shall govern the procurement process.

19 (b) The selection committee shall meet in executive session to:

20 1. Evaluate the materials with which it has been provided;

21 2. Select the three (3) most qualified firms and rank them in order of
22 preference, based upon the weighted evaluation factors established in
23 the request for proposals; and

24 3. Notify the procuring agency of the ranking.

25 (c) The procuring agency shall notify each firm which responded to the request
26 for proposals, informing the firm of:

27 1. The three (3) finalists;

- 1 2. Their ranking; and
- 2 3. The rest of the procedure that will be followed in the awarding of the
- 3 contract.
- 4 (d) The procuring agency shall then begin negotiations with the top-ranked firm
- 5 pursuant to subsection (9) of this section.
- 6 (8) (a) When the Finance and Administration Cabinet is procuring architectural
- 7 services for an estimated fee of fifty thousand dollars (\$50,000) or more or
- 8 engineering or engineering-related services for an estimated fee of one
- 9 hundred thousand dollars (\$100,000) or more, this subsection and subsection
- 10 (9) of this section shall govern the procurement process.
- 11 (b) The selection committee shall meet in executive session to:
- 12 1. Evaluate the materials with which it has been provided;
- 13 2. Select, but not rank, the three (3) most qualified firms, based upon the
- 14 weighted evaluation factors established in the request for proposals; and
- 15 3. Notify the procuring agency of the three (3) finalists.
- 16 (c) The procuring agency shall notify each firm which responded to the request
- 17 for proposals, informing the firm of:
- 18 1. The three (3) finalists; and
- 19 2. The rest of the procedure that will be followed in the awarding of the
- 20 contract.
- 21 (d) The selection committee shall interview the three (3) finalists, preferably on
- 22 the same day. The finalists shall be interviewed one (1) at a time, and each
- 23 interview shall be attended only by representatives of the finalist and
- 24 members of the selection committee. Members of the selection committee
- 25 shall keep confidential the substance of an interview until the procuring
- 26 agency has awarded a contract.
- 27 (e) The selection committee shall meet in executive session to:

- 1 1. Rank the three (3) finalists based upon the weighted evaluation factors
- 2 established in the request for proposals; and
- 3 2. Forward the ranking to the procuring agency.
- 4 (f) The procuring agency shall notify each finalist, informing the finalist of:
- 5 1. The finalist's~~[His]~~ ranking; and
- 6 2. The rest of the procedure that will be followed in the awarding of the
- 7 contract.
- 8 (g) The procuring agency shall then begin negotiations with the top-ranked firm
- 9 pursuant to subsection (9) of this section.
- 10 (9) The secretary or commissioner of the procuring agency shall designate a procuring
- 11 agency employee as the procuring officer in charge of negotiating a contract with
- 12 the top-ranked firm, as determined by the selection committee, at compensation
- 13 which the procuring officer determines in writing to be fair and reasonable to the
- 14 Commonwealth. In making this decision, the employee shall take into account the
- 15 estimated value of the services to be rendered, and the scope, complexity, and
- 16 professional nature thereof. Should the procuring officer be unable to negotiate a
- 17 satisfactory contract with the top-ranked firm, at a price that he or she considers fair
- 18 and reasonable to the Commonwealth, he or she shall formally terminate
- 19 negotiations with the firm. The procuring officer shall then undertake negotiations
- 20 with the second-ranked firm. Failing accord with the second-ranked firm, the
- 21 purchasing officer shall formally terminate negotiations. The purchasing officer
- 22 shall then undertake negotiations with the third-ranked firm. Should the purchasing
- 23 officer be unable to negotiate a satisfactory contract with any of the selected firms,
- 24 he or she shall formally terminate negotiations, and the procurement procedure
- 25 shall start again from the beginning pursuant to KRS 45A.810.
- 26 (10) Once a procuring officer has negotiated a contract, the procuring agency shall
- 27 notify the other finalists, informing them of:

- 1 (a) Which firm has successfully negotiated a contract; and
- 2 (b) The rest of the procedure that will be followed in the awarding of the contract.
- 3 (11) Notwithstanding the provisions of KRS 45A.045, when the Transportation Cabinet
- 4 or the Department of Fish and Wildlife Resources is the procuring agency, the
- 5 negotiated contract shall take effect without the approval of the secretary of the
- 6 Finance and Administration Cabinet.
- 7 (12) The provisions of this section shall not apply to the procurement of architectural,
- 8 engineering, or engineering-related services under KRS 45A.837 and 45A.838.
- 9 ➔Section 7. KRS 45A.830 is amended to read as follows:
- 10 (1) For architectural, engineering, and engineering-related construction services
- 11 procured under KRS 45A.180 and 45A.825, the procuring officer shall make
- 12 available a copy of the proposed contract to each member of the selection
- 13 committee involved in the procurement process for that contract after the procuring
- 14 officer has negotiated an architectural, engineering, or engineering-related services
- 15 contract for the Finance and Administration Cabinet or the Department of Fish and
- 16 Wildlife Resources, or an engineering or engineering-related services contract for
- 17 the Transportation Cabinet, but before the contract is submitted to the Government
- 18 Contract Review Committee.
- 19 (2) For architectural, engineering, and engineering-related construction services
- 20 procured under KRS 45A.180 and 45A.825, the secretary or commissioner of the
- 21 procuring agency, the procuring officer, and each voting member of the selection
- 22 committee shall sign separate certificates, devised by the procuring agency, that
- 23 shall provide the signatory with the option of certifying that, to the best of his or
- 24 her knowledge, he or she is either aware or unaware of circumstances that may
- 25 constitute a violation of this chapter occurring in the procurement process. Any
- 26 employee of the Auditor of Public Accounts, who served as a nonvoting member of
- 27 the selection committee and who attended any committee proceeding, may

1 participate in the preparation of a report for filing with the Government Contract
2 Review Committee certifying that the applicable procedural provisions of
3 subsections (4), (6), (7), and (8) of KRS 45A.825 were or were not met. Before
4 filing the report, the employee or employees who participated in its preparation
5 shall sign it.

6 (3) For architectural, engineering, and engineering-related construction services
7 procured under KRS 45A.180 and 45A.825, the procuring agency shall maintain the
8 following information, readily available to the Government Contract Review
9 Committee upon request:

10 (a) The certificates;

11 (b) The selection committee's ranking of firms; and

12 (c) A statement affirming that responding firms in all regions of the
13 Commonwealth were given equal consideration for selection.

14 ➔Section 8. KRS 45A.837 is amended to read as follows:

15 (1) Notwithstanding the provisions of KRS 45A.800 to 45A.835, the Finance and
16 Administration Cabinet, *the Department of Fish and Wildlife Resources*, and the
17 Transportation Cabinet may enter into price contracts for architectural, engineering,
18 and engineering-related services. If the agencies choose to enter into a price
19 contract, subsection (2) of this section shall apply.

20 (2) Price contracts shall be awarded to firms qualified by the Finance and
21 Administration Cabinet, Department of Facilities Management or by the
22 Transportation Cabinet, Department of Highways. The Finance and Administration
23 Cabinet selection committee established by KRS 45A.810 shall meet at least
24 quarterly during each fiscal year to review and make recommendations to the
25 commissioner of the Department for Facilities Management for qualification of
26 interested firms. The Transportation Cabinet selection committee established by
27 KRS 45A.810 shall meet at least quarterly during each fiscal year to review and

1 make recommendations to the commissioner of the Department of Highways for
2 qualification of interested firms.

3 (a) The respective committees shall evaluate those firms submitting statements of
4 interest in obtaining a price contract. The submitting firms shall be reviewed
5 according to the following criteria:

- 6 1. Qualifications;
- 7 2. Ability of professional personnel; and
- 8 3. Past record and experience.

9 (b) Firms qualified by the commissioner of the Department for Facilities
10 Management or by the commissioner of the Department of Highways shall be
11 awarded price contracts by the respective departments for the type of work for
12 which they have been qualified.

13 (c) The commissioner of the Department for Facilities Management, the
14 commissioner of the Department of Fish and Wildlife Resources, or the
15 commissioner of the Department of Highways may select firms to perform
16 work under price contract for small projects for which the architectural,
17 engineering, or engineering-related fees do not exceed seventy-five thousand
18 dollars (\$75,000). However, no firm that has received more than one hundred
19 fifty thousand dollars (\$150,000) in price contract fees in any one (1) fiscal
20 year in the contract discipline being awarded shall be selected to work under a
21 price contract unless the secretary of the Finance and Administration
22 Cabinet, ~~[or]~~ the secretary of the Transportation Cabinet, or the
23 commissioner of the Department of Fish and Wildlife Resources makes a
24 written determination that the selection is in the best interest of the
25 Commonwealth and the determination is confirmed by the appropriate
26 cabinet's or department's selection committee established by KRS 45A.810.

27 (3) Notwithstanding any provision of the Kentucky Revised Statutes, no price contract

1 shall be awarded under the provisions of this section before completion of the
2 review procedure provided for in KRS 45A.695 and 45A.705.

3 ➔Section 9. KRS 45A.838 is amended to read as follows:

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

1 in the pool for a particular type of project, the deadline for submission of the
2 application, and the criteria to be used for the establishment of each pool.

3 (5) The procedures for determining which firm is to be selected from the pool to
4 provide services for a particular project shall be set forth in administrative
5 regulations promulgated by the Transportation Cabinet or the Department of Fish
6 and Wildlife Resources.

7 (6) The secretary of the Transportation Cabinet or the commissioner of the
8 Department of Fish and Wildlife Resources may remove a firm from a pool for
9 good cause. Any firm that has been removed from a pool may, within thirty (30)
10 days after the removal, petition the secretary for reinstatement. Within sixty (60)
11 days following the secretary's receipt of a petition, the selection committee shall
12 meet to consider the request for reinstatement. If the selection committee
13 recommends that the firm be reinstated to the pool and the secretary accepts the
14 recommendation, the affected firm shall be reinstated.

15 (7) After one (1) year of disqualification, a firm that has been removed from a pool
16 under subsection (6) of this section may reapply to be qualified.

17 (8) Nothing in this section shall be construed to require use of any pool for a particular
18 project if the responsible cabinet or department has determined that the project
19 does not meet the criteria established for pool projects.

20 ➔Section 10. KRS 56.040 is amended to read as follows:

21 When any land or interest in land is to be paid for out of state funds, the Finance and
22 Administration Cabinet, the ~~{}~~Transportation Cabinet for requirements of that cabinet, or
23 the Department of Fish and Wildlife Resources for its acquisitions of land or interests
24 in land, ~~{}~~ shall take action to provide for the examination and certification of the title to
25 the affected land, with or without exceptions, by an attorney licensed to practice law in
26 this state, or for the insurance of the title to such land by a land title insurance company
27 authorized to do business in this state. A survey and plat of the land showing the corners,

1 angles, and calls of the land shall be made by a competent land surveyor prior to the date
2 of the deed conveying the land or any interest therein to the state. The costs incurred
3 under this section shall be charged against the funds of the agency for whose use and
4 benefit the land is acquired.

5 ➔Section 11. KRS 150.022 is amended to read as follows:

- 6 (1) The Department of Fish and Wildlife Resources Commission shall consist of nine
7 (9) members, one (1) from each commission district, as set out by the commissioner
8 with the approval of the commission, and not more than five (5) of the same
9 political party.
- 10 (2) The Governor shall appoint the members of the commission subject to confirmation
11 by the Senate as described in subsection (3) of this section. Each of the members
12 shall be appointed for a term ending on December 31 of the fourth calendar year
13 following his or her appointment, except that a member's term shall continue until
14 his or her successor is duly appointed and confirmed by the Senate, but no later than
15 one (1) year following the expiration of the member's term. If after one (1) year a
16 successor has not been duly appointed and confirmed by the Senate, the
17 commissioner's seat for that district shall be vacant until a successor is duly
18 appointed and confirmed by the Senate. A member shall serve no more than two (2)
19 full terms, not including any partial term that a member may additionally serve. A
20 person who has been convicted of a felony offense, in Kentucky or under the law of
21 any other state, or any other law of the United States shall not be eligible to serve
22 on the commission.
- 23 (3) (a) Vacancies through the expiration of terms of the members of the commission
24 shall be filled by appointment by the Governor from a list of five (5) names
25 from each commission district, recommended and submitted by the sportsmen
26 of each respective district.
- 27 (b) When the term of a member expires, the commissioner shall call a meeting of

1 the sportsmen in that district not later than thirty (30) days prior to the
2 expiration of the member's term. Notice of the meeting shall be given by
3 publication pursuant to KRS Chapter 424.

4 (c) At the meeting, the sportsmen in attendance shall select and submit to the
5 Governor a list of five (5) residents and citizens of the district who have held
6 hunting and fishing licenses in Kentucky or another state for at least the
7 previous five (5) consecutive years, or who have been hunting and fishing in
8 the Commonwealth for the previous five (5) consecutive years while license-
9 exempt under KRS 150.170, and who are well informed on the subject of
10 wildlife conservation and restoration. Each sportsman may vote for one (1)
11 candidate only, and the list submitted to the Governor shall be made up of the
12 names of the five (5) candidates receiving the five (5) highest vote totals.

13 (d) The Governor shall appoint a successor to the member whose term has
14 expired no later than January 20 of the year following the year in which the
15 member's term expired.

16 (4) Upon appointment to the Department of Fish and Wildlife Resources Commission,
17 each commissioner shall execute a bond of one thousand dollars (\$1,000) in favor
18 of the Department of Fish and Wildlife Resources, the premium on this bond to be
19 paid out of department funds.

20 (5) In the event of vacancies other than by expiration, the Governor shall fill the
21 vacancy for the unexpired part of the term from the names remaining on the list
22 previously submitted for the district from which the vacancy arose.

23 (6) Each member of the commission shall take the constitutional oath of office.

24 (7) The Governor shall remove any member of the commission for cause under
25 subsection (2) of this section and may remove a member of the commission for
26 nonfeasance, neglect of duty, or misconduct in office; but shall first deliver to the
27 member a copy of all charges in writing and afford to him or her an opportunity for

1 an administrative hearing to be conducted in accordance with KRS Chapter 13B.†
2 ~~In order to remove a member of the commission, the Governor shall file in the~~
3 ~~office of the Secretary of State a complete statement of all charges made against the~~
4 ~~member and his or her findings thereon, together with a complete record of the~~
5 ~~proceedings.†~~

6 (8) Each member of the commission shall be entitled to reimbursement for actual and
7 necessary traveling and other expenses incurred by him or her in the discharge of
8 his or her official duties and to be paid from the game and fish fund.

9 (9) A majority of the commission shall constitute a quorum for the transaction of any
10 business, for the performance of any duty or for the exercise of any power vested in
11 the commission.

12 (10) The department shall have its principal office in Franklin County, and is authorized
13 to purchase all supplies, equipment, and printed forms and to issue any notices and
14 publications as the commissioner may deem necessary to carry out the provisions of
15 this chapter.

16 (11) The word "sportsman" as used in this section shall mean a resident hunter or
17 fisherman who has been licensed in Kentucky for each of the past two (2)
18 consecutive years.

19 ➔Section 12. KRS 150.0242 is amended to read as follows:

20 (1) Notwithstanding any provision of law to the contrary, the department shall conduct
21 all procurements necessary for the performance of its duties in accordance with the
22 procurement procedures outlined in KRS Chapter 45A, ~~†and†~~ this chapter, and the
23 administrative regulations promulgated under this chapter, but the department
24 shall not be subject to any provision of KRS Chapter 45A that requires the
25 approval of any Finance and Administration Cabinet official for the department
26 to proceed with any aspect of the procurement process. Upon approval of the
27 commission, the commissioner shall be deemed the chief purchasing officer for the

1 purposes of conducting procurements for the department and shall have all of the
2 authority and responsibility with regard to the department's procurements as the
3 secretary for the Finance and Administration Cabinet has for procurements under
4 KRS Chapter 45A. All department personal service contracts, tax incentive
5 agreements, and memoranda of agreement shall be subject to review by the
6 Government Contract Review Committee established by KRS 45A.705.

7 (2) In its bidding and negotiation processes, the department, upon approval of the
8 commission, shall perform its own bidding and procurement in accordance with the
9 procedures established by KRS Chapter 45A.

10 (3) All members of the commission, the commissioner, and employees of the
11 department shall be subject to the requirements of the Executive Branch Code of
12 Ethics established under KRS Chapter 11A.

13 **(4) On or before January 1, 2024, the department shall promulgate administrative**
14 **regulations pursuant to KRS Chapter 13A to implement its procedures for the**
15 **procurement of engineering services pursuant to this chapter and KRS 45A.800**
16 **to 45A.835.**

17 ➔Section 13. KRS 150.120 is amended to read as follows:

18 (1) The commissioner, all conservation officers, persons appointed by the
19 commissioner, and all peace officers and their deputies shall seize and take
20 possession of any and all furs, wildlife, guns, dogs, instruments, boats or devices
21 which have been taken, used, transported or possessed contrary to any law or
22 regulation adopted under this chapter. Upon complaint showing probable cause for
23 believing that any of the wildlife protected by any law or regulation are illegally
24 kept in any building, car or receptacle, any court having jurisdiction may issue a
25 search warrant and cause the same to be searched. Any wildlife, furs, guns, dogs,
26 instruments, or devices seized in accordance with this section shall be impounded
27 by the arresting officer and shall be taken before the court trying the person

1 arrested.

2 (2) Upon conviction, the court trying the case shall have the discretion of determining
3 whether or not any of the things seized under the provisions of subsection (1) of this
4 section shall be declared contraband. Any wildlife, fur or dog taken, and any device
5 used or possessed contrary to the provisions of this chapter, or any regulations
6 adopted hereunder, is subject to being declared contraband. When any such item is
7 declared contraband, the court shall enter an order accordingly. A copy of the order
8 shall be forwarded to the commissioner and the contraband shall be placed in the
9 custody of the arresting officer, to be delivered to the commissioner.

10 (3) The commissioner may sell to the residents of this state, at the highest market price
11 obtainable, with the approval of the commissioner ~~Governor and the Finance and~~
12 ~~Administration Cabinet~~ all contraband which comes to his or her possession under
13 the order of any court, or which has been seized under this chapter and declared to
14 be contraband under any law relating to fish or wildlife. All proceeds arising from
15 the sale of contraband articles shall be paid into the game and fish fund, and shall
16 be subject to audit by the Auditor of Public Accounts under Section 14 of this Act.
17 A record of the sale, including the name of the purchaser and the price paid, shall be
18 kept by the commissioner.

19 (4) Any device or contrivance, the use of which is not expressly recognized and
20 sanctioned by the provisions of this chapter for the taking of wildlife, is hereby
21 declared to be an illegal device. No person shall have in his or her possession any
22 illegal device or other thing prohibited by law or by any regulation adopted under
23 this chapter for the taking of wildlife.

24 ➔Section 14. KRS 150.152 is amended to read as follows:

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

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

14 ➔Section 15. KRS 150.170 is amended to read as follows:

- 15 (1) Except as provided in the following subsections of this section, and subject to
16 administrative regulations promulgated under this chapter, no person, resident, or
17 nonresident shall do any act authorized by any kind of license or permit or assist in
18 any way any person in doing any act provided for in this chapter with respect to
19 wildlife unless he or she holds the kind of license or permit, resident or nonresident,
20 that authorizes the act. It shall be the specific purpose of this chapter to prohibit the
21 taking or pursuing of any wildlife, protected or unprotected, or the fishing in any
22 stream or body of water whether public or private, without first procuring the
23 license provided for in KRS 150.175, except to the extent as may be otherwise
24 provided in this section.
- 25 (2) A person under sixteen (16) years of age may, without a sport fishing license, take
26 fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip
27 net.

- 1 (3) A person under twelve (12) years of age shall be exempt from being required to
2 obtain a sport hunting or sport trapping license as required by this chapter.
- 3 (4) The resident owner of farmlands of five (5) or more acres or his or her spouse or
4 dependent children shall, without procuring any sport hunting or sport fishing
5 licenses, have the right to take fish or hunt during the open season, except trapping,
6 on~~the~~ farmlands of five (5) or more acres of which they are bona fide owners.
7 Tenants or their dependent children residing upon these farmlands shall have the
8 same privilege.
- 9 (5) Residents or nonresidents observing and participating in field trials, training
10 exercises, or other competitions as authorized by the department may observe and
11 participate without obtaining a hunting or guide's license so long as game is not
12 taken.
- 13 (6) Any resident serviceman on furlough of more than three (3) days in this state may,
14 without any Kentucky sport hunting or sport fishing licenses, do any act authorized
15 by the licenses, but while so doing he or she shall carry on his or her person proper
16 identification and papers showing his or her furlough status.
- 17 (7) Landowners, their spouses or dependent children, or their designee who must be
18 approved by the commissioner, who kill or trap on their lands any wildlife causing
19 damage to the lands or any personal property situated thereon shall not be required
20 to have a hunting or trapping license and may do so during periods other than the
21 open season for the particular species without a tag and dispose of the carcass on-
22 site. Tenants, their spouses, their dependent children, or other persons approved by
23 the commissioner, shall also have the same privilege. Upon destruction of any
24 wildlife by the above-specified individuals, the act shall be reported to a
25 conservation officer within twenty-four (24) hours of the kill. Individuals wishing
26 to transport the carcass from the property upon which it was killed shall contact
27 personnel of the department to request a disposal tag or other authorization.

1 Inedible parts from wildlife taken under the authorization of this section shall not be
2 utilized for any purpose and shall be destroyed or left afield. The department shall
3 promulgate administrative regulations establishing procedures for the designee
4 appointment process, including request and approval deadlines.

5 (8) If a reciprocal agreement is entered into by the commissioner, with the approval of
6 the commission, and promulgated as an administrative regulation by the department
7 and similar action is taken by the appropriate authority in Missouri, Tennessee,
8 Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a resident or
9 nonresident fishing or a resident or nonresident hunting license issued in these
10 states shall be permitted to perform the acts authorized by the license upon certain
11 contiguous waters and land areas adjacent to the common boundaries of the above-
12 mentioned states and the State of Kentucky. A resident of the State of Kentucky
13 shall purchase a proper Kentucky license to conform with the reciprocal agreement.

14 (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve
15 Component, in any branch in the United States Armed Forces that is based in the
16 Commonwealth of Kentucky, shall have the right to take fish or hunt on any
17 military property belonging to the Commonwealth without procuring any sport
18 hunting or sport fishing license.

19 (10) A person not otherwise exempted from hunter safety education or from procuring
20 any sport hunting or sport fishing license shall be exempt from the department-
21 sanctioned live-fire exercise component of the hunter education course requirement
22 if he or she:

23 (a) Is a current member of the Armed Forces of the United States;

24 (b) Has served in the Armed Forces of the United States and was discharged or
25 released therefrom under conditions other than dishonorable; or

26 (c) Is a peace officer certified pursuant to KRS 15.380 to 15.404.

27 ➔Section 16. KRS 150.175 is amended to read as follows:

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

4 (1) Statewide resident sport fishing license, which authorizes the holder to take fishes
5 by angling, or take crayfish by a minnow seine, or by hand, to take minnows by the
6 use of a minnow seine, minnow trap, or dip net, or to take fishes by grabbing,
7 gigging, snagging, snaring, jugging, and bow and arrow, and to take frogs and
8 turtles from any waters in any county of this state open for such purposes and
9 subject to the limitations in this chapter and additional limitations that the
10 department may from time to time prescribe. This license shall not authorize the
11 holder to sell fish;

12 (2) A short-term sport fishing license, which authorizes the holder to perform all acts
13 authorized by a statewide sport fishing license and subject to the same limitations or
14 prescribed administrative regulations. This license shall not authorize the holder to
15 sell fish;

16 (3) A resident commercial fishing license and a nonresident commercial fishing
17 license, which authorize a holder to perform any act authorized by a sport fishing
18 license and to take rough fishes from the waters of the state by the use of
19 commercial fishing gear as prescribed by administrative regulation. The license
20 shall also authorize the holder to sell rough fishes, other than those protected by
21 administrative regulation;

22 (4) A commercial fishing gear tag, which shall be attached to each piece of commercial
23 fishing gear including hoop nets, slat traps, trotline, wing nets, and to each one
24 hundred (100) feet of linear gear or portion thereof in use, including commercial
25 seines, gill nets, or trammel nets. Commercial gear tags may be issued only to a
26 person holding a resident or nonresident commercial fishing license;

27 (5) Live fish and bait dealer's licenses, resident and nonresident, which authorize the

- 1 holder to sell bait and live fish as may be prescribed by administrative regulation;
- 2 (6) Musseling licenses, resident and nonresident, which authorize the holder to take
3 mussels for commercial purposes as may be prescribed by administrative
4 regulation;
- 5 (7) A statewide resident hunting license, which authorizes the holder to take or pursue
6 wild animals, wild birds, frogs, and turtles with gun, bow and arrow, dog, or falcon,
7 or to participate in a fox-hunting party engaged in the hunting or pursuing of foxes
8 with dogs for sport, according to the provisions of the laws and administrative
9 regulations of the department;
- 10 (8) A ~~youth~~^{junior} statewide hunting license, which may be issued to a person before
11 he or she has reached his or her sixteenth birthday, and which authorizes the holder
12 to exercise all the privileges authorized by a statewide hunting license~~. No junior
13 hunting license shall be issued without the written permission of parent, guardian,
14 or person having custody of the person under sixteen (16) years of age~~;
- 15 (9) Trapping licenses, resident and nonresident, which authorize the holder to take wild
16 animals by trapping upon his or her own lands or upon the lands of another person,
17 if the holder of the license has first obtained oral or written consent as provided in
18 KRS 150.092 and administrative regulation;
- 19 (10) A taxidermist license, which authorizes the holder to engage in the act of preparing,
20 stuffing, and mounting the skins of wildlife;
- 21 (11) A commercial guide's license, which authorizes the holder to guide hunting and
22 fishing parties according to the provisions of the laws and administrative
23 regulations of the department;
- 24 (12) Fur buyer's licenses, resident and nonresident, which authorize the holder to buy
25 raw furs from licensed trappers and hunters and to sell raw furs so purchased.
26 Applicants for the license shall state the number of premises to be used and shall
27 display at each a copy of the license as furnished by the department, except that the

- 1 commissioner may limit the number of copies furnished and may revoke the license
2 for violation;
- 3 (13) A fur processor's license, which may be issued only to a resident, a partnership,
4 firm, or corporation of this state and which authorizes the holder to buy raw furs
5 when in legal possession for processing, manufacture, or retention in cold storage or
6 for resale;
- 7 (14) A nonresident sport fishing license, which authorizes the holder to perform any act
8 authorized by a resident statewide sport fishing license. This license shall not
9 authorize the holder to sell fish;
- 10 (15) A nonresident annual hunting license, which authorizes the holder to perform any
11 act authorized by a resident statewide hunting license;
- 12 (16) Shoot-to-retrieve field trial permits, four (4) day and single day, which authorize a
13 permit holder to conduct a shoot-to-retrieve field trial on private or government-
14 owned lands. With a four (4) day permit, all participants, whether residents or
15 nonresidents, shall not be required to possess any other license to participate in the
16 permitted field trial, and the permit shall expire four (4) days after the date on
17 which the field trial began. With the single day permit, the permit is valid for one
18 (1) day and all participants shall have a valid resident or nonresident annual
19 Kentucky hunting license. A permit is not required to conduct a shoot-to-retrieve
20 field trial on a licensed shooting preserve; however, all participants that take or
21 attempt to take game shall have in their possession a resident or nonresident annual
22 Kentucky hunting license;
- 23 (17) Game permits and youth~~junior~~ game permits, which, in combination with a valid
24 statewide hunting license or a valid youth~~junior~~ statewide hunting license,
25 authorize the holder to take or pursue the specified game species in any designated
26 open area of this state, during the open season and according to the provisions of
27 the laws and administrative regulations governing the hunting;

- 1 (18) A combination hunting and fishing license, which authorizes only resident holders
2 to perform all acts valid under either a sport fishing or hunting license;
- 3 (19) A trout permit, which in combination with a valid statewide fishing license,
4 authorizes the holder to take trout by angling or as may be prescribed by
5 administrative regulation;
- 6 (20) A commercial waterfowl permit, which authorizes the holder to establish and
7 operate a commercial waterfowl hunting preserve;
- 8 (21) A short-term hunting license, which authorizes the holder to perform all acts
9 authorized by a statewide hunting license according to the provisions of the laws
10 and administrative regulations of the department;
- 11 (22) A joint statewide resident sport fishing license issued to a husband and wife which
12 authorizes them to take fish as provided in subsection (1) of this section. The
13 license fee for this joint license shall be ten percent (10%) less than the license fee
14 set by the commission for two (2) statewide resident sport fishing licenses;
- 15 (23) A Kentucky migratory bird permit, which in combination with a valid statewide
16 hunting license and compliance with applicable federal law, authorizes the holder to
17 take or pursue waterfowl and migratory shore or upland game birds;
- 18 (24) A pay lake license which authorizes the holder to operate privately owned
19 impounded waters for fishing purposes for which a fee is charged;
- 20 (25) A senior sportsman's~~[combination]~~ hunting and fishing license, which authorizes
21 the holder to perform all acts valid under a sport fishing license, a sport hunting
22 license, or a state permit to take deer, turkey, trout, waterfowl, or migratory shore or
23 upland game birds, and which shall be available to a Kentucky resident who is
24 sixty-five (65) years of age or older.
- 25 The senior sportsman's hunting and fishing~~[combination]~~ license shall not be
26 valid unless the holder carries proof of residency and proof of age, as the
27 department may require by administrative regulation, on his or her person while

1 performing an act authorized by the license;

2 (26) A senior lifetime sportsman's~~[combination]~~ hunting and fishing license, which
3 remains valid until the death of the holder and authorizes the holder to perform all
4 acts valid under a sport fishing license, a sport hunting license, and a state permit to
5 take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and
6 which shall be available to a Kentucky resident who is sixty-five (65) years of age
7 or older;

8 (27) A disabled sportsman's~~[combination]~~ hunting and fishing license, which authorizes
9 the holder to perform all acts valid under a sport fishing license, a sport hunting
10 license, and a state permit to take deer, turkey, trout, waterfowl, and migratory
11 shore and upland game birds, and which shall be available to a Kentucky resident
12 who is:

13 (a) An American veteran at least fifty percent (50%) disabled as a result of a
14 service-connected disability; or

15 (b) Declared permanently and totally disabled by the federal Social Security
16 Administration, the United States Office of Personnel Management, the
17 Kentucky Teachers' Retirement System, the Department of Workers' Claims
18 or its equivalent from another state, or the United States Railroad Retirement
19 Board.

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

24 (28) A sportsman's license and youth sportsman's license for residents that
25 include~~[includes an]~~ annual hunting and fishing licenses~~[license]~~ and such permits
26 as allowed by administrative regulations promulgated by the department; and

27 (29) A special license for residents and nonresidents for the purpose of hunting on

1 licensed shooting areas. This license shall be valid only for the shooting areas for
2 which it was issued and shall remain in effect for one (1) year. If the hunter holds
3 either a nonresident or resident statewide hunting license for the current year, the
4 special license shall not be required.

5 The department may offer multiyear licenses or permits for any of the annual licenses or
6 permits authorized in subsections (1), (7), (9), (14), (15), (17), (18), (19), (23), and (28)
7 of this section. A multiyear license or permit shall authorize the holder to perform all acts
8 authorized by the same license or permit if purchased annually and shall be issued in
9 accordance with the provisions of this chapter and the administrative regulations
10 promulgated hereunder. Any multiyear licenses or permits offered by the department
11 relating to the annual licenses or permits authorized in subsections (1), (7), (9), (14), (15),
12 (17), (18), (19), (23), and (28) of this section shall be implemented by administrative
13 regulation and may be discontinued at any time.

14 ➔Section 17. KRS 150.195 is amended to read as follows:

15 (1) The department shall by administrative regulation provide for the control of the
16 design, issuance, distribution, and other matters relating to all licenses and permits
17 issued by the department.

18 (2) ~~{The department shall name each county clerk not granted an exemption from~~
19 ~~selling licenses or permits by the commissioner as an agent for the sale of licenses~~
20 ~~and permits or other items. The county clerk shall not appoint any other person or~~
21 ~~organization, other than a paid deputy clerk, to sell licenses and permits. A county~~
22 ~~clerk may, at any time during his term of office, apply in writing to the~~
23 ~~commissioner for an exemption from the requirement that he sell licenses and~~
24 ~~permits or other items for the department. The commissioner shall then grant the~~
25 ~~exemption until the clerk requests otherwise in writing.~~

26 (3) The department may~~{shall}~~ sell its own licenses or permits and may name any other
27 persons, governmental entities, businesses, or organizations~~{person or~~

1 ~~organization~~ meeting the requirements specified by statute and by the department
2 by administrative regulation as agents~~[an agent]~~ for the sale of specified licenses
3 and permits or other items for the department.

4 (3)~~[(4)]~~ The department shall, by administrative regulation, determine:

5 (a) The number and distribution of agents in a county;

6 (b) Which licenses and permits or other items shall be sold or issued by the
7 department and agents of the department;

8 (c) The requirements for persons, governmental entities, businesses, or
9 organizations~~[, other than county clerks,]~~ to sell licenses and permits or other
10 items issued by the department;

11 (d) The fees allowed to be retained by agents of the department;

12 (e) Matters relating to the remittance of license and permit fees and proceeds of
13 the sale of other items, procedures for accountability for licenses and permits,
14 and accountability for license and permit fees and proceeds of the sales of
15 other items;

16 (f) The license and permit term, and the date of expiration of licenses and
17 permits; and

18 (g) The manner in which the licenses, permits, and other items issued by the
19 department are designed, issued, and sold, and details relating to the
20 application for and sale of licenses, permits, and other items, the reporting of
21 license, permit, and other sales, and other matters deemed necessary by the
22 department for the proper administration and operation of a program relating
23 to the design, issuance, and sale of licenses, permits, and other items issued by
24 the department.

25 (4)~~[(5)]~~ No person shall make a false statement or provide any false information when
26 applying for a license or permit.

27 (5)~~[(6)]~~ Unless permitted to do so by administrative regulation, no person shall alter or

1 modify a license or permit in any manner.

2 ~~(6)~~~~(7)~~ No person~~[employee of the department, no agent designated by the~~
3 ~~department, or no employee of an agent designated by the commissioner]~~ shall
4 knowingly make a false entry upon a license or permit, license or permit record, or
5 an application or report required by this chapter or by an administrative regulation
6 issued thereunder.

7 ~~(7)~~~~(8)~~ The department~~[and each agent designated by the commissioner]~~ shall keep a
8 correct and complete record of all licenses and permits applied for or issued, and all
9 other records required to be kept by statute or by the department by administrative
10 regulation. License and permit records shall be public records and shall be open to
11 public inspection in the manner provided by KRS 61.870 to 61.884.

12 ~~(8)~~~~(9)~~ No fee for the issuance of a license or permit issued by or on behalf of the
13 department shall be charged or collected by the department or agent of the
14 department other than the amount specified by administrative regulation. Tie-in
15 sales required to obtain a license or permit are prohibited.

16 ~~(9)~~~~(10)~~ The department shall by administrative regulation develop a procedure for
17 suspending or revoking the agent status of a person or organization violating any
18 provision of this chapter, or the administrative regulations promulgated thereunder,
19 relating to the sale, reporting of, or financial accountability for the sale of licenses
20 or permits which the agent is authorized to sell on behalf of the department.

21 (a) The initial determination to suspend or revoke an agent's status shall be made
22 by the commissioner, or by his or her designee; and the agent shall be
23 informed of the decision in writing.

24 (b) A decision of the commissioner or his or her designee may be appealed to the
25 commission in writing and received by the department within ten (10) days of
26 receipt of the commissioner's notice. Hearings of appeals shall be conducted
27 in accordance with KRS Chapter 13B.

1 (c) Appeals from a final order of the commission shall be to the Franklin Circuit
2 Court in accordance with KRS Chapter 13B.

3 ~~(10)~~~~(11)~~ Penalties which the commissioner, his or her designee in writing, or the
4 commission may assess are:

5 (a) A suspension of the agent's status for not less than one (1) nor more than five
6 (5) years; or

7 (b) Revocation of the agent's status permanently, if a natural person, or for not
8 less than ten (10) years to permanently, if an organization.

9 ~~(11)~~~~(12)~~ Suspension periods shall not be waived, probated, or delayed by the
10 commissioner, his or her designee in writing, or the commission. The commission
11 or the Franklin Circuit Court, as appropriate, may reduce a suspension period
12 ordered by the commissioner or his or her designee in writing, but to not less than
13 one (1) year, and may reduce a revocation to a suspension.

14 ~~(12)~~~~(13)~~ The department may experiment with computerized, electronic, or other
15 improved forms of license and permit sales by the department and its agents.
16 Experiments may be conducted on a regional or other basis. The commission shall
17 implement any improved method of license and permit sales finally selected, on a
18 statewide basis by administrative regulation.

19 ➔Section 18. KRS 150.250 is amended to read as follows:

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

25 ➔Section 19. KRS 150.990 is amended to read as follows:

26 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each
27 device used or possessed contrary to the provisions of this chapter or any

1 administrative regulation promulgated by the commission thereunder shall
2 constitute a separate offense. The penalties prescribed in this section shall be for
3 each offense.

4 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a
5 conservation officer or peace officer of this Commonwealth for violation of
6 this chapter or any administrative regulation promulgated thereunder shall
7 forfeit his or her license or, if that person is license-exempt, shall forfeit the
8 privilege to perform the acts authorized by the license. The individual shall
9 not be permitted to purchase another license or exercise the privileges granted
10 by a license until the citation or summons is resolved. The court shall notify
11 the department whenever a person has failed to appear pursuant to a citation
12 or summons for a violation of this chapter or any administrative regulation
13 promulgated thereunder.

14 (b) Any person who violates any of the provisions of this chapter or any
15 administrative regulations promulgated by the commission thereunder may, in
16 addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8)
17 of this section, forfeit his or her license or, if that person is license-exempt,
18 may forfeit the privilege to perform the acts authorized by the license and
19 shall not be permitted to purchase another license or exercise the privileges
20 granted by a license during the same license year. No fines, penalty, or
21 judgment assessed or rendered under this chapter shall be suspended, reduced,
22 or remitted otherwise than expressly provided by law. Any person who
23 violates any administrative regulation which has been or may be promulgated
24 by the commission under any provisions of this chapter shall be subject to the
25 same penalty as is provided for the violation of any provisions of this chapter
26 under which the administrative regulation is promulgated.

27 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,

1 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,
2 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the
3 provisions of this chapter or any administrative regulation promulgated by the
4 commission for which no definite fine or imprisonment is fixed shall be fined not
5 less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

6 (4) Any person who violates any of the provisions of subsections (4) to (7) of Section
7 17 of this Act, KRS 150.290, 150.300, 150.340, 150.360, 150.362(1), 150.485,
8 150.600, 150.630, or 150.660, ~~the provisions of KRS 150.195(5) to (8), or KRS~~
9 ~~150.660(3)~~ shall be fined not less than fifty dollars (\$50) nor more than five
10 hundred dollars (\$500) or be imprisoned for not more than six (6) months, or both.
11 Also, any person violating the provisions of KRS 150.300 shall be assessed treble
12 damages as provided in KRS 150.690 or 150.700. Damages assessed under this
13 subsection shall be ordered to be paid directly to the department. The court shall not
14 direct that the damages be paid through the circuit clerk.

15 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
16 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
17 hundred dollars (\$500).

18 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
19 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
20 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
21 imprisoned for not more than six (6) months, or both.

22 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not
23 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
24 imprisoned for not more than six (6) months, or both, and in addition to these
25 penalties shall be liable to the department in an amount not to exceed the
26 replacement value of the fish and wildlife which has been killed or destroyed. Costs
27 assessed for the restoration of wildlife under this subsection shall be ordered to be

1 paid directly to the department. The court shall not direct that the costs be paid
2 through the circuit clerk.

3 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
4 administrative regulations issued thereunder shall for the first offense be fined not
5 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
6 and shall for a second offense be fined not less than five hundred dollars (\$500) nor
7 more than one thousand five hundred dollars (\$1,500); and for any subsequent
8 offense, be fined two thousand dollars (\$2,000).

9 (9) Any person who violates the provisions of KRS 150.520 or administrative
10 regulations issued thereunder shall, if the violation relates to methods of taking
11 mussels, for a first offense be imprisoned in the county jail for no more than thirty
12 (30) days; for a second offense be imprisoned in the county jail for no more than six
13 (6) months; and for any subsequent offense be imprisoned in the county jail for no
14 more than one (1) year. The penalties for violation of this subsection shall be in
15 addition to the penalties for violation of subsection (8).

16 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
17 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more
18 than one thousand dollars (\$1,000).

19 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)
20 shall be fined not less than one hundred dollars (\$100) nor more than one thousand
21 dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one
22 (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit
23 his or her license or, if license-exempt, the privilege to perform the acts authorized
24 by the license for a period of one (1) to three (3) years and shall be liable to the
25 department in an amount reasonably necessary to replace any deer, wild turkey, or
26 bear taken in violation of KRS 150.390 and for violations of KRS 150.092(4) shall
27 be liable to the landowner or occupant for reasonable compensation for damages.

1 Wildlife replacement costs assessed under this subsection shall be ordered to be
2 paid directly to the department. The court shall not direct that the damages be paid
3 through the circuit clerk. Damages assessed under this subsection shall be ordered
4 to be paid directly to the landowner or occupant. The court shall not direct that the
5 damages be paid through the circuit clerk. Any person who possesses, takes, or
6 molests a wild elk in violation of KRS 150.390 or administrative regulations
7 promulgated under authority of that section shall be fined not less than one
8 thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or
9 imprisoned for up to six (6) months, or both. In addition to these penalties, the
10 person shall pay to the department an amount not to exceed the greater of the
11 replacement cost of the wild elk or double any monetary gain realized from the
12 illegal activity and shall forfeit his or her license or, if license-exempt, the privilege
13 to perform the acts authorized by the license for a period of one (1) to three (3)
14 years.

15 (12) Any person who violates any of the provisions of KRS 150.090 other than a
16 criminal homicide or an assault against an officer enforcing the provisions of this
17 chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall
18 be guilty of a Class A misdemeanor.

19 (13) Any person who commits a criminal homicide or an assault against an officer
20 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
21 regulations issued thereunder shall be subject to the penalties specified for the
22 offense under KRS Chapter 507 or 508, as appropriate.

23 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
24 violation of KRS 150.710. A subsequent conviction shall be a Class A
25 misdemeanor.

26 (15) Any person who violates the provisions of KRS 150.092 or the administrative
27 regulations promulgated thereunder for which no other penalty is specified

1 elsewhere in this section shall for the first offense be fined not less than one
2 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
3 offense, be fined not less than three hundred dollars (\$300) nor more than one
4 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or,
5 if license-exempt, the privilege to perform the acts authorized by the license, for
6 one (1) year and shall be fined not less than one thousand dollars (\$1,000) or be
7 imprisoned in the county jail for up to one (1) year, or both. In addition to the
8 penalties prescribed in this subsection, the violator shall be liable to the landowner
9 or tenant for the replacement cost of any property which was damaged or destroyed
10 by his or her actions. Damages assessed under this subsection shall be ordered to be
11 paid directly to the landowner or the tenant. The court shall not direct that the
12 damages be paid through the circuit clerk.

13 (16) (a) Any person who knowingly violates KRS 150.361 shall for a first offense be
14 fined not less than one hundred dollars (\$100) nor more than one thousand
15 dollars (\$1,000) or be imprisoned in the county jail for not more than six (6)
16 months, or both.

17 (b) Any person who knowingly violates KRS 150.361 shall for a second or
18 subsequent offense be fined not less than five hundred dollars (\$500) nor
19 more than one thousand five hundred dollars (\$1,500) or be imprisoned in the
20 county jail for not more than six (6) months, or both.

21 (c) In addition to the penalties specified in paragraphs (a), (b), and (d) of this
22 subsection, a person knowingly violating KRS 150.361 shall forfeit his or her
23 hunting license or, if license-exempt, the privilege to perform the acts
24 authorized by the license for a period of not less than one (1) nor more than
25 three (3) years.

26 (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this
27 subsection any person knowingly violating KRS 150.361 shall be liable to the

1 department in an amount not to exceed the greater of the replacement value of
2 any wildlife killed or wounded in violation of KRS 150.361 or double the
3 amount of the monetary gain from knowingly violating KRS 150.361.

4 (e) Wildlife replacement costs or other costs specified in paragraph (d) of this
5 subsection shall be ordered paid directly to the department. The court shall not
6 direct that the replacement costs be paid through the circuit clerk.

7 (17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A
8 misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right
9 to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10)
10 years.

11 ➔Section 20. The requirements of this Act shall apply to all procurements and
12 acquisitions of interests in real property undertaken by, or for the benefit of, the
13 Department of Fish and Wildlife Resources, including procurements and acquisitions of
14 interests in real property that commenced prior to the effective date of this Act.

15 ➔Section 21. Whereas it is critical to the proper administration of the Department
16 of Fish and Wildlife Resources that its procurements and acquisitions of interests in real
17 property are completed in a timely manner, an emergency is declared to exist, and this
18 Act takes effect upon its passage and approval by the Governor or upon its otherwise
19 becoming a law.