

1 AN ACT relating to fish and wildlife and declaring an emergency.

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

3 ➔Section 1. KRS 150.170 is amended to read as follows:

4 (1) Except as provided in the following subsections of this section, and subject to
5 administrative regulations promulgated under this chapter, no person, resident, or
6 nonresident shall do any act authorized by any kind of license or permit or assist in
7 any way any person in doing any act provided for in this chapter with respect to
8 wildlife unless he or she holds the kind of license or permit, resident or nonresident,
9 that authorizes the act. It shall be the specific purpose of this chapter to prohibit the
10 taking or pursuing of any wildlife, protected or unprotected, or the fishing in any
11 stream or body of water whether public or private, without first procuring the
12 license provided for in KRS 150.175, except to the extent as may be otherwise
13 provided in this section.

14 (2) A person under sixteen (16) years of age may, without a sport fishing license, take
15 fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip
16 net.

17 (3) A person under twelve (12) years of age shall be exempt from being required to
18 obtain a sport hunting or sport trapping license as required by this chapter.

19 (4) ~~An~~~~[The resident]~~ owner of farmlands ***who is a resident of the Commonwealth*** or
20 his or her spouse or dependent children shall, without procuring any sport hunting
21 or sport fishing licenses, have the right to take fish or hunt during the open season,
22 except trapping, on farmlands of which they are bona fide owners. Tenants or their
23 dependent children residing upon these farmlands shall have the same privilege.

24 (5) ***(a) A bona fide owner of private land in Kentucky who is also a resident of the***
25 ***Commonwealth shall:***

26 ***1. Not be subject to any limits or restrictions established in this chapter***
27 ***or the administrative regulations promulgated under this chapter for***

1 creel, possession, size, or method of take for the fish in the private
2 landowner's private lake or pond;

3 2. Be able to extend the privileges in subparagraph 1. of this paragraph
4 in written or electronic form to any other person who has a valid
5 fishing license; and

6 3. Include the landowner's address and telephone number in any written
7 or electronic permission extended to another person under this
8 paragraph.

9 (b) Except for restrictions on the stocking of invasive fish, a bona fide owner of
10 private land shall:

11 1. Not be subject to any state requirements regarding the stocking of
12 private lakes or ponds located in the private landowner's property; and

13 2. Provide written or electronic permission to any person allowed to
14 obtain and transport live fish from the bona fide owner's private pond
15 or lake to another location. The person granted permission to
16 transport the fish from the bona fide landowner's lake or pond shall,
17 while transporting the live fish, keep and be able to furnish the bona
18 fide landowner's written permission to a game warden. The written or
19 electronic permission shall detail the species of fish, the amounts
20 allowed to be in his or her possession, and the bona fide landowner's
21 address and phone number.

22 (c) There shall not be any restriction on the stocking of first filial (F1)
23 largemouth bass or Florida (Micropterus salmoides floridanus) bass in a
24 bona fide landowner's private lakes and ponds.

25 (d) Paragraphs (b) and (c) of this subsection shall not apply to private lakes and
26 ponds located within the one hundred (100) year floodplain.

27 (6) Residents or nonresidents observing and participating in field trials, training

1 exercises, or other competitions as authorized by the department may observe and
2 participate without obtaining a hunting or guide's license so long as game is not
3 taken.

4 ~~(7)~~~~(6)~~ Any resident serviceman on furlough of more than three (3) days in this state
5 may, without any Kentucky sport hunting or sport fishing licenses, do any act
6 authorized by the licenses, but while so doing he or she shall carry on his or her
7 person proper identification and papers showing his or her furlough status.

8 ~~(8)~~~~(7)~~ Landowners, their spouses or dependent children, or their designee who must
9 be approved by the commissioner, who kill or trap on their lands any wildlife
10 causing damage to the lands or any personal property situated thereon shall not be
11 required to have a hunting or trapping license and may do so during periods other
12 than the open season for the particular species without a tag and dispose of the
13 carcass on-site. Tenants, their spouses, their dependent children, or other persons
14 approved by the commissioner, shall also have the same privilege. Upon destruction
15 of any wildlife by the above-specified individuals, the act shall be reported to a
16 game warden within twenty-four (24) hours of the kill. Individuals wishing to
17 transport the carcass from the property upon which it was killed shall contact
18 personnel of the department to request a disposal tag or other authorization.
19 Inedible parts from wildlife taken under the authorization of this section shall not be
20 utilized for any purpose and shall be destroyed or left afield. The department shall
21 promulgate administrative regulations establishing procedures for the designee
22 appointment process, including request and approval deadlines.

23 ~~(9)~~~~(8)~~ If a reciprocal agreement is entered into by the commissioner, with the
24 approval of the commission, and promulgated as an administrative regulation by the
25 department and similar action is taken by the appropriate authority in Missouri,
26 Tennessee, Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a
27 resident or nonresident fishing or a resident or nonresident hunting license issued in

1 these states shall be permitted to perform the acts authorized by the license upon
2 certain contiguous waters and land areas adjacent to the common boundaries of the
3 above-mentioned states and the State of Kentucky. A resident of the State of
4 Kentucky shall purchase a proper Kentucky license to conform with the reciprocal
5 agreement.

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

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

- 15 (a) Is a current member of the Armed Forces of the United States;
16 (b) Has served in the Armed Forces of the United States and was discharged or
17 released therefrom under conditions other than dishonorable; or
18 (c) Is a peace officer certified pursuant to KRS 15.380 to 15.404.

19 **(12) Any person found in violation of administrative regulations promulgated under**
20 **this chapter for creel, possession, size, or method of take when checked by a game**
21 **warden on public lakes, rivers, or streams shall not claim as a defense any right**
22 **or privilege conferred to a landowner under subsection (5)(a) of this section for**
23 **fishing in a private lake or pond on the landowner's private land.**

24 **(13) As used in this section, "private lake or pond" means a lake or pond that is:**

- 25 **(a) Not connected by surface water to any public waters;**
26 **(b) Not accessible to fish from other public bodies of water; and**
27 **(c) Not located within the one hundred (100) year floodplain.**

1 ➔Section 2. KRS 150.180 is amended to read as follows:

- 2 (1) Except as otherwise provided for in this chapter, and subject to regulations adopted
3 under this chapter, no person, for himself or as the agent or employee of another
4 shall buy, or sell, or attempt to buy, or sell, barter, exchange, or trade, or have in
5 possession for the purpose of selling, bartering, or trading any protected wildlife or
6 part thereof, raw fur or processed wildlife, no matter where or when caught or
7 killed, whether caught or killed in this state or in any other state or other country.
- 8 (2) Mussels and fishes, other than sport fishes as designated by departmental
9 regulations, and all fishes, regardless of species, raised by licensed propagation
10 permittees may be bought, sold, and transported, if in legal possession.
- 11 (3) Raw furs, if in legal possession, may be sold, transported, or shipped, by a licensed
12 trapper or licensed hunter to a licensed fur buyer (resident or nonresident), and by a
13 licensed fur buyer to a licensed fur processor or to another fur buyer if in legal
14 possession. A fur processor may hold raw furs or sell to another licensed fur
15 processor at any time.
- 16 (4) Subject to regulations adopted under this chapter, a person who has been issued a
17 license under this chapter and who has the license on his person may transport
18 anywhere as a part of his personal baggage any protected wildlife legally taken by
19 him under such license, not in excess of the number that the law or regulation
20 permits him to have in possession at any one (1) time.
- 21 (5) A person who has legally taken any protected wildlife in another state and who has
22 in his possession the license which authorizes such taking may, if the same be dead,
23 transport the same in this state, as part of his personal baggage at any time during
24 the open season for the particular species in the state in which taken or within ten
25 (10) days after the close of such season. Any person may ship dead game or dead
26 fish so taken subject to the provisions of the laws of the state in which the same was
27 taken and the laws and regulations of the United States relating thereto.

1 (6) No person shall import or transport into the State of Kentucky or receive shipment
2 in the state from without the state, any live fish or wildlife without first procuring
3 from the department a written fish transportation permit or wildlife transportation
4 permit. If it is determined upon inspection that such fish or wildlife would not
5 constitute a menace to the state and are free from disease and other undesirable
6 physical characteristics, the commissioner shall issue a permit for a fee to be
7 determined by the Fish and Wildlife Commission by administrative regulation,
8 pursuant to KRS Chapter 13A. A fish transportation permit shall be valid for one
9 (1) year from the date of issuance, and a wildlife transportation permit shall be valid
10 for specific dates as indicated on the permit.

11 (7) (a) No person may at any time stock any species of fish secured from any source
12 into the public waters of the Commonwealth without first securing a permit
13 from the commissioner.

14 (b) *The stocking or intentional release of first filial (F1) largemouth bass or*
15 *Florida (*Micropterus salmoides floridanus*) bass from any source into the*
16 *public waters of the Commonwealth is strictly prohibited, except that the*
17 *department may promulgate administrative regulations in accordance with*
18 *KRS Chapter 13A to stock first filial (F1) largemouth bass and Florida*
19 *(*Micropterus salmoides floridanus*) bass in department-owned lakes.*

20 (8) This section shall not in any way interfere with the transportation of any fish or
21 wildlife by authorized personnel of the department.

22 (9) Federal and state regulations shall govern the transportation of all migratory wild
23 birds.

24 ➔Section 3. KRS 150.360 is amended to read as follows:

25 (1) No person shall take any wildlife, whether protected by this chapter or not, except
26 by trapping, snaring, gig, crossbow, bow and arrow, hook and line, nets, gun, gun
27 and dog, dog, falconry, or as expressly prescribed by regulation.

- 1 (2) Shotguns used in the taking of wildlife, protected or unprotected, shall not be larger
 2 than 10-gauge and shall be fired from the shoulder. No wildlife, except deer or light
 3 geese during a light geese conservation order, protected or unprotected, shall be
 4 taken with or by means of any automatic loading or hand-operated repeating
 5 shotgun capable of holding more than three (3) shells, the magazine of which has
 6 not been cut off or plugged with a one (1) piece filler incapable of removal through
 7 the loading end, in such manner as to reduce the capacity of the gun to not more
 8 than three (3) shells at one (1) time in the magazine and chamber combined.
- 9 (3) No person shall take or attempt to take any wildlife, protected or unprotected, from
 10 an automobile, or other vehicle, unless prescribed by regulation. Boats may be used
 11 except as prohibited by state or federal regulation.
- 12 (4) No person shall discharge any firearm, bow and arrow, crossbow or other similar
 13 device, upon, over, or across any public roadway.
- 14 (5) No person shall take wildlife, except opossum, raccoon, fishes, beavers, and frogs,
 15 with lights or other means designed to make wildlife visible at night. Within ninety
 16 (90) days after the effective date of this Act, the department shall promulgate
 17 administrative regulations in accordance with KRS Chapter 13A for nocturnal
 18 beaver hunting.
- 19 (6) Coyotes and bobcat may be taken at night with ~~or without the use of lights or~~
 20 ~~other~~ means designed to make wildlife visible at night, including but not limited to
 21 night vision, thermal, and infrared technologies, as established by administrative
 22 regulation.
- 23 ➔Section 4. KRS 150.990 is amended to read as follows:
- 24 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each
 25 device used or possessed contrary to the provisions of this chapter or any
 26 administrative regulation promulgated by the commission thereunder shall
 27 constitute a separate offense. The penalties prescribed in this section shall be for

1 each offense.

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

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

25 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,
26 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,
27 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the

1 provisions of this chapter or any administrative regulation promulgated by the
2 commission for which no definite fine or imprisonment is fixed shall be fined not
3 less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

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

12 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
13 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
14 hundred dollars (\$500).

15 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
16 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
17 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
18 imprisoned for not more than six (6) months, or both.

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

27 (8) (a) Any person who violates the provisions of KRS 150.180, 150.520, 150.525,

1 or administrative regulations issued thereunder shall for the first offense be
2 fined not less than one hundred dollars (\$100) nor more than one thousand
3 dollars (\$1,000); and shall for a second offense be fined not less than five
4 hundred dollars (\$500) nor more than one thousand five hundred dollars
5 (\$1,500); and for any subsequent offense, be fined two thousand dollars
6 (\$2,000).

7 **(b) In addition to the penalties under paragraph (a) this subsection, any person**
8 **who violates the provisions of subsection (7)(b) of Section 2 of this Act may**
9 **be fined up to ten thousand dollars (\$10,000) for each offense.**

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

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

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

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

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

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

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

27 (15) Any person who violates the provisions of KRS 150.092 or the administrative

1 regulations promulgated thereunder for which no other penalty is specified
2 elsewhere in this section shall for the first offense be fined not less than one
3 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
4 offense, be fined not less than three hundred dollars (\$300) nor more than one
5 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or,
6 if license-exempt, the privilege to perform the acts authorized by the license, for
7 one (1) year and shall be fined not less than one thousand dollars (\$1,000) or be
8 imprisoned in the county jail for up to one (1) year, or both. In addition to the
9 penalties prescribed in this subsection, the violator shall be liable to the landowner
10 or tenant for the replacement cost of any property which was damaged or destroyed
11 by his or her actions. Damages assessed under this subsection shall be ordered to be
12 paid directly to the landowner or the tenant. The court shall not direct that the
13 damages be paid through the circuit clerk.

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

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

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

27 (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this

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

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

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

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

12 (1) The Department of Fish and Wildlife Resources Commission shall consist of nine
13 (9) members, one (1) from each commission district, as set out by the commissioner
14 with the approval of the commission, and not more than five (5) of the same
15 political party.

16 (2) The Governor shall appoint the members of the commission subject to confirmation
17 by the Senate as described in subsection (3) of this section. Each of the members
18 shall be appointed for a term ending on December 31 of the fourth calendar year
19 following his or her appointment. A member whose reappointment is not confirmed
20 by the Senate while it is in session shall vacate his or her seat upon the date of sine
21 die adjournment of the session in which the confirmation was declined. Otherwise,
22 a member's term shall continue until his or her successor is duly appointed and
23 confirmed by the Senate, but no later than one (1) year following the expiration of
24 the member's term. If after one (1) year a successor has not been duly appointed and
25 confirmed by the Senate, the commission member's~~commissioner's~~ seat for that
26 district shall be vacant until a successor is duly appointed and confirmed by the
27 Senate. A member shall serve no more than two (2) full terms, not including any

1 partial term that a member may additionally serve. A person who has been
 2 convicted of a felony offense, in Kentucky or under the law of any other state, or
 3 any other law of the United States shall not be eligible to serve on the commission.

4 (3) (a) Vacancies through the expiration of terms of the members of the commission
 5 shall be filled by appointment by the Governor from a list of five (5) names
 6 from each commission district, recommended and submitted by the sportsmen
 7 **or sportswomen** of each respective district.

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

12 (c) At the meeting, the sportsmen **and sportswomen** in attendance shall select and
 13 submit to the Governor a list of five (5) residents and citizens of the district,
 14 **each of whom:**~~[who]~~

15 **1. Is either an experienced hunter, angler, trapper, or biologist;**

16 **2. Notwithstanding any provision of law to the contrary, has**~~[have]~~ held a
 17 hunting and fishing **license**~~[licenses]~~ in Kentucky ~~[or another state]~~ for
 18 at least the previous five (5) consecutive years; **and**~~[, or who have been~~
 19 ~~hunting and fishing in the Commonwealth for the previous five (5)~~
 20 ~~consecutive years while license exempt under KRS 150.170, and who]~~

21 **3. Is**~~[Are]~~ well informed on the subject of wildlife conservation and
 22 restoration.

23 **(d)** Each sportsman **or sportswoman** may vote for one (1) candidate only, and the
 24 list submitted to the Governor shall be made up of the names of the five (5)
 25 candidates receiving the five (5) highest vote totals.

26 **(e)**~~[(d)]~~ The Governor shall appoint a successor to the member whose term has
 27 expired no later than January 20 of the year following the year in which the

1 member's term expired.

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

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

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

12 (7) The Governor shall remove any member of the commission for cause under
13 subsection (2) of this section and may remove a member of the commission for
14 nonfeasance, neglect of duty, or misconduct in office; but shall first deliver to the
15 member a copy of all charges in writing and afford to him or her an opportunity for
16 an administrative hearing to be conducted in accordance with KRS Chapter 13B.

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

20 (9) A majority of the commission shall constitute a quorum for the transaction of any
21 business, for the performance of any duty or for the exercise of any power vested in
22 the commission. At the commission's first meeting after sine die of the regular
23 session of the General Assembly of each year, it shall elect from among its
24 members a person to serve as chairperson of the commission for the coming
25 calendar year.

26 (10) The department shall have its principal office in Franklin County, and is authorized
27 to purchase all supplies, equipment, and printed forms and to issue any notices and

1 publications as the commissioner may deem necessary to carry out the provisions of
2 this chapter.

3 (11) Within one (1) year of his or her initial appointment to the commission, a
4 commission member shall complete three (3) hours of executive branch ethics
5 training conducted by the Executive Branch Ethics Commission established
6 under KRS Chapter 11A. Each commission member shall complete three (3)
7 hours of executive branch ethics training each year that he or she serves on the
8 commission thereafter. Current commission members shall complete their initial
9 three (3) hours of executive branch ethics training within one (1) year after the
10 effective date of this Act.

11 (12) Official logos, decals, or emblems used by the department or that bear the state
12 seal shall not be used on any vehicle, except in accordance with KRS 186.065.
13 Members of the commission shall not place official department logos, decals, or
14 emblems with the state seal on any personal vehicle used by them. This
15 subsection does not apply to the placement of bumper stickers or any other decals
16 or emblems that are not used by the department to designate the vehicle as a
17 state-owned vehicle.

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

21 ➔Section 6. KRS 150.061 is amended to read as follows:

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

26 1. With knowledge of and experience in the requirements for the
27 protection, conservation and restoration of the wildlife resources of the

- 1 Commonwealth;~~[state]~~
- 2 **2. Who has demonstrated active participation in hunting, fishing, or both**
- 3 **for ten (10) years prior to appointment;**
- 4 **3. Who, notwithstanding any provision of law to the contrary, has held a**
- 5 **hunting and fishing license in Kentucky or another state for at least**
- 6 **the previous ten (10) consecutive years; and**
- 7 **4. Who has not served on the Department of Fish and Wildlife Resources**
- 8 **Commission or in the General Assembly for at least two (2) years.**

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

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

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

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

26 **(4)**~~[(3)]~~ Before entering upon the duties of his or her office, the commissioner shall
 27 take and subscribe to the constitutional oath of office, and shall, in addition thereto,

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

6 ~~(5)~~~~(4)~~ Notwithstanding any provision of law to the contrary, the commissioner shall
7 be the sole appointing authority for the department for the purposes of KRS Chapter
8 18A and shall have general supervision and control of all activities, functions,
9 appointments, and employees of the department. He or she shall enforce all
10 provisions of the laws of the state relating to wild animals, birds, fish and
11 amphibians, and shall exercise all powers necessarily incident thereto not
12 specifically conferred on the commission. The commissioner shall make an annual
13 report of all receipts and disbursements and file same with the Secretary of State of
14 the Commonwealth of Kentucky.

15 ~~(6)~~~~(5)~~ If federal or other grant funds become available to pay their salaries, the
16 commissioner may appoint and employ other persons that he or she may deem
17 necessary or desirable to accomplish the purposes of this chapter. The
18 commissioner shall determine the compensation, duties, and terms of employment
19 of these employees, and grant funded, time-limited positions shall be approved by
20 the commission as needed. Employees whose salaries are funded through federal or
21 other grant funds shall not be counted in any tally of permanent employees made
22 for employee cap or budgetary purposes.

23 ➔Section 7. KRS 235.280 is amended to read as follows:

24 **(1) Except as provided in subsection (2) of this section,** the commissioner of the
25 department, with approval of the Department of Fish and Wildlife Resources
26 Commission, shall promulgate administrative regulations in accordance with KRS
27 Chapter 13A to govern the fair, reasonable, equitable, and safe use of all waters of

1 this state and otherwise to carry out the purposes of this chapter.

2 **(2) Notwithstanding any provision of law to the contrary, the department shall not**
3 **promulgate or enforce any administrative regulation that:**

4 **(a) Prohibits, restricts, or limits using wakeboats or engaging in wakesports on**
5 **bodies of water where wakeboats were allowed to engage in wakesports as**
6 **of December 1, 2025; or**

7 **(b) Imposes a wakeboat zone or prescribes mandatory setbacks or distances**
8 **from shorelines, commercial docks, or moorage harbors.**

9 **(3) As used in this section:**

10 **(a) "Hydrofoil" means a vessel that consists of a board fitted with a mast**
11 **extending below the board that is attached to a fuselage with a forward wing**
12 **and a rear stabilizer;**

13 **(b) "Wakeboat" means a motorboat that has one (1) or more ballast tanks,**
14 **ballast bags, or other devices or design features that increase the size of the**
15 **motorboat's wake; and**

16 **(c) "Wakesports" means operating a wakeboat or to use a surfboard,**
17 **wakeboard, hydrofoil, or similar device to ride on or ride in the wake of the**
18 **wakeboat.**

19 ➔Section 8. All current members of the Department of Fish and Wildlife
20 Resources Commission on the effective date of this Act may serve out the remainder of
21 their terms.

22 ➔Section 9. Whereas it is critical that that the changes to the qualifications for the
23 members of the Department of Fish and Wildlife Resources Commission and the
24 commissioner be enacted as soon as possible to apply to any new vacancies that may
25 arise, and the rights of landowners and other citizens of the Commonwealth must be
26 clarified to mitigate the release of invasive fish species, an emergency is declared to exist,
27 and this Act takes effect upon its passage and approval by the Governor or upon its

1 otherwise becoming a law.