

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

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

4 ➔Section 1. KRS 150.022 is amended to read as follows:

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

1 or sportswomen of each respective district.

2 (b) When the term of a member expires, the commissioner shall call a meeting of  
3 the sportsmen and sportswomen in that district not later than thirty (30) days  
4 prior to the expiration of the member's term. Notice of the meeting shall be  
5 given by publication pursuant to KRS Chapter 424.

6 (c) At the meeting, the sportsmen or sportswomen in attendance shall select and  
7 submit to the Governor a list of five (5) residents and citizens of the district,  
8 each of whom:~~{ who }~~

9 1. Is either an experienced hunter, angler, trapper, farmer, or biologist;

10 2. Has~~{ have }~~ held a hunting and fishing license~~{ licenses }~~ in Kentucky or  
11 another state for at least the previous five (5) consecutive years;~~{ or }~~  
12 ~~who have been hunting and fishing in the Commonwealth for the~~  
13 ~~previous five (5) consecutive years while license exempt under KRS~~  
14 ~~150.170, and who }~~

15 3. Is~~{ Are }~~ well informed on the subject of wildlife conservation and  
16 restoration, including the North American Model of Wildlife  
17 Conservation; and

18 4. Has an active membership in a conservation or sportsman's or  
19 sportswoman's organization in the Commonwealth.

20 (d) Each sportsman or sportswomen may vote for one (1) candidate only, and the  
21 list submitted to the Governor shall be made up of the names of the five (5)  
22 candidates receiving the five (5) highest vote totals.

23 (e)~~{(d)}~~ The Governor shall appoint a successor to the member whose term has  
24 expired no later than January 20 of the year following the year in which the  
25 member's term expired.

26 (f) Upon appointment by the Governor, each appointee to the commission shall  
27 file with the Secretary of State an affidavit, duly signed and sworn, setting

1           *forth in detail how he or she complies with qualifications and requirements*  
 2           *of this section.*

3           *(g) Notwithstanding any provision of law to the contrary, the Senate shall not*  
 4           *consider any legislation confirming the appointment or reappointment of a*  
 5           *member of the commission unless:*

6           *(a) The legislation has been referred to the Senate standing committee of*  
 7           *jurisdiction as determined by the Senate Committee on Committees;*

8           *(b) A meeting of the Senate standing committee to which the legislation*  
 9           *was referred has been held to determine the qualifications of the*  
 10           *nominee and to review the affidavit required under paragraph (f) of*  
 11           *this subsection; and*

12           *(c) The legislation has been reported favorably by the Senate standing*  
 13           *committee.*

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

18           (5) In the event of vacancies other than by expiration, the Governor shall fill the  
 19           vacancy for the unexpired part of the term from the names remaining on the list  
 20           previously submitted for the district from which the vacancy arose. An appointee  
 21           chosen under this subsection shall not serve on the commission until duly  
 22           confirmed by the Senate.

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

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

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

12 (11) Within one (1) year of his or her initial appointment to the commission, a  
13 commission member shall complete six (6) hours of executive branch ethics  
14 training conducted by the Executive Branch Ethics Commission established  
15 under KRS Chapter 11A. Each commission member shall complete three (3)  
16 hours of executive branch ethics training each year that he or she serves on the  
17 commission thereafter. Current commission members shall complete their initial  
18 six (6) hours of executive branch ethics training within one (1) year after the  
19 effective date of this Act.

20 (12) The word "sportsman" or "sportswoman" as used in this section shall mean a  
21 resident hunter or fisherman or fisherwoman who has been licensed in Kentucky  
22 for each of the past two (2) consecutive years.

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

24 (1) (a) Notwithstanding any provisions of KRS Chapter 18A, 42, 45, 45A, 56, or 64  
25 to the contrary, the commission shall have the sole authority to appoint a  
26 commissioner of the Department of Fish and Wildlife Resources, who shall be  
27 a person;

- 1           **1.** With knowledge of and experience in the requirements for the  
 2           protection, conservation and restoration of the wildlife resources of the  
 3           **Commonwealth;**~~[state]~~  
 4           **2. Who has demonstrated active participation in hunting, fishing, or both**  
 5           **for ten (10) years prior to appointment;**  
 6           **3. Who has held a hunting and fishing license in Kentucky or another**  
 7           **state for at least the previous three (3) consecutive years; and**  
 8           **4. Who has not served on the Department of Fish and Wildlife Resources**  
 9           **Commission for at least three (3) years.**

10       **(b)** The commission shall be the sole contracting body for the purposes of KRS  
 11       Chapter 45A and shall submit any proposed personal service contract with a  
 12       commissioner to the Government Contact Review Committee for its review  
 13       pursuant to KRS 45A.690 to 45A.725. The commissioner shall serve for a  
 14       defined employment contract term not to exceed four (4) years and shall be  
 15       subject to:

- 16           **1.**~~[(a)]~~ Annual review by the commission in closed, executive session;  
 17           **2.**~~[(b)]~~ Removal by the commission for the same cause and in the same  
 18           manner in which the Governor may remove a member of the  
 19           commission;~~[and]~~  
 20           **3.**~~[(c)]~~ Reappointment by the commission; **and**  
 21           **4. Confirmation by the Senate.**

22       **(2) For commissioner vacancies that occur after the effective date of this Act, the**  
 23       **commission shall conduct a national search to identify the best qualified**  
 24       **individual to hold the position and carry out the requirements of this chapter.**

25       **(3)** The commissioner shall receive such compensation as the commission may solely  
 26       determine, and shall be reimbursed for all actual and necessary travel and other  
 27       expenses incurred by him or her in the performance of his or her official duties.

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

8 ~~(5)~~~~(4)~~ Notwithstanding any provision of law to the contrary, the commissioner shall  
9 be the sole appointing authority for the department for the purposes of KRS Chapter  
10 18A and shall have general supervision and control of all activities, functions,  
11 appointments, and employees of the department. He or she shall enforce all  
12 provisions of the laws of the state relating to wild animals, birds, fish and  
13 amphibians, and shall exercise all powers necessarily incident thereto not  
14 specifically conferred on the commission. The commissioner shall make an annual  
15 report of all receipts and disbursements and file same with the Secretary of State of  
16 the Commonwealth of Kentucky.

17 ~~(6)~~~~(5)~~ If federal or other grant funds become available to pay their salaries, the  
18 commissioner may appoint and employ other persons that he or she may deem  
19 necessary or desirable to accomplish the purposes of this chapter. The  
20 commissioner shall determine the compensation, duties, and terms of employment  
21 of these employees, and grant funded, time-limited positions shall be approved by  
22 the commission as needed. Employees whose salaries are funded through federal or  
23 other grant funds shall not be counted in any tally of permanent employees made  
24 for employee cap or budgetary purposes.

25 ➔Section 3. Whereas it is critical that that the changes to the qualifications for the  
26 members of the Department of Fish and Wildlife Resources Commission and the  
27 commissioner be enacted as soon as possible to apply to any new vacancies that may

- 1 arise, an emergency is declared to exist, and this Act takes effect upon its passage and
- 2 approval by the Governor or upon its otherwise becoming a law.