



Commonwealth of Kentucky
Finance and Administration Cabinet
DEPARTMENT OF REVENUE

501 High Street
Frankfort, KY 40601
(502) 564-3226
Fax (502) 564-3875

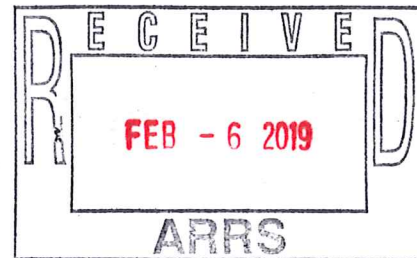
Matthew G. Bevin
Governor

William M. Landrum III
Secretary

Daniel P. Bork
Commissioner

February 6, 2019

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



RE: 103 KAR 16:250 Net operating loss computation and deduction for corporations

Dear Co-Chairs West and Hale:

After discussions with the Administrative Regulation Review Subcommittee staff regarding the issues raised by 103 KAR 16:250, the Finance and Administration Cabinet, Department of Revenue proposes the attached suggested amendment to 103 KAR 16:250.

Sincerely,

Lisa S. Swiger, Tax Policy Research Consultant II
Finance and Administration Cabinet
Department of Revenue
501 High Street, St 1
Frankfort, Kentucky 40601

lcs

**Suggested Amendment
FINANCE AND ADMINISTRATION CABINET
Department of Revenue**

103 KAR 16:250. Net operating loss computation and deduction for corporations.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 15

After "141.200(11)(b)", insert a comma.

Page 2

Section 1(8)

Line 21

After "Net operating loss", insert "or "NOL"".

Page 7

Section 2(2)(a)3.a.

Line 11

After "by each member", delete the period.

Page 7

Section 2(2)(a)3.c.

Line 14

After "in clauses a.", insert "and b.".
Delete "to c."

Page 9

Section 2(3)(a)3.a.

Line 5

After "in that year", insert a semicolon.
Delete the period.

Page 9

Section 2(3)(a)3.b.

Line 7

After "members by", insert "the".
After "group's apportionment factor", insert "for".
Delete "in".

Line 8

After "post-apportioned net operating loss", insert "carryforward".

Page 9

Section 2(3)(a)3.c.

Line 11

After "Add together the", insert "post-apportioned".

Page 9

Section 2(3)(a)4.

Line 18

After "a taxpayer", insert "shall".

Delete "must".

Page 10

Section 4

Lines 20-21

After "This", insert "section".

Delete "subsection".

Page 11

Section 4(4)

Line 5

After "first-in-first-out", insert "basis".

Delete "bases".

Page 11

Section 6 (Example 1)

Lines 14-15

After "regulation:", insert "(1)".

Page 12

Section 6(Example 1, 1.)

Lines 6-7

After "group to Year 4.", insert "(a)".

Delete "1".

Page 12

Section 6(Example 1, 1. and 2.)

Lines 7-8

After "\$85,000 (see Figure 1-1).", insert "(b)".

Delete "2".

Page 12

Section 6(Example 1, 2. and 2.a.)

Lines 10-11

After "losses remain).", insert "1.".

Delete "a."

Pages 12-13

Section 6 (Example 1, 2.a. and 2.b.)

Line 11 and Line 1

After "\$40,000", insert "2".

Delete "b."

Page 13

Section 6 (Example 1, 2.b. and 2.c.)

Lines 1-2

After "\$40,000", insert "3".

Delete "c."

Page 13

Section 6 (Example 1, 2.c. and 3.)

Lines 2-3

After "\$5,000", insert "(c)".

Delete "3."

Page 13

Section 6 (Example 1, 3. and 4.)

Lines 12-13

After "\$556", insert "(d)".

Delete "4."

Pages 13 and 14

Section 6 (Example 1, 4.)

Line 14 and Line 1

After "in each year an NOL", insert "carryforward".

Page 14

Section 6 (Example 1, 4. and Example 2)

Lines 7-9

After "to Year 4 (see Figure 1-4).", insert "(2)".

Page 14

Section 6 (Example 2)

Line 11

After "two", insert "(2)".

Page 15

Section 6 (Example 2, Figure 2-1)

Line 1 (Just before Line 1)

NOTE TO COMPILER: In Row 8, column 5, of Figure 2-1, insert "\$10,000", delete "\$52,223".

This table needs a new row 9 added at the end. In row 9, column 1, of Figure 2-1, insert "Cumulative Carryforward". In row 9, column 5, of Figure 2-1, insert "\$52,223". The bottom two rows of the table should look like this:

Group NOL Generated	\$2,223*	\$15,000*	\$25,000*	\$10,000 \$52,223
<u>Cumulative Carryforward</u>				\$52,223

Page 15

Section 6 (Example 2, after Figure 2-2, and 1.)

Lines 5-6

After "group dissolves.", insert "(a)".
Delete "1."

Page 15

Section 6 (Example 2, 1. and 2.)

Lines 6-7

After "(see Figure 2-1).", insert "(b)".
Delete "2."

Page 15

Section 6 (Example 2, 2. and 2.a.)

Lines 9-10

After "remain).", insert "1".
Delete "a."

Page 15

Section 6 (Example 2, 2.a. and 2.b.)

Lines 10-11

After "\$40,000", insert "2".
Delete "b."

Pages 15-16

Section 6 (Example 2, 2.b. and 3.)

Lines 11 and 1

After "\$12,223", insert "(c)".
Delete "3."

Page 16

Section 6 (Example 2, 3. and 4.)

Lines 8 and 9

After "\$7,333", insert "(d)".

Delete "4."

Page 17

Section 6 (Example 2, 4. and Example 3)

Lines 5-7

After "\$10,710 (see Figure 2-4).", insert "(3)".

Page 18

Section 6 (Example 3 and 1.)

Lines 3-4

After "group to Year 4.", insert "(a)".

Delete "1."

Page 18

Section 6 (Example 3, and 1. and 2.)

Lines 4-5

After "\$23,500 (see Figure 3-1).", insert "(b)".

Delete "2."

Page 18

Section 6 (Example 3, and 2. and 2.a.)

Lines 7-8

After "recent losses remain).", insert "1".

Delete "a."

Page 18

Section 6 (Example 3, and 2.a. and 2.b.)

Lines 8-9

After "No NOL Generated", insert "2".

Delete "b."

Page 18

Section 6 (Example 3, and 2.b. and 2.c.)

Lines 9-10

After "Remaining: \$4,000", insert "3".

Delete "c."

Page 18

Section 6 (Example 3, and 2.c. and 3.)

Lines 10-11

After "\$19,500", insert "(c)".

Delete "3."

Page 19

Section 6 (Example 3, after Figure 3-2)

Line 10

After "carryforward a", insert "total".

Line 11

After "carryforward a", insert "total".

Page 19

Section 6 (Example 3 and Example 4)

Lines 12-13

After "\$13,333 to Year 4 (see Figure 3-2).", insert "(4)".

Page 20

Section 6 (Example 4, After Figure 4-1, and 1.)

Lines 4-5

After "elective consolidated group dissolves.", insert "(a)".

Delete "1."

Page 20

Section 6 (Example 4, 1. and 2.)

Lines 5-6

After "\$13,167 (see Figure 4-1).", insert "(b)".

Delete "2."

Page 20

Section 6 (Example 4, 2. and 2.a.)

Lines 8-9

After "remain).", insert "1".

Delete "a."

Page 20

Section 6 (Example 4, 2.a. and 2.b.)

Lines 9-10

After "\$3,000", insert "2".

Delete "b."

Page 20

Section 6 (Example 4, 2.b. and 2.c.)

Lines 10-11

After "No NOL Generated", insert "3".

Delete "c."

Page 20

Section 6 (Example 4, 2.c. and 2.d.)

Lines 11-12

After "\$1,500", insert "4".

Delete "d".

Page 20

Section 6 (Example 4, 2.d. and 3.)

Lines 12-13

After "\$8,667", insert "(c)".

Delete "3".



Sugg. Am.

KENTUCKY BOARD OF PHARMACY

Matt Bevin
Governor

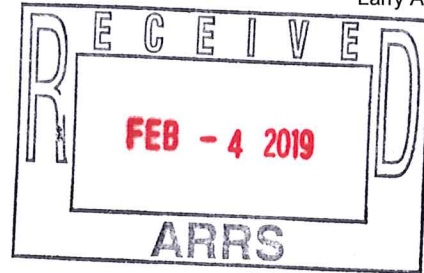
State Office Building Annex, Suite 300
125 Holmes Street
Frankfort KY 40601
Phone (502) 564-7910
Fax (502) 696-3806
<http://pharmacy.ky.gov>

Board Members
Peter P. Cohron, R.Ph.
Jody Forgy, Consumer
John Fuller, R.Ph.
Craig Martin, Pharm D.
Ron Poole, R.Ph.
Jill Rhodes, Pharm.D.

Executive Director
Larry A. Hadley, R.Ph.

February 4, 2019

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: **201 KAR 2:370** Pharmacy services in long-term care facility (LTCF)

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 2:370, the Kentucky Board of Pharmacy proposes the attached amendment to 201 KAR 2:370.

Sincerely,

Larry A. Hadley, Executive Director
Kentucky Board of Pharmacy
125 Holmes Street, Suite 300
Frankfort KY 40601

**Suggested Amendment
GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amended After Comments Version)**

201 KAR 2:370. Pharmacy services in long-term care facility (LTCF).

NOTE TO COMPILER: Enroll these staff suggested amendment changes, first, and then enroll the agency amendment changes.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 9

After "handled and", insert "require".
Delete "requires".

Page 1

Section 1(1)

Line 13

After "System"", insert "or".
Delete "(".
After "ADS"", delete ")".

Page 1

Section 1(2)

Line 17

After "means", delete "those".
After "drugs", delete "that are".

Page 1

Section 1(3)

Line 20

After "Kit"", insert "or".
Delete "(".
After "EMK"", delete ")".

Page 2

Section 1(4)

Line 1

After "(4)", insert the following:
"Immediate supervision" is defined by KRS 315.010(12).
(5)

Page 2

Section 1(4) and Section 1(5)

Lines 1-2

After "available.", insert "(6)".
Delete "(5)".

Page 2

Section 1(5)

Line 2

After "facility""", insert "or".
Delete "(".
After "LTCF""", delete ")".

Page 2

Section 1(5)(e) and Section 1(6)

Lines 8-9

After "medications.", insert "(7)".
Delete "(6)".

Page 2

Section 1(6)

Line 9

After "Drug Stock""", insert "or".
Delete "(".
After "drug stock""", delete ")".

Line 10

After "IV", lowercase the first letter of "Fluids".

Line 11

After "irrigation solutions.", insert the following:
(8) "Pharmacist-in-charge" or "PIC" means a pharmacist mandated as in charge under KRS 315.020 and who meets the requirements of 201 KAR 2:205.
(9) "Supervision" is defined by KRS 315.010(27).

Page 2

Section 2(1)

Line 12

After "pharmacy shall", insert ":(a)".

Line 13

Capitalize the first letter of "be"

Line 14

After "to a LTCF", insert ":(b)".
Delete ", and shall".
Capitalize the first letter of review.

Page 2

Section 2(1), 2(2), and 2(2)(a)

Lines 15-17

After "(12) months", insert "(c)".

Delete the following:

. (2) The pharmacist-in-charge of a dispensing pharmacy shall: (a)

Page 2

Section 2(2)(a) and Section 2(2)(b)

Lines 18-19

After "facility;", insert "(d) 1. Maintain".

Delete "(b)".

Page 2

Section 2(2)(b)

Line 19

Lowercase the first letter of "Written".

After "entry", delete the following:

shall be maintained by the PIC of the dispensing pharmacy

Page 2

Section 2(2)(b) and Section 2(2)(c)

Lines 19-20

After "; and", insert "2. Immediately provide".

Delete "(c)".

Page 2

Section 2(2)(c)

Line 20

Lowercase the first letter of "Written".

After "for entry", delete "shall be immediately provided".

After "to the board", delete "by the PIC".

Page 2

Section 2(2)(c) and Section 2(2)(d)

Lines 21-22

After "board agent.", insert "; and (e)".

Delete ". (d)".

Pages 2 and 3

Section 2(2)(d) and Section 2(3)

Line 23 and Line 1

After "board agent.", insert "(2)".

Delete "(3)".

Page 3

Section 2(3)(a)

Line 2

After "prescription drug order", insert "of a licensed practitioner".

Page 3

Section 2(3)(d)

Line 11

After "Chapter 7", insert "Labeling".

Page 3

Section 2(3)(d) and Section 2(4)

Lines 12-13

After "packaging.", insert "(3)".

Delete "(4)".

Page 3

Section 2(4) and Section 2(5)

Lines 13-14

After "times.", insert "(4)".

Delete "(5)".

Page 3

Section 2(5)(d)1.

Line 23

After "controlled substances", insert "; or".

Delete the period.

Page 4

Section 2(5)(h) and Section 2(6)

Lines 7-8

After "day.", insert "(5)".

Delete "(6)".

Page 4

Section 2(6)(f)1.

Line 22

After "pharmacy;", delete "or".

Page 4

Section 2(6)(f)2.

Line 23

After "ADS;", delete "or".

Page 5

Section 3 and Section 3(1)

Line 5

After "Section 3.", delete "(1)".

Page 5

Section 3(1) and Section 3(1)(a)

Lines 6-7

After "following:", insert "(1)".

Delete "(a)".

Page 5

Section 3(1)(a) and Section 3(1)(a)1.

Lines 8-9

After "ADS", insert "(a)".

Delete "1."

Page 5

Section 3(1)(a)1. and Section 3(1)(a)2.

Lines 10-11

After "prescribed; and", insert "(b)".

Delete "2."

NOTE TO COMPILER: Renumber remaining paragraphs (b) through (f) within this subsection as subsections (2) through (6), after all the changes within this Section have been made.

Page 5

Section 3(1)(b)

Line 14

After "drugs;", delete "and".

Page 5

Section 3(1)(c)

Line 16

After "drugs", insert a semicolon.

Delete the period.

Page 5

Section 3(1)(d)

Line 18

After "procedures", insert a semicolon.

Delete the period.

Page 5

Section 3(1)(e)

Line 19

After "discontinuing", insert a comma.

After "system", insert "; and (6)".

Page 5

Section 3(1)(e) and Section 3(1)(f)

Lines 19-20

Delete ". (f)".

Page 6

Section 4(1)(a)6.

Line 6

After "access" insert a comma.

Page 6

Section 4(4)(b)4.

Line 20

After "dosage form", insert a comma.

Page 7

Section 4(5)(c)

Line 7

After "be under the", delete "general".

Page 7

Section 4(6)

Line 10

After "pharmacist-verified drug", insert "may".

Delete "can".

Page 7

Section 4(9)

Line 17

After "ADS", insert the following:

Section 5. Incorporation by Reference. (1) "USP Chapter 7 Labeling", (December 1, 2017), is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m.

FINAL VERSION, 2/1/19, 10:30 AM

MATERIAL INCORPORATED BY REFERENCE

The agency will need to file at the time that it files this staff suggested amendment:

- **One (1) clean copy of USP Chapter 7 Labeling, December 1, 2017 Edition.**
- **One (1) copy of a summary of material incorporated by reference page**



Agency Am

KENTUCKY BOARD OF PHARMACY

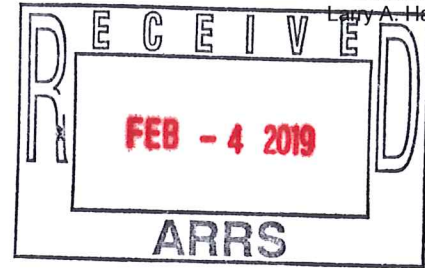
Matt Bevin
Governor

State Office Building Annex, Suite 300
125 Holmes Street
Frankfort KY 40601
Phone (502) 564-7910
Fax (502) 696-3806
<http://pharmacy.ky.gov>

Board Members
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February 4, 2019



Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: **201 KAR 2:370** Pharmacy services in long-term care facility (LTCF)

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 2:370, the Kentucky Board of Pharmacy proposes the attached amendment to 201 KAR 2:370.

Sincerely,

Larry A. Hadley, Executive Director
Kentucky Board of Pharmacy
125 Holmes Street, Suite 300
Frankfort KY 40601

**Agency Amendment
GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amended After Comments Version)**

201 KAR 2:370. Pharmacy services in long-term care facility (LTCF).

NOTE TO COMPILER: Enroll these changes after the Staff Suggested Amendment Changes.

Page 2

Section 1(5)

Line 2

Renumbered as subsection 1(6) in the Staff Suggested Amendment.

After "(LTCF)", insert the following:

is defined by KRS 216.510(1), excluding family-care homes

Page 2

Section 1(5) and Section 1(5)(a) through (e)

Lines 2-8

Renumbered as subsection 1(6) in the Staff Suggested Amendment.

Beginning with "means", delete the remainder of this subsection in its entirety, except for the final period.

Page 2

Section 2(1)

Line 14

Renumbered as Section 2(1)(a) in the Staff Suggested Amendment.

After "security,", insert "access, administration,".

Page 4

Section 2(5)(h)

Line 7

Renumbered as subsection 4(h) in the Staff Suggested Amendment.

After "pharmacy business day.", insert the following:

(i) An EMK shall not be stocked in a personal care home without personnel lawfully licensed to administer medications.

Page 4

Section 2(6)(a)

Line 9

Renumbered as subsection (5)(a) in the Staff Suggested Amendment.

After "(a)", insert "Excluding personal care homes,".

Page 4

Section 2(6)(b)

Line 11

Renumbered as subsection 5(b) in the Staff Suggested Amendment.

After "(b)", insert the following:

LTCF drug stock in a personal care home shall not exceed five (5) individual doses each of thirty (30) non-controlled substances.

(c)

Page 4

Section 2(6)(b) and 2(6)(c)

Lines 12-13

After "evidence of use.", insert "(d)".

Delete "(c)".

Page 4

Section 2(6)(c) and 2(6)(d)

Lines 13-14

After "drug stock.", insert "(e)".

Delete "(d)".

Page 4

Section 2(6)(d) and 2(6)(e)

Lines 15-16

After "medication.", insert "(f)".

Delete "(e)".

Page 4

Section 2(6)(e)2. and 2(6)(f)

Lines 19-20

After "adequate levels.", insert "(g)".

Delete "(f)".

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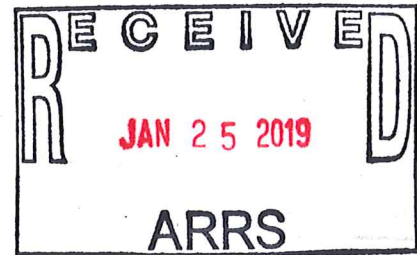
KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov

Matthew G. Bevin
Governor

January 25, 2019

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, 201 KAR 20:240, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, 201 KAR 20:240, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411, the Board of Nursing proposes the attached amendments to those regulations.

Sincerely,

J. Michael West

General Counsel

Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222-5172

**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:062. Standards for advance practice registered nurse (APRN) programs of nursing.

Page 2

Section 1(3)

Line 6

After "the track", insert a period.
Delete the semicolon.

Page 2

Section 1(6)

Line 15

After "Section", insert "5".
Delete "4".

Page 3

Section 2

Line 1

After "Section 2.", insert "Accreditation Communications.".

Line 2

After first instance of "nursing or track", insert a comma immediately before "and".

Line 4

After "days of receipt", delete "by the program".

Page 3

Section 3(3)

Line 12

After "Section 1(2)", insert "(o) and (p)".
Delete "(q)".

Page 4

Section 3(6)(b)

Line 6

After "track", insert a comma.

Page 5

Section 3(8)(b)3.b.

Line 12

After "The program coordinator", insert "who".

Lines 12-13

After "requirements of", capitalize the first letter of "section".

Line 13

After "1(3)", insert "of this administrative regulation".

Page 5

Section 3(8)(b)6.d.

Lines 22-23

After "focus", insert a semicolon.

After "and", delete the semicolon.

Page 6

Section 3(8)(b)6.e.

Line 2

After "board of nursing.", insert "The".

Delete "This".

Line 3

After "provision", insert "in this clause".

After "2020", insert a semicolon.

Delete the period.

Page 6

Section 3(11)

Line 19

After "may proceed", insert ", which includes".

Delete "including".

Page 7

Section 3(13)

Line 1

After "It shall be the", insert "program of nursing's".

After "responsibility", delete the following:

of the program of nursing

Page 8

Section 5(2)

Lines 6-7

After "to obtain", insert "his or her".

Delete "their".

Page 9

Section 6(1)(a)2.

Line 8

After "assumes", insert "the".

After "duties,", insert "then".

Page 9

Section 6(1)(a)3.a.

Line 11

After "a", insert a period.

Page 10

Section 6(4)(h)1.

Line 22

After "track", insert a semicolon
Delete the comma.

Page 12

Section 7(3)

Lines 12-13

After "201 KAR 20:360, Section", insert "7".
Delete "5(2)".

Page 12

Section 8(1)

Lines 20-21

After "KRS", insert "314.475".
Delete "314.470".

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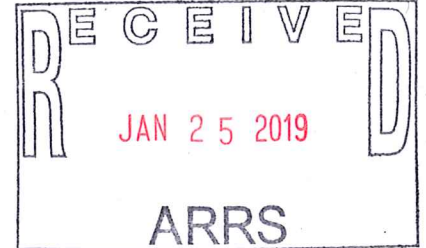
KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov

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Administrative Regulation Review Subcommittee
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029, Capitol Annex
Frankfort KY 40601



Re: 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, ~~201 KAR 20:240~~, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, 201 KAR 20:240, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411, the Board of Nursing proposes the attached amendments to those regulations.

Sincerely,

J. Michael West

General Counsel

Kentucky Board of Nursing

312 Whittington Parkway, Suite 300

Louisville, KY 40222-5172

**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:161. Investigation and disposition of complaints.

Page 1

RELATES TO

Line 6

After "314.107, ", insert "314.475".

Delete "314.470".

Page 1

Section 1(1)

Line 14

After "KRS", insert "314.475".

Delete "314.470".

Page 2

Section 1(4)(a)

Line 8

After "record by", insert "United States Postal Service".

Delete "U.S.P.S".

After "regular mail.", insert "1".

Line 9

After "KRS 314.107.", insert "2".

Line 10

After "201 KAR 20:370, Section 1(10).", insert "3".

Lines 12-13

After "database.", insert "4".

Lines 13-14

After "mailed by", insert "U.S. Postal Service".

Delete "U.S.P.S".

Lines 15-16

After "mailed by", insert "U.S. Postal Service".

Delete "U.S.P.S".

Page 3

Section 1(6)(a)

Line 6

After "KRS", insert "314.475".

Delete "314.470".

Page 4

Section 2(1)(c)

Line 10

After "KRS", insert "314.475".

Delete "314.470".

Page 5

Section 2(5)(a)1.

Line 21

After "KRS", insert "314.475".

Delete "314.470".

Page 6

Section 2(5)(a)4.

Line 6

After "4.", insert "Rectified".

Delete "Cured".

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KENTUCKY BOARD OF NURSING

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Matthew G. Bevin
Governor

January 25, 2019



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Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, 201 KAR 20:240, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411

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Sincerely,

J. Michael West
General Counsel

Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222-5172

**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:162. Disciplinary proceedings.

Page 1

STATUTORY AUTHORITY

Line 8

After "KRS", insert "314.091(8)".

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 9

After "CONFORMITY:", insert the following:

KRS 314.131(1) authorizes the board to promulgate administrative regulations to implement KRS Chapter 314.

Line 12

After "Chapter 13B.", insert the following:

KRS 314.091(8) authorizes the board, by administrative regulation, to provide for the recovery of costs of an administrative hearing.

Page 1

Section 2(1)(a)

Line 16

After "provided in", insert "paragraph".

Delete "subsection".

Line 17

After "(b) of this", insert "subsection".

Delete "section".

Page 4

Section 7(1)(b)

Line 1

After "subsection", insert "{".

After "2", insert "}".

Line 2

After "subsection", insert "{".

After "3", insert "}".

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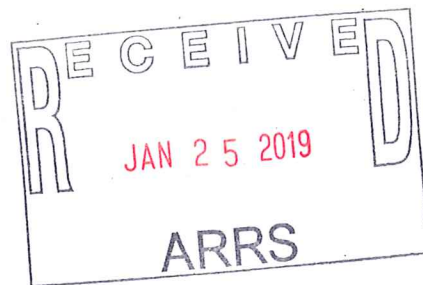
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**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:215. Continuing competency requirements.

Page 1

RELATES TO

Line 5

After "KRS 218.205(3)", insert "(i)".

Delete "(h)".

Page 1

STATUTORY AUTHORITY

Line 6

After "KRS 218.205(3)", insert "(i)".

Delete "(h)".

Page 4

Section 3(5)(a)

Line 5

After "(a)", insert "1.".

Page 4

Section 3(5)(a) and Section 3(5)(a)1.

Lines 5-6

After "that is:", insert "a.".

Delete "1."

Page 4

Section 3(5)(a)1. and Section 3(5)(a)2.

Lines 6-7

After "presenter;", insert "b.".

Delete "2."

Page 4

Section 3(5)(a)2. and Section 3(5)(a)3.

Lines 7-8

After "professionals;", insert "c.".

Delete "3."

Page 4

Section 3(5)(a)3. and Section 3(5)(a)4.

Lines 9-10

After "offering; and", insert "d.".
Delete "4."

Page 4

Section 3(5)(a)4. and Section 3(5)(a)5.

Lines 10-11

After "201 KAR 20:220.", insert "2.".
Delete "5."

Page 5

Section 5(1)(c)

Line 18

After "as pharmacology", insert "pursuant to KRS 314.073".

Line 19

After "methodologies", insert a comma.
Delete the semicolon.

Lines 19-20

After "new", insert "administrative".

Page 6

Section 6(3)(a)

Lines 18-19

After "allowed to", insert "rectify".
Delete "cure".

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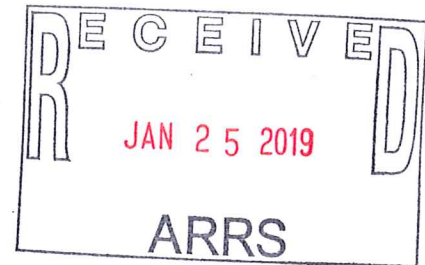
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Kentucky Board of Nursing
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**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:226. Repeal of 201 KAR 20:235, 20 KAR 20:420, 201 KAR 20:430, 201 KAR 20:440, and 201 KAR 20:460.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 8

After "KRS 314.131", insert "(1)".

Line 9

After "administrative regulations", insert the following:
to implement KRS Chapter 314

Page 1

Section 1(1)

Line 14

After "201 KAR 20:235", insert the following:
, The prevention of transmission of HIV and HBV by nurses

Page 1

Section 1(2)

Line 15

After "201 KAR 20:420", insert the following:
, Determination of death by a registered nurse employed by an ambulance service

Page 1

Section 1(3)

Line 16

After "201 KAR 20:430", insert the following:
, Discontinuance of resuscitation by a registered nurse employed by an ambulance service

Page 1

Section 1(4)

Line 17

After "201 KAR 20:440", insert the following:
, Training of registered nurses employed by an ambulance service in determination of death and discontinuance of resuscitation

Page 1

Section 1(5)

Line 18

After "201 KAR 20:460", insert the following:

, Declaratory rulings

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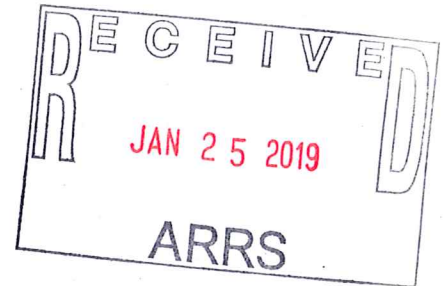
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General Counsel

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**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:240. Fees for applications and for services.

Page 1

RELATES TO

Line 6

After "314.073", insert "(7)".

Delete "(8)".

Page 1

STATUTORY AUTHORITY

Line 9

After "314.073", insert "(7)".

Delete "(8)".

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 16

After "314.073", insert "(7)".

Delete "(8)".

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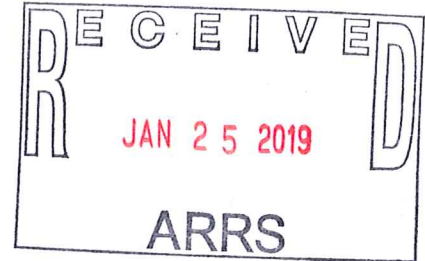
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**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:260. Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing.

Page 3

Section 2(1)(c)2.

Line 7

After "at each program of nursing", delete ", up to 100 percent".

Page 3

Section 2(1)(c)2.b.

Line 12

After "months from", insert "the date of".

Page 4

Section 2(2)(b)

Line 17

After "vacancy", insert a comma.

Line 19

After "vacancy", insert a comma.

Page 10

Section 2(3)(x)

Line 8

After "on its", capitalize the first letter of "web".

Page 11

Section 2(5)(b)

Line 7

After "procedures;", insert "and".

Page 11

Section 2(6)(b)

Line 12

After "(b)", insert the following:

Each campus shall have at least one (1) dedicated clerical staff.

(c)

Line 15

After "evaluate the justification", insert the following:

to determine whether the program may operate effectively without dedicated staff sufficient to meet the needs of the nursing program.

Line 16

After "program of nursing shall", delete the following:

take the necessary steps to

After "comply", insert the following:

with the board's determination on clerical staffing

Page 14

Section 3(2)(a)

Line 2

After "if the increase", insert "is".

Delete "it".

Page 14

Section 3(3)(a)

Line 21

After "subsection", insert "(2) of this section".

Page 15

Section 3(3)(b)

Line 1

After "criteria", insert the following:

listed in subsection (2) of this section

Line 2

After "referred to the board", insert the following:

for further consideration and a decision

Page 15

Section 5(1)

Line 21

After "one", insert "(1)".

Page 16

Section 6(2)

Line 17

After "(2)", insert the following:

A governing institution with an application in process before the accrediting body shall be considered in compliance with Section 2(1)(a) of this administrative regulation

Lines 17-19

Beginning with "The", delete all of subsection (2) in its entirety, except for the final period.

Page 16

Section 6(3)(a)

Line 20

After "(3)(a)", insert the following:

A governing institution whose application has been denied by its accrediting body shall not be considered to be in compliance with Section 2(1)(a) of this administrative regulation

Lines 20-21

Beginning with "If", delete all of subsection 3(a) in its entirety, except for the final period.

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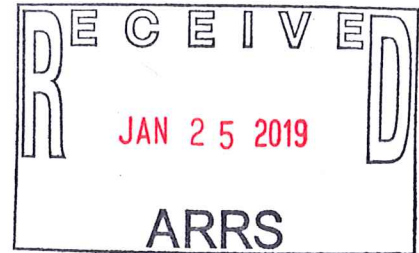
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General Counsel

Kentucky Board of Nursing
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Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing

201 KAR 20:280. Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs.

Page 1

Section 1

Line 15

After "Section 1.", insert "Definition".

Delete "Definitions".

Page 3

Section 3(3)(i)

Lines 15-16

After "required by", insert "201 KAR 20:260, Section 3(1)".

Delete "201 KAR 20:360, Section 3(1)(b)".

Page 4

Section 4(3)(e)

Lines 22-23

After "201 KAR 20:260, Section 3(1)", delete "(b)".

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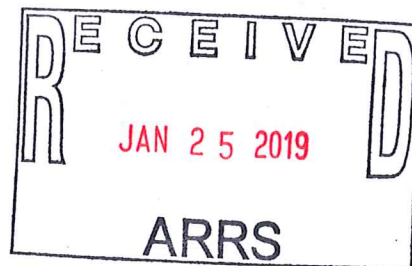
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**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:310. Faculty for prelicensure registered nurse and practical nurse programs.

Page 1

RELATES TO

Line 6

After "314.411,", insert "314.475".

Delete "314.470".

Page 1

Section 1(2) and Section 1(3)

Lines 16-21

After "(2)", insert the following:

"Nurse faculty" means a registered nurse who is employed by a program of nursing, either full-time, part-time, or adjunct, to provide didactic instruction, and may also provide clinical instruction or simulated experiences.

(3) Nursing experience" means employment in a position that requires the individual to hold an active nursing license, such as nursing clinical practice, nursing administration, nursing education, or nursing research.

Delete the remainder of subsection (2) and all of subsection (3) of this section.

Page 2

Section 1(5)

Line 4

After "(5)", insert the following:

"Skills laboratory instructor" means a non-faculty instructor primarily assigned to a clinical skills or simulation laboratory who manages the daily operations of the skills laboratory or assists nursing faculty to implement student learning activities for the development of psychomotor nursing skills.

(6)

Page 3

Section 2(2)(f) and (g)

Lines 16-17

After "evaluation.", delete "(g)", so part of paragraph (f).

Page 4

Section 2(3)

Line 9

After "requirements of", insert the following:
subsection 2(a) of this Section

Delete the following:
paragraph (a) of this subsection

Page 4

Section 2(4)(a)

Line 16

After "(a)", insert "1.".

Page 4

Section 2(4)(a) and Section 2(4)(a)1.

Lines 17-18

After "include:", insert "a.".

Delete "1."

Page 4

Section 2(4)(a)1. and Section 2(4)(a)2.

Lines 19-20

After "; or", insert "b.".

Delete "2."

Pages 4 and 5

Section 2(4)(a)2. and Section 2(4)(a)3.

Lines 23 and 1

After "degree.", insert "2.".

Delete "3."

Page 5

Section 2(4)(a)3.

Line 3

After "with either", insert the following:

clause a. or b. under

After "subparagraph 1", delete "or 2".

Page 7

Section 2(5)(d)1.

Line 10

After "registered nurse;", insert "or".

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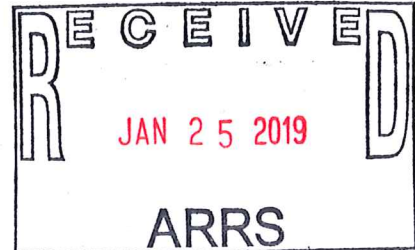
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**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

Page 6

Section 2(7)(b)2.

Line 4

After "This", insert "subparagraph".
Delete "provision".

Page 9

Section 3(8)

Line 10

NOTE TO COMPILER: Renumber subsection (8) as subsection (6).

Line 12

After "Section 3(1)", insert "of this administrative regulation".

Page 10

Section 5(1)

Line 1

After "(1)", insert "Each".
Delete "Every".

Page 10

Section 5(2)

Line 4

After "(2)", insert "Each".
Delete "Every".

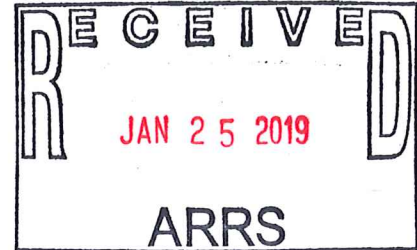
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312 Whittington Parkway, Suite 300
Louisville, KY 40222-5172

**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:360. Continuing approval and periodic evaluation of prelicensure registered nursing and licensed practical nursing programs.

Page 2

Section 1(1)(b)

Lines 4-5

After "of this administrative regulation or", insert the following:

when a national nursing accreditation board visits the program

Delete the following:

at intervals associated with their national nursing accrediting body

Page 5

Section 5(2)(f)

Line 22

After "listed in", capitalize the first letter of "section".

Page 7

Section 5(3)

Line 1

After "one", insert "(1)".

MATERIAL INCORPORATED BY REFERENCE

The agency needs to file at the time that it files this staff suggested amendment one (1) copy of each of the following:

- **One Summary of Material incorporated by reference Page that meets the requirements of:**
 - **KRS 13A.2251(3) and 13A.2255 (See example at link below)**
 - **<http://www.lrc.ky.gov/KARPGs/SummaryofMaterial.pdf>**
- **One (1) clean copy of the "Annual Report of the Program of Nursing" with the 10/18 edition date that was missing from the original filing of the administrative regulation.**

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

201 KAR 20:360. Continuing approval and periodic evaluation of pre-licensure registered nursing and licensed practical nursing programs.

The following material incorporated by reference is a form to be utilized to ensure continuing compliance with the law by nursing programs. The form is authorized by KRS 314.131(1) and furthers the Board's oversight of nursing programs as required by KRS 314.111.

- 1) The "Annual Report of the Program of Nursing", 10/18, Kentucky Board of Nursing, is incorporated by reference. It is 32 pages in length.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

- 1) The "Annual Report of the Program of Nursing", 10/18, Kentucky Board of Nursing, was only changed updating the edition date.

10/18

Annual Report

1 General Information:

Enter the KBN Program Code and the Program of Nursing Name in the box below.

KBN Program Code _____

Program of Nursing Name _____

2 Program Administrator Information:

In the box below, write your first name, last name, title and credentials (PhD, DNP, DNS, MSN, BSN, DNP, APRN....)

First Name _____

Last Name _____

Title _____

Credentials _____

3 Program Administrator Contact Information:

In the box below, provide your work mailing address, including city, state and zip code, email address and phone number.

Mailing Address _____

City, State, Zip Code _____

Email Address _____

Phone _____

4 I have verified that the contact information is correct.

yes

5 Institutional Information:

In the box below please provide the name of the academic institution for whom you are employed and the name and title of the chief institutional officer.

Name of Academic Institution

Name and Title of Chief Institutional Officer (i.e. president)

6 The Academic Institution is (select all that apply):

Public

Private

Consortium

Nonprofit

Proprietary

7 Governing Institution Accreditation

SACS

ACICS

Other _____

8 If your **Program of Nursing** is accredited, please select the organization with whom it is accredited.

- CCNE
 - ACEN
 - CNEA
 - Not Accredited
-

9 If your **Program of Nursing** is accredited, please select the current accreditation status.

- Initial Accreditation
 - Continuing Accreditation
 - Continuing Accreditation with Conditions
 - Continuing Accreditation with Warning
-

10 If your **Program of Nursing** is accredited, provide the following information in the box below:

- Initial Accreditation Date: _____
 - Most Recent Accreditation Date:

 - Accreditation Term Expiration Date:

 - Last Onsite Accreditation Evaluation Visit:

 - Next Onsite Accreditation Visit:

-

11 Program of Nursing Type:

Please select the nursing program type for which you are program administrator. Please select all that apply.

- PN
 - ADN
 - Generic BSN
 - Accelerated BSN
 - Prelicensure MSN
 - MEEP
-

12 How many cohorts do you admit to your program per year?

- one
 - two
 - three
 - four
 - five
 - six
 - seven
 - eight
 - nine
 - ten
 - eleven
 - twelve
-

13 In what months do you admit students? (please check all that apply.)

- August
- September
- October
- November
- December
- January
- February
- March
- April
- May
- June
- July

14 Record the Program of Nursing enrollment baseline number as established with the Kentucky Board of Nursing.

15 Annual Applicant Data:

The three (3) questions below relate to nursing applicants and enrollments for the Reporting Period (July 1- June 30). If there are two or more cohorts admitted per year, please total these

numbers together for the annual applicant data questions. If an answer for any group is 'none', then please enter zero (0).

_____ What is the total number of **qualified applicants** that met the admission criteria during the reporting period?

_____ What is the total number of **admitted applicants** during the reporting period?

_____ What is the total number of **new enrollees** during the reporting period?

16 Why were all qualified applicants not admitted to the program of nursing?
(Select all that apply.)

All qualified applicants were admitted to the program of nursing.

Insufficient number of nursing faculty.

Insufficient lab space.

Insufficient number of preceptors.

Other: Please discuss in the box provided below.

Insufficient number of clinical sites.

Insufficient classroom space.

Insufficient number of clinical instructors.

Overall budget cuts.

17 **Current Student Enrollment Data:**

Total Student Enrollment is a count of the number of students enrolled during the reporting period (July 1-June 30). Include students at all points of the program's curriculum sequence, including newly enrolled, continuing, transfers and readmitted students. Include pre-licensure students only.

Include those students eligible to take the NCLEX pre-licensure exam upon graduation.

Do not include students taking pre-nursing courses who are not officially admitted to the nursing program.

_____ What was the **total student enrollment** during the **reporting period**?

18 Has there been a significant change in student enrollment in comparison to the previous academic year?

- There has been no change in enrollment.
 - Enrollment has **increased** by **more than** 20%.
 - Enrollment has **increased** by **less than** 20%.
 - Enrollment has **decreased** by **more than** 20%.
 - Enrollment has **decreased** by **less than** 20%.
-

19 **Demographics:**

This Demographics question applies to all students currently enrolled in the program of nursing.

Each of the following 3 questions must have the same total (If there are 100 students listed under race/ethnicity, then there must be 100 students listed for age and gender).

The **total numbers must match** the number used for the previously asked question: **What is the total number of students enrolled in the nursing program during the reporting period?**

Note: The Demographics Data requires a number to be entered next to each item. Zero (0) is an acceptable answer.

Student Race/Ethnicity

American Indian/Alaska Native : _____

Asian : _____

Black/African American : _____

Caucasian/White : _____

Hispanic/Latino : _____

Other : _____

Unknown/Missing : _____

Total : _____

20 Demographics:

This demographics question applies to all students currently enrolled in the program of nursing.

This must equal the total number noted in the question above. **What is the total number of students enrolled in the nursing program during the reporting period?**

Note: The Demographics Data requires a number to be entered next to each item. Zero (0) is an acceptable answer.

Age Range

17-29 : _____

30-54 : _____

55 and above : _____

Total : _____

21 Demographics:

This question applies to all students currently enrolled in the program of nursing.

This question must equal the total number noted in the section above: **What is the total number of students enrolled in the nursing program during the reporting period?**

Note: The Demographics Data requires a number to be entered next to each item. Zero (0) is an acceptable answer.

Identified Gender

Male : _____

Female : _____

Total : _____

22 Graduates:

Prelicensure Graduates is a count of the number of students who successfully completed the program requirements and were formally awarded a degree or diploma during the reporting period (July 1-June 30).

Graduation Rate is the percent of the admitted cohort(s) that graduated **within the maximum time frame allowed for program completion** (The maximum time frame is determined by multiplying the standard program length for normally progressing students by 1.5).

If any of the answers are none, please enter zero (0).

Note: *The question will fall below the text box.*

- _____ 1. Total number of students who were admitted to the original cohort(s) that were expected to graduate during this reporting period (i.e., if a 2 year nursing program, how many students were admitted into the original cohort 2 years previously). **Exclude** English as a Second Language (ESL) students from this number.
 - _____ 2. Total number of ESL students who were admitted to the original cohort(s) that were expected to graduate during this reporting period.
 - _____ 3. Total number of students who graduated during the reporting period **that were admitted to the original cohort(s)**. (Add together answers provided in 1 and 2).
 - _____ 4. Total number of students who graduated during the reporting period **who were not in the original cohort but were added to the graduation numbers due to readmissions or course repeats**.
 - _____ 5. Total number of graduates **who were not in the original cohort but were added to the graduation numbers via some type of advanced placement** (LPN students/transfer students or other advanced placement students).
 - _____ 6. Total number of students who graduated during the reporting period (answers to 3, 4 and 5 should add up to this number).
-

23 What is the graduation rate for this reporting period?

(**Graduation rate** means the percent of the admitted cohort (new enrollees) that graduate within the maximum time frame allowed for completion. The maximum time frame is determined by multiplying the standard program length for normally progressing students by 1.5. After the graduation rate is figured for individual cohorts, average the cohort rates to obtain a yearly graduation rate.)

24 NCLEX:

_____ What is the total number of graduates whose names were released to the KBN certified list?

_____ Of those students whose names were released to the certified list, how many were unsuccessful on the first (1st) NCLEX attempt?

_____ Of those students who were unsuccessful on the first (1st) NCLEX attempt, how many had to repeat at least one nursing course?

_____ Of those students who were unsuccessful on the first (1st) NCLEX attempt, how many were ESL students? (Place a zero in the box above if the answer is none.)

25 Students at Risk:

Which of the following risk factors have been identified for the nursing student population? (Select all that apply.)

- We currently do not have students at risk
 - Health issues (personal or family)
 - Working more than 20 hours a week outside school
 - Poor math skills upon entering the nursing program
 - Little to no science preparation in high school
 - Other: Please discuss in the box below
-
- Poor classroom/online attendance
 - English as a second language
 - Required repetition of a prerequisite course
 - Prerequisite courses taught by faculty/instructors other than nursing faculty or instructors
 - Personal issues (divorce, death in family, abuse, etc.)
-

26 What mechanisms are in place to help students enrolled in the nursing program with identified risk factors as noted in the question above? (Select all that apply.)

- None
 - Peer mentoring
 - Faculty mentoring
 - Remedial/developmental coursework (required)
 - Remedial/developmental coursework (recommended)
 - Comprehensive learning assistance center/lab
 - Performance contracts for students in academic difficulty
 - Study skills center
 - Other: please discuss in the box below
-
- Supplemental instruction
 - Tutoring
 - Early warning system
 - Mid-term progress reports
 - Organized study groups
 - Online learning support
 - Student counseling center/health center
 - ESL services

27 Are admission criteria established for the program of nursing?

Yes

No

28 Does the program of nursing consistently adhere to the established admission criteria?

Yes

No

If "no" was selected, please explain/discuss.

29 Preadmission Tools: Select all diagnostic tools utilized by the Program of Nursing for preadmission purposes.

Preadmission diagnostic tools are not used.

Learning Styles Assessment

TOEFL

HESI

TEAS

Other: Please discuss in the box below.

30 If a preadmission diagnostic tool is used is there a requisite test score that a candidate must achieve?

Yes

No

31 Curriculum:

What forms of didactic content delivery does your program use? (Select all that apply.)

Online

Alternate scheduling (e.g. part-time, weekends)

ITV (interactive television)

Other: Please discuss in the box below

Hybrid (face to face + online combination)

Traditional (face to face)

Self paced learning packages/courses

32 For programs of nursing that use online delivery, what percentage of your nursing didactic content is online?

- We do not use online delivery in our program of nursing.
 - 0-25%
 - 26-50%
 - 51-75%
 - 76-100%
-

33 **Standardized Testing:**

A standardized test is any form of test that (1) requires all test takers to answer the same questions, or a selection of questions from a common bank of questions, and (2) is scored in a "standard" or consistent manner, which makes it possible to compare the relative performance of individual students or groups of students to national data.

Do you use standardized testing in your nursing program?

- Yes
 - No
-

34 Do students have to achieve a certain requisite test score on a standardized test in some or all nursing courses to progress through the nursing program?

- Yes
 - No
-

35 Does the program of nursing require students to take a final/exit standardized test as part of the graduation requirements?

Yes

No

36 If the answer to the question above was yes, how many attempts does the program of nursing allow? (Please discuss in the box below.)

37 Does the program of nursing require the student to achieve a requisite score on the final/exit standardized test as part of the program of nursing graduation requirements?

Yes

No

38 Does the program of nursing require the student to achieve a requisite score on the final/exit standardized test in order for the student's name to be submitted on the KBN certified list?

Yes

No

39 In the past year, how many students were unable to graduate or have their names submitted to the KBN certified list due to the inability of the student to achieve the requisite score on the

final/exit standardized test? (If the answer to this question is none, please place a zero (0) inside the box.)

_____ Students who did not have their name submitted to the certified list

40 If there were students who were not allowed to graduate or be placed on the certified list due to the inability to achieve the requisite score on the final/exit standardized test, what options exist for the student(s) to satisfactorily complete the program?

41 Clinical Implementation and Sites:

During the reporting period, did the program of nursing experience difficulty in obtaining clinical sites for the program? If the answer to this question is yes, please discuss in the text box.

No

Yes _____

42 What alternative strategies has the program of nursing utilized to provide students with clinical experiences? (select all that apply.)

Do not have difficulty in obtaining clinical experiences.

Twelve (12 hour) shifts

Evening shifts

Non traditional venues: Please discuss below.

Weekend shifts

Use of high fidelity simulation

Night shifts

43 During the reporting period, did you use clinical sites in another state/jurisdiction for prelicensure clinical experiences?

No

Yes. If yes, please discuss in the box below.

44 Simulation:

Is simulation routinely used in the program of nursing?

No

Yes

45 If you answered yes to the preceding question, identify how simulation is used in the delivery of curriculum. Select all that apply.

- Skills checkoff
 - Remediation
 - Supplemental to traditional clinical experiences
 - To replace traditional clinical experiences
 - Other: please discuss in the text box below.
-

Q46 Is simulation used to replace traditional clinical experiences?

- yes
 - no
-

47 If simulation is used to replace traditional clinical experiences what percentage of traditional clinical/lab hours are replaced with simulation?

- 10-20%
 - 21-30%
 - 31-40%
 - 41-50%
-

48 Of the total amount of simulated experiences used to achieve clinical and programmatic outcomes; what percentage of experiences are in:

- _____ A basic skills lab setting
 - _____ Role playing with the use of standardized patients (example: health assessment lab)
 - _____ High fidelity with the use of computerized mannequins (such as Noel)
 - _____ Other: Please discuss in the text box below
-

49 Over the last academic year has the program of nursing had difficulty in locating clinical supervision for the 120 hour integrated practicum?

- No
 - Yes; Please explain a yes answer in the text box below
-

50 What is your program of nursing doing to encourage experienced nurses to become preceptors?

51 What is the total number of clinical clock hours required by the program of nursing? Of those clinical clock hours required, what is the number of hours spent in direct patient contact (traditional clinical experiences).

- _____ Total number of clinical clock hours required by the program of nursing
 - _____ Number of clock hours spent in direct patient contact (traditional clinical experiences)
-

52 Select those areas where 50% or more of the clinical experience has been replaced with lab/simulation.

- None
- Maternal-Infant/OB
- Medical-Surgical
- Pediatrics
- Mental Health
- Other: _____

53 **Faculty:**

For the program of nursing, what is considered a standard work load?

54 For the program of nursing, how is faculty workload defined?

55 How many of the faculty are working overload? (Please enter a number. If none of your faculty are working overload enter zero.)

_____ Number of faculty who are working overload

56 If faculty are working overload, what is the percentage of faculty working overload? (If no faculty are working overload, please enter zero (0).)

57 What is the total number of budgeted full-time nursing faculty positions that were vacant at any time during the reporting period (July 1-June 30)

58 For the reporting period, record the total **full-time nursing faculty vacancies**. Give the total number of vacancies for the areas listed below. If no faculty vacancies exist for a given area then record zero (0).

Fundamentals/Basic Skills : _____

Medical-Surgical : _____

Maternal-Child : _____

Mental Health : _____

Pediatrics : _____

Community : _____

Other : _____

Total : _____

59 For the reporting period, record the total **part-time nursing faculty vacancies**. Give the total number of vacancies for the areas listed below. If no faculty vacancies exist for a given

area then record zero (0).

Fundamentals/Basic Skills : _____

Medical-Surgical : _____

Maternal-Child : _____

Mental Health : _____

Pediatrics : _____

Community : _____

Other : _____

Total : _____

60 Does the program of nursing currently (to date) have unfilled faculty positions for this coming academic year?

No

Yes

61 If the answer to question the question regarding unfilled faculty positions was yes, what is the number of unfilled faculty positions due to faculty resignations? (Enter zero if there have been no faculty resignations)

62 If the answer to the question regarding unfilled faculty positions was yes, what is the number of unfilled faculty positions due to faculty retirements? (Enter zero if there have been no faculty resignations)

63 Has the program of nursing experienced difficulty in hiring qualified didactic faculty during the reporting period?

No

Yes

64 Has the program of nursing experienced difficulty in hiring qualified clinical faculty during the reporting period?

No

Yes

65 If there are unfilled positions, or there have been difficulties in hiring qualified faculty, which of the following have contributed to these difficulties? (Select all that apply)

We have experienced *no difficulty* in hiring qualified faculty

Lack of educational preparation

Inability to recruit qualified faculty because of competition for jobs with other market places

Salary

Qualified applicants for faculty positions are unavailable in your geographic area

Insufficient funds to hire new faculty

Hiring freeze

Other _____

66 Compliance:

The Compliance section requires that all questions are answered. If a question is answered

"no" then a reason ***must*** be provided. Should no reason be provided, then the survey will be considered incomplete and returned. Note: ***Each Program Administrator is responsible to verify and accept the completeness and accuracy of the Annual Report and to verify that the program of nursing is in compliance with Kentucky Administrative Regulations.***

Validation of Compliance in Accordance with 201 KAR 20: 260-360.

	Yes	No
The governing institution provides fiscal, human, physical, clinical and technical resources that are adequate to support the program mission, processes, security and outcomes.	<input type="radio"/>	<input type="radio"/>
The governing institution makes financial resources available to the program of nursing consistent with equivalent programs at the governing institution.	<input type="radio"/>	<input type="radio"/>
The program administrator has a minimum of fifty percent (50%) of his/her time allotted for the purpose of completing those duties outlined in the administrative regulation 201 KAR 20:260; including the participation in the preparation and management of the program of nursing budget, screening and recommendation of candidates for nurse faculty appointment, retention and promotion and providing leadership within the nurse faculty for the development, implementation and evaluation of the program of nursing and program outcomes.	<input type="radio"/>	<input type="radio"/>
The current curriculum is implemented as submitted to the Kentucky Board of Nursing and follows the regulatory guidelines noted in the administrative regulation 201 KAR 20:320	<input type="radio"/>	<input type="radio"/>

Information describing the program of nursing is accurate, complete and consistent across all mediums and is accessible to the public.

All faculty meet the academic and experiential qualifications noted in the administrative regulations 201 KAR 20: 260 and 201 KAR 20:310.

All faculty hold a current, unrestricted and unencumbered license to practice as a registered nurse in Kentucky.

The faculty to student clinical ratio is no more than 1: 10.

67 If any of the answers in Question 63 is no, please explain in the text box provided below.

68 By entering my name in the box below, I verify and accept the completeness and accuracy of the above information.

69 Does the program of nursing offer an RN to BSN track?

No

Yes

70 ANNUAL REPORT FOR PROGRAMS OF NURSING OFFERING AN RN TO BSN TRACK:

By law, prelicensure nursing education programs in Kentucky are required to seek approval from KBN. Nursing education programs offering baccalaureate nursing courses to registered nurses are **NOT** under the jurisdiction of KBN, since RNs returning to school to obtain a BSN are already licensed to practice as registered nurses. We are requesting that each program of nursing that offers an in-state RN to BSN program complete this section to obtain workforce data to determine need for additional RN to BSN programs offered through the commonwealth. **Completion of this section is voluntary.**

71 What is the enrollment baseline for the RN-BSN program?

72 Annual Applicant Data:

Annual Applicant Data:

The three (3) questions below relate to nursing applicants and enrollments for the Reporting Period (July 1- June 30). If there are two or more cohorts admitted per year, please total these numbers together for the annual applicant data questions. If an answer for any group is 'none', then please enter zero (0).

_____ What is the total number of **qualified applicants** that met the admission criteria during the reporting period?

_____ What is the total number of **admitted applicants** during the reporting period?

_____ What is the total number of **new enrollees** during the reporting period?

73 Why were all qualified applicants not admitted to the program of nursing?
(Select all that apply.)

- All qualified applicants were admitted to the program of nursing.
 - Insufficient number of nursing faculty.
 - Insufficient lab space.
 - Insufficient number of preceptors.
 - Other: Please discuss in the box below.
-

- Insufficient number of clinical sites.
- Insufficient classroom space.
- Insufficient number of clinical instructors.
- Overall budget cuts.

74 **Total Student Enrollment** is a count of the number of students enrolled during the reporting period (July 1-June 30). Include students at all points of the RN-BSN program's curriculum sequence, including newly enrolled, continuing, transfers and readmitted students. Include pre-licensure students only.

Include those students eligible to take the NCLEX pre-licensure exam upon graduation.

Do not include students taking pre-nursing courses who are not officially admitted to the nursing program.

_____ What was the **total student enrollment** during the **reporting period**?

75 Has there been a significant change in student enrollment in comparison to the previous academic year?

- There has been no change in enrollment.
 - Enrollment has increased by more than 20%.
 - Enrollment has increased by less than 20%.
 - Enrollment has decreased by more than 20%.
 - Enrollment has decreased by less than 20%.
-

76 **Demographics:**

This Demographics question applies to all RN-BSN students currently enrolled in the program of nursing.

Each of the following 3 questions must have the same total (If there are 100 students listed under race/ethnicity, then there must be 100 students listed for age and gender).

The **total numbers must match** the number used for the previously asked question: **What is the total number of students enrolled in the nursing program during the reporting period?**

Note: The Demographics Data requires a number to be entered next to each item. Zero (0) is an acceptable answer.

Student Race/Ethnicity

American Indian/Alaska Native : _____

Asian : _____

Black/African American : _____

Caucasian/White : _____

Hispanic/Latino : _____

Other : _____

Unknown/Missing : _____

Total : _____

77 Demographics:

This demographics question applies to all RN-BSN students currently enrolled in the program of nursing.

This must equal the total number noted in the question above. **What is the total number of students enrolled in the nursing program during the reporting period?**

Note: The Demographics Data requires a number to be entered next to each item. Zero (0) is an acceptable answer.

Age Range

17-29 : _____

30-54 : _____

55 and above : _____

Total : _____

78 Demographics:

This question applies to all RN-BSN students currently enrolled in the program of nursing.

This question must equal the total number noted in the section above: **What is the total number of students enrolled in the nursing program during the reporting period?**

Note: The Demographics Data requires a number to be entered next to each item. Zero (0) is an acceptable answer.

Identified Gender

Male : _____

Female : _____

Total : _____

79 This is the end of the annual report. Selection of the forward key will submit this report. Once the report has been submitted, the report can no longer be edited. Please take a moment to review this report prior to submission. Thank you.

502-429-3300
800-305-2042
Fax: 502-429-3311

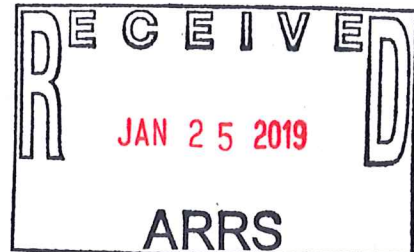
KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov

Matthew G. Bevin
Governor

January 25, 2019

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, 201 KAR 20:240, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, 201 KAR 20:240, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411, the Board of Nursing proposes the attached amendments to those regulations.

Sincerely,

J. Michael West
General Counsel

Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222-5172

**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:362. Fines for schools[~~Programs~~]of nursing.

Page 1

TITLE

Line 4

After "Fines for", insert "schools".
Delete "Programs".
Lowercase the first letter of "Nursing".

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 7

After "CONFORMITY:", insert the following:
KRS 314.131 authorizes the board to promulgate administrative regulations to implement KRS Chapter 314.

Line 8

After "to fine a", insert "school".
Delete "program".

Line 9

After "program of nursing.", insert the following:
This administrative regulation implements KRS 314.111(4).

Page 1

Section 1(1) and Section 1(2)

Lines 11-13

After "(1)", insert the following:
"Compliance issue" means a failure to comply with a requirement of 201 KAR 20:260 through 20:360.
(2) "Deficiency" means a failure to meet a standard set by 201 KAR 20:260 through 20:360.
Delete the remainder of Section 1 in its entirety.

Page 1

Section 2(1)

Line 14

After "(1) A", insert "school".
Delete "program".

Page 1

Section 2(2)

Line 19

After "(2) A", insert "school".
Delete "program".

Page 2

Section 3(1)

Line 1

After "per day or", insert "a".

Page 2

Section 3(2)

Line 3

After "due to the", insert "school".
Delete "program".

Page 2

Section 3(3)

Line 4

After "(3) The", insert "school".
Delete "program".

Page 2

Section 3(3)(a)

Line 5

Capitalize the first letter of "remit".

Page 2

Section 3(3)(b)

Line 6

Capitalize the first letter of "request".

Page 2

Section 3(4)

Line 8

After "subject the", insert "school".
Delete "program".

Page 2

Section 3(4)(b)

Line 11

After "whether the", insert "school".
Delete "program".

502-429-3300
800-305-2042
Fax: 502-429-3311

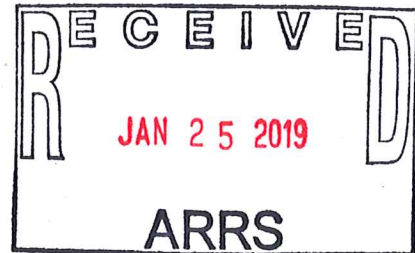
KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov

Matthew G. Bevin
Governor

January 25, 2019

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, 201 KAR 20:240, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:056, 201 KAR 20:062, 201 KAR 20:161, 201 KAR 20:162, 201 KAR 20:215, 201 KAR 20:220, 201 KAR 20:226, 201 KAR 20:240, 201 KAR 20:260, 201 KAR 20:280, 201 KAR 20:310, 201 KAR 20:320, 201 KAR 20:340, 201 KAR 20:350, 201 KAR 20:360, 201 KAR 20:362, and 201 KAR 20:411, the Board of Nursing proposes the attached amendments to those regulations.

Sincerely,

J. Michael West

General Counsel

Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222-5172

**Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing**

201 KAR 20:411. Sexual Assault Nurse Examiner Program standards and credential requirements.

**Page 1
RELATES TO
Line 7**

After "421.575", insert "431.600-431.660".

**Page 2
Section 1(4) and Section 1(5)
Lines 3-7**

After "(4)", insert the following:

"SANE course" means the SANE-A/A course and the SANE-P/A course.

(5) "SANE-P/A course" means a formal, organized course of instruction that is designed to prepare a registered nurse to perform forensic evaluation of a pediatric or adolescent sexual assault victim and to promote and preserve the victim's biological, psychological, and social health

NOTE TO COMPILER: Delete the remainder of subsection (4) and subsection (5) of this Section, except for the final period.

**Page 2
Section 2(1)
Line 10**

After "P/A", insert "course".

MATERIAL INCORPORATED BY REFERENCE

At the time the agency files this staff suggested amendment the agency needs to file one (1) copy of each of the following:

- **One (1) Summary of Material incorporated by reference Page that meets the requirements of:**
 - **KRS 13A.2251(3) and 13A.2255 (See example at link below)**
 - **<http://www.lrc.ky.gov/KARPGs/SummaryofMaterial.pdf>**
- **One (1) clean copy of the "Application for Initial or Continued SANE Course Approval" with the 10/2018 edition date.**

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

201 KAR 20:411. Sexual Assault Nurse Examiner Program standards and credential requirements.

The following material incorporated by reference is a form to be utilized to ensure continuing compliance with the law by sexual assault nurse examiners. The form is authorized by KRS 314.131(1) and furthers the Board's oversight of Sexual Assault Nurse Examiners as required by KRS 314.142.

- 1) The following material is incorporated by reference:
 - (a) "Application for Initial or Continued SANE Course Approval", 10/2018, Kentucky Board of Nursing, 1 page;
 - (b) "Sexual Assault Nurse Examiner Application for Credential", 10/2018, Kentucky Board of Nursing, 4 pages;
 - (c) "Annual Credential Renewal Application: SANE Credential with RN in Kentucky", 10/2018, Kentucky Board of Nursing, 1 page; and
 - (d) "Annual Credential Renewal Application: SANE with RN Compact License (Not Ken-tucky)", 10/2018, Kentucky Board of Nursing, 1 page.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

- 1) The following forms were updated only with respect to the applicable edition dates:
 - (a) "Application for Initial or Continued SANE Course Approval", 10/2018, Kentucky Board of Nursing;
 - (b) "Sexual Assault Nurse Examiner Application for Credential", 10/2018, Kentucky Board of Nursing;
 - (c) "Annual Credential Renewal Application: SANE Credential with RN in Kentucky", 10/2018, Kentucky Board of Nursing; and
 - (d) "Annual Credential Renewal Application: SANE with RN Compact License (Not Ken-tucky)", 10/2018, Kentucky Board of Nursing.

APPLICATION FOR INITIAL OR CONTINUED SANE COURSE APPROVAL

Print using black ink or type the information requested

SANE Program Administrator

Name (print clearly)

Phone Number (print clearly)

RN License

State

Exp. Date

SANE Approved Program

Program Name (print clearly)

Address 1 (print clearly)

Address 2 (print clearly)

City (print clearly)

State

Zip Code (print clearly)

Email Address (print clearly)

Phone Number (print clearly)

Attach the following documentation

Please attach documentation of the following information and submit it to the Kentucky Board of Nursing at least 3 months prior to the anticipated offering date of the course:

1. Position description and qualifications of SANE course nurse administrator
2. Qualifications/description of faculty
3. Course syllabus [see 201 KAR 20.411, Subsection 2(3)]
4. Completion requirements
5. Tentative course presentation policy
6. Records maintenance policy
7. Copy of certificate of course completion form

Attestation Statement

By signing this application, in accordance with the Kentucky Administrative Regulation 201 KAR 20:411, I hereby agree to comply with the specified requirements regarding the approval of the above SANE Program.

Signature of SANE Program Administrator

_____/_____/_____
Date



MATTHEW G. BEVIN
GOVERNOR



ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES
300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886

ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 2:060 – Definitions
400 KAR 2:070 – The Office of Kentucky Nature Preserves
400 KAR 2:080 - Dedication of nature preserves and registration of natural areas.
400 KAR 2:090 - Management, use, and protection of nature preserves and natural areas.
400 KAR 2:100 – Hearings and appeals

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100, the Department for Natural Resources proposes the attached amendments to 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100.

Sincerely,

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 2:07 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 2:060. Definitions.

Page 1

RELATES TO

Line 5

After "RELATES TO: KRS", insert "146.410 – 146.530".

Delete the remainder of the RELATES TO paragraph in its entirety.

Page 1

Section 1(1)

Line 12

After "(1)", insert the following:

"Act" means the enabling legislation of the Office of Kentucky
Nature Preserves, KRS 146.410 through 146.530.

(2)

Page 1

Section 1(1) and (2)

Lines 13 and 14

After "to KRS 146.435", insert "(3)".

Delete "; (2)".

Page 1

Section 1(3)

Lines 16 and 17

Delete subsection (3) in its entirety.

Page 1

Section 1(4)

Lines 18 and 19

After "Conservation Fund Board.", delete the semicolon.

Pages 1 and 2

Section 1(5) and (6)

Lines 20, 21, and 1

After "and Environment Cabinet", insert the following:

⋮
(6) "Custodian" means a person, organization, agency, or institution selected by the office to serve as the managing agent for a nature preserve.

(7)

Delete "; (6)".

Page 2

Section 1(6) and (7)

Lines 1 and 2

After "Kentucky Nature Preserves", insert the following:

⋮
(8) "Inventory of natural types, flora and fauna" means a database of flora and fauna occurring in Kentucky, and of natural types and ecological communities identified by the office to be monitored for the purpose of comply with the provisions of the Act.

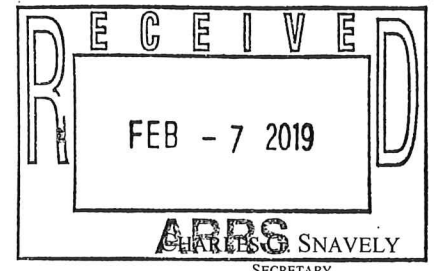
(9) "Natural area" means an area of land, water, or both land and water, in public or private ownership, which either retains or has reestablished to some degree, its natural character (though not necessarily completely) or that has natural flora, fauna, biological, ecological, geological, scenic, or archaeological features of scientific, aesthetic, cultural, or educational interest.

(10) "Nature preserve" means a natural area and land necessary for the natural area's protection, including an estate, interest, or right that has been formerly dedicated pursuant to KRS 146.410 through 146.530 to be maintained as nearly as possible in its natural condition and to be used in a manner and under limitations consistent with its continued preservation, without impairment, disturbance, or artificial development, for the public purposes of present and future scientific research, education, aesthetic enjoyment, and habitat for plant and animal species and other natural objects.

(11) "Register of natural areas" means the list of those natural areas worthy of preservation in accordance with KRS 146.460, but not available or desirable for dedication. Terrestrial natural areas are only registered with the consent of the landowner. Stream segments are registered upon determination by the office.

(12)

MATTHEW G. BEVIN
GOVERNOR



ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES
300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886

ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 2:060 – Definitions
400 KAR 2:070 – The Office of Kentucky Nature Preserves
400 KAR 2:080 - Dedication of nature preserves and registration of natural areas.
400 KAR 2:090 - Management, use, and protection of nature preserves and natural areas.
400 KAR 2:100 – Hearings and appeals

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100, the Department for Natural Resources proposes the attached amendments to 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 4:04 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 2:070. The Office of Kentucky Nature Preserves.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 9

After "This administrative regulation", insert "establishes".
Delete "sets forth".

Lines 9 and 10

After "the", insert "requirements".
Delete "rules".

Page 2

Section 1

Lines 7 and 8

After "of the office,", insert "including".
Delete the following:
that shall include the following

Page 2

Section 1(1)

Line 9

After "including interim and", insert "grant-funded, time-limited".
Delete "grant funded time limited".

Page 2

Section 1(2)

Line 11

After "(2)", insert "Approving".
Delete the following:
Approval, as indicated by his signature thereto, of

Line 12

After "the office, including", delete ", but not limited to,".

Page 2

Section 1(3)

Line 15

After "(3) Signing", delete "of".

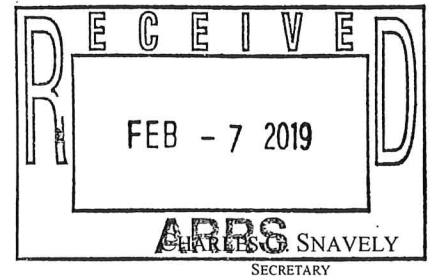
Page 2
Section 1(4)
Line 18

After "of the office", delete the comma".

Page 2
Section 1(6)
Line 22

After "Other duties as", delete "may be".

MATTHEW G. BEVIN
GOVERNOR



ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES
300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
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ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 2:060 – Definitions
400 KAR 2:070 – The Office of Kentucky Nature Preserves
400 KAR 2:080 - Dedication of nature preserves and registration of natural areas.
400 KAR 2:090 - Management, use, and protection of nature preserves and natural areas.
400 KAR 2:100 – Hearings and appeals

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100, the Department for Natural Resources proposes the attached amendments to 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100.

Sincerely,

A handwritten signature in black ink that reads "Michael Mullins".

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 4:15 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 2:080. Dedication of nature preserves and registration of natural areas.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 8

After "to establish", insert "requirements".
Delete "rules".

Line 11

After "administrative regulation", insert "establishes".
Delete "sets forth".

Lines 11 and 12

After "of nature preserves", delete the comma.

Note to Compiler: Replace all instances of "commission" with "office," (pursuant to statutory changes.)

Page 1

Section 1(1)

Line 14

After "by the director", insert the following:
, in accordance with KRS 146.485(6), (9), and (12),

Page 2

Section 2(1)

Lines 3 and 4

After "shall be used", delete "as the guidelines".

Line 4

After "Management, use, development", insert a comma.

Page 2

Section 2(2)

Line 8

After "other provisions as", delete "may be".

Page 2

Section 3(1)

Lines 17 and 18

After "that the amendment", insert "shall".
Delete "will".

Line 18

After "impairment, disturbance, use", insert a comma.

Page 2

Section 3(1)

Line 19

After "with the Act.", insert "A".

Delete "No".

Line 20

After "of dedication shall", insert "not".

Line 21

After "Conservation Fund Board", insert the following:

in accordance with KRS 146.570(3)

Page 3

Section 3(2)

Line 1

After "Commonwealth of Kentucky,", insert "an".

Delete "no".

Line 2

After "of dedication shall", insert "not".

Page 3

Section 3(3)

Lines 4 and 5

After "articles of dedication", insert "shall".

Delete "may".

Page 3

Section 5(1)

Line 12

After "by the director", insert the following:

, in accordance with KRS 146.485(6), (9), and (12).

Page 4

Section 5(3)

Lines 4 and 5

After "of the Commonwealth,", insert the following:

as defined by KRS 224.1-010(32).

Page 4

Section 7(1)

Line 19

After (1)", insert "If".

Delete "When".

Line 21

After "other interest therein", insert the following:
, in accordance with 400 KAR Chapters 2 through 4

Delete the following:
subject to the rules and administrative regulations of the commission

Line 23

After "custodian, if any", insert the following:
in accordance with KRS 146.485(6), (9), and (12)

Page 5

Section 7(1)(a)

Line 2

After "of dedication and", insert "400 KAR Chapters 2 through 4".
Delete "these administrative regulations".

Page 5

Section 7(1)(b)

Line 5

After "of dedication and", insert "400 KAR Chapters 2 through 4".
Delete "these administrative regulations".

Page 5

Section 7(2)

Line 6

After "(2)", insert "If".
Delete "When".

Page 5

Section 7(2)(a)

Line 8

After "in the county", delete the comma.

Page 5

Section 7(2)(b)3.

Line 13

After "a written proposal", insert "shall".
Delete "is to".

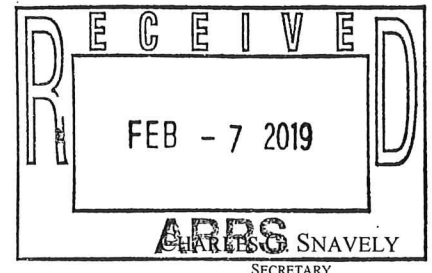
Page 5

Section 7(2)(c)

Line 16

After "the written proposal", insert "shall".
Delete "is to".

MATTHEW G. BEVIN
GOVERNOR



ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES
300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886

ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 2:060 – Definitions
400 KAR 2:070 – The Office of Kentucky Nature Preserves
400 KAR 2:080 - Dedication of nature preserves and registration of natural areas.
400 KAR 2:090 - Management, use, and protection of nature preserves and natural areas.
400 KAR 2:100 – Hearings and appeals

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100, the Department for Natural Resources proposes the attached amendments to 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 4:46 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 2:090. Management, use, and protection of nature preserves and natural areas.

Page 1

RELATES TO

Line 5

After "146.440", insert ", 149.175".

Page 1

Section 1

Line 18

After "management plan or", insert "an administrative".

Delete the following:

a specific exception is set forth in

Page 2

Section 3

Line 5

After "natural area as", insert "established".

Delete "specified".

Page 3

Section 6(4)(a)

Line 21

After "other structures that", insert "could".

Delete "may".

Page 4

Section 7(3)

Line 16

After "to allow two", insert "(2)".

Line 18

After "and other deterioration", insert a period.

Delete the semicolon.

After "may be constructed", insert "if".

Delete "when".

Page 5

Section 7(4)(a)

Line 1

After "or elevated walk", insert "shall be".
Delete "is".

Page 5

Section 8(1)

Line 13

After "KRS 146.200", insert "through".
Delete "to".

Page 5

Section 10(1)

Line 23

After "this section and", capitalize the first letter of "sections".

Page 6

Section 10(3)(e)

Line 16

After "or mineral extraction,", insert "or".

Page 6

Section 10(3)(f)

Line 17

After "(f) Dumping, burying", insert a comma.
After "of garbage, trash", insert a comma.

Page 7

Section 13(1)(b)

Line 17

After "be undertaken as", insert "established".
Delete "outlined".

Line 18

After "management plan to", insert "comply with".
Delete "meet".

Lines 18 and 19

After "objectives referenced in", insert the following:
paragraph (a) of this subsection

Delete the following:

Section 13(a) of this administrative regulation

Page 7

Section 13(1)(c)

Line 20

After "If managed, the", delete "following".

After "limitations", insert the following:

established in subparagraphs 1. through 3. of this paragraph

After "shall apply", insert a period.

Delete the colon.

Page 7

Section 13(1)(c)1.

Line 22

After "of specified herbicide", insert a period.

Delete the semicolon.

Page 8

Section 13(1)(c)2.

Line 2

After "shall be specified", insert a period.

Delete "; and".

Page 8

Section 13(2)(a)

Line 8

After "by the office", insert the following:

, in accordance with KRS 146.485(6), (9), and (12),

Page 8

Section 13(2)(b)

Lines 12 and 13

After "not noxious but", insert "could".

Delete "may".

Page 8

Section 13(2)(c)

Line 15

After "even though they", insert "could".

Delete "may".

Page 8

Section 13(3)(a)

Line 22

After "in accordance with", insert the following:

subsection (1)(c) of this section

Delete the following:

Section 13(1)(c) of this administrative regulation

Page 9

Section 13(3)(b)

Lines 1 and 2

After "in accordance with", insert the following:

subsection (2) of this section

Delete the following:

Section 13(2) of this administrative regulation

Page 9

Section 13(5)(a)

Line 10

After "of the preserve", insert a comma.

Page 9

Section 13(5)(b)

Line 12

After "shall be as", insert "established".

Delete "provided".

Page 10

Section 15(3)

Line 16

After "hunting, fishing, trapping", insert a comma.

Lines 19 and 20

After "be subject to", insert "401 KAR Chapter 2".

Delete the following:

the administrative regulations in this chapter

Page 10

Section 15(4)

Line 21

After "(4)", insert the following:

Except for a service animal,

Lowercase "A".

After "a nature preserve", delete the following:

, except for a service animal

Page 11
Section 15(5)
Line 4

After "articles of dedication", insert a comma.
After "accordance with this", insert "administrative".

Page 11
Section 15(10)
Line 12

After "by the office", insert the following:
in accordance with KRS 146.570(3)

Page 11
Section 15(11)
Line 14

After "minerals, rocks, wood", insert a comma.

Page 12
Section 18(1)
Line 9

After "any damage that", insert "could".
Delete "may".

Page 13
Section 18(3)(a)6.1.a.
Line 1

After "a. Objectives, methods", insert a comma.

Page 14
Section 19(1)
Lines 7 and 8

After "of permission as", insert "established".
Delete "specified".

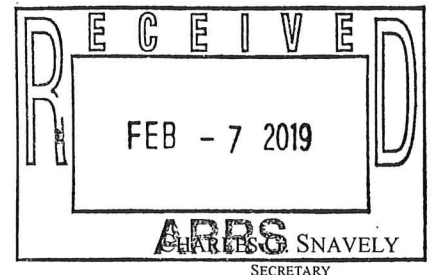
Page 14
Section 21
Line 21

After "KRS 146.200", insert "through".
Delete "to".

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

***General Reviewer's Note:** Please file one (1) SUMMARY OF MATERIAL INCORPORATED BY REFERENCE, paginated as page 22, with the Compiler in conjunction with filing this suggested amendment.

MATTHEW G. BEVIN
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES**

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886

ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
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Re: 400 KAR 2:060 – Definitions
400 KAR 2:070 – The Office of Kentucky Nature Preserves
400 KAR 2:080 - Dedication of nature preserves and registration of natural areas.
400 KAR 2:090 - Management, use, and protection of nature preserves and natural areas.
400 KAR 2:100 – Hearings and appeals

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100, the Department for Natural Resources proposes the attached amendments to 400 KAR 2:060, 2:070, 2:080, 2:090, and 2:100.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 4:57 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 2:100. Hearings and appeals.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 8

After "office to establish", insert "administrative regulation".
Delete "rules".

Line 9

After "establish a procedure", insert "for".
Delete "whereby".

Lines 9 and 10

After "of the office", insert "to".
Delete "may".

Line 10

After "This administrative regulation", insert "establishes".
Delete "sets forth".

Page 1

Section 1

Lines 13 and 14

After "any reason, including", insert "determining".
Delete "the following purposes".

Page 1

Section 1(1)

Line 16

After "(1)", insert "If".
Delete "Determining whether".

Line 18

After "by the office", insert a semicolon.
Delete the period.

Page 1

Section 1(2)

Line 19

After "(2)", insert "If".
Delete "Determining whether".

Line 20

After "impairment, disturbance, use", insert a comma.

Line 21

After "or the Act", insert a semicolon.
Delete the period.

Page 2

Section 1(3)

Line 1

After "(3)", insert "If".
Delete "Determining whether".

Line 3

After "these administrative regulations", insert "; and".
Delete the period.

Page 2

Section 1(4)

Line 4

After "(4)", delete "Determining".
Capitalize the first letter of "the".
After "or natural area", insert "if".
Delete "when".

Page 2

Section 2(1)(a)

Line 9

After "the public hearing;", insert "and".

Page 2

Section 2(1)(b)

Line 10

After "(b) Be published", insert ": 1.".
Capitalize the first letter of "not".

Page 2

Section 2(1)(b) and (c)

Lines 11 and 12

After "public hearing; or", insert "2.".
Delete "Be published".

Line 12

Capitalize the first letter of "in".
After "the county", delete the comma.

Page 2

Section 2(2)(b)

Line 16

After "(b)", insert "State".

Delete "Set forth".

Line 17

After "may be submitted", delete the comma.

Page 3

Section 3(1)(e)

Line 8

After "(e) The office", delete the comma.

Page 3

Section 4(1)

Lines 19 and 20

After "Unless the", insert "petition is".

Delete the following:

cabinet considers the petition to be

Page 4

Sections 4(2) and 4(2)(a)

Line 3

Delete the space between "(2)" and "(a)".

Page 4

Section 4(2)(a)3.

Line 7

After "3.", delete "Be".

Capitalize the first letter of "paid".

After "per diem basis", delete the following:

in the discretion of the cabinet

Page 4

Section 4(2)(b)

Line 11

After "a copy of", insert "the".

Delete "his".

Line 13

After "proceeding, and", insert "the parties".

Delete "they".

Page 4

Section 4(2)(d)

Line 20

After "the cabinet, whether", insert "or not".

Line 22

After "all parties under", insert "Section".

Delete "subsection".

After "3(2) of this", insert "administrative regulation".

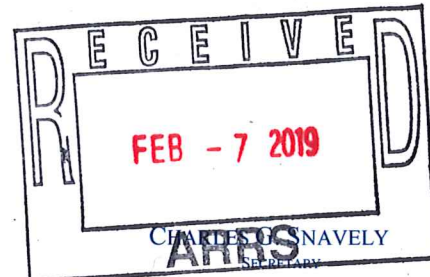
Delete "section".



MATTHEW G. BEVIN
GOVERNOR

**ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES**

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886



ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: **400 KAR 3:020** – Criteria for identifying and designating endangered or threatened species of plants
400 KAR 3:030 – Procedures for inclusion, removal or change of status of plant species on the state endangered or threatened list
400 KAR 3:040 - Endangered or threatened plant lists

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 3:020, 3:030, and 3:040, the Department for Natural Resources proposes the attached amendments to 400 KAR 3:020, 3:030, and 3:040.

Sincerely,

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 5:06 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 3:020. Criteria for identifying and designating endangered or threatened species of plants.

Page 1

Section 1

Line 13

After "Section 1.", delete the following:

In addition to the factors established in KRS 146.610(2)(a),
Capitalize the first letter of "the".

Line 15

After "additional species", insert "pursuant to KRS 146.610(2)(b)".

MATTHEW G. BEVIN
GOVERNOR



ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES
300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886



ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 3:020 – Criteria for identifying and designating endangered or threatened species of plants
400 KAR 3:030 – Procedures for inclusion, removal or change of status of plant species on the state endangered or threatened list
400 KAR 3:040 - Endangered or threatened plant lists

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 3:020, 3:030, and 3:040, the Department for Natural Resources proposes the attached amendments to 400 KAR 3:020, 3:030, and 3:040.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 5:08 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 3:030. Procedures for inclusion, removal, or change of status of plant species on the state endangered or threatened list.

Page 1

TITLE

Line 4

After "for inclusion, removal", insert a comma.

Page 2

Section 1(3)(b)

Line 2

After "Date of collection;", insert "and".

Page 2

Section 2(1)

Lines 7 and 8

After "utilizing the factors", insert "established".
Delete "set forth".

Line 8

After "and the criteria", insert "established".
Delete "set forth".

Line 9

After "for inclusion, removal", insert a comma.

Page 2

Section 2(3)

Line 12

After "(3) The office", insert ":(a)".
Capitalize the first letter of "shall".
After "into a category", insert "1".
Capitalize the first letter of "for".

Lines 12 and 13

After "it is nominated", insert "or 2".
Delete ", a category".
Capitalize the first letter of "other".

Line 13

After "has been nominated", insert a semicolon.
After "or", insert "(b)".
Capitalize the first letter of "may".

MATTHEW G. BEVIN
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES**

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(502) 573-2886



ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 3:020 – Criteria for identifying and designating endangered or threatened species of plants
400 KAR 3:030 – Procedures for inclusion, removal or change of status of plant species on the state endangered or threatened list
400 KAR 3:040 - Endangered or threatened plant lists

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 3:020, 3:030, and 3:040, the Department for Natural Resources proposes the attached amendments to 400 KAR 3:020, 3:030, and 3:040.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 5:12 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 3:040. Endangered or threatened plant lists.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 7

After "KRS 146.610(2)(a) and (b)", insert "authorize".
Delete "authorizes".

Page 1

Section 1

Line 12

After "Endangered Lists. The", delete "following".
After "plant species", insert the following:
established in the Table in this section.

Line 14

After "Commonwealth of Kentucky", insert a period.
Delete the colon.

Page 9

Section 2

Line 2

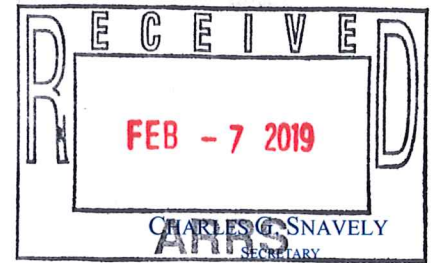
After "Threatened Lists. The", delete "following".
After "plant species", insert the following:
established in the Table in this section

Line 3

After "and the criteria", insert "established".
Delete "listed".

Line 4

After "Commonwealth of Kentucky", insert a period.
Delete the colon.



MATTHEW G. BEVIN
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES
300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886

ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 4:110 – Definitions for 400 KAR Chapter 4
400 KAR 4:125 – Wild rivers administration
400 KAR 4:130 - Wild rivers change of use permit procedures
400 KAR 4:140 - Wild rivers change of use permit standards

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 4:110, 4:125, 4:130, and 4:140, the Department for Natural Resources proposes the attached amendments to 400 KAR 4:110, 4:125, 4:130, and 4:140.

Sincerely,

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/7/2019 12:09 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 4:110. Definitions for 400 KAR Chapter 4[1].

Page 1

TITLE

Line 4

After "400 KAR Chapter", insert "4".
Delete "1".

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Lines 8 and 9

After "the secretary to", insert "promulgate".
Delete "adopt rules and".

Line 10

After "wild rivers as", insert "established".
Delete "set forth".
After "recreational, educational, scientific", insert a comma.

Line 12

After "ecological, historic, archaeological", insert a comma.

Line 13

After "This administrative regulation", insert "establishes definitions for".
Delete "defines".

Page 1

Section 1(2)

Line 20

After "other materials", insert "that".
Delete "which".
After "forms acids that", insert "could".
Delete "may".

Page 2

Section 1(3)

Line 1

After "less than six", insert "and zero-tenths".

Page 2

Section 1(4)

Line 3

After "a damaging, degrading", insert a comma.

Page 2

Section 1(5)

Line 5

After "(5) "Agricultural use"", insert "(a) Means".

Lines 5 and 6

After "for agricultural purposes", insert "such as".

Delete the following:

including, but not limited to

Line 7

After "and poultry husbandry;", insert the following:

; and

(b) Does not mean

Delete "provided that".

Lines 7 and 8

After "for personal use", delete the following:

is not deemed agricultural use

Page 2

Section 1(7)

Line 11

After "means methods, measures", insert a comma.

Line 12

After "reduce water pollution,", insert "such as".

Delete the following:

including, but not limited to,

After "and nonstructural controls", delete the comma.

Line 13

After "maintenance procedures", insert "that are".

Delete "which may".

After "applied before, during", insert a comma.

Page 3

Section 1(11)

Lines 1 and 2

After "for monetary profit,", insert "such as for".

Delete the following:

including, but not limited to,

Line 3

After "boat docks, wharves", insert a comma.

Page 3
Section 1(12)
Line 4

After "or resource use", insert "that".
Delete "which".

Line 5
After "the Kentucky Wild", insert "Rivers".
Delete "River".

Page 3
Section 1(13)
Line 7

After "the condition, composition,", insert "or".
Delete "and/or".

Line 8
After "or historical feature", insert "that".
Delete "which".
After "its outstanding, unique", insert a comma.

Page 3
Section 1(15)
Line 12

After "a land use", insert "that".
Delete "which".

Page 3
Section 1(17)
Line 16

After "KRS 146.200", insert "through".
Delete "to".
After "146.360", delete ", as amended".

Page 4
Section 1(22)
Lines 4 and 5

After "area or resources", insert "that are".
Delete "which may be".

Page 4
Section 1(23)
Lines 6 and 7

After "species, of plants", insert "that exist, or are".
Delete the following:
which exist, or may be

Page 4
Section 1(24)
Line 8

After "wild river corridor", insert "that".
Delete "which".

Page 4
Section 1(26)
Line 11

After "subcontractor, company", insert a comma.

Line 12

After "maintenance, operation", insert a comma.

Page 4
Section 1(27)
Line 14

After "wild river corridor", insert "that".
Delete "which".

Page 4
Section 1(29)
Lines 18 and 19

After "thereof resulting, obtained", insert a comma.

Line 19

After "the exploration, drilling", insert a comma.

Page 5
Section 1(32)
Line 1

After "exploration for, extraction", insert a comma.

Lines 1 and 2

After "a natural resource", insert "such as".

Delete the following:

including, but not limited to,

Line 2

After "rock, gravel, sand", insert a comma.

Page 5
Section 1(34)
Line 6

After "from an area", insert "so".

Delete "such".

Page 5

Section 1(35)

Line 9

After "outstanding, unique, rare", insert a comma.

Line 10

After "historical, archaeological, scientific", insert a comma.

Line 11

After "recreational feature", delete "which is".

Page 5

Section 1(39)

Line 18

After "(39) "Structure", insert ": (a)".

Capitalize the first letter of "means".

After "object constructed, built", insert a comma.

Lines 18 and 19

After "change of use", insert the following:

: and

(b) Does not mean

Delete ", and shall exclude".

Line 19

After "sediment ponds, roads", insert ", or".

Delete "and".

Page 5

Section 1(40)

Line 20

After "the ground surface", insert "that".

Delete "which".

Line 21

After "of soil, rock", insert a comma.

Page 6

Section 1(41)

Line 1

After "(41) "Surface mining"", insert ": (a)".

Capitalize the first letter of "means".

Line 2

After "other solid matter", insert "or".

Delete the semicolon.

Lines 4 and 5

After "or other use;", insert the following:

and

(b) Does not mean

Delete "but shall not include".

Lines 5 and 6

After "the surface, and", insert "does not mean".
Delete "shall not include".

Line 6

After "excavation or grading", delete "when".

Page 6

Section 1(42)

Line 8

After "materials or wastes", insert "that".
Delete "which".

Page 6

Section 1(43)

Line 12

After "which minerals, ores", insert a comma.

Line 15

After "in connection with", insert "these".
Delete "such".

Page 6

Section 1(44)

Line 16

After "the disruption, degradation", insert a comma.

Page 7

Section 1(46)

Line 2

After "within boundaries", insert "established".
Delete "set forth".
After "KAR 4:100", insert "that".
Delete "which".

Page 7

Section 1(47)

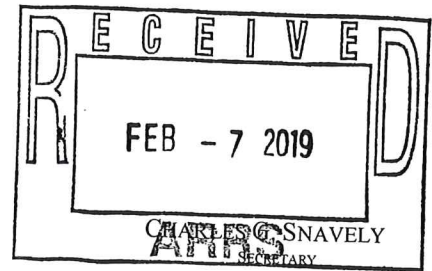
Lines 4 and 5

After "in KRS 146.241", delete "and amendments".



**ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES**

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886



ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 4:110 – Definitions for 400 KAR Chapter 4
400 KAR 4:125 – Wild rivers administration
400 KAR 4:130 - Wild rivers change of use permit procedures
400 KAR 4:140 - Wild rivers change of use permit standards

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 4:110, 4:125, 4:130, and 4:140, the Department for Natural Resources proposes the attached amendments to 400 KAR 4:110, 4:125, 4:130, and 4:140.

Sincerely,

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 12/28/2018 8:41 AM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 4:125. Wild rivers administration.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Lines 8 and 9

After "the secretary to", insert "promulgate".

Delete "adopt rules and".

Line 10

After "wild rivers as", insert "established".

Delete "set forth".

After "in KRS 146.250", delete the comma.

After "recreational, educational, scientific", insert a comma.

Line 12

After "historical, archaeological, ecological", insert a comma.

Line 13

After "This administrative regulation", insert "establishes provisions".

Delete "sets forth guidelines".

Line 15

After "conforming, permitted", insert a comma.

Lines 16 and 17

After "under state jurisdiction", insert "that".

Delete "which".

Line 17

After "river boundaries as", insert "established".

Delete "set forth".

Page 4

Section 1(1)

Line 3

After "botanical, historical, archaeological", insert a comma.

After "and cultural features", insert "that".

Delete "which".

Page 4

Section 1(2)

Line 7

After "The office", insert "shall".

Delete "will".

Page 4

Section 2(2)

Line 12

After "citizen groups, industries", insert a comma.

After "appropriate local, state", insert a comma.

Page 4

Section 2(4)(a)

Line 17

After "(4)(a) The hearing", delete the comma.

Page 4

Section 2(4)(b)1.

Line 21

After "the time, place", insert a comma.

Page 5

Section 2(4)(b)4.

Line 3

After "in the county", delete the comma.

Page 5

Section 2(4)(b)5.

Line 5

After "5.", insert "include".

Delete "Set forth".

Page 5

Section 2(5)

Line 15

After "and local, state", insert a comma.

Page 5

Section 3(2)

Line 21

After "wild river corridors", insert "that".

Delete "which".

Page 6

Section 3(3)

Line 3

After "research, environmental education", insert a comma.

After "and related activities", insert "that".

Delete "which".

Page 6
Section 3(4)
Line 7

After "uses may include", delete "the following".

Page 6
Section 3(4)(a)
Line 8

After "existing roads, buildings", insert a comma.

Page 6
Section 3(4)(c)
Line 12

After "including flower, fruit", insert a comma.

Page 6
Section 3(4)(e)
Line 14

After "using direct application", insert a comma.

Lines 14 and 15

After "not aerial spraying,", insert "of".

Delete "and".

Line 15

After "that are short-term", insert "and".

Delete the comma.

After "and", insert "that shall".

Delete "will".

Page 6
Section 4(1)
Line 21

After "permit as required", insert "by".

Delete "under".

Lines 21 and 22

After "all applicable standards", insert "established".

Delete "set forth".

Page 6
Section 4(2)
Line 23

After "Land use changes", insert "that".

Delete "which".

Page 7
Section 4(2)(b)
Line 2

After "timber as defined", insert "by".
Delete "in".

Page 7
Section 5(1)
Line 8

After "than selective cutting", insert a comma.
After "in-stream disturbances", insert "shall be".
Delete "are".

Page 7
Section 5(2)
Line 10

After "disturbances shall include", delete the following:
but not be limited to,

Line 11

After "diversion, channelization", insert a comma.

Page 7
Section 5(3)
Line 13

After "of roads, buildings", insert a comma.

Line 14

After "permitted land use, as", insert the following:
established in this section or
Delete "set forth in".
After "Section 4", delete "or 5".
After "this administrative regulation", insert "shall be".
Delete "is".

Page 7
Section 6(1)
Line 17

After "through lease, easement", insert a comma.

Line 19

After "landowner. Trespassing", insert "shall be".
Delete "is".
After "to penalty as", insert "established".
Delete "set forth".

Page 7

Section 6(2)

Line 22

After "public use of", insert the following:

privately owned lands and shall

Delete "privately-owned lands, and will".

Page 8

Section 6(4)

Line 7

After "wild river if", delete "such".

Line 8

After "natural, cultural, scientific", insert a comma.

Page 8

Section 6(5)

Line 10

After "artifacts, relics, fossils", insert a comma.

Line 11

After "plants, animals, artifacts", insert a comma.

Lines 11 and 12

After "other special features", insert "shall be".

Delete "is".

Line 12

After "by the office", insert the following:

, in accordance with the Research Permit Application, KNP02,
incorporated by reference in 400 KAR 2:090.

Page 8

Section 6(6)

Line 14

After "(6) Burying, dumping", insert a comma.

After "garbage, waste, scrap", insert a comma.

Line 15

After "for this purpose", insert "shall be".

Delete "is".

Page 8

Section 6(8)

Lines 17 and 18

After "a wild river.", insert "An".

Delete "No".

Line 18

After "open fire shall", insert "not".

Page 8

Section 6(10)

Line 21

After "(10) Hunting, fishing", insert a comma.

Line 22

After "comply with the", delete "following".

After "conditions", insert the following:

established in paragraphs (a) and (b) of this subsection.

Delete the colon.

Page 9

Section 6(10)(a)

Line 1

After "lean-tos", insert a comma.

After "or other buildings", insert "shall be".

Delete "is".

Line 2

After "Temporary blinds, stands", insert a comma.

After "a manner that", insert "shall".

Delete "will".

Lines 2 and 3

After "prevent injury to trees", insert a period.

Delete "; and'.

Page 9

Section 6(10)(b)

Line 4

After "(b) Trapping", insert "shall be".

Delete "is".

Lines 4 and 5

After "boat portage trails", insert a comma.

Line 5

After "trails, picnic areas", insert a comma.

Page 9

Section 6(11)

Line 6

After "bow and arrow", insert a comma.

Page 9

Section 6(12)

Line 11

After "swimming, bathing", insert a comma

Page 9
Section 6(13)
Line 13

After "(13) Conduct", insert "that".
Delete "which".
After "within a corridor", insert "shall be".
Delete "is".

Page 9
Section 6(14)
Line 15

After "of wild rivers", insert "shall be".
Delete "are".

Page 9
Section 7(1)
Line 19

After "a wild river", insert "shall".
Delete "will".
After "KRS 146.200", insert "through".
Delete "to".

Page 10
Section 7(2)
Lines 2 and 3

After "and administrative regulations", insert a comma.

Page 10
Section 7(3)
Line 4

After "wild river corridor", insert "shall".
Delete "will".

Page 10
Section 8(1)
Line 11

After "prior to commencing", insert "the".
Delete "such".

Page 10
Section 8(2)
Line 12

After "docks, buildings", insert a comma.

Page 10

Section 8(3)

Line 16

After "this administrative regulation", delete the comma.

Line 18

After "scientific, recreational", insert a comma.

Line 20

After "and wildlife", insert a comma.

Page 10

Section 8(4)

Line 21

After "wild river, as", insert "established".

Delete "provided".

Page 11

Section 8(5)

Lines 1 and 2

After "a state park", insert "shall require".

Delete "requires".

Page 11

Section 8(6)

Line 3

After "by any method", insert "shall be".

Delete "is".

Page 11

Section 9(1)

Line 8

After "400 KAR 2:090", insert a comma.

Page 11

Section 9(2)

Line 11

After "and inventory database", insert ", which shall be".

Line 12

After "KAR 2:080", insert a comma.

Page 12

Section 10(1)

Line 4

After "(1) As", insert "established".

Delete "set forth".

Page 12
Section 10(2)
Line 8

After "shall require", insert "request".
Delete "application".

Lines 9 and 10

After "representatives, on", insert the following:
a written request. The written request
Delete the following:
an application form supplied by the office. The application

Lines 10 and 11

After "use plan containing", delete "the following information".

Page 13
Section 10(3)
Line 3

After "receipt of", insert "a written request".
Delete "an application".
After "construction site", insert "shall".
Delete "will".

Page 13
Section 10(4)
Line 6

After "to whether", insert the following:
or not the written request
Delete "whether the application".

Line 7

After "receipt of the", insert "written request, and shall".
Delete "application, and will".

Page 13
Section 10(6)
Line 11

After "(6)", insert "A written request shall".
Delete "An application will".

Line 14

After "condition, as required", insert "by".
Delete "under".

Page 13

Sections 10(7) and 10(7)(a)

Lines 15 Through 17

After "(7)", insert the following:

Construction of a right-of-way shall comply with paragraphs (a) through (l) of this subsection.

(a) If

Delete the following:

Authorization to construct a right-of-way shall contain, but not be limited to, the following conditions:

(a) Wherever

Page 13

Section 10(7)(a)

Lines 18 and 19

After "significant natural", insert "or".

Delete "and".

Line 20

After "construction and maintenance", insert a period.

Delete the semicolon.

Page 13

Section 10(7)(b)

Line 23

After "public use areas", insert a period.

Delete the semicolon.

Page 14

Section 10(7)(c)

Line 2

After "4 through 7,", delete "and".

After "9 through 14", insert a comma.

After "17(10) through (21)", insert a period.

Delete the semicolon.

Page 14

Section 10(7)(d)

Line 5

After "immediate floodplain", insert a period.

Delete the semicolon.

Page 14

Section 10(7)(e)

Line 7

After "by the office", insert the following:

if evidence is provided that a method is designed

Delete "and be designed".

Line 9

After "spawning or nesting", please insert a period.

Delete the semicolon.

Page 14

Section 10(7)(f)

Lines 10 and 11

After "not in use", insert a period.

Delete the semicolon.

Page 14

Section 10(7)(g)

Line 14

After "fish and wildlife", insert a period.

Delete the semicolon.

Page 14

Section 10(7)(h)

Line 15

After "wild river corridors", insert a period.

Delete the semicolon.

Page 14

Section 10(7)(i)

Line 18

After "required by the", insert the following:

U.S. Department of Agriculture's Rural Utilities Service

Delete "Rural Electrification Authority".

Line 19

After "injury to wildlife", insert a period.

Delete the semicolon.

Page 14

Section 10(7)(j)

Line 23

After "construction activities", insert a period.

Delete the semicolon.

Page 15

Section 10(7)(k)

Line 1

After "by the office", insert the following:

in accordance with KRS 146.290 and 45A.190

After "the proposed construction", insert "could".

Delete "may".

Line 3

After "damage, degrade", insert a comma.

Page 15

Section 10(7)(l)

Line 6

After "and office personnel", insert "shall".

Delete "will".

Page 15

Section 11(1)

Line 10

After "protect soil, water", insert a comma.

Page 15

Section 11(3)

Line 15

After "to improve, repair", insert a comma.

Page 15

Section 11(4)

Line 18

After "construction activities,", delete "no".

After "heavy equipment shall", insert "not".

Line 20

After "control soil erosion", insert a comma.

Page 16

Section 11(5)

Line 1

After "(5)", insert "if".

Delete "When".

Line 3

After "KRS 146.200", insert "through".

Delete "to".

Page 16

Section 12(1)

Line 4

After "local government agencies", insert "that".
Delete "which".

Line 6

After "of any activity", insert "that could".
Delete "which may".

Page 16

Section 12(2)

Line 9

After "KRS 146.200", insert "through".
Delete "to".

Page 16

Section 13(1)

Line 11

After "KRS Chapter 149", delete the comma.

Lines 11 and 12

After "and any", insert "that".
Delete "which".

Page 16

Section 14(1)

Line 18

After "campaign slogans", insert a comma.

Page 16

Section 14(2)

Line 21

After "government, landowner", insert a comma.

Line 22

After "river corridor boundaries", insert a comma.

Page 17

Section 14(2)

Line 1

After "protection, interpretation", insert a comma.

Page 17

Section 14(3)

Line 4

After "they are located", delete the comma.

Page 17
Section 14(4)
Line 6

After "within a corridor", delete "are".

Page 17
Section 15(1)
Line 7

After "(1)", insert "lf".
Delete "Whenever".

Page 17
Section 15(5)
Line 16

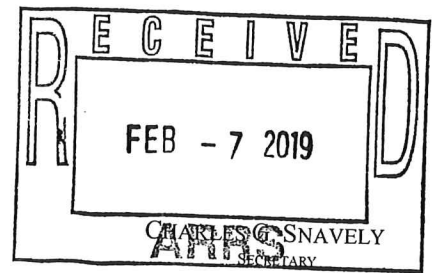
After "penalty", insert "established".
Delete "set forth".

Page 17
Section 15(6)
Line 17

After "recovery of penalties", insert "shall".
Delete "will".

Page 17
Section 16
Lines 19 Through 22

Delete Section 16 in its entirety.



ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES
300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886

ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 4:110 – Definitions for 400 KAR Chapter 4
400 KAR 4:125 – Wild rivers administration
400 KAR 4:130 - Wild rivers change of use permit procedures
400 KAR 4:140 - Wild rivers change of use permit standards

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 4:110, 4:125, 4:130, and 4:140, the Department for Natural Resources proposes the attached amendments to 400 KAR 4:110, 4:125, 4:130, and 4:140.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins
Regulation Coordinator

Suggested Amendment

Final Version: 2/5/2019 6:01 PM

**ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 4:130. Wild rivers change of use permit procedures.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Lines 7 and 8

After "the secretary to", insert "promulgate".

Delete "adopt rules and".

Line 9

After "wild rivers as", insert "established".

Delete "set forth".

After "KRS 146.250", delete the comma.

After "recreational, educational, scientific", insert a comma.

Lines 10 Through 12

Delete the following:

In such administration, primary emphasis shall be given to protecting aesthetic, ecological, scenic, historic, archaeological and scientific features of the area.

Line 13

After "a resource removal", insert a comma.

Line 15

After "146.200", insert "through".

Delete "to".

After "146.360", insert ". Uses that".

Delete "; uses which".

Line 17

After "use shall contain", delete "such".

After "restrictions, terms", insert a comma.

After "and conditions as", delete "are".

Line 19

After "landowner, as defined", insert "by".

Delete "in".

Page 2

Section 2(1)

Line 8

After "a resource removal", insert a comma.

Lines 9 and 10

After "use permit on", insert the following:

The Wild Rivers Change of Use Permit, KNP03

Delete the following:

an application form supplied by the office

Page 2

Section 2(2)

Line 11

After "the name, address", insert a comma.

Page 2

Section 2(4)(a)

Line 17

After "minute topographic map", insert "that".

Delete "which".

Line 19

After "wild river corridor", insert a semicolon.

Delete the period.

Page 2

Section 2(4)(b)

Line 20

After "the new use,", insert "if".

Delete "where".

After "applicable", insert a semicolon.

Delete the period.

Page 2

Section 2(4)(c)

Line 21

After "the new use", insert a semicolon.

Delete the period.

Page 2

Section 2(4)(d)

Lines 22 and 23

After "land use including,", insert "for example".

Delete "but not limited to".

Line 23

After "tree cutting activities", insert a semicolon.

Delete the period.

Page 3

Section 2(4)(e)

Lines 1 and 2

After "and stream sedimentation", insert a semicolon.
Delete the comma.

Line 2

After "existing water quality", insert a semicolon.
Delete the comma.
After "hazardous substances", insert a comma.

Line 3

After "rock and earth", insert a semicolon.
Delete ", and".
After "spills and accidents", insert a semicolon.
Delete the period.

Page 3

Section 2(4)(f)

Line 5

After "application and control", insert a semicolon.
Delete the period.

Page 3

Section 2(4)(g)

Line 7

After "site was chosen", insert "and".
Delete the period.

Page 3

Section 2(4)(h)

Line 8

After "and time schedule", insert "that".
Delete "which".

Line 9

After "other measures required", insert "pursuant to".
Delete "under".

Page 3

Section 2(5)(a)

Line 14

After "prepared, certified", insert a comma.

Lines 15 and 16

After "on the site", insert a semicolon.
Delete the period.

Page 3

Section 2(5)(b)

Line 18

After "the mining activity", insert a semicolon.
Delete the period.

Page 3

Section 2(5)(c)

Line 21

After "geologic formations", insert a comma.

Lines 21 and 22

After "wild river corridor", insert a semicolon.
Delete the period.

Page 3

Section 2(5)(d)

Line 23

After "the mining area", insert a semicolon.
Delete the period.

Page 4

Section 2(5)(e)

Line 1

After "that the operation", insert "shall".
Delete "will".

Lines 1 and 2

After "acid-forming materials", insert a semicolon.
Delete the period.

Page 4

Section 2(7)(a)

Line 10

After "disposing of slash", insert a semicolon.
Delete the period.

Page 4

Section 2(7)(b)

Line 11

After "the log landing", insert "area or areas".
Delete "area(s)".
After "of haul roads", insert a semicolon.
Delete the period.

Page 4

Section 2(7)(c)

Line 13

After "species, total volume", insert a comma.

Line 14

After "mark the trees", insert "; and".

Delete the period.

Page 4

Section 2(7)(d)

Line 18

After "KRS 146.200", insert "through".

Delete "to".

Page 4

Section 2(9)

Line 23

After "dock, ramp", insert a comma.

Page 5

Section 2(9)(a)

Line 2

After "parking areas, trails", insert a comma.

After "and buildings", insert a semicolon.

Delete the period.

Page 5

Section 2(9)(b)

Line 3

After "any structures", insert "that".

Delete "which".

Line 4

After "natural stream flow", insert a semicolon.

Delete the period.

Page 5

Section 2(9)(c)

Line 5

After "new land use", insert "as required pursuant to".

Delete "a required under".

Line 6

After "and federal laws", insert "; and".

Delete the period.

Page 5

Section 3

Line 9

After "office personnel", insert "shall".
Delete "will".

Lines 10 and 11

After "other sensitive areas", insert "that could".
Delete "which may".

Page 5

Section 4(1)

Line 13

After "KRS 146.290,", insert "shall".
Delete "will".

Line 14

After "the application and", insert "shall".
Delete "will".

Page 5

Section 4(2)

Line 16

After "of the hearing", insert "shall".
Delete "will".

Line 17

After "424 and", insert "shall".
Delete "will".

Page 5

Section 4(3)

Line 19

After "as to whether", insert "or not".

Line 20

After "Wild Rivers Act", insert a comma.

Page 6

Section 5(1)(a)

Line 8

After "and threatened species", insert a semicolon.
Delete the period.

Page 6

Section 5(1)(b)

Line 9

After "could be put", insert "that".
Delete "which".

Line 10

After "KRS 146.200", insert "through".
Delete "to".
After "KRS 146.360", insert a semicolon.
Delete the period.

Page 6

Section 5(1)(c)

Line 12

After "proposed land use", insert a semicolon.
Delete the period.

Page 6

Section 5(1)(d)

Line 14

After "KRS 146.270", insert a semicolon.
Delete the period.

Page 6

Section 5(1)(e)

Line 15

After "(e)", insert "If".
Delete "Whether".

Line 16

After "use, welfare", insert a comma.

Line 17

After "of their property", insert a semicolon.
Delete the period.

Page 6

Section 5(1)(f)

Line 18

After "administrative regulations", insert "that".
Delete "which".

Line 19

After "change of use", insert a semicolon.
Delete the period.

Page 6

Section 5(1)(g)

Line 20

After "(g)", insert "If".
Delete "Whether".

Line 21

After "health or safety", insert "; and".
Delete the period.

Page 6

Section 5(1)(h)

Line 23

After "or water pollution", insert a comma.

Page 7

Section 5(1)(h)

Line 1

After "resource protection measures", insert "that could".
Delete "which may".

Page 7

Section 5(2)

Line 5

After "the public hearing.", insert "(a)".

Line 8

After "Wild Rivers Act.", insert "(b)".

Line 9

After "supporting the ruling.", insert "(c)".

Page 7

Section 6(1)

Line 11

After "change of use", insert "shall".
Delete "will".

Line 12

After "specific restrictions, terms", insert a comma.
After "and conditions as", delete "are".

Page 7

Section 6(2)

Line 14

After "(2) A permit", insert "shall".
Delete "will".
After "of issuance and", insert "shall".
Delete "will".

Line 18

After "400 KAR", insert "Chapter 4,".
Delete "4:110 to 4:140".

Page 7

Section 6(3)

Line 21

After "400 KAR", insert "Chapter 4".
Delete "4:110 to 4:140".

Page 8

Section 6(4)

Line 3

After "the permit before", delete "such".

Lines 5 and 6

After "400 KAR", insert "Chapter 4".
Delete "4:110 to 4:140".

Line 6

After "to penalty as", insert "established".
Delete "set forth".

Page 8

Section 6(5)

Line 7

After "was granted and", insert "shall be".
Delete "is".

Line 9

After "any sale, lease", insert a comma.

Line 10

After "of use applies", delete the comma.

Line 11

After "the sale, lease", insert a comma.

Page 8

Section 7(3)

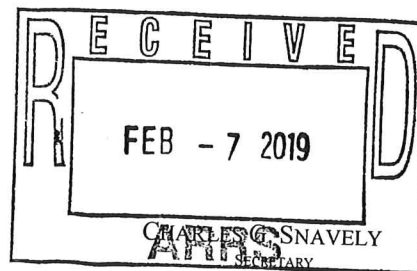
Line 20

After "KRS 146.290.", insert the following:

Section 8. Incorporation by Reference. (1) "The Wild Rivers Change of Use Permit, KNP03, July 2018, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Kentucky Nature Preserves 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

***General Reviewer's Note:** Please file one (1) copy of the form and one (1) SUMMARY OF MATERIAL INCORPORATED BY REFERENCE, paginated as page 14, with the Compiler in conjunction with filing this suggested amendment.



**ENERGY AND ENVIRONMENT CABINET
OFFICE OF KENTUCKY NATURE PRESERVES**

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
(502) 573-2886

ZEB WEESE
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair
Representative Hale, Co-Chair
c/o Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 400 KAR 4:110 – Definitions for 400 KAR Chapter 4
400 KAR 4:125 – Wild rivers administration
400 KAR 4:130 - Wild rivers change of use permit procedures
400 KAR 4:140 - Wild rivers change of use permit standards

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 4:110, 4:125, 4:130, and 4:140, the Department for Natural Resources proposes the attached amendments to 400 KAR 4:110, 4:125, 4:130, and 4:140.

Sincerely,

Michael Mullins
Regulation Coordinator

Suggested Amendment

**Final Version: 2/5/2019 6:15 PM
ENERGY AND ENVIRONMENT CABINET
Office of Kentucky Nature Preserves**

400 KAR 4:140. Wild rivers change of use permit standards.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Lines 7 and 8

After "the secretary to", insert "promulgate".
Delete "adopt rules".

Line 9

After "wild rivers as", insert "established".
Delete "set forth".
After "in KRS 146.250", delete the comma.
After "recreational, educational, scientific", insert a comma.

Lines 10 Through 12

After "not impair them", delete the sentence beginning with "In such administration" and ending with "of the area."

Line 13

After "resource removal", insert a comma.

Line 15

After "146.200", insert "through".
Delete "to".

Line 16

After "shall contain", delete "such".
After "restrictions, terms", insert a comma.
After "and conditions as", delete "are".

Line 18

After "administrative regulation", insert "establishes".
Delete "sets forth".

Page 1

Section 1

Lines 20 and 21

After "uses, as defined", insert "by".
Delete "in".

Line 21

After "wild river corridor", insert "that".
Delete "which".

Page 2

Section 2(2)

Line 5

After "(2)", insert "lf".

Delete "Where".

Line 7

After "other surface water.", insert "lf".

Delete "Where".

Line 8

After "shall vary as", insert the following:

established in the Table in this subsection.

Delete "follows:".

Page 2

Section 4(1)

Line 14

After "outstanding resource waters", insert "established".

Delete "contained".

Page 3

Section 4(3)

Line 4

After "Water quality data", insert the following:

to include assessment of the presence of aquatic species and habitat quality.

Page 3

Section 4(4)

Line 7

After "a permit as", insert "established".

Delete "provided".

Page 3

Section 5(1)

Line 11

After "erosion and sediment", insert "if".

Delete "whenever".

Lines 11 and 12

After "ground surface disturbance", insert a period.

Delete the semicolon.

Capitalize the first letter of "sediment".

Page 3

Section 5(2)

Line 15

After "more of the", insert the following:

erosion control measures established in paragraphs (a) through (c)
of this subsection.

Delete "following:".

Page 3

Section 5(2)(a)

Line 16

After "graded, seeded, fertilized", insert a comma.

Line 17

After "shall be used", insert "if".

Delete "wherever".

Page 3

Section 5(2)(b)

Line 20

After "used in situations", insert "in which".

Delete "where".

After "other methods", insert "might".

Delete "may".

Page 4

Section 5(6)

Line 8

After "(6) Intermittent streams", insert "that".

Delete "which".

Page 4

Section 6(2)

Line 14

After "(2) Natural drainages", delete "which are".

Page 5

Section 6(3)

Line 1

After "(3) As required", insert "pursuant to".

Delete "under".

After "KRS 151.250, a", insert "Division of Water".

Lines 1 and 2

After "a flood plain", insert "shall".

Delete "must".

Page 5

Section 7(1)

Line 4

After "shall be used", insert "if".
Delete "whenever".

Page 5

Section 7(2)

Line 6

After "for road construction", insert "incorporated".
Delete "adopted".

Lines 6 and 7

After "by reference in", insert the following:
the U.S. Army Corps of Engineers Nationwide Permit for Linear
Transportation

Page 5

Section 7(3)

Line 9

After "waters, flood plains", insert a comma.

Page 5

Section 7(4)

Line 14

After "rock, crushed gravel", insert a comma.

Page 5

Section 7(5)

Line 20

After "traffic", delete the remainder of subsection (5), except the period.

Page 6

Section 7(7)

Line 2

After "the corridor boundary", insert "when".
Delete "whenever".

Page 6

Section 8(3)

Line 10

After "dock, boat ramp", insert a comma.

Page 6

Section 9(1)

Line 17

After "percolation, high water", insert a comma.

Page 6

Section 9(2)

Line 20

After "personal injury, discharge", insert a comma.

Line 21

After "and shall submit", insert the following:

to the office a written report containing details of the accident to include a map of the area impacted and a description of the people, property, and substances involved

Delete the following:

a written report to the office

Page 7

Section 10

Line 2

After "properly disposed of", insert the following:

in accordance with local solid waste ordinances and 401 KAR Chapters 47 through 49.

Page 7

Section 11

Line 4

After "Visibility. Buildings, facilities", insert a comma.

Page 7

Section 12(1)

Line 9

After "limited to trees", insert "that".

Delete "which".

Page 7

Section 14(1)

Line 22

After "(30) days following", delete "such".

Page 8

Section 14(2)

Line 2

After "improved condition that", insert "shall".

Delete "will".

Line 4

After "by the office", insert the following:

, including a written request based on conditions beyond the applicant's control

Page 8

Section 14(5)

Line 12

After "and seeding, fertilizing", insert a comma.

Lines 13 and 14

After "shall be used", insert "if".

Delete "wherever".

Line 14

After "having wildlife value", insert "shall".

Delete "will".

Page 8

Section 14(6)

Line 15

After "(6) Tree species", insert "that".

Delete "which".

Page 8

Section 14(7)

Line 17

After "be considered complete", insert "if".

Delete "when".

Page 9

Section 15(7)

Line 18

After "a manner that", insert "shall".

Delete "will".

Line 19

After "rain, percolation, wind", insert a comma.

Page 10

Section 15(8)

Line 1

After "(8)", insert "if".

Delete "Whenever".

Page 10

Section 15(10)

Line 6

After "(10)", delete "No".

Capitalize the first letter of "produced".

After "water shall", insert "not".

Page 10

Section 15(11)

Line 11

After "properly disposed of", insert the following:
in accordance with 401 KAR 5:090

Page 10

Section 15(12)

Lines 13 and 14

After "constructed according to", insert "401".
Delete "400".

Page 10

Section 15(13)

Lines 13 and 14

After "constructed according to", insert "401".
Delete "400".

Page 10

Section 15(15)

Line 23

After "an access road", insert "if".
Delete "wherever".

Page 11

Section 15(16)

Line 1

After "roads, collecting lines", insert a comma.

Line 3

After "oil, produced water", insert a comma.

Page 11

Section 15(17)

Line 7

After "accordance with", insert "401".
Delete "400".

Page 11

Section 15(18)

Line 8

After "material, fire extinguishers", insert a comma.

Page 11

Section 15(19)

Line 10

After "Trailers, mobile homes", insert a comma.

Page 11

Section 15(20)

Lines 12 and 13

After "in accordance with", insert "805 KAR 1:060".

Delete "oil and gas regulations".

Page 11

Section 16(1)

Line 14

After "(1)", delete "No".

Capitalize the first letter of "surface".

Line 15

After "underground mining shall", insert "not".

Page 11

Section 16(3)

Line 11

After "wild river corridor", insert "if".

Delete "wherever".

Page 12

Section 16(4)

Line 1

After "not be permitted", insert "if".

Delete "where".

Line 2

After "of soil, rock", insert a comma.

Line 4

After "be suspended until", delete "such time as".

Page 12

Section 16(5)

Line 7

After "shall be corrected", insert a comma.

Line 9

After "grasses and legumes", insert "if".

Delete "wherever".

Page 12

Section 16(6)

Line 11

After "to the standards", insert "established".

Delete "set forth".

Line 14

After "tramways, railroad loops", insert a comma.

Line 15

After "river corridor unless", delete "such".

Page 12

Section 16(7)

Line 17

After "waste, spoil, coal", insert a comma.

Line 18

After "wild river corridor", delete the comma.

Line 19

After "KAR 18:190.", delete "No".

Capitalize the first letter of "Tipples".

After ", processing", insert a comma.

Line 20

After "refuse areas shall", insert "not".

Page 13

Section 17(1)

Line 2

After "management practices required", insert "pursuant to".

Delete "under".

Line 3

After "149.342-.344", insert a comma.

Page 13

Section 17(5)

Line 17

After "is completed as", insert "established".

Delete "specified".

Page 14

Section 17(8)

Line 4

After "attaching cables, guys", insert a comma.

Page 14

Section 17(9)

Line 6

After "be skidded uphill", insert "if".

Delete "where".

Page 14

Section 17(10)

Line 9

After "roads, skid trails", insert a comma.

Line 10

After "minimum required for", insert "these".

Delete "such".

Page 14

Section 17(11)

Line 12

After "minimize erosion and", insert "if".

Delete "wherever".

Line 13

After "ten (10) percent.", insert "If".

Delete "Where".

Page 14

Section 17(13)

Line 19

After "houses, historic structures", insert a comma.

Page 15

Section 17(15)

Line 2

After "the permit application", insert the following:
incorporated by reference in 400 KAR 4:130

Page 15

Section 17(18)

Line 5

After "landings, skid trails", insert a comma.

Page 15

Section 18(3)

Lines 20 and 21

After "Plant species", insert "shall".

Delete "will".

Page 16

Section 18(10)

Line 12

After "shall be", delete "properly".

Page 17

Section 19(1)

Lines 5 and 6

After "of buffer zones", insert "if".

Delete "wherever".