

1 AN ACT relating to the Department of Fish and Wildlife Resources.

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

3 ➔Section 1. KRS 15.460 is amended to read as follows:

- 4 (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of
5 government shall be entitled to receive an annual supplement of three
6 thousand dollars (\$3,000) for each qualified police officer it employs. The
7 supplement amount shall be increased to four thousand dollars (\$4,000)
8 beginning July 1, 2018.
- 9 (b) 1. In addition to the supplement, the unit of government shall receive an
10 amount equal to the required employer's contribution on the supplement
11 to the retirement plan and duty category to which the officer belongs. In
12 the case of County Employees Retirement System membership, the
13 retirement plan contribution on the supplement shall be paid whether the
14 officer enters the system under hazardous duty coverage or
15 nonhazardous coverage.
- 16 2. The unit of government shall pay the amount received for retirement
17 plan coverage to the appropriate retirement system to cover the required
18 employer contribution on the pay supplement.
- 19 3. If the foundation program funds are insufficient to pay employer
20 contributions to the system, then the total amount available for
21 retirement plan payments shall be prorated to each eligible government
22 so that each receives the same percentage of required retirement plan
23 costs attributable to the cash salary supplement.
- 24 (c) 1. In addition to the payments received under paragraphs (a) and (b) of this
25 subsection, but only if sufficient funds are available to make all
26 payments required under paragraph (b) of this subsection, each unit of
27 government shall receive an administrative expense reimbursement in an

- 1 amount equal to seven and sixty-five one-hundredths percent (7.65%) of
2 the total annual supplement received greater than three thousand one
3 hundred dollars (\$3,100) for each qualified police officer that is a local
4 officer as defined in KRS 15.420(2)(a)1. that it employs, subject to the
5 cap established by subparagraph 3. of this paragraph.
- 6 2. The unit of government may use the moneys received under this
7 paragraph in any manner it deems necessary to partially cover the costs
8 of administering the payments received under paragraph (a) of this
9 subsection.
- 10 3. The total amount distributed under this paragraph shall not exceed the
11 total sum of five hundred twenty-five thousand dollars (\$525,000) for
12 each fiscal year. If there are insufficient funds to provide for full
13 reimbursement as provided in subparagraph 1. of this paragraph, then
14 the amount shall be distributed pro rata to each eligible unit of
15 government so that each receives the same percentage attributable to its
16 total receipt of the cash salary supplement.
- 17 (d) In addition to the payments received under paragraphs (a) and (b) of this
18 subsection, each unit of government shall receive the associated fringe
19 benefits costs for the total supplement of four thousand dollars (\$4,000) for
20 each qualified police officer that is a state officer as defined in KRS
21 15.420(2)(a)2. that it employs. Fringe benefits shall be limited to retirement
22 plan contributions and the federal insurance contributions act tax.
- 23 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky
24 Department of Fish and Wildlife Resources game warden appointed pursuant
25 to KRS 150.090(2) and listed in KRS 15.420(2)(a)2.n. shall be a participant in
26 the Kentucky Law Enforcement Foundation Program fund~~[- but shall not~~
27 ~~receive an annual supplement from that fund].~~ A game warden shall receive

1 an annual training stipend commensurate to the annual supplement paid to the
2 police officer as defined in KRS 15.420.~~[- The annual training stipend~~
3 ~~disbursed to a game warden shall be paid from the game and fish fund~~
4 ~~pursuant to KRS 150.150.]~~

5 (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall
6 be deemed a police officer solely for the purpose of inclusion in the Law
7 Enforcement Foundation Program fund.

8 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
9 of government to each police officer whose qualifications resulted in receipt of a
10 supplemental payment. The payment shall be in addition to the police officer's
11 regular salary and, except as provided in subsection (4)(b) of this section, shall
12 continue to be paid to a police officer who is a member of:

13 (a) The Kentucky National Guard during any period of activation under Title 10
14 or 32 of the United States Code or KRS 38.030; or

15 (b) Any reserve component of the United States Armed Forces during any period
16 of activation with the United States Armed Forces.

17 (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246
18 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.

19 (b) A qualified sheriff who does not receive the maximum salary allowed by
20 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
21 expense allowance provided by KRS 70.170, shall upon annual settlement
22 with the fiscal court under KRS 134.192, receive that portion of the
23 supplement that will not cause his or her compensation to exceed the
24 maximum salary.

25 (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of
26 the annual settlement prepared under KRS 134.192 to the fund. The sheriff
27 shall reimburse the fund if an audit of the annual settlement conducted

1 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
2 the supplement in violation of this section. A sheriff who fails to provide a
3 copy of the annual settlement to the fund or to reimburse the fund after
4 correction by audit, if required, shall not be qualified to participate in the fund
5 for a period of two (2) years.

6 (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the
7 sheriff administers his or her own budget or from the county treasurer if the
8 sheriff pools his or her fees. The failure of a sheriff to comply with the
9 provisions of this section shall not affect the qualification of his or her
10 deputies to participate in the fund.

11 (4) (a) Eligible units of government shall receive the salary supplement, excluding
12 funds applicable to the employer's retirement plan contribution, provided in
13 subsection (1) of this section for distribution to a police officer who is eligible
14 under subsection (2) of this section.

15 (b) A qualified police officer receiving a salary supplement during any period of
16 military activation, as provided in subsection (2) of this section, shall not be
17 entitled to receive the employer's retirement plan contribution, and the salary
18 supplement shall not be subjected to an employee's contribution to a
19 retirement plan. The salary supplement shall otherwise be taxable for all
20 purposes.

21 (5) A unit of government receiving disbursements under this section shall follow all
22 laws applicable to it that may govern due process disciplinary procedures for its
23 officers, but this subsection shall not be interpreted to:

24 (a) Authorize the department, the cabinet, or the council to investigate, judge, or
25 exercise any control or jurisdiction regarding the compliance of a unit of
26 government with laws that may govern due process disciplinary procedures
27 for its officers, except as otherwise provided by laws;

- 1 (b) Create a private right of action for any police officer regarding an agency's
2 participation in this section;
- 3 (c) Authorize a termination of an agency's participation as a result of a judgment
4 that the unit of government failed to follow its procedures in any independent
5 cause of action brought by the police officer against the unit of government;
6 or
- 7 (d) Prevent the adoption, amendment, or repeal of any laws that may govern the
8 due process disciplinary procedures of a unit of government's police officers.

9 ➔Section 2. KRS 150.061 is amended to read as follows:

- 10 (1) Notwithstanding any provisions of KRS Chapter 18A, 42, 45, 45A, 56, or 64 to the
11 contrary, the commission shall have the sole authority to appoint a commissioner of
12 the Department of Fish and Wildlife Resources, who shall be a person with
13 knowledge of and experience in the requirements for the protection, conservation
14 and restoration of the wildlife resources of the state. The commission shall be the
15 sole contracting body for the purposes of KRS Chapter 45A and shall submit any
16 proposed personal service contract with a commissioner to the Government Contact
17 Review Committee for its review pursuant to KRS 45A.690 to 45A.725. The
18 commissioner shall serve for a defined employment contract term not to exceed
19 four (4) years and shall be subject to:
- 20 (a) Annual review by the commission in closed, executive session;
- 21 (b) Removal by the commission for the same cause and in the same manner in
22 which the Governor may remove a member of the commission; and
- 23 (c) Reappointment by the commission.
- 24 (2) The commissioner shall receive such compensation as the commission may solely
25 determine, and shall be reimbursed for all actual and necessary travel and other
26 expenses incurred by him or her in the performance of his or her official duties.
- 27 (3) Before entering upon the duties of his or her office, the commissioner shall take and

1 subscribe to the constitutional oath of office, and shall, in addition thereto, swear or
2 affirm that he or she holds no other public office, nor any position upon or under
3 any political committee or party. Upon appointment by the commission, the
4 commissioner shall execute a bond of five thousand dollars (\$5,000) in favor of the
5 Department of Fish and Wildlife Resources, the premium on said bond to be paid
6 out of department funds.

7 (4) Notwithstanding any provision of law to the contrary, the commissioner shall be the
8 sole appointing authority for the department for the purposes of KRS Chapter 18A
9 and shall have general supervision and control of all activities, functions,
10 appointments, and employees of the department. He or she shall enforce all
11 provisions of the laws of the state relating to wild animals, birds, fish and
12 amphibians, and shall exercise all powers necessarily incident thereto not
13 specifically conferred on the commission. The commissioner shall make an annual
14 report of all receipts and disbursements and file same with the Secretary of State of
15 the Commonwealth of Kentucky.

16 (5) (a) Notwithstanding any provision of KRS Chapter 18A to the contrary, the
17 commissioner shall establish a salary structure for the sworn employees of
18 the department's Division of Law Enforcement that is competitive with the
19 pay structures for other state and local law enforcement personnel in the
20 Commonwealth and is adequate to meet the department's recruitment and
21 retention goals.

22 (b) The secretary of the Personnel Cabinet established under KRS Chapter 18A
23 shall take every action necessary to implement the requirements of
24 paragraph (a) of this subsection and to ensure that the sworn employees of
25 the department's Division of Law Enforcement are otherwise subject to the
26 requirements and benefits of KRS Chapter 18A.

27 (6) If federal or other grant funds become available to pay their salaries, the

1 commissioner may appoint and employ other persons that he or she may deem
2 necessary or desirable to accomplish the purposes of this chapter. The
3 commissioner shall determine the compensation, duties, and terms of employment
4 of these employees, and grant funded, time-limited positions shall be approved by
5 the commission as needed. Employees whose salaries are funded through federal or
6 other grant funds shall not be counted in any tally of permanent employees made
7 for employee cap or budgetary purposes.

8 ➔Section 3. KRS 150.150 is amended to read as follows:

9 (1) (a) Except as provided in this chapter, all moneys derived from the sale of
10 licenses or from any other source connected with the administration of this
11 chapter shall be promptly paid over to the State Treasurer, who shall deposit
12 such moneys in a special fund, known as the game and fish fund, except that
13 the moneys shall be entered under separate restricted fund accounts, not
14 commingled, and maintained according to generally accepted accounting
15 principles.

16 (b) Moneys derived from the sale of licenses issued under this chapter shall be
17 under separate restricted fund account from any other proceeds derived from
18 this chapter or from proceeds obtained under any other chapter.

19 (c) The game and fish fund:

20 1. Shall be used to {:

21 ~~a. —~~ }carry out the purposes of this chapter and any law or regulation
22 for the protection of wildlife; and{

23 ~~b. — Pay the annual supplement provided in KRS 15.460(1)(e); and~~

24 2. Shall not be used for any other purpose.

25 (2) All funds received under KRS 150.110 and 150.520 shall be used by the department
26 for the purpose of enforcing those sections and for the protection and propagation
27 of mussel beds. Any surplus remaining in the fund at the close of each calendar year

1 shall be turned into the general fund of the department.

- 2 (3) In addition to the funds derived pursuant to KRS 186.050(15), the department shall
3 ~~by, beginning~~ August 1 ~~of, 2006, and~~ each fiscal year ~~thereafter,~~ set aside not
4 less than twenty-five thousand dollars (\$25,000) from the game and fish fund for
5 the purpose of promoting hunger relief through specific wildlife management and
6 conservation efforts. The department shall provide for a separate accounting of
7 these funds and shall, by October 1, 2007, and annually thereafter, report on the
8 expenditures made pursuant to this subsection to the Governor and the Legislative
9 Research Commission.
- 10 (4) The department shall prescribe a method to allow any applicant for a license
11 required under KRS 150.175 to make, at the time of application, a voluntary
12 contribution in the amount of two dollars (\$2) for the Becoming an Outdoors-
13 Woman Program or other hunter and angler recruitment and retention program. The
14 voluntary contribution shall be deposited into a separate, restricted account within
15 the game and fish fund. The Becoming an Outdoors-Woman Program shall
16 encourage women in developing skills for outdoor recreational activities including
17 but not limited to hunting and angling. The voluntary contribution shall be
18 automatically added to the cost of the license at the time of sale.