

Kentucky Department of Fish & Wildlife Resources



Special Called Commission Meeting

Live Video Teleconference¹

Web link: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

January 14, 2022

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (EST)

AGENDA

Opening

- Call to Order and Welcome
- Invocation
- Pledge of Allegiance
- Chair's Remarks
- Commissioner's Remarks

Public Comments²

¹ A room for public viewing of the live-streamed video teleconference with chairs spaced for social distancing will be available beginning at 8:15am (EST) at the Salato Wildlife Education Center at 1 Sportsman's Lane, Frankfort, KY 40601. Masks are currently required in Executive Branch state buildings due to COVID-19.

² Public comments regarding agenda items may be submitted by email to FW.PublicAffairs@ky.gov until 5:00pm (eastern) the day preceding the meeting, and those comments will be read by KDFWR staff up to 3 minutes total per commenter, time permitting and at the discretion of the Commission chair. Commenters should include "Commission meeting" in their email subject line and include their first and last name(s), Kentucky county(s) of residence (or state of residence if a nonresident), and organizational affiliation and position if they are an officer or official representative for a particular organization. Note: A commenter's contact information is not required for emailed comments, but will be necessary if information is requested, and other than name and affiliation it will *not* be publicly disclosed if provided. Anonymous comments will be reviewed by the Commission but may not be read during the meeting. The Commission chair reserves the right to not read publicly any comments that are libelous, profane, derogatory of others, redundant, or not relevant to the meeting agenda. Questions will receive an email response.

Action Items

- Licensing – Update antiquated language and accommodate modernization efforts in applicable regulations
 - Amend [301 KAR 5:001](#) by updating definitions to remove antiquated language and accommodate licensing vendor-provided services.
 - Amend [301 KAR 5:010](#) by updating vendor language for consistency.
 - Amend [301 KAR 5:020](#) to update antiquated language and:
 - Add vendor-provided solution language
 - Add issuance fee and operational fee language
 - Alter agent commission amount to be based on percentage of sale rather than fixed per-transaction amount

Attachment A-1

Adjourn

Tentatively Scheduled 2022 Quarterly Commission Meeting Dates:

- March 4, 2022
- June 3, 2022
- August 26, 2022
- December 2, 2022

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: January 14, 2021

Regulation Number: Multiple (see below)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2023

Action Item: Update regulations related to license issuance and administration to enhance customer service, improve consistency, and accommodate modernization efforts in current and future license delivery solutions.

Specific changes requested include:

- Amend [301 KAR 5:001](#) by updating definitions to remove antiquated language and accommodate licensing vendor-provided services.
- Amend [301 KAR 5:010](#) by updating vendor language for consistency.
- Amend [301 KAR 5:020](#) to update antiquated language and:
 - Add vendor-provided solution language
 - Add issuance fee and operational fee language
 - Alter agent commission amount to be based on percentage of sale rather than fixed per transaction amount.

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Regulation Number: [301 KAR 5:001](#)

Recommended changes (additions underlined, deletions struck through):

Section 1. Definitions.

Update language for consistency:

~~(1) "Agents of county clerks" means the business establishments included on the list submitted to the department by county clerks of their authorized license agents as of July 16, 1994.~~

(45) "License agent" means a county clerk, government office or business person, government entity, business, or organization authorized to sell licenses and conduct other transactions for the department.

Remove antiquated language from old paper-based license system:

~~(56) "License stock" means the blank paper upon which licenses are printed by the POS device.~~

Remove definition as POS device, no longer applicable to license delivery solutions:

~~(7) "POS device" means a point-of-sale computer terminal, printer, and associated hardware, software, and connecting cables used to generate licenses and record license sale data.~~

Remove POS license definition, which is covered in KRS 150.010:

~~(8) "POS licenses" means the licenses or permits authorized by KRS 150.175 and 301 KAR 3:022 which are available for sale through POS devices.~~

Remove POS language from definition of "transaction":

~~(69) "Transaction" means the purchase or sale of a license, permit, or product, or the application for a hunt, using a POS device at a license agent location.~~

Add "Vendor" and "Operational Cost" definitions:

(7) "Vendor" means any person, organization, or business under contract with the department to provide the operation, storage, security, maintenance, and support of the solutions required to deliver department defined goods and services.

(8) "Operational Cost" means the fees paid to a vendor for the operation, storage, security, maintenance, and support of the vendor provided solutions.

Remove definition of "upload," which is no longer applicable in current or future delivery solution:

~~(10) "Upload" means the transfer, over telephone lines, of electronic data from the POS device to the department.~~

Regulation Number: [301 KAR 5:010](#)

Recommend changes (additions underlined, deletions struck through):

Section 1. License Agent Applications and Agreements.

Update for consistency with definitions in statutes and regulations. Add language to allow for license agent funds processing by a vendor. Add language to define an agent-initiated wire transfer process for submission of funds:

(1) Before receiving authorization to serve as license persons, government entities, businesses, or organizations shall:

- (a) Complete and submit a License Agent Application Form;
- (b) Enter into a formal contract with the department by agreeing to the provisions of, and signing, the appropriate license agent agreement; and
- (c) Complete an Electronic Funds Transfer Request Form that authorizes the department or vendor to make electronic fund transfers from a bank account into which the license agent shall deposit the proceeds from transactions, or, establish and agree upon the process for license agent initiated fund transfers to the department or vendor.

(2) State agencies serving as license agents shall remit payment through the state accounting system.

(3) The department shall appoint as agents businesses that have:

- (a) A valid federal identification number;
- (b) Except for out-of-state agents, a Kentucky sales tax number; and
- (c) For out-of-state agents, businesses that post a surety bond of \$5,000.

[Remove Governmental License Agent Contractual Agreement; government agents will be addressed in the standard License Agent Contractual Agreement.](#)

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) License Agent Application Form, 1995;
- (b) Electronic Fund Transfer Authorization Form, 1995;
- (c) License Agent Contractual Agreement, 2018 edition; and
- (d) ~~Governmental License Agent Contractual Agreement, 2018 edition.~~

Regulation Number: [301 KAR 5:020](#)

Recommend changes: Add “and permits” or “or permits” throughout regulation for consistency. License and permits are defined (separately) in statute KRS 150.010 (definitions).

Add “applicable issuance and operational fees” to cover issuance and operational costs:

Section 1. Issuing Licenses and Permits.

(1) A license agent shall issue a license or permit to a person who completes the registration process with the agent and pays the applicable issuance and operational fees and appropriate license or permit fee as established in 301 KAR 3:022.

Remove fixed commission amount and adding the commission based on a percentage of the sale. This will allow the agent to cover the costs incurred for credit card processing and cover expendables:

Section 2. Agent Commission and Depositing of Funds.

(1) The license agent shall retain as a commission:

(a) ~~Fifty (50) cents for each Peabody permit issued pursuant to 301 KAR 4:100; and~~ A percentage, not to exceed three (3) percent, of the total sale as specified in the License Agent Agreement; or

(b) Print or display, on the initial license or permit issued, a coupon or advertisement, pursuant to a department sponsorship established in KRS 45A.097, in lieu of retaining the applicable commission.

Move the sponsorship in lieu of monetary commission to agent commission subsection 1:

(2) A license agent shall promptly deposit transaction fees, less the commissions established in subsection (1) of this section, into the bank account established in 301 KAR 5:010.

~~(3) A license agent may elect to print, on any license or permit issued, a coupon or advertisement, pursuant to a department sponsorship established in KRS 45A.097, in lieu of retaining the applicable commission established in subsection (1) of this section.~~

Add language prohibiting agents from additional charges:

(3) License Agents are prohibited from any additional charges other than specified in the License Agent Agreement.

Add language prohibiting license agents from requiring or encouraging a certain payment type:

(4) License Agents are prohibited from requiring or encouraging particular payment methods.

Add language to allow vendor to perform services for the department:

Section 3. Electronic Transfer of Funds to the Department.

(1) The department or vendor shall provide each license agent with a schedule of dates when electronic fund transfers will be initiated.

(2) On the day of a scheduled electronic fund transfer, a license agent shall have sufficient funds in the account to cover the amount of the transfer.

(3) A license agent shall contact the department or vendor prior to the day of a scheduled electronic fund transfer if there are any discrepancies or concerns that need to be resolved.

Add specified timeframe for an agent to void a license. License not printing correctly is no longer valid with free reprint and electronic licenses:

Section 4. Voiding Licenses and Permits.

(1) A license agent may, within 4 hours, void a license or permit if:

(a) ~~The license does not print correctly;~~ or After the license or permit is printed, the purchaser: