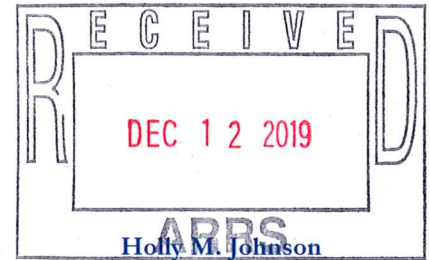




Andy Beshear  
Governor

Commonwealth of Kentucky  
Finance and Administration Cabinet  
**DEPARTMENT OF REVENUE**  
**OFFICE OF TAX POLICY AND REGULATION**

501 High Street, Station 1  
Frankfort, KY 40601  
(502) 564-3226  
Fax (502) 564-9565  
[www.revenue.ky.gov](http://www.revenue.ky.gov)



Holly M. Johnson  
Secretary

Thomas B. Miller  
Commissioner

December 12, 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 25:050**. Factors and agents.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 25:050, the Department of Revenue proposes the attached amendment to 103 KAR 25:050.

Kind regards,

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

lcs  
Cc: file

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

**103 KAR 25:050. Factors and agents.**

**Page 1**

**RELATES TO**

**Line 5**

After "139.200," insert "139.310."

**Page 1**

**Section 2(1)**

**Line 19**

After "Factors and agents shall", insert ":(a)".

Capitalize first letter of "be", immediately following.

**Line 20**

After "products sold", insert ":(b)".

Delete "and shall".

Capitalize the first letter of "include".

**Page 2**

**Section 2(1)**

**Line 1**

After "receipts", insert a semicolon.

After "and", immediately following, insert ":(c)".

Delete "shall".

Capitalize the first letter of "be".

**Page 2**

**Section 2(1) and 2(1)(a)**

**Lines 1-2**

After "owner:", insert "1".

Delete "(a)".

**Page 2**

**Section 2(1)(a) and 2(1)(b)**

**Lines 2-3**

After "139:", insert "2".

Delete "(b)".

**Page 2**

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

**Lines 3-4**

After "receipts; and", insert "3".

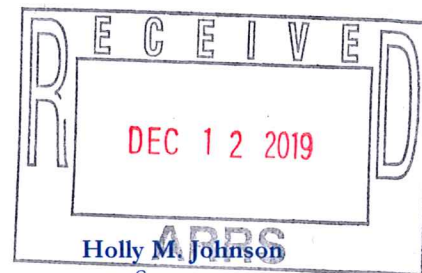
Delete "(c)".



Andy Beshear  
Governor

Commonwealth of Kentucky  
Finance and Administration Cabinet  
**DEPARTMENT OF REVENUE**  
**OFFICE OF TAX POLICY AND REGULATION**

501 High Street, Station 1  
Frankfort, KY 40601  
(502) 564-3226  
Fax (502) 564-9565  
www.revenue.ky.gov



Thomas B. Miller  
Commissioner

December 12, 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 25:060. Temporary vendors and transient merchants.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 25:060, the Department of Revenue proposes the attached amendment to 103 KAR 25:060.

Kind regards,

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

lcs  
Cc: file

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

**103 KAR 25:060. Temporary vendors and transient merchants.**

**Page 1**

**Section 1(1)**

**Line 12**

After "KRS 139.550", insert "(4)".

**Page 1**

**Section 1(2)**

**Line 13**

After "KRS 365.650", insert "(1)".

**Page 2**

**Section 5(1)**

**Line 22**

After "of filing", insert "the".

Delete "said".

**Page 3**

**Section 6**

**Line 5**

After "by this" insert "administrative".

**Page 3**

**Section 7(1)**

**Line 10**

After "may be", insert "inspected, copied, or".

After "obtained", delete "or inspected".

**Line 11**

After "law", delete the following:

, from 8:00 a.m. until 4:30 p.m.

**Page 3**

**Section 7(1)(a)**

**Line 12**

After "40601", insert a semicolon.

Delete the comma.

**Page 3**

**Section 7(1)(c)**

**Lines 14-15**

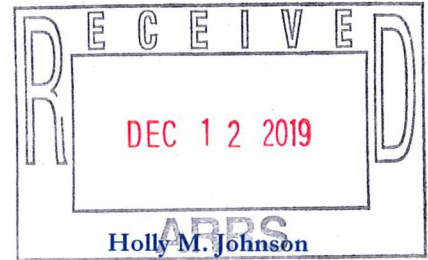
After "Service Center", delete the following:  
during their hours of operation



Andy Beshear  
Governor

Commonwealth of Kentucky  
Finance and Administration Cabinet  
**DEPARTMENT OF REVENUE**  
**OFFICE OF TAX POLICY AND REGULATION**

501 High Street, Station 1  
Frankfort, KY 40601  
(502) 564-3226  
Fax (502) 564-9565  
[www.revenue.ky.gov](http://www.revenue.ky.gov)



Thomas B. Miller  
Commissioner

December 12, 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 26:030**, Optometrists, oculists, and opticians.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 26:030, the Department of Revenue proposes the attached amendment to 103 KAR 26:030.

Kind regards,

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

lcs  
Cc: file

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

**103 KAR 26:030. Optometrists, oculists, and opticians.**

**Page 1**

**TITLE**

**Line 4**

After "oculists", insert a comma.

**Page 1**

**RELATES TO**

**Line 5**

After "139.010", insert ", 139.200, 139.310".

**Page 1**

**Section 2**

**Line 16**

After "Section 2.", insert "If".

Delete "Where".

**Page 2**

**Section 4**

**Lines 1-2**

After "materials used in", insert "their".

Delete "his or her".

**Line 3**

After "used in", insert "their".

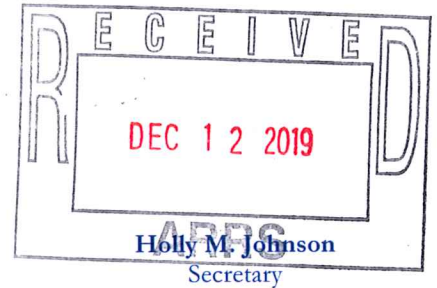
Delete "his or her".



Andy Beshear  
Governor

Commonwealth of Kentucky  
Finance and Administration Cabinet  
**DEPARTMENT OF REVENUE**  
**OFFICE OF TAX POLICY AND REGULATION**

501 High Street, Station 1  
Frankfort, KY 40601  
(502) 564-3226  
Fax (502) 564-9565  
www.revenue.ky.gov



Thomas B. Miller  
Commissioner

December 12, 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 26:050**. Common carriers

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 26:050, the Department of Revenue proposes the attached amendment to 103 KAR 26:050.

Kind regards,

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

lcs  
Cc: file

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

**103 KAR 26:050. Common carriers.**

**Page 1**

**Section 2**

**Line 17**

After "including things such", delete "as".

**Page 2**

**Section 3(2)**

**Line 9**

After "related equipment which", insert "enter".

Delete "enters".

**Page 2**

**Section 3(3)**

**Line 14**

After "interstate commerce.", insert "Supplies shall".

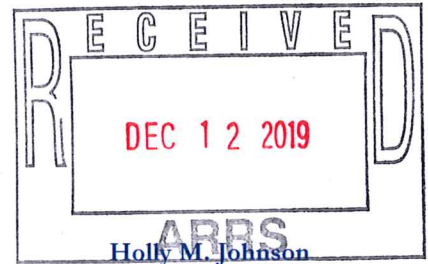
Delete "The term "supplies" does".



Andy Beshear  
Governor

Commonwealth of Kentucky  
Finance and Administration Cabinet  
**DEPARTMENT OF REVENUE**  
**OFFICE OF TAX POLICY AND REGULATION**

501 High Street, Station 1  
Frankfort, KY 40601  
(502) 564-3226  
Fax (502) 564-9565  
[www.revenue.ky.gov](http://www.revenue.ky.gov)



Holly M. Johnson  
Secretary

Thomas B. Miller  
Commissioner

December 12, 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 27:220 Restaurant transactions.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 27:220, the Department of Revenue proposes the attached amendment to 103 KAR 27:220.

Kind regards,

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

lcs  
Cc: file

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

**103 KAR 27:220. Restaurant transactions.**

**Page 1**

**Section 1(4)**

**Line 18**

After "by a restaurant", insert a comma.

**Page 2**

**Section 6(2)**

**Line 21**

After "are", delete "hereby".

**Line 22**

After "be", delete "null,".

After "void", delete ", and unenforceable".

**Page 2**

**Section 7**

**Line 23**

After "listed", insert "within this administrative regulation".

Delete "herein".

After "obtained,", insert "subject to".

**Page 3**

**Section 7(2)**

**Line 3**

After "Center", delete the following:

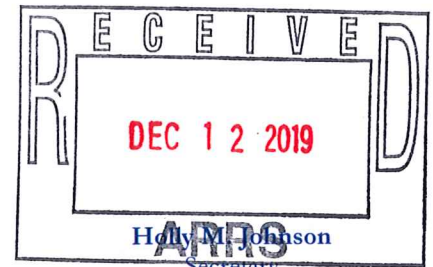
, Monday through Friday, 8:00 a.m. to 4:30 p.m.



Andy Beshear  
Governor

Commonwealth of Kentucky  
Finance and Administration Cabinet  
**DEPARTMENT OF REVENUE**  
**OFFICE OF TAX POLICY AND REGULATION**

501 High Street, Station 1  
Frankfort, KY 40601  
(502) 564-3226  
Fax (502) 564-9565  
www.revenue.ky.gov



Thomas B. Miller  
Commissioner

December 12, 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 30:270. Oil and gas extraction machinery.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 30:270, the Department of Revenue proposes the attached amendment to 103 KAR 30:270.

Kind regards,

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

lcs  
Cc: file

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

**103 KAR 30:270. Oil and gas extraction machinery.**

**Page 1**

**Section 1(2)**

**Line 15**

After "is defined", insert "by".

Delete "in".

**Page 5**

**Section 6(2)**

**Line 11**

After "is", delete "hereby".

After "shall be", delete "null,".

After "void", delete "and unenforceable".

**Page 5**

**Section 7**

**Line 12**

After "listed", insert "within this administrative regulation".

Delete "herein".

After "obtained,", insert "subject to".

After "applicable", delete "to".

**Page 5**

**Section 7(2)**

**Line 15**

After "Center", delete the following:

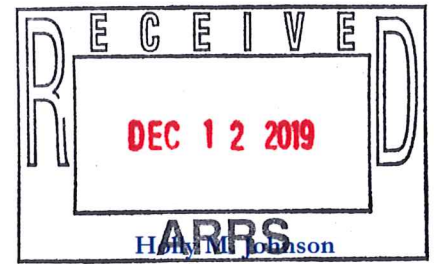
, Monday through Friday, 8:00 a.m. to 4:30 p.m.



Andy Beshear  
Governor

Commonwealth of Kentucky  
Finance and Administration Cabinet  
**DEPARTMENT OF REVENUE**  
**OFFICE OF TAX POLICY AND REGULATION**

501 High Street, Station 1  
Frankfort, KY 40601  
(502) 564-3226  
Fax (502) 564-9565  
[www.revenue.ky.gov](http://www.revenue.ky.gov)



Thomas B. Miller  
Commissioner

December 12, 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 41:031. Repeal of 103 KAR 41:030, 41:050, 41:060, 41:200.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 41:031, the Department of Revenue proposes the attached amendment to 103 KAR 41:031.

Kind regards,

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

lcs  
Cc: file

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

**103 KAR 41:031. Repeal of 103 KAR 41:030, 103 KAR 41:050, 103 KAR 41:060, and 103 KAR 41:200.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 13**

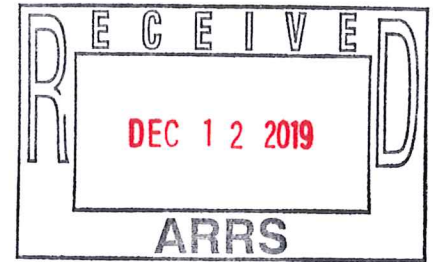
After "138.195.", insert the following:

These administrative regulations are repealed, because the requirements are either covered in KRS 138.135 and 138.195, or are on the Department of Revenue's Web site, Kentucky One Stop Business Portal, or electronic e-filing platform.

**Lines 13-14**

Delete the following:

Therefore, 103 KAR 41:220 has replaced the need for the regulations listed herein and they are no longer needed.



December 12, 2019

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

Re: 202 KAR 7:020. Board organization.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 202 KAR 7:020, the Kentucky Board of Emergency Medical Services proposes the attached amendment to 202 KAR 7:020.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Dietz", written over a horizontal line.

Philip Dietz, Chairman  
Kentucky Board of Emergency Medical Services  
118 James Court, Suite 50, Lexington, KY 40505

118 James Court, Suite 50 • Lexington, KY 40505  
(859) 256-3565 • Fax: (859) 256-3128

Email: KBEMS@kctcs.edu • Website: kbems.kctcs.edu

KCTCS is an equal opportunity employer and education institution.

KENTUCKY COMMUNITY & TECHNICAL COLLEGE SYSTEM

**Suggested Amendment**  
**KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Kentucky Board of Emergency Medical Services**

**202 KAR 7:020. Board organization.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 7**

After "KRS 311A.020", insert "(1)(h)".

**Line 8**

After "subcommittees.", insert the following:

KRS 311A.030 requires the board to promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the functions of KRS Chapter 311A.

**Page 1**

**Section 1(2)**

**Line 13**

After "(7) members", insert a comma.

**Line 14**

After "Committee", insert a comma.

After "consistent with", insert the following:

the EMS for Children Performance Measures: Implementation Manual for State Partnership Grantees

Delete "federal EMS-C guidelines".

**Page 2**

**Section 1(5)(a)**

**Line 6**

After "The", lowercase the first letter of "Chairperson".

After "or", immediately following, lowercase the first letter of "vice".

**Line 7**

After "who has resigned", insert "his or her".

Delete "their".

**Page 2**

**Section 1(7)(c)**

**Line 14**

After "At the", insert "determination".

Delete "discretion".

**Page 3**

**Section 2(1)(a)1.**

**Line 8**

After "by the board", insert a comma.

**Page 3**

**Section 2(1)(b)4.**

**Line 21**

After "developing", insert a comma.

**Page 4**

**Section 2(2)**

**Line 4**

After "majority of", lowercase the first letter of "Executive" and "Committee".

**Page 4**

**Section 2(3)**

**Line 5**

After "The", lowercase the first letter of "Vice" and "Chairperson".

After "shall be the", lowercase the first letter of "Ex", "Officio", and "Chairperson".

**Lines 5-6**

After "of the", lowercase the first letter of "Executive" and "Committee".

**Page 4**

**Section 2(4)**

**Line 9**

After "curricula", insert a comma.

**Page 4**

**Section 2(6)**

**Line 12**

After "Data", lowercase the first letter of "Management" and "Committee".

**Page 4**

**Section 2(6)(d)**

**Line 17**

After "Assistance to", insert "ambulance providers".

Delete "licensed services".

**Page 4**

**Section 2(7)**

**Line 22**

After "Education", lowercase "committee".

After "charge of the", lowercase the first letter of "Education", and "Committee".

**Page 5**

**Section 2(8)**

**Line 8**

After "or more", insert a comma.

After "except as", insert "established".

Delete "specifically notated".

**Page 5**

**Section 2(9)**

**Line 9**

After "Standing", lowercase the first letter of "Committees".

**Page 5**

**Section 2(10)**

**Line 10**

After "(10)", insert "A member".

Delete "Members".

After "task force who", insert "is".

Delete "are".

**Line 11**

After "three (3)", insert "or more".

After "year shall be", insert "found".

Delete "deemed".

After "resigned from", insert "his or her".

Delete "their".

**Line 12**

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

Delete "deemed".

**Page 6**

**Section 3(3)**

**Line 3**

After "KBEMS", insert "Web site at <https://kbems.kctcs.edu/>".

Delete "website".

**Page 6**

**Section 3(6)**

**Line 13**

After "(6)", insert "Each".

Delete "Every".

**Page 6**

**Section 3(7)**

**Line 16**

After "meeting.", delete "Such".  
Capitalize "a".

**Page 7**

**Section 4(4)**

**Line 3**

After "is raised", insert a comma.

**Page 9**

**Section 6(3)**

**Line 10**

After "of the board", insert a comma.  
Delete "or", immediately following.  
After "executive director", insert a comma.

**Page 9**

**Section 7**

**Line 13**

After "meeting.", insert the following:

Section 8. Incorporation by Reference.

(1) "EMS for Children Performance Measures: Implementation Manual for State Partnership Grantees", March 2017 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Emergency Medical Services, 118 James Court, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) These materials may also be obtained online on the Emergency Medical Services for Children, Innovation and Improvement Center's Web site at <https://emscimprovement.center/programs/partnerships/performance-measures/>.

**MATERIAL INCORPORATED BY REFERENCE**

**At the time the agency files this staff suggested amendment it will need to file one (1) clean copy of the "EMS for Children Performance Measures: Implementation Manual for State Partnership Grantees".**



## TOURISM, ARTS AND HERITAGE CABINET

ANDY BESHEAR  
GOVERNOR

OFFICE OF LEGAL AFFAIRS  
500 MERO STREET, 5<sup>TH</sup> FLOOR  
FRANKFORT, KENTUCKY 40601  
502-564-4270 - OFFICE  
502-564-1079 - FAX

MIKE BERRY  
SECRETARY

December 12, 2019



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

RE: **300 KAR 1:010** Procedure for Regional Marketing and Matching Funds Program

Dear Co-Chairs:

After discussions with the Administrative Regulation Review Subcommittee staff of the issues raised by 300 KAR 1:010 Procedure for Regional Marketing and Matching Funds Program proposes the attached subcommittee substitute to 300 KAR 1:010.

Best regards,

Evan B. Jones  
Assistant General Counsel

**Subcommittee Substitute**

**Version 12/12/2019**

**TOURISM, ARTS AND HERITAGE CABINET  
Department of Travel Development  
(Amendment)**

**300 KAR 1:010. Procedure for Regional Marketing and Matching Funds [~~Tourism~~Regional] Marketing Incentive[~~and Matching Funds~~] Program.**

RELATES TO: KRS 91A.350, 142.406, 148.522, 148.525, 273.161-273.405

STATUTORY AUTHORITY: KRS 148.525(2), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 148.525(2) ***requires*** [~~provides that~~] the Division of ***Marketing and Advertising to*** [~~Tourism Services shall~~] be responsible for the ***state matching fund tourism advertising program*** [~~Tourism Marketing Incentive~~][state matching fund tourism advertising] ***Program***. KRS 148.525(3) authorizes the Commissioner of the Department of Tourism to promulgate administrative regulations to promote, develop, and support the tourism industry in Kentucky. This administrative regulation establishes uniform and consistent administration of the application, participation, and reimbursement requirements of the ***Regional Marketing and Matching Funds*** [~~Tourism~~][Regional] ***Marketing Incentive***[~~and Matching Funds~~] Program.

Section 1. [~~Subject to the availability~~] of[Definitions. (1) "Familiarization trip" means a trip or tour given by a tourism professional to visit a site or location to inform a person about attractions, amenities, entertainment, natural areas, or other tourist destinations in an effort to educate the person who may then market the site or location through the person's own venues.

(2) "Local promotional project" means a promotional project that:

(a) Is not affiliated with a:

1. State agency;

2. Federal agency;

3. Nonprofit organization that receives] [~~funds,~~][from] [~~the Tourism Marketing Incentive Program shall provide financial and marketing assistance for projects which are in direct support of the promotion and marketing efforts of a tourism~~][Department of Tourism or the Office of the Sports Authority for the purpose of sponsorship or advertising; or

4. Statewide project;

(b) Promotes to markets outside of the local area:

1. A specific local tourism event;

2. An] [~~attraction, event, or~~]; or

3. A] [~~geographic area.~~]

[~~Section 2.~~] Definitions. (1) [~~"County Assessment" means an assessment fee each county is assessed and is paid to the region in order to participate in the regional marketing efforts.~~

— [~~a~~] ~~County assessments are~~[(2) Funding shall be distributed] ~~based on an average~~

percentage derived from county population and tourism expenditures or factors determined by Regional Committee.

—(b) Regional committees are required to match a percentage of funding through the program, and assessments are used for the match.

—(c) A county's funding remains in the Tourism, Meeting and Convention Marketing Fund account when the county pays the assessment and does not request funding through the program.]

[(2)] "Designated Marketing Organization" means the organization designated by a county's fiscal court, such as Chamber of Commerce or Fiscal Court, to receive **Regional[Tourism] Marketing and Matching [Incentive]** funds when no Convention & Visitors Bureau or Tourism Commission exists in the county.

(2)[(3)] "Number of rooms" means total number of rooms within a county or city **for which [that]** transient room tax is collected from an overnight stay at the property.

(3)[(4)] "Program Year" means the **[Tourism Marketing Incentive]**;

(c) Shall be completed and documented in a matching funds program cycle; and

(d) Meets the eligibility requirements in this administrative regulation.

(3) "Matching funds program cycle" means the Regional Markets and Matching Funds/**Regional Marketing and Matching Funds** Program Year[cycle] that:

(a) Runs for a fiscal[calendar] year; **[and]**

(b) Has one (1) application deadline of June[May] 1; and

(c) Has two (2) final reimbursement deadlines:

1. February 1 for projects completed July through December; and

2. August 1 for projects completed January through June.

(4)[(5)][(4)] "**[Regional]** Promotional project"['] means a project that: (a) Promotes tourism opportunities throughout one (1) of the nine (9) tourism regions designated by the Department of Tourism as a tourism region.[Section 2. Regional Marketing and Matching Funds Program Reimbursement Distribution. (1) The regional Marketing and Matching Funds Program shall provide financial and marketing assistance to promotional projects completed by tourism regions and local nonprofit organizations.]

**Section 2. Subject to the availability of funds, the Regional Marketing and Matching Funds Program shall provide financial and marketing assistance for projects that are in direct support of the promotion and marketing efforts of a tourism attraction, event, or geographic area.**

Section 3. Tourism Region Committees. (1) To qualify for **regional marketing and matching [Tourism Marketing Incentive]** funds, a tourism region shall establish a tourism region committee.

(a) Each tourist and convention commission established pursuant to KRS 91A.350 in a tourism region shall appoint a person to serve on the tourism region committee.

(b) If a tourism and convention commission has not been established pursuant to KRS 91A.350 by the local governing bodies of a county, or cities within a county, in a tourism region, the county judge executive of each county shall appoint a person to serve on the tourism region committee.

(c) Counties with multiple tourism commissions are able to have a representative from each

tourism commission on the committee.

(2) A member of the tourism region committee:

(a) Shall serve a two (2) year term; and

(b) May be reappointed for successive two (2) year terms.

(3) A tourism region committee shall be incorporated as a nonprofit, nonstock corporation, pursuant to KRS 273.161 through 273.405.

(4) A tourism region committee shall:

(a) Elect a chairperson, vice chairperson, secretary, and treasurer; and

(b) Establish bylaws that shall include:

1. Purpose, mission, and limitations of committee;

2. Composition and duties of the board of directors and officers;

3. Procedures for election, removal of directors and officers, and filling of vacancies;

4. When meetings shall be held;

5. Quorum and voting requirements;

6. Financial and contractual procedures;

7. Preparation of annual budget and financial report; and

8. Procedure for amendment of bylaws.[to calculate county allotments.

~~(3) Convention and visitors' bureaus, tourism commissions, and designated marketing organizations shall be eligible to receive up to seventy (70) percent of a county allotment.~~

~~(4) Applicants other than convention and visitor bureaus, tourism commissions, and designated marketing organizations shall be eligible to receive up to thirty (30) percent of a county allotment.~~

~~(5) Percentage of eligible costs reimbursement.~~

~~(a) 100 percent of the costs of an eligible promotional project shall be available to a tourism region;~~

~~(b) Eighty (80) percent of the costs of an eligible promotional project shall be available to a convention and visitors' bureau, a tourism commission, or a designated marketing organization; and~~

~~(c) Fifty (50) percent of the costs of an eligible promotional project shall be available to eligible applicants not specified in paragraph (a) and (b) of this subsection.]~~

Section ~~4.~~<sup>3.</sup> Tourism Regions. Nine (9) tourism regions, as specified on the Tourism Regions Map, are established, as follows:

(1) Tourism Region 1, Western Lakes and Rivers, shall consist of the following counties:

(a) Ballard;

(b) Caldwell;

(c) Calloway;

(d) Carlisle;

(e) Christian;

(f) Crittenden;

(g) Fulton;

(h) Graves;

(i) Hickman;

(j) Livingston;

(k) Lyon;

- (l) Marshall;
- (m) McCracken;
- (n) Todd; and
- (o) Trigg.

(2) Tourism Region 2, Green River, shall consist of the following counties:

- (a) Daviess;
- (b) Hancock;
- (c) Henderson;
- (d) Hopkins;
- (e) McLean;
- (f) Muhlenberg;
- (g) Ohio;
- (h) Union; and
- (i) Webster.

(3) Tourism Region 3, Cave, shall consist of the following counties:

- (a) Allen;
- (b) Barren;
- (c) Butler;
- (d) Edmonson;
- (e) Hart;
- (f) Logan;
- (g) Metcalfe;
- (h) Monroe;
- (i) Simpson; and
- (j) Warren.

(4) Tourism Region 4, Louisville-Lincoln, shall consist of the following counties:

- (a) Breckinridge;
- (b) Bullitt;
- (c) Grayson;
- (d) Hardin;
- (e) Henry;
- (f) Jefferson;
- (g) Larue;
- (h) Marion;
- (i) Meade;
- (j) Nelson;
- (k) Oldham;
- (l) Shelby;
- (m) Spencer;
- (n) Trimble; and
- (o) Washington.

(5) Tourism Region 5, Southern Kentucky Lakes and Rivers, shall consist of the following counties:

- (a) Adair;

- (b) Casey;
- (c) Clinton;
- (d) Cumberland;
- (e) Green;
- (f) McCreary;
- (g) Pulaski;
- (h) Russell;
- (i) Taylor; and
- (j) Wayne.

(6) Tourism Region 6, Northern Kentucky, shall consist of the following counties:

- (a) Boone;
- (b) Bracken;
- (c) Campbell;
- (d) Carroll;
- (e) Fleming;
- (f) Gallatin;
- (g) Grant;
- (h) Kenton;
- (i) Lewis;
- (j) Mason;
- (k) Owen;
- (l) Pendleton; and
- (m) Robertson.

(7) Tourism Region 7, Bluegrass, shall consist of the following counties:

- (a) Anderson;
- (b) Bourbon;
- (c) Boyle;
- (d) Clark;
- (e) Fayette;
- (f) Franklin;
- (g) Garrard;
- (h) Harrison;
- (i) Jessamine;
- (j) Lincoln;
- (k) Madison;
- (l) Mercer;
- (m) Nicholas;
- (n) Scott; and
- (o) Woodford.

(8) Tourism Region 8, Eastern Highlands-North, shall consist of the following counties:

- (a) Bath;
- (b) Boyd;
- (c) Carter;
- (d) Elliott;

- (e) Floyd;
- (f) Greenup;
- (g) Johnson;
- (h) Lawrence;
- (i) Magoffin;
- (j) Martin;
- (k) Menifee;
- (l) Montgomery;
- (m) Morgan;
- (n) Pike; and
- (o) Rowan.

(9) Tourism Region 9, Eastern Highlands-South, shall consist of the following counties:

- (a) Bell;
- (b) Breathitt;
- (c) Clay;
- (d) Estill;
- (e) Harlan;
- (f) Jackson;
- (g) Knott;
- (h) Knox;
- (i) Laurel;
- (j) Lee;
- (k) Leslie;
- (l) Letcher;
- (m) Owsley;
- (n) Perry;
- (o) Powell;
- (p) Rockcastle;
- (q) Whitley; and
- (r) Wolfe.

Section 5.[4.] **Regional[Tourism] Marketing and Matching Funds [Incentive] Program Application and Applicants.**

(1) An application may be submitted by an organization that is a tourism region, a convention and visitors' bureau, a tourism commission, or a designated marketing organization that is a nonprofit 501C(3) or 501C(6) tourism entity prior to June 1 for eligible:

- (a) Projects that are listed and will be completed during the program year;
- (b) Expenses totaling at least \$1,000 for a project, or several projects;
- (c) Promotion projects in markets outside local area;
- (d) Meet the eligibility requirements of this administrative regulation; and
- (e) Complete and submit the Affidavit for Bidders, Offerors, and Contractors.

(2) An applicant shall submit proof of nonprofit status with the application.

(3) A local tourism commission[Region Committees. (1) To qualify for state tourism matching funds, a tourism region shall establish a tourism region committee.

~~(2)(a) Each tourist and convention commission established pursuant to KRS 91A.350 in a tourism region] shall submit a copy of the ordinance establishing the commission[;] and one (1) of the following:~~

- ~~(a) Federal or State determination of tax exempt status; [or]~~
- ~~(b) A copy of the organization's W9; or~~
- ~~(c) A letter from **the** fiscal court, **including the fiscal court's Federal ID number**, stating **the** applying organization is part of city or county government **[and fiscal courts Federal ID number]**.~~

~~(4)[(3)] A newly established[New] Tourist Commission shall [established]:~~

- ~~(a) **Not [Will not]** be eligible for funding for two (2) years;~~
- ~~(b) **Have [Must have]** at least a part-time paid director;~~
- ~~(c) **Have [Must have]** a source of funding; and~~
- ~~(d) **Have an [Must have]** established budget and marketing plan.~~

~~(5)[(4)]An applicant [Applicant] shall not be affiliated with:~~

- ~~(a) A state agency;~~
  - ~~(b) A state agency nonprofit **affiliate [affiliates]**;~~
  - ~~(c) A federal agency;~~
  - ~~(d) An organization that receives funds from other state agencies for the purpose of sponsorship or advertising;~~
  - ~~(e) An organization that receives line item funding through the Executive Budget;~~
  - ~~(f) A statewide organization; or~~
  - ~~(g) An organization that receives state or federal grants in order to match the **Regional Marketing and Matching Funds Program [Tourism Marketing Incentives funds]**.~~
- ~~(6)[(5)] An applicant shall [Applicant must] be a Kentucky based organization.~~

Section 6. Approval of Applications. (1) The state program manager shall review each application and determine the applicant's eligibility for reimbursement in accordance with applicable Kentucky Revised Statutes and this administrative regulation;

(2) The state program manager or assistant program manager shall hold allocation meetings in each of the nine (9) tourism regions with the tourism region committee for the region to:

(a) Discuss the **Regional Marketing and Matching Funds [tourism marketing incentive program] Program**;

- (b) Review and establish priorities for the region;
- (c) Vote and approve the distribution of funds to organizations within the region; and
- (d) Review and discuss the tourism region application if submitted.

(3)[(e)]The state program manager shall base the allocation determination on:

(a)[1.] A formula derived from county economic impact figures and number of rooms within the county; and

(b)[2.] The availability of funds.

(4)[(f)] The state program manager shall mail each applicant:

(a)[1.] A "Project Agreement" form stating the amount of the state funds allocation for the program year; or

(b)[2.] A letter [Letter] stating why an applicant's projects have been denied funding; and

(c)[3.] A copy [Copy] of the application submitted by each applicant, indicating approved and

disapproved projects. ~~[-and]~~

~~(5)(g)~~ 1 An applicant shall sign and return the Project Agreement form to the state program manager by the dates mandated in Section 1 of this **administrative** regulation.

Section 7. Reimbursement Percentages and Requirements. (1) Convention and visitor bureaus, tourism commissions, and designated marketing organizations shall be eligible to receive funding.

(2) Multiple tourism commissions within a county and distribution of funds. ~~[-]~~

(a) After the county allocation has been determined, a formula calculating the number of rooms located within **its** ~~[their]~~ city will be used to determine individual tourist commission funding.

(b) If there is less than twenty-five (25) percent of rooms within a city the tourism commission will automatically be eligible for twenty-five (25) percent of the allotment.

(3) Reimbursement Percentage of eligible cost for Kentucky Department of Tourism cooperative opportunities. ~~[-]~~

(a) Up to ninety (90) percent of the costs of an eligible co-op project may be available. ~~[-]~~

(b) Up to seventy-five (75) percent of the cost with participation with selected vendor outside of co-ops **may be available**.

(4) Reimbursement percentage of eligible cost for promotional projects other than cooperative opportunities. ~~[-]~~

(a) Up to eighty (80) percent **of the** costs for promotional projects may be available to a tourism region. ~~[-]~~

(b) Up to fifty (50) percent of the costs of an eligible promotional project may be available to all applicants not specified in paragraph (a) of this subsection.

(5) Convention sponsorship **or a** ~~[A]~~ bid fee that guarantees room nights within the state may be reimbursed up to eighty (80) percent of the cost.

(6) **A new [New]** event that has been brought to the state through a sponsorship **or** ~~[A]~~ bid fee may be reimbursed up to seventy (70) percent of the cost. **Recurring [Reoccurring]** events may be reimbursed up to fifty (50) percent of the cost.

(7) Applicants shall be eligible for reimbursement for expenditures that do not exceed the amount allocated by the **Regional[tourism]** Marketing **and Matching Funds** ~~[incentive]~~ Program.

(8) Requests for reimbursement shall not be made **unless** ~~[until]~~:

(a) At least \$1,000 has been expended; or

1. **Applicant's [Applicants]** original estimated expenses fall under ~~[the]~~ \$1,000 within a program year **and** can be submitted to utilize an applicant's allotment; or

2. Applicant has submitted reimbursements through program year and remaining amount available was under \$1,000.

(b) Projects were included on the application or amendments had prior approval from program manager;

(c) Projects were compliant with the eligibility and reimbursement requirements; and

(d) Projects have been completed.

(9) A request for reimbursement shall be made on the Reimbursement Request form which shall:

(a) Be submitted to the state program manager by February 1 or August 1, **with applicants being permitted to submit multiple reimbursement requests for completed projects by these**

same final reimbursement deadlines[;]

[Applicants are able to submit multiple reimbursement requests for completed projects but must submit by the final reimbursement deadlines of February 1 or August 1]:

(b) Be signed; and

(c) **Include [State]** the federal identification number of the organization.

(10) Checks submitted as documentation shall be issued by the organization that applied for **regional marketing and matching [tourism marketing incentive] funds.**

(11) The following information shall be attached to the Reimbursement Request form:

(a) A copy of each vendor's invoice;

(b) A copy of the front and back of each canceled check;

(c) Proof of payment of all expenditures;

(d) For tourism region projects:

1. Proof of payment of twenty (20) percent of **expenditures [expenditure];**

2. Proof of payment of the remaining eighty (80) percent of expenditures shall be submitted after receipt of **marketing and matching funds[tourism marketing incentives];** and

3. Completion of Regional Ad Sale form, if ads were sold in the region visitor's guide.

(e) Four (4) completed brochures;

(f) Four **(4)** publications or videos, a copy of invoices, with a breakdown of layout and design costs, the number of copies printed, and other related expenses;

(g) If printing costs exceed \$1,000, a copy of three (3) written bids;

(h) One (1) duplicate of a completed video, CD, or DVD;

(i) One (1) original tear sheet of advertisements as they appeared in the print media including date of issue;

(j) One (1) typed transcript or a tape of a radio, television, or videotape, CD, or DVD travelogue advertisement;

(k) A copy of a press kit;

(l) Documentation of the distance of media from the event, attraction, or area promoted;

(m) One (1) photograph of a completed billboard and signage rentals;

(n) Documentation of the location and dates of service for billboard and signage rentals;

(o) Documentation of location, distribution routes, and dates for distribution services;

(p) Documentation of postage expenses, including postage invoices or paid receipts, list of names, addresses, and material mailed (for regional committees only);

(q) Verification of attendance at consumer travel shows or group tour marketplaces, including signed agreements or contracts; and

(r) Verification of regional travel show or group tour marketplace per diem, including a completed and signed Tourism Region Per Diem reimbursement form.[appoint a person to serve on the tourism region committee.

(b) If a tourism and convention commission has not been established pursuant to KRS 91A.350 by the local governing bodies of a county, or cities within a county, in a tourism region, the county judge executive of each county shall appoint a person to serve on the tourism region committee.

(3) A member of the tourism region committee:

(a) Shall serve a two (2) year term; and

(b) May be reappointed for successive two (2) year terms.

(4) A tourism region committee shall be incorporated as a nonprofit, nonstock corporation,

pursuant to KRS 273.161 through 273.405.

(5) A tourism region committee shall:

(a) Elect a chairperson, vice chairperson, secretary, and treasurer; and

(b) Establish bylaws that shall include:

1. Purpose, mission, and limitations of committee;

2. Composition and duties of the board of directors and officers;

3. Procedures for election, removal of directors and officers, and filling of vacancies;

4. When meetings shall be held;

5. Quorum and voting requirements;

6. Financial and contractual procedures;

7. Preparation of annual budget and financial report; and

8. Procedure for amendment of bylaws.]

Section 8.[5.] Types of Promotional Projects. (1) The types of ~~[local or tourism region]~~ promotional projects eligible for funding shall be:

(a) Tourism publications, CDs, DVDs, and videos;

(b) Media advertisements and press kits;

(c) Billboards and signage;

(d) Brochure distribution services;

(e) Postage and freight expenses[;] (only available to regional committee);

(f) Meeting and convention advertising[~~(f) Consumer travel show~~] expenses;

(g) Group tour marketplace, meeting and conventions, and consumer travel show expenses;

(h) Sponsorship **or a bid** ~~[/- Bid]~~ fee of tourism trade shows, conventions, sporting events and other events;

(i) Web site design; and

(j) Research studies and analysis.

(2) Other projects not listed above may be considered on a case by case basis if they are consistent with the purpose of the ***Regional Marketing and Matching Funds Program [Tourism Marketing Incentive Program]***.~~[expenses;~~

(h) Meeting, convention, and sports-marketing trade show and exposition expenses;

(i) Familiarize trips and site visits;

(j) Sponsorship of tourism trade show and events;

(k) Bid fees to assist in bringing events to Kentucky; and

(l) Internet hosting, design, and maintenance expenses.

(2)(a) Promotional projects shall meet the requirements established in specified by Section 6 of this administrative regulation.

(b) Brochures, videos, CDs, DVDs, tourism region media, advertisements and press kits shall not be eligible for reimbursement unless they have been reviewed and approved by the state matching funds program manager prior to submission of a Reimbursement Request form for expenditures relating to these items.]

Section 9.[6.] Requirements for Tourism Publications, CD[']s, DVD[']s, Video~~[and Types of Promotional]~~ Projects,~~[and]~~ Allowable Costs, and Bid Requirements. (1)~~[Tourism publications, videos, CDs, and DVDs and meeting, convention, and sports-marketing tools.~~

(a)] Types of travel related brochures, CDs, DVDs, and videos that highlight the attractions, facilities, meeting and convention, sports-marketing capabilities,~~[sporting venues,]~~ and special events~~[of the tourism region or local area and]~~ that encourage travelers to stop and visit, shall be eligible for reimbursement and include:

~~(a)[1. Tourism region and local area]~~ Visitor's guides;

~~(b)[2.]~~ General festival brochures;

~~(c)[3.]~~ Group tour publications;

~~(d)~~ Sports Publications;

~~(e)~~ Meeting **or** ~~[A]~~ convention publications; and

~~(f)[4.]~~ Brochures, videos, CDs, and DVDs promoting tourist attractions open to the public for regular hours.

~~(2)[(b)]~~ Costs that exceed the advertising revenue shall be eligible for reimbursement if the expenditures were for brochures or other publications.~~[(c) A brochure that lists another state's attraction, business, or facilities shall be eligible for forty (40) percent or twenty-five (25) percent depending on reimbursement of costs depending on the applicant's eligibility for a fifty (50) or eighty (80) percent reimbursement of costs as established in Section 2(5) of this administrative regulation.]~~

~~(3)[(d)]~~ Brochures, other publications, and videos shall include: ~~[the following information, as applicable:]~~

~~(a)~~ **A four [Four]** (4) color cover, ~~[;]~~ if applicable, and a distribution plan, ***in accordance with the distribution sources of Section 10 of this administrative regulation, [is required]*** to receive reimbursement for print items; ~~[See Section 7 for distribution sources.]~~ ~~[1. A description of points of interest, recreational opportunities, and listing of services, including food, lodging, and camping facilities;~~

~~2. Landmarks that relate to the history or tradition of the area, or of architectural interest, such as buildings listed on the state or national register;~~

~~3. Attractions open to the public, such as theaters and museums, including the:~~

~~a. Date and time that they are open to the public;~~

~~b. Admission fee, if applicable;~~

~~c. Attraction location;~~

~~d. Mailing address;~~

~~e. Telephone number; and~~

~~f. Web site address, if applicable;~~

~~4. Information relating to recreational activities and attractions, such as fishing, water sports, and hiking, and required fees;~~

~~5. A list of tourism region or tourism-related local area events;~~

~~6. The telephone number and Web site address of the state travel information office; and~~

~~7. Current maps of the tourism region, with major highways and access routes into the area clearly marked, and a chart listing mileage from major cities outside the immediate local area or tourism region.~~

~~(e)~~ If possible, the title of a brochure shall be placed at the top of the publication for placement in a brochure rack.

~~(f)~~ A brochure shall be professionally typeset.

~~(g)~~ If feasible, to save costs, brochures shall:

1. Consist of the lightest possible paper weight and cover stock, and the least number of pages possible;

2. Be manufactured from recycled paper; and

3. Be designed as self-mailers.]

(b)[(h)] **On the[The]** front or back cover **[of a brochure shall include]** the Kentucky state official tourism brand, according to the Graphics Standards, **[which shall be]** obtained from the Kentucky Department of Tourism; **and [.]** [advertising theme, which shall be obtained from the state matching funds program manager.

(c)[(i)] A tag line stating: "Paid in Part by[Printed in cooperation with] the Kentucky Department of Tourism" **[shall be included in a brochure]**. [(j)] A tourism region brochure shall:

1. Include a four (4) color brochure cover;

2. The telephone number and or Web site address of the state tourism information office;

3. Include a map of the tourism region that shall be:

a. Prominently placed in the brochure;

b. Of at least eight (8) point font size, in order to be of sufficient size to be easily read;

c. Of sufficient detail to show major traffic arteries, primary cities and towns, lakes and other natural attractions, and shall be and keyed to the major attractions addressed in the brochure; and

4. Emphasize the tourism region as a whole and shall not favor a particular area of the region.]

**(4)[(d)]**[(k)] An advertisement may be sold to a business and included in a tourism region brochure to supplement the cost of a tourism region brochure if the[

4.] ratio of advertising to editorial space does not exceed 2:3. [.]

**(5)[(e)]** Printing or publications **shall [require]**. [2. Advertiser provides a tourism-oriented service directly to travelers; or

3. Theme and content of advertisements promote tourism in the region.

(f) Distribution plan and services. A distribution plan for the distribution of brochures to potential tourists shall be developed with the following distribution sources:

1. Tourist commissions;

2. State and local welcome centers;

3. State Tourism Department;

4. Consumer travel shows; and

5. similar distribution sources.

(m) A distribution plan shall include a method for responding to inquiries resulting from state, tourism region and local area tourism advertising campaigns.

(n)[(a)] **[1.] Require three (3) written bids** if the total printing cost of a publication, excluding layout and design expenses, exceeds \$1,000, **three (3) written bids shall be obtained**.

**(b)[2.] Not require bids[Bids shall not be required]** for reprints made with only minor changes.

**(c)[3.](o) Require that** a publication, video, CD, or DVD **[shall]** be submitted to **the**[the state matching funds] program manager for review and approval, prior to completion.

**(6)[(f)]**[(p)] The Department of Tourism reserves the right to deny reimbursement for any brochure submitted that does not follow guidelines. **[or]** Questions regarding layout, design, or necessity will be reviewed by the Department of Tourism for final approval or denial.

**(7)[(g)]** Only one (1) visitors guide per county is eligible unless there are multiple convention

and visitors bureau offices within the county; **and** if so, one (1) guide per office is eligible. If more than one (1) attraction ~~or~~ **A** festival brochure is requested for reimbursement, **the** applicant shall give an explanation as to why individual brochures are needed.

Section 10. Distribution Plan and Services. (1) Funds available for brochure distribution expenses. A distribution plan shall be developed for the distribution of brochures to potential tourists with the following distribution sources:

- (a) Tourist Commissions;
- (b) State and local welcome centers;
- (c) State Travel Department;
- (d) Consumer travel shows;
- (e) Meeting planning expos;
- (f) Marketplaces; and
- (g) Brochure distribution rack services.

~~Section 11. [state matching funds program manager shall review submissions within five (5) business days after receipt.~~

~~(2) Media] Advertisements and [tourism region] Press Kits.~~

~~(1) A[(a) A media] tourism advertisement may be placed:~~

~~(a)[1.] In a newspaper, magazine, or other periodical;~~

~~(b)[2.] On the radio or television;~~

~~(c)[3.] On video tape, CD, or DVD travelogue;~~

~~(d)[or~~

~~4.] On electronic media such as the Internet;~~

~~(e) **On** sports media; or~~

~~(f) **With** meeting **or** **A**] convention media outlets.~~

~~(2) **Except for advertisements in conjunction with a Department of Tourism co-op**, tourism advertisements shall include the official state advertising brand according to the Graphic Standards **established by the Kentucky Department of Tourism**[, **unless the advertisement is in conjunction with a Department of Tourism co-op**].~~ (b) A media tourism advertisement shall include:

~~1. An address, telephone number, or Web site address to be contacted for more information;~~

~~2. The official state advertising theme; and~~

~~3. General information about the tourism region in addition to specific information relating to an event, attraction, or geographic area promoted in the advertisement.~~

~~(c) Media costs:]~~

~~(3)[1.] Costs for tourism [media]advertisements, including media time, production costs, and [media]placement, **may [shall]** be eligible for reimbursement.~~

~~(4) Major media markets and reimbursement percentages. [:]~~

~~(a) Advertisement costs will qualify if **the advertisement is** [they are]~~ ~~2. Except as provided by this subsection, advertising placed with media located within a fifty (50) mile radius shall not be eligible for reimbursement.~~

~~3. All media advertisement costs placed in a tourist-oriented publication shall be eligible for reimbursement.~~

4. Percentage of reimbursement for media costs shall be:

a. Forty (40) percent of media costs for advertising placed with media located within a fifty (50) mile radius of a **[major]** major media market. The ~~shall be eligible for~~ reimbursement may be up to twenty-five (25) percent of media costs.

**(b) Major media markets shall be:**

**1. Cincinnati, Ohio;**

**2. Evansville, Indiana;**

**3. Huntington, West Virginia;**

**4. Louisville, Kentucky;**

**5. Lexington, Kentucky;**

**6. Paducah, Kentucky; and**

**7. Bowling Green, Kentucky.**

**(c) [(b)]** Except as provided by this subsection, ~~to convention and visitors' bureaus, tourism commissions, or designated marketing organizations; and~~

b. Twenty-five (25) percent of media costs for advertising costs placed with **non-major media markets** located within a fifty (50) mile radius shall not be eligible for reimbursement.

**[(e)]** ~~to organizations if the:~~

(i) Organization is located within a fifty (50) mile radius of a major media market listed in paragraph (d) of this subsection; and

(ii) Media cost is not a type listed as excluded in paragraph (e) of this subsection.

**(d) [Major media markets shall be:**

**1. Cincinnati, Ohio;**

**2. Evansville, Indiana;**

**3. Huntington, West Virginia;**

**4. Louisville, Kentucky;**

**5. Lexington, Kentucky;**

**6. Paducah, Kentucky; and**

**7. Bowling Green, Kentucky.]**

**(d) [(e) Media]** Advertisement costs shall not be eligible for reimbursement if **[they are]** incurred for advertisements that are:

1. Sponsored sponsored or advertised by tourism organizations in tourism region brochures that have been allocated state **marketing and matching** ~~Tourism Marketing Incentive Program~~ **Program** matching funds; or ~~2.~~ funded through other cooperative advertising programs of the Kentucky Department of Tourism.

**(e) [(f)]** Costs associated with media press kits and media relations programs shall be reimbursable.

Section 12. Billboards and Signage. (1) [(3) Brochure distribution services. Rental of rack space for the distribution of eligible promotional materials shall be eligible for reimbursement.

(4) Postage and freight costs for bulk mail, United Parcel Service, mailing firm, and actual postage costs excluding stamps and postage meters shall be eligible for reimbursement if they are incurred in:

(a) Response to general tourist requests or media or group tour operator inquiries;

(b) Shipping tourism promotional literature and displays for use at consumer travel shows and

group tour marketplaces; or

(c) Conventions, meetings, or sports-marketing expenses.

(5) Rental of a billboard, tourist-oriented directional signage (TODS), fifth legends or attraction logos, including related artwork, design, and production costs shall be eligible for reimbursement if it:

(a) Promotes specific attractions, events, availability of food, lodging, camping or other services;

(b) Is placed on interstates or other major access highways outside a twenty (20) mile radius;

~~or~~ and

(c) Does not consist solely of language welcoming a visitor to a community or region.

(2) A photo of the billboard **shall [must]** be submitted with reimbursement request.

(3) The Department of Tourism brand **shall [must]** be included on billboards.

(4) Cost associated with construction of any permanent signage structure is not reimbursable.

(5) Only new signs shall be eligible for reimbursement; previously **existing** signs **[existing]** or maintenance of signs **shall not be eligible for reimbursement [are not reimbursed]**.

Section 13. Postage and Freight. (1) Only region committees can be reimbursed for postage, freight, and mailing firm fees incurred in:

(a) Response to tourist requests, media or group tour operator inquiries; **or[and]**

(b) Shipping tourism literature and displays for use at ~~at~~(6)(a) consumer travel ~~shows~~, ~~[show;]~~ group tour marketplaces, ~~or sports-marketing expenses.~~

Section 14. (1) Consumer travel show, ~~[;]~~ group tour marketplace, meeting ~~or[A]~~ convention trade show, sports marketing, or exposition expenses shall qualify **if they[that]**:

~~(a)[; meeting, convention, or sports-marketing trade show or exposition. costs.:~~

~~1.-] Are promoting[Promote]~~ an attraction, event, or geographic area;

~~(b)[2.-] Are not a county fair or festival;~~

~~(c)[3.-] Are not expended for booth space costs at industrial solicitation events;~~

~~(d)[4.-] Are not registration expenses to attend a conference or meeting.~~

~~(e)[expended for consumer travel shows and group tour marketplaces located more than forty (40) miles from the event, attraction, or geographical area promoted;~~

~~5.-] Are expended for the purchase and maintenance of exhibits such as display assembly, artwork, transparencies, photographs, brochure racks, consumer travel show, or group tour marketplace booth space, or furniture rental; **or[and]**~~

~~(f)[6.-] Are[registration fees to interview prospective tour operators;~~

~~7. Are for shipping costs of displays and promotional material; or~~

~~8. Are ] rental fees for[audiovisual] equipment and material.~~

~~(2)[(b)] **If membership is required to participate in advertising or promotional ventures**, a tourism region [group] shall be eligible for reimbursement of membership dues for major tourism associations[, if membership is required to participate in advertising or promotional ventures].~~

~~(3)[(c)1.-] A tourism region [group] shall be eligible for a seventy (70) dollar per diem, for a maximum of two (2) persons who serve as staff for tourism region travel booths at a consumer travel show or group tour marketplace if:~~

~~(a)[a.-] Booths are staffed continuously during event hours; and~~

~~(b)[b.-] The header, transparencies, photos, and regional[region] or local tourism brochures are~~

representative of the tourism region or local areas within the tourism region.~~[2. The per diem shall be paid to the tourism region committee.]~~

(c)~~[(e)]~~ Transportation costs related to a tourism region's attendance at a consumer travel show or group tour marketplace shall not be eligible for reimbursement.

Section 15. Web site. (1) Region committees are eligible to claim ***reimbursement for the expenses of*** design, hosting, and maintenance of a regional tourism website.

(2) Applicants are eligible to claim ***reimbursement for the expenses for the*** design of tourism related websites ***[for reimbursement]***.

(3) ***An applicant's home page shall include the*** current state tourism branding with a link to the Department of Tourism Web site and regional website ~~***[are required on applicants home page]***~~.

(4) ***Except for regional committees, Web sites [a Web site]*** that contain paid advertisements shall not~~[(7) Familiarize trips and site visits.~~

(a) Familiarization visits for planners and media staff shall be eligible for tourism matching funds if the efforts are based on future business to Kentucky.

(b) Event planners include the following:

1. Meeting planners;
2. Group travel planners;
3. Reunion planners;
4. Sports planners or rights holders; and
5. Media staff.

(c) Reimbursement shall be based on cash expenditures and not in-kind amenities.

(d) Airline fees and mileage costs up to \$300, based on the state's current vehicle mileage rate per person (excluding any additional guests), shall be eligible for reimbursement ***[with the exception of regional committees]***.

Section 16. Sponsorship ~~or~~***[bid Fees]***~~[(8) Sponsorship]~~ of Tourism Trade Shows, Conventions, and Other~~[and]~~ Events. (1)~~[(a)]~~ Sponsorship of tourism trade shows, conferences, and events are eligible for reimbursement if:

(a) The sponsorship opportunity may create an economic impact for the state~~[-]~~;

(b) The sponsorship ~~is for overall convention~~~~[opportunities include the following:~~

1. Meal functions;
2. Tangibles such as name badges, lanyards, and registration bags;
3. Education sessions and materials; and
4. Overall conference] ***partners [partner]***or~~[sponsor of]~~ a total event sponsor;

(c) The event is brought to the county ~~or~~***[state]*** by way of sponsorship ~~or~~***[bid fee]***; or

(d) ~~[(f)]~~ The sponsorship is for a meal function or educational sessions at a trade show or convention.

(2)~~[(c)]~~ Reimbursement shall be for cash] Expenditures ***that shall***~~[and]~~ not ***be*** covered include:

(a) In-kind~~[In-kind]~~ amenities;

(b)~~[(d)1.]~~ Expenses for hospitality events that include alcohol;

(c)~~[or a sponsorship package shall not be eligible for reimbursement.~~

2.] Gratuities, service charges, and tips;

(d) Tourism industry events such as:

1. Kentucky Tourism Council; and

2. Kentucky Association of Convention & Visitor Bureaus;

(e) In-state or local events and conferences; **and**

(f) Kentucky Association meetings and conferences.

(3) Convention sponsorship ~~or~~ bid fee reimbursement percentages. ~~is~~

~~[(a)] A sponsorship or bid fee that guarantees room nights within shall not be eligible for reimbursements.~~

(9) Bid fees to assist in bringing events to Kentucky.

~~(a) Fees involved in securing and attracting events in an effort to attract sports events or conventions and meetings to the state may be reimbursed up to eighty (80) percent of costs.~~

(4) Event sponsorship ~~or~~ bid fee reimbursement percentages:

~~(a) A new event or sporting event that is brought to the state through a sponsorship or bid fee may be reimbursed up to seventy (70) percent [present] of the cost; and~~

~~(b) Recurring [Reoccurring] events brought to the state through a sponsorship or bid fee may be reimbursed up to fifty (50) percent of the cost.~~

Section 17. Research. (1) **[Tourism]** Marketing **and matching** ~~[Incentive]~~ funds may be used for research and analysis. **[Any such]** Use of funds for these purposes **shall [must]** have a clear relationship to planning and executing tourism marketing and promotion.

**(2) Economic impact research and research related to future capital projects shall [are] not be allowed[allowable]. [Research funded under the provision must be approved in advance]. [and]**

**(3) To be engaged in research and analysis activity, outside firms, organizations, or individuals shall [and outside firms, organizations or individuals to be engaged in such activities must meet the following minimum criteria]:**

**(a) Be** in operation at least two (2) years, if a firm or organization;

**(b) Have [if an individual,] at least five (5) years of relevant experience, if an individual;**

**(c) [(b)] Provide** at least three (3) references; and

**(d) [(c)] Demonstrate** expertise in the type of services to be rendered.

**(4) Research funded pursuant to this Section shall be approved in advance.**

Section 18. Ineligible Project and Expenses. ~~[shall be eligible for reimbursement.~~

~~(b) To be eligible for reimbursement, the event shall have at least a five (5) year history in other locations. Events previously held in Kentucky are eligible if proof is provided that the event has been or will be secured through a competitive bid process.~~

~~(c) An applicant shall include a letter of award of event if submitting a Reimbursement Request when submitting reimbursement.~~

~~(10) Internet and Web site.~~

~~(a) Costs associated with the design, hosting, and maintenance of tourism related Web sites shall be are eligible for reimbursement if the current state tourism brand and logo with a link to the Department of Tourism's Web site and regional Web site are on the applicant's home page.~~

~~(b) A Web site that contains paid advertisements shall not be eligible for reimbursement.~~

~~(c) If applicable, a Web site shall include the following information:~~

1. A description of points of interest, recreational opportunities, and services, including:
  - a. Food;
  - b. Lodging; and
  - c. Camping facilities;
2. Landmark features related to the area's history or tradition or landmark features that are of architectural interest;
3. Attractions open to the public such as theaters and museums, including the:
  - a. Time and date the attraction is open to the public;
  - b. Admission fee;
  - c. Attraction's address, telephone number, and Web site address;
4. Recreational activities and applicable license information for attractions such as:
  - a. Fishing;
  - b. Water Sports;
  - c. Hiking; and
  - d. Golfing;
5. A Listing of area or regional tourism-related events; and
6. Current area maps with major highways and access routes into the area clearly marked as well as mileage from other cities.

(11)(1) **Expenses for** the following items shall not be eligible for reimbursement:

- (a) Industrial incentive brochures;
- (b) General community relocation and development brochures;
- (c) City or ~~county~~ City or county, or city-county maps or directories that list businesses and services;
- (d) ~~Items related to theatrical productions, such as~~ Programs;
- (e) ~~Playbills;~~
- (f) ~~Posters;~~
- (g) ~~Table tents;~~
- (h) ~~Material related to~~ Membership and subscription solicitation;
- (i) ~~Registration and entry forms;~~
- (j) ~~Event and contest category or regulation material;~~
- (k) Quick print materials such as flyers, handbills, and circulars;
- (l) Entertainment **expenses**;
- (m) ~~Entertainment expenses;~~
- (n) ~~Excluding group tour marketplaces, registration expenses for conferences and meetings;~~
- (o) ~~Research projects such as marketing or feasibility studies;~~
- (p) ~~**Unless requested in advance by a tourism region, expenses for**~~ Bumper stickers, posters, banners, flags, postcards, lapel pins, or bags, unless requested in advance by a tourism region, ~~or other types of specialty advertising;~~
- (q) ~~Prizes, trophies, plaques, decorations, paint supplies, and poster board;~~
- (r) ~~Items for resale;~~
- (s) ~~Amounts paid for Kentucky sales tax;~~
- (t) ~~**Except for tourism region organizations,**~~ Stationery, letterhead, envelopes, general office supplies and materials, unless for a tourism region organization;
- (u) ~~Salaries or other compensation for the staff or personnel of a tourism region committee;~~

- ~~(s)[(f)]~~ General operating and administrative costs;
- ~~(t)[(s)]~~ Finance charges or late payment fees;~~[(t)]~~ Quick-print material such as flyers, handbills, or circulars; and
- ~~(u)~~ Expenditures in violation of law.

~~Section 7. Matching Funds Application. (1) A Matching Funds Application may be submitted by a local organization that is not a convention and visitors' bureau, tourism commission, or designated marketing organization but is a nonprofit entity prior to May 1 for eligible:~~

- ~~(a) Projects that have been or will be completed during the matching funds program cycle; and~~
- ~~(b) Expenses totaling at least \$1,000 for a project, or several projects.~~

~~(2) A Matching Funds Application shall include a detailed list of eligible tourism projects that will be completed during the current program cycle, and the following information for each project:~~

- ~~(a) Its direct relation to the promotion of tourism;~~
- ~~(b) Its ability to attract visitors from outside the immediate area;~~
- ~~(c) Its potential to enhance local, tourism region, or state economies;~~ ~~(d) The cost estimates;~~
- and
- ~~(e) The completion date.~~

~~(3) An applicant shall submit proof of the applicant's nonprofit status with the Matching Funds Application as follows:~~

- ~~(a) A tourism region committee shall submit a copy of the committee's:~~

~~1. Articles of incorporation as a nonprofit, nonstock corporation pursuant to KRS 273.161 through 273.405; and~~

- ~~2. Bylaws.~~

~~(b) A local tourism commission shall submit a copy of the ordinance establishing the commission.~~

- ~~(c) Other local organizations shall submit a copy of the:~~

~~1. Federal or state determination of tax exempt status; or~~

~~2. Articles of incorporation as a nonprofit, nonstock corporation pursuant to KRS 273.161 through 273.405.~~

~~(4) Guidance regarding the application process is established in the Samples of Completed Forms.~~

~~Section 8. Approval of Matching Applications. (1) The state matching funds program manager shall:~~

~~(a) Review each Matching Funds Application and determine the applicant's eligibility for reimbursement in accordance with Sections 2, 5, 6, 7, and 9 of this administrative regulation; and~~

~~(b) Transmit copies of eligible Matching Funds Applications to the members of appropriate tourism region committees.~~

~~(2) The state matching funds program manager or assistant state matching funds program manager shall hold allocation meetings in each of the nine (9) tourism regions with the tourism region committee for the region to:~~

- ~~(a) Discuss the regional marketing and matching funds program;~~

- ~~(b) Review and establish priorities for local organization Matching Funds Applications;~~

- (c) Screen local Matching Funds Applications for eligibility;
- (d) Discuss each project's:
  1. Direct relationship to tourism promotion;
  2. Ability to attract visitors into the tourism region;
  3. Impact on local, tourism region, and state economies; and
  4. Compatibility with the marketing goals of the tourism region;
- (e) Recommend the distribution of local funds; and
- (f) Review and discuss the tourism region Matching Funds Application.
- (c) A tourism region committee shall submit a recommendation for each applicant within the tourism region to the state matching funds program manager.
- (d) The state matching funds program manager shall base the allocation determination on:
  - (a) The items specified in subsection (2) of this section;
  - (b) If applicable, an applicant's successful completion of similar projects; and
  - (c) The availability of funds.
- (5) The state matching funds program manager shall mail to each applicant a:
  - (a) "Project Agreement" form to each approved applicant stating the amount of the state matching funds allocation for the matching funds program cycle; or
  - (b) Letter stating why an applicant's projects have been denied funding; and
  - (c) Copy of the Matching Funds Application submitted by each applicant, indicating approved and disapproved projects.
- (6) An applicant shall sign and return the Project Agreement form to the state matching funds program manager.

Section 9. Reimbursement. (1)(a) A local project shall be eligible for reimbursement for eighty (80) or fifty (50) percent of its total expenditures that do not exceed the amount allocated by the state matching funds program.

(b) A tourism region project shall be eligible for reimbursement for 100 percent of the project's total expenditures that do not exceed the amount allocated by the state matching funds program.

(2) Requests for reimbursement shall not be made until at least \$1,000 has been expended.

(3) Reimbursement shall be limited to projects that:

- (a) Were included on a Matching Funds Application;
- (b) Were compliant with the eligibility and reimbursement requirements established in Sections 2, 5, 6, 7, and 9 of this administrative regulation; and
- (c) Have been completed.

(4)

(u) In-kind contributions **[shall not be reimbursed]**, **which also[and]** shall not be included as part of an applicant's match; and[.]

(v) Expenditures in violation of law.[(5) A request for reimbursement shall be made on the Reimbursement Request form which shall:

- (a) Be submitted to the state matching funds program manager on or before February 1 or August 1;
- (b) Be signed; and
- (c) State the federal identification number of the organization.
- (6) Checks submitted as documentation shall be issued by the organization that applied for

matching funds.

- (7) The following information shall be attached to the Reimbursement Request form:
- (a) A copy of each vendor's invoice;
  - (b) A copy of the front and back of each canceled check;
  - (c) For local projects, proof of payment of all expenditures;
  - (d) For tourism region projects, proof of payment of twenty (20) percent of expenditures;
  - (e) Four (4) completed brochures;
  - (f) For publications or videos, a copy of invoices, with a breakdown of layout and design costs, the number of copies printed, and other related expenses;
  - (g) If printing costs exceed \$1,000, a copy of three (3) written bids;
  - (h) One (1) duplicate of a completed video, CD, or DVD;
  - (i) One (1) original tear sheet of advertisements as they appeared in the print media including date of issue and, for regional projects, a cover of the publication;
  - (j) One (1) typed transcript or a tape of a radio; television; or videotape, CD, or DVD travelogue advertisement;
  - (k) A copy of a press kit;
  - (l) Documentation of the distance of media from the event, attraction, or area promoted;
  - (m) One (1) photograph of a completed billboard and signage advertisement;
  - (n) Documentation of the location and dates of service for billboard and signage rentals;
  - (o) Documentation of the location, distribution routes, and dates for distribution services;
  - (p) Documentation of postage expenses, including postage invoices or paid receipts, list of names, addresses, and material mailed;
  - (q) Verification of attendance at consumer travel shows or group tour marketplaces, including signed agreements or contracts;
  - (r) Verification of regional travel show or group tour marketplace per diem, including a completed and signed Tourism Region Per Diem Reimbursement Form; and
- (8) For tourism region projects, proof of payment of the remaining eighty (80) percent of expenditures shall be submitted after receipt of state matching funds; and
- (9) Guidance regarding the reimbursement process is established in the:
- (a) List of Documentation and Requirements for Reimbursement Per Project; and
  - (b) Samples of Completed Forms.]

Section 19. [40.] Forfeited and Unused Funds. (1) Funds allocated to an approved project shall be forfeited if:

(a) Documentation required by the provisions of this administrative regulation is not submitted timely; [before February 1 and August 1;]

(b) An approved project does not materialize; or

(c) A completed project did not remain in compliance with program requirement[s];

(2) At the end of a **Regional Marketing and Matching Funds** [Tourism Marketing Incentive] [(d) Funding is denied because the expenses of an approved project are improperly documented;

(e) Funds were spent on the project.

(2) At the end of a Regional and Matching Funds] Program year [cycle], forfeited and unused funds shall remain in the Tourism, Meeting, and Convention Fund, to be used [be utilized] by the

Department of Tourism for advertising and marketing promotions.

Section 20[44]. Audits. ~~[(1)]~~ The department may request the State Auditor to audit a tourism project governed by this administrative regulation.

Section 21[42]. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) ***"Regional Marketing and Matching Funds~~[Tourism Marketing Incentive]~~ Program Application", ~~December~~[August] 2019;***

(b) ***"Application Project Description Form", August 2019;***

(c) ***"Regional Marketing and Matching Funds~~[Tourism Marketing Incentive]~~ Program Reimbursement Request", ~~December~~[August] 2019;***

(d) ***["Matching Funds Application", September 2007;***

(b) ***"Reimbursement Request", September 2007;***

(c) ***"Project Agreement", September 2007;***

(d) ***"List of Documentation & Requirements for]Reimbursement [Per]Project Description Form", August 2019;***

(e) ***"Regional Ad Sale Form", one (1) page, August 2019;***

(f) ***["", September 2007;***

(e) ***"Tourism Region Per Diem Reimbursement Form", August 2019; and***

(g) ***["", 1996;***

(f) ***["Tourism Regions Map", 1996; and***

(h) ***["", 1996;***

(g) ***"Samples of Completed Forms", September 2007; and***

(h) ***"Designated Marketing Organization", August 2019.[2007;]***

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Department of Tourism, Division of Tourism Services~~[Marketing and Advertising, Capital Plaza Tower]~~, 500 Mero Street, 5th Floor~~[Room 2200]~~, Frankfort Kentucky 40601, phone (502) 564-4930, fax (502) 564-5695, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at the Department of Tourism's Web site at [www.kytourism.com/industry/mfunds](http://www.kytourism.com/industry/mfunds).

CONTACT PERSON: Becky Cottongim, Executive Staff Advisor, Tourism, Arts, and Heritage Cabinet, 100 Airport Road, 2nd floor, Frankfort, Kentucky 40601, phone (502) 564-4270, fax (502) 564-1079, email [becky.cottongim@ky.gov](mailto:becky.cottongim@ky.gov).



**TOURISM, ARTS AND HERITAGE CABINET  
KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

**Matthew G. Bevin**  
Governor

**Don Parkinson**  
Secretary

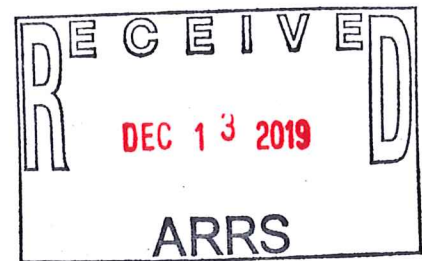
#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
Phone (502) 564-3400  
1-800-858-1549  
Fax (502) 564-0506  
[fw.ky.gov](http://fw.ky.gov)

**Regina Stivers**  
Deputy Secretary

**Rich Storm**  
Commissioner

December 2, 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: 301 KAR 3:100, Special Commission Permits

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 3:100, the Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 3:100.

Sincerely,

Jessica Tyler  
Regulations Coordinator



**Staff-suggested Amendment**

**Final Version 12/2/2019 11:51 a.m.  
TOURISM, ARTS AND HERITAGE CABINET  
Department of Fish and Wildlife Resources**

**301 KAR 3:100. Special commission permits.**

**Page 6**

**Section 2(11)(c)**

**Line 17**

After "by the May", insert "1".

Delete "first (1)".

**Page 9**

**Section 3(1)(c)**

**Line 5**

After "2020", delete ",."

Ryan F. Quarles  
Commissioner

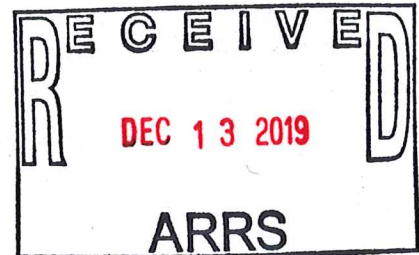


Corporate Drive  
Complex  
Frankfort, KY 40601  
(502) 573-0282

## Kentucky Department of Agriculture

December 11, 2019

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



Re: **302 KAR 50:050**, THC sampling and testing; post-testing actions.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 50:50 the Kentucky Department of Agriculture proposes the attached amendment to 302 KAR 50:050.

Sincerely,

A handwritten signature in black ink, appearing to read "Clint Quarles".

Clint Quarles  
Staff Attorney  
Kentucky Department of Agriculture  
107 Corporate Drive  
Frankfort, KY 40601



12/11/19

**SUGGESTED AMENDMENT**

**Department of Agriculture  
Office of Agricultural Marketing**

**302 KAR 50:050. THC sampling and testing; post-testing actions.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 17**

After "and 302", insert "KAR".

**Page 2**

**Section 3(1)(b)**

**Line 18**

After "HMP-LB-002 (", insert "Procedure".

Delete "Procedures".

**Page 2**

**Section 3(1)(c)**

**Line 21**

After "Preparing", insert a comma.

After "Hemp", delete "Samples".

ANDY BESHEAR  
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES**

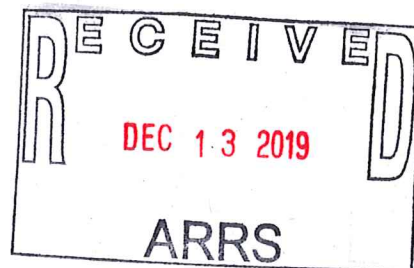
300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-6940  
TELEFAX: 502-564-4245

REBECCA W. GOODMAN  
SECRETARY

JOHN SMALL  
COMMISSIONER

December 13, 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: 805 KAR 1:001, Definitions for 805 KAR Chapter 1; 805 KAR 1:020, Protection of freshwater zones; 805 KAR 1:030, Well location and as-drilled location plat, preparation, form and content; 805 KAR 1:050, Bonds; requirements, cancellation; 805 KAR 1:060, Plugging wells; 805 KAR 1:080, Gas storage reservoirs; drilling, plugging in vicinity; 805 KAR 1:110, Underground injection control; 805 KAR 1:120, Operating and deepening existing wells and drilling deeper than the permitted depth; 805 KAR 1:140, Directional and horizontal wells; 805 KAR 1:170, Content of the operations and reclamation plan; 805 KAR 1:180, Production reporting; 805 KAR 1:190, Gathering lines; 805 KAR 1:200, General information associated with oil and gas permits.

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 805 KAR 1:001, 805 KAR 1:020, 805 KAR 1:030, 805 KAR 1:050, 805 KAR 1:060, 805 KAR 1:080, 805 KAR 1:110, 805 KAR 1:120, 805 KAR 1:140, 805 KAR 1:170, 805 KAR 1:180, 805 KAR 1:190, 805 KAR 1:200, the Department for Natural Resources proposes the attached amendments to 805 KAR 1:001, 805 KAR 1:020, 805 KAR 1:030, 805 KAR 1:050, 805 KAR 1:060, 805 KAR 1:080, 805 KAR 1:110, 805 KAR 1:120, 805 KAR 1:140, 805 KAR 1:170, 805 KAR 1:180, 805 KAR 1:190, 805 KAR 1:200.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael S. Mullins".

Michael S. Mullins  
Regulation Coordinator

**Suggested Amendment**

**Final Version: 11/26/2019 10:04 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Oil and Gas**

**(Amended After Comments)**

**805 KAR 1:001. Definitions for 805 KAR Chapter 1.**

**Page 1**

**RELATES TO**

**Line 6**

After "KRS 353.500", insert a dash.  
Delete "through".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

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

**Page 2**

**Section 1(20)**

**Line 18**

After "performed all obligations", insert "as established".  
Delete "described".

**Page 3**

**Section 1(24)**

**Line 9**

After ""Gas storage operator"", insert "means".  
Delete "is".

**Line 11**

After "right to do so", insert an opening parenthesis.  
After "including", insert ", for example,".  
Delete "but not limited to".

**Line 12**

After "transporting and delivering", delete "such".  
After "in public service", insert a closing parenthesis.

**Page 3**

**Section 1(25)**

**Line 13**

After ""Gas storage reservoirs"", insert "means".  
Delete "are".

**Lines 13 and 14**

After "of underground strata", insert "that".  
Delete "which".

**Page 3**

**Section 1(26)**

**Line 19**

After "existing storage facility", insert a comma.

**Page 4**

**Section 1(28)**

**Line 1**

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

**Page 4**

**Section 1(35)**

**Line 15**

After "purchase and", insert "could".  
Delete "may".

**Page 5**

**Section 1(42)**

**Line 8**

After "(42) "Pit" means", insert the following:  
an earthen excavation or steel tank used

**Page 5**

**Section 1(42)(a)**

**Line 9**

After "(a)", delete the following:  
an earthen excavation or steel tank used  
Capitalize the first letter of "for".

**Page 5**

**Section 1(42)(b)**

**Line 11**

After "(b)", delete the following:  
an earthen excavation or steel tank used  
Capitalize the first letter of "to".

**Line 12**

After "hydraulic fracturing, workover", insert a comma.

**Page 5**

**Section 1(42)(c)**

**Line 14**

After "(c)", delete the following:  
an earthen excavation or steel tank used  
Capitalize the first letter of "for".

**Page 6**

**Section 1(50)**

**Line 5**

After "in a well", insert a comma.

**Page 6**

**Section 1(54)**

**Line 15**

After "191, 192, 194", insert a comma.

**Page 6**

**Section 1(56)**

**Line 18**

After ""Underground gas storage"", insert "means".  
Delete "is".

**Page 7**

**Section 1(60)**

**Line 1**

After ""Well operator"", insert "means".  
Delete "is".  
After "locate, drill, operate", insert a comma.

**Suggested Amendment**

**Final Version: 12/5/2019 12:06 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Oil and Gas**

**(Amended After Comments)**

**805 KAR 1:020. Protection of fresh water zones.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "Natural Resources to", insert "promulgate".

Delete "adopt all rules,".

**Line 11**

After "administrative regulation", delete ", and amendments".

**Page 2**

**Section 1(1)**

**Line 14**

After "(1) of the", delete "following".

After "methods", insert the following:

established in paragraphs (a) through (c) of this subsection

**Lines 14 and 15**

After "fresh water zones", insert a period.

Delete the colon.

**Page 2**

**Section 1(1)(a)**

**Line 16**

After "casing shoulder and", insert "the".

Delete "said".

**Line 18**

After "recoverable casing", insert "shall".

Delete "must".

**Page 2**

**Section 1(1)(b)**

**Line 19**

After "sufficiently to cover", insert "at least".

**Line 20**

After "the recoverable casing", insert "shall".

Delete "must".

**Page 2**

**Section 1(1)(c)**

**Line 22**

After "After "(c) Method C.", insert "Method C shall be".  
Lowercase "A".

**Line 23**

After "as established in", delete the opening quotation mark.

**Page 3**

**Section 1(1)(c)**

**Line 1**

After "Drilling Fluids", delete the closing quotation mark.

**Page 3**

**Section 1(2)**

**Line 6**

After "shall be plugged", insert "as established in".  
Delete the following:  
in the manner prescribed by

**Page 3**

**Section 2**

**Lines 10 and 11**

After "be equipped with", delete "the following".

**Line 11**

After "fresh water protection", insert the following:  
as established in this section

**Page 3**

**Section 2(1)**

**Line 12**

After "string, shall extend", insert "at least".

**Line 13**

After "fresh water zone.", insert "(a)".

**Lines 14 and 15**

After "volume of cement", delete the following:  
, calculated using approved engineering methods

**Line 15**

After "to the surface.", insert "(b) If the".  
Delete "In the event".

**Line 16**

After "every reasonable attempt", insert "shall".  
Delete "will".

**Line 17**

After "from the surface.", insert "(c)".

**Page 3**

**Sections 2(1) and 2(1)(a)**

**Lines 17 and 18**

After "casing string is", delete ": (a)".

Lowercase the first letter of "Cemented".

**Page 3**

**Section 2(1)(a) and (b)**

**Lines 18 and 19**

After "to the surface", insert "or".

Delete "; or (b)".

Lowercase the first letter of "Cemented".

**Lines 19 and 20**

After "of cemented casing", delete the following:  
in conformity with prescribed procedure

**Page 4**

**Section 2(2)**

**Line 1**

After "expected or encountered", insert ": (a)".

Delete the comma.

Capitalize the first letter of "the".

After "surface", insert "and".

Delete "and/or".

**Line 2**

After "in sufficient cement", insert "and".

Delete the comma.

After "depth to contain", insert "the".

Delete "said".

**Line 3**

After "pressures", insert ": and (b)".

Delete ", and".

Capitalize the first letter of "blowout".

**Page 4**

**Section 2(3)**

**Line 4**

After "through a void", insert ": (a)1.".

Delete the comma.

Capitalize the first letter of "the".

**Lines 4 and 5**

After "below the void", insert "; and 2.".

Delete the comma.

**Line 7**

After "cement top log.", insert "(b)".

**Line 8**

After "and cementing requirement", insert the following:

established in paragraph (a) of this subsection

Delete "described above".

**Lines 9 through 12**

After "the operator", delete the remainder of this subsection, except the final period.

**Page 6**

**Section 3(1)**

**Line 22**

After "reference", insert a period.

Delete the semicolon.

**Page 7**

**Section 3(2)**

**Line 1**

After "(2) This", insert "material".

Delete "document".

**Suggested Amendment**

**Final Version: 11/26/2019 10:27 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Oil and Gas**

**805 KAR 1:030. Well location and as-drilled location plat, preparation, form and contents.**

**Page 1**

**Sections 2, 2(1), and 2(1)(a)**

**Line 18**

After "General Information. (1)", delete "(a)".

**Pages 1 and 2**

**Section 2(1)(a) and (b)**

**Lines 21 and 2**

After "353.590(6).", insert "(2)".

Delete "(b)".

**Page 2**

**Section 2(1)(b)1. and 2.**

**Lines 3 and 4**

Renumber subparagraphs 1. and 2. as paragraphs (a) and (b), respectively.

**Page 2**

**Section 2(1)(b)2.**

**Line 4**

After "engineer, as defined", insert "by".

Delete "in".

**Page 2**

**Sections 2(1)(b)2. and 2(1)(c)**

**Lines 4 and 5**

After "registered in Kentucky.", insert "(3)".

Delete "(c)".

**Page 2**

**Section 2(1)(c)**

**Line 5**

After "applicant is determined", delete "by the department".

**Page 2**

**Section 3(1)(a)**

**Line 10**

After "the drilling is", insert the following:  
obtained in accordance with this section  
Delete the following:  
secured in the manner established below

**Page 2**

**Section 3(1)(b)**

**Line 12**

After "KRS 353.500 or", delete "KRS".

**Pages 2 and 3**

**Section 4(2)**

**Lines 23 and 1**

After "well shall be", insert "submitted".  
Delete "provided".

**Page 3**

**Section 4(3)**

**Line 3**

After "attached to the", delete the opening quotation mark.

**Lines 3 and 4**

After "Application for Permit,", delete the closing quotation mark.

**Page 3**

**Section 5**

**Line 7**

After "shall be prepared", insert the following:  
as established in subsections (1) through (6) of this section.  
Delete "in the following manner:".

**Page 3**

**Section 5(3)**

**Line 20**

After "two (2) permanent", insert "points or monuments".  
Delete "points/monuments".  
After "the applicable USGS", delete the period.

**Line 21**

After "map, which permanent", insert "points or monuments".  
Delete "points/monuments".

**Lines 21 and 22**

After "include", insert ", for example,".

Delete the following:

though are not limited to

**Page 4**

**Section 5(3)**

**Line 2**

After "identifying the", insert "points or monuments".

Delete "points/monuments".

**Page 4**

**Section 6**

**Lines 9 and 10**

After "shall be prepared", insert the following:

as established in subsections (1) through (7) of this section.

Delete "in the following manner:".

**Page 4**

**Section 6(3)**

**Line 22**

After "feet, using the", insert quotation marks around "NAD 83".

**Lines 22 and 23**

After "with", insert quotation marks around "Single Zone Projection."

**Line 23**

After "terms are defined", insert "by".

Delete "in".

**Page 5**

**Section 6(4)**

**Line 4**

After "or monuments include", insert ", for example,".

Delete the following:

though are not limited to

**Page 5**

**Section 7**

**Line 15**

After "shall include the", delete "following information".

**Page 6**

**Section 7(12)**

**Line 13**

After "(12) Certification", insert ", which".

**Suggested Amendment**

**Final Version: 11/26/2019 10:44 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Oil and Gas**

**(Amended After Comments)**

**805 KAR 1:050. Bonds; requirements, cancellation.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 8**

After "KRS 350.590 and", delete "KRS".

**Line 11**

After "for release, cancellation", insert a comma.

**Page 1**

**Section 2(2)**

**Line 19**

After "by the surety", insert ". (a) Cancellation shall be".

**Line 20**

After "in writing to", insert "the division. (b)".

Delete "division".

**Line 21**

After "bond for wells", insert "with permits that".

Delete "which permits".

**Page 2**

**Section 2(2)**

**Line 1**

After "by the division.", insert "(c)".

After "bond for wells", insert "with permits that".

Delete "which permits".

**Page 2**

**Section 4(a) through (c)**

**Lines 8, 9, and 10**

Renumber paragraphs (a) through (c) as subsections (1) through (3), respectively.

**Page 2**

**Section 5(1)**

**Line 13**

After "upon an operator", insert a comma.

**Lines 13 and 14**

After "to the surety", insert a period.

Delete the comma.

Capitalize the first letter of "the".

**Lines 14 and 15**

After "of record.", insert "If an operator fails".

Delete "Should the operator fail".

**Line 15**

After "within the timeframe", insert "established".

Delete "provided for".

**Lines 15 and 16**

After "ordered forfeited as", insert "established".

Delete "provided".

**Suggested Amendment**

**Final Version: 12/5/2019 12:06 PM**

**ENERGY AND ENVIRONMENT CABINET**

**Department for Natural Resources**

**Division of Oil and Gas**

**(Amended After Comments)**

**805 KAR 1:060. Plugging wells.**

**Page 2**

**Section 1(3)(a)**

**Line 6**

After "(3)(a)", insert "1.".

After "Nothing", insert "in this section".

Delete "herein".

**Line 7**

After "two (2) years.", insert the following:

2. Nothing in this section

Delete "Nothing".

**Line 10**

After "oil and gas.", insert "3.a.".

**Line 11**

After "(2) year period.", insert "b.".

**Page 3**

**Section 2(3)(a)**

**Line 11**

After "to the requirements", insert "established in".

Delete "of".

**Line 13**

After "bed and the", insert "appropriate".

Delete "proper".

**Page 4**

**Section 3(3)(b)**

**Line 5**

After "be cut off", insert "not less than".

**Page 4**

**Section 3(4) and (5)**

**Lines 7 through 11**

After "(4)", delete the remainder of subsection (4) in its entirety and delete the notation, "(5)".

**Page 4**

**Section 3(5)**

**Line 12**

After "be pulled", insert "shall".

Delete "may".

**Page 4**

**Sections 3(5)(b) and (6)**

**Lines 16 and 17**

After "not be required.", insert "(5)".

Delete "(6)".

**Page 4**

**Section 3(6)(c)**

**Line 20**

After "by the director", insert the following:

to comply with the plugging requirements established in this administrative regulation

**Page 4**

**Sections 3(6)(c) and (7)**

**Lines 20 and 21**

After "unforeseen well conditions.", insert "(6)".

Delete "(7)".

**Page 5**

**Section 4(1)**

**Line 4**

After "to a point", insert "not less than".

**Page 5**

**Section 4(1)(a)**

**Line 5**

After "to a point", insert "not less than".

**Page 5**

**Section 4(1)(b)**

**Line 7**

After "shall be anchored", insert "not less than".

**Line 8**

After "to a point", insert "not less than".

**Page 5**

**Section 4(3)(a)**

**Line 12**

After "the sealing plug", insert the following:  
as established in subsection (2) of this section

Delete "referenced in subsection (2)".

After "and a point", insert "not less than".

**Page 6**

**Section 4(6)**

**Line 1**

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

**Page 6**

**Section 4(6)(c)**

**Line 4**

After "by the director", insert the following:  
to comply with the plugging requirements established in this administrative regulation

**Page 7**

**Section 4(9)(a)**

**Line 2**

After "a point", insert "not less than".

**Page 7**

**Section 4(9)(a)3.**

**Line 10**

After "to a point", insert "not less than".

**Page 8**

**Section 5(2)(a)**

**Line 2**

After "from the landowner", delete the comma.

**Page 10**

**Section 6(4)**

**Line 5**

After "with the information", insert "established".

**Suggested Amendment**

**Final Version: 12/5/2019 12:09 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Oil and Gas**

**(Amended After Comments)**

**805 KAR 1:080. Gas storage reservoirs; drilling, plugging in vicinity.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 8**

After "KRS 349.115 and 353.540", insert "authorize".  
Delete "authorizes".

**Line 12**

After "drilling, casing, operating", insert a comma.  
After "plugging be applied", insert "while".  
Delete "when".

**Page 1**

**Section 1**

**Line 15**

After "gas storage reservoirs", insert a comma.

**Line 16**

After "the state, and", insert "a".  
Delete "no".  
After "or corporation shall", insert "not".

**Line 18**

After "for gas storage.", insert "(1)".

**Line 20**

After "in a manner", insert "that shall".  
Delete "as will".

**Page 1**

**Sections 1 and 1(1)**

**Lines 20 and 21**

After "both:", insert "(a)".  
Delete "(1)".

**Page 1**

**Section 1(1)**

**Line 21**

After "of oil, gas", insert a comma.

After "or water into", insert "a".

Delete "such".

**Pages 1 and 2**

**Section 1(1) and (2)**

**Lines 21 and 1**

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

Delete "(2)".

**Page 2**

**Section 1(2)**

**Line 1**

After "Protect", insert "the".

Delete "such".

**Line 2**

After "of the well.", insert "(2)".

**Lines 3 and 4**

After "and gas operators", delete the remainder of this subsection, except the period.

**Page 2**

**Section 2(1)**

**Line 22**

After "the Director of", insert "the Division".

**Page 3**

**Section 2(1)(c)**

**Line 5**

After "(c)", insert "Bona fide".

Lowercase the first letter of "Declaration".

After "of intent", delete the following:

, found by the department to be bona fide,

**Page 3**

**Section 2(2)(b)**

**Line 10**

After "The map shall", insert "include".

Delete "outline".

**Line 11**

After "purchase or condemnation", delete the comma.

After "and", delete "an outline".

**Page 3**

**Section 2(2)(c)**

**Line 15**

After "approval of the", insert "division".  
Delete "department".

**Page 4**

**Section 2(5)**

**Lines 1 through 3**

Delete subsection (5) in its entirety.

**Page 4**

**Section 3**

**Line 4**

After "Well on Property", insert "for Which".  
Delete "Where".

**Page 4**

**Section 3(1)**

**Line 5**

After "Before drilling, deepening", insert a comma.

**Lines 5 and 6**

After "on a property", insert "for which".  
Delete "where".

**Line 6**

After "have been acquired", insert a comma.

**Lines 6 and 7**

After "or by personal", insert "division".  
Delete "department".

**Page 4**

**Section 3(2)**

**Line 9**

After "On a property", insert "for which".  
Delete "where".

**Line 12**

After "operator shall be", insert "provided".  
Delete "furnished".

**Page 4**

**Section 4**

**Line 14**

After "Well on Property", insert "for Which".  
Delete "Where".

**Line 15**

After "Not Acquired but", insert "That".

Delete "Which".

**Lines 15 and 16**

After "Reservoir Protection Zone.", insert "Upon".

Delete "When".

**Line 16**

After "reopen a well", insert "being".

Delete "is".

After "received by the", insert "division".

Delete "department".

**Lines 16 and 17**

After "by the department", insert "in which".

Delete "where".

**Lines 17 and 18**

After "protection zone, the", insert "division".

Delete "department".

**Page 5**

**Section 5(2)(a)**

**Line 1**

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

After "of this section", insert a comma.

**Page 5**

**Section 5(2)(c)**

**Line 8**

After "approval of the division", insert the following:

consistent with 805 KAR Chapter 1

**Page 6**

**Section 5(3)**

**Line 13**

After "plugged, then the", insert "division".

Delete "department".

**Line 16**

After "what manner payment", delete "for such costs".

**Page 6**

**Section 5(4)(a)**

**Lines 17 and 18**

After "telegram, or telephone,", insert "if".

Delete "provided".

**Page 6**

**Section 5(4)(a)**

**Line 17**

After "may waive", insert the following:  
the ability to object established in subsection (2)(a) of this section  
Delete "objections".

**Page 7**

**Section 5(4)(b)**

**Lines 1 and 2**

After "the division, and", insert "if".  
Delete the following:  
the division having determined that

**Page 7**

**Section 6**

**Line 5**

After "in the manner" insert "established".  
Delete "provided for".  
After "in Section", insert "3".  
Delete "4".

**Lines 9 and 10**

After "detailed in Section", insert "5".  
Delete "6".

**Page 7**

**Section 7(1)(a)**

**Line 13**

After "the well is", insert "drilled through or penetrates".

**Page 7**

**Section 7(1)(a)1.**

**Line 14**

After "1.", delete "Drilled through or penetrates".  
Capitalize the first letter of "an".

**Page 7**

**Section 7(1)(a)2.**

**Line 15**

After "2.", delete "Drilled through or penetrates".  
Capitalize the first letter of "the".

**Page 8**

**Section 7(2)(a)**

**Line 7**

After "storage operator may," delete "and".

**Lines 8**

After "elect to", insert the following:  
allow the well operator to

**Page 8**

**Section 7(2)(d)**

**Line 17**

After "gas storage operator", insert "established".

**Page 9**

**Section 7(3)**

**Line 8**

After "(3)", insert "Once".  
Delete "When".

**Line 9**

After "an affidavit", insert "establishing".  
Delete "setting forth".

**Line 10**

After "by the operator", insert the following:  
as established in paragraphs (a) and (b) of this subsection  
After the period, insert "(a)".

**Line 12**

After "805 KAR 1:060.", insert "(b)".

**Line 14**

After "the well operator", insert a comma.

**Lines 14 and 15**

After "(1) to the", insert "division".  
Delete "department".

**Page 9**

**Section 8**

**Line 16**

After "Reservoir Pressures.", insert "If".  
Delete "Whenever".

**Suggested Amendment**

**Final Version: 12/5/2019 12:40 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Oil and Gas**

**(Amended After Comments)**

**805 KAR 1:110. Underground injection control.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "of KRS 353.500", insert "through".

Delete "to".

**Lines 11 and 12**

After "353.720.", insert the following:

KRS 353.520 prohibits the waste of oil and gas;

Delete the following:

The waste of oil and gas is prohibited by KRS 353.520, which provides that prohibited waste includes

**Line 16**

After "or disposal purposes", delete the comma.

**Page 2**

**Section 1**

**Line 3**

After "Section 1. Definitions.", insert "Terms defined by".

Delete "The definitions contained in".

**Lines 3 and 4**

After "KRS 353.510 and", insert "this section".

Delete "the following additional definitions".

**Line 4**

After "this administrative regulation", insert a period.

Delete the colon.

**Page 2**

**Section 1(4)**

**Line 14**

After "into porous ground", insert a comma.

**Page 2**

**Section 1(5)**

**Line 17**

After "casing's annulus", delete the remainder of subsection (5), except the period.

**Page 2**

**Section 1(6)**

**Line 18**

After "means a well", insert "that".

Delete "which".

**Page 2**

**Section 1(6)(a)**

**Line 19**

After "(a)", delete "Which are".

Capitalize the first letter of "brought".

**Line 20**

After "gas production and", insert "could".

Delete "may".

After "from gas plants", insert a comma.

**Lines 21 and 22**

After "a hazardous waste", insert "upon injection".

Delete "when injected".

**Page 3**

**Section 1(6)(d)**

**Line 2**

After "of hydrocarbons", insert "that".

Delete "which".

**Page 3**

**Section 1(7)**

**Line 3**

After "means a well", insert "that could".

Delete "which may".

**Page 3**

**Section 1(10)**

**Lines 10 and 11**

After "made pursuant to", delete the following:

Section 1425 of the Safe Drinking Water Act as codified in

**Line 11**

After "42 U.S.C. 300h-4", insert ", Section 1425".

**Page 3**

**Section 1(12)**

**Line 13**

After "an injection operation", insert "could".

Delete "may".

**Line 14**

After "which supplies or", insert "could reasonably".

Delete "may".

**Line 15**

After "or any contaminant,", insert "could".

Delete "may".

**Line 16**

After "water regulation or", insert "could".

Delete "may otherwise".

**Page 3**

**Section 1(14)**

**Lines 19 and 20**

After "other fluid substance", insert "that".

Delete "which".

**Page 3**

**Section 1(15)**

**Line 21**

After "material or substance", insert "that".

Delete "which".

After "flows or moves", delete "whether".

**Page 4**

**Section 1(16)**

**Lines 2 and 3**

After "treatments performed by", delete "appropriate".

**Line 4**

After "surface gauge pressure", insert "that".

Delete "which".

**Page 4**

**Section 1(21)**

**Line 14**

After "of injection wells", insert "that".

Delete "which".

**Page 4**

**Section 1(22)(b)**

**Line 19**

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

**Page 5**

**Section 1(24)**

**Line 1**

After "of water, oil", insert a comma.

**Page 5**

**Section 1(27)**

**Line 9**

After "exempted aquifer and", insert "that".  
Delete "which".

**Page 5**

**Section 1(27)(a)**

**Line 10**

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

**Page 5**

**Section 1(27)(a) and (b)**

**Lines 10 and 11**

After "water system; or", insert "2.".  
Delete "(b)".  
Capitalize the first letter of "contains".

**Page 5**

**Sections 1(27)(b) and 1(27)(b)1.**

**Lines 11 and 12**

After "public system; and", insert "(b)".

**Page 6**

**Section 2(5)**

**Lines 8 and 9**

After "include at least", delete "the following".

**Page 6**

**Section 2(6)**

**Line 20**

After "corrective action plan", delete "which is".

**Page 7**

**Section 2(8)**

**Lines 1 and 2**

After "Class li well", insert "shall"

Delete "will".

**Page 7**

**Section 2(10)(b)**

**Line 16**

After "prudent engineering practices", insert "shall".

Delete "will".

**Page 7**

**Section 3**

**Line 20**

After "a portion thereof", insert "that complies with".

Delete "which meets".

**Line 22**

After "aquifer" if it", delete "meets the following criteria".

**Page 7**

**Section 3(1)**

**Line 23**

After "(1)", delete "It".

Capitalize the first letter of "does".

**Page 8**

**Section 3(2)**

**Line 1**

After "(2)", delete "It".

Capitalize the first letter of "cannot".

After "now and", insert "shall".

Delete "will".

**Page 8**

**Section 3(2)(a)**

**Line 2**

After "energy producing, or", insert "could".

Delete "may".

**Page 8**

**Section 3(2)(b)**

**Line 5**

After "depth or location", insert "that".

Delete "which".

**Page 8**

**Section 4**

**Line 12**

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

After "requirements", insert the following:

established in subsections (1) through (5) of this section.

Delete the colon.

**Page 8**

**Section 4(1)(b)**

**Line 17**

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

Delete "The".

After "well or wells", insert "that".

Delete "which".

**Line 19**

After "revoked", delete the remainder of paragraph (b), except the period.

**Page 8**

**Section 4(1)(c)**

**Line 20**

After "(c) The", delete "prescribed".

**Line 21**

After "of the director", insert the following:

based on the requirements of this administrative regulation

**Page 8**

**Section 4(2)**

**Line 22**

After "or operator shall", insert "give the division".

Delete the following:

afford the director, or the director's authorized designee

**Lines 22 and 23**

After "upon", delete "proper".

**Page 9**

**Section 4(3)(a)**

**Line 3**

After "the injection pressure", delete "in a manner".

**Page 9**

**Section 4(3)(b)**

**Line 7**

After "Class II well", insert "shall".

Delete "may".

**Page 9**

**Section 4(4)(d)**

**Line 18**

After "After "by the division", insert the following:  
in accordance with the requirements established in this administrative regulation

**Lines 18 and 19**

After "approved by the", insert "division".  
Delete "administrator".

**Page 10**

**Section 4(5)(b)**

**Line 1**

After "operator shall retain all", "of the records".  
Delete "these".  
After "a period of", insert "at least".

**Page 10**

**Section 4(5)(c)**

**Line 4**

After "common manifold, and", insert "if".  
Delete "provided".

**Page 10**

**Section 5(1)(b)**

**Line 11**

After "authorized by EPA", insert "shall be".  
Delete "are".

**Lines 11 and 12**

After "the division determines", insert the following:  
in accordance with the requirements of this administrative regulation

**Line 12**

After "fluids from escaping", insert "into".  
Delete "to".

**Page 10**

**Section 5(1)(c)1.**

**Line 14**

After "casing shall extend", insert "at least".

**Page 10**

**Section 5(1)(c)3.**

**Line 18**

After "shall be cemented", delete ", using approved engineering methods".

**Page 11**

**Section 5(1)(e)**

**Line 6**

After "UIC Wells, Form", insert "OG-25".  
Delete "ED-25".

**Page 11**

**Section 5(4)**

**Lines 21 and 22**

After "and shall include", insert "a".  
Delete "the following".

**Page 12**

**Section 5(4)(a)**

**Line 1**

After "(a)", delete "A".  
Capitalize the first letter of "geophysical".

**Page 12**

**Section 5(4)(b)**

**Line 3**

After "(b)", delete "A".  
Capitalize the first letter of "geologic".

**Page 12**

**Section 5(4)(c)1.**

**Line 5**

After "(c)1.", delete "A".  
Capitalize the first letter of "report".

**Page 12**

**Section 5(4)(c)2.**

**Line 6**

After "2. This information", insert "shall".  
Delete "may".

**Line 8**

After "registered", insert "by".  
Delete "in".

**Page 12**

**Section 6(2)**

**Line 16**

After "An injection well", insert "shall be".  
Delete "is".

**Page 12**

**Section 6(3)**

**Lines 20 and 21**

After "of significant leaks", insert "as established in".

Delete "under".

**Pages 12 and 13**

**Section 6(3)(a)**

**Lines 23 and 1**

After "by the division", insert the following:

in accordance with subsection (5)(c) of this section

**Page 13**

**Section 6(3)(b)1.**

**Line 7**

After "without a packer", insert "if".

Delete "provided that".

**Line 8**

After "is available and", insert "if more".

Delete "provided further".

**Page 13**

**Section 6(3)(b)2.**

**Line 12**

After "of fresh water,", insert "if".

Delete "provided that".

**Line 14**

After "the division shall", insert "establish".

Delete "prescribe".

**Page 13**

**Section 6(4)**

**Lines 16 and 17**

After "of fluid movement", insert "as established in".

Delete "under".

**Page 13**

**Section 6(4)(c)**

**Line 21**

After "(c)", capitalize the first letter of "other".

After "by the director", insert the following:

, which comply with the requirements of this administrative regulation

**Page 14**

**Section 6(5)(c)**

**Line 2**

After "(c) The well", insert "shall be".  
Delete "is".

**Page 14**

**Section 6(5)(d)**

**Line 4**

After "shall be witnessed", insert "by".  
Delete "and approved by a".  
After "division field inspector", insert the following:  
, who shall determine if the mechanical integrity test was successful

**Page 14**

**Section 6(5)(e)**

**Line 5**

After "to be used", insert "if".  
Delete "when".

**Page 14**

**Section 6(5)(f)**

**Line 9**

After "of corrective measures.", insert "If".  
Delete "Should".

**Page 14**

**Section 6(6)(a)**

**Line 15**

After "integrity test as", insert "established".  
Delete "described".

**Page 15**

**Section 7(1)**

**Line 4**

After "area of review", insert a comma.

**Page 15**

**Section 7(1)(b)**

**Line 8**

After "(1/4) mile", insert a semicolon.  
Delete the period.

**Page 15**

**Section 7(2)(b)**

**Line 11**

After "mines, quarries", insert a comma.

**Page 15**

**Section 7(3)(b)**

**Line 20**

After "for each well", insert "that".

Delete "which".

**Line 21**

After "of review wells", insert "that".

Delete "which".

**Page 16**

**Section 7(4)(a)**

**Line 1**

After "area of review", insert "that".

Delete "which".

**Line 2**

After "corrective action plan", insert "that".

Delete "which".

**Page 16**

**Section 8(1)**

**Line 15**

After "a Class II", insert "well".

**Line 18**

After "protect the USDW", delete the following:  
as determined by the division

**Page 17**

**Section 8(2)(a)**

**Line 5**

After "plugging the well", insert "that".

Delete "which".

**Page 17**

**Section 8(2)(c)**

**Lines 7 and 8**

After "to penalties as", insert "established".

Delete "prescribed".

**Page 17**

**Section 9(1)(a)**

**Line 12**

After "by the division," insert "if".  
Delete "provided".

**Page 17**

**Section 9(1)(d)**

**Line 20**

After "posted with EPA", insert "complies with".  
Delete "meets".

**Page 18**

**Section 10(5)**

**Line 20**

Delete the quotation marks around the form title.  
After "and Filing Well", insert a comma.

**Page 19**

**Section 10(6)**

**Line 1**

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

**Lines 3 and 4**

After "active injection wells", delete the remainder of subsection (6), except the period.

**Page 19**

**Section 11(2)**

**Line 10**

After "be submitted on", insert the following:  
a notarized Class II Plugging and Abandonment Plan.  
Capitalize the first letter of "form".  
After "OG-14", insert a comma.

**Page 19**

**Section 11(2)(b)**

**Line 14**

After "known freshwater zone", insert a semicolon.  
Delete the period.

**Page 19**

**Section 11(2)(c)**

**Lines 15 and 16**

After "If injection well", insert a semicolon.  
Delete the period.

**Page 20**

**Section 11(2)(e)**

**Line 4**

After "well showing the", delete "following".

**Page 20**

**Section 11(2)(e)1. Through 8.**

**Lines 5 through 13**

After each subparagraph notation, delete each "The" and capitalize the first letter of the next word in each subparagraph.

**Page 20**

**Section 11(2)(g)**

**Line 16**

After "Proposed operating data", insert ", including".

Delete "as follows".

**Page 20**

**Section 11(2)(g)2.**

**Line 18**

After "to be injected", insert "in accordance with".

Delete "under".

**Line 19**

After "following parameters, as", insert "established".

Delete "contained".

**Page 21**

**Section 11(2)(g)2.k.**

**Line 8**

After "odor is detected", insert a semicolon.

Delete the period.

**Page 21**

**Section 11(2)(g)4.c.**

**Line 14**

After "shall be listed;", insert "and".

**Page 21**

**Section 11(2)(g)5.a.**

**Line 19**

After "drinking water and", insert "shall".

Delete "will".

**Page 22**

**Section 11(2)(i)**

**Line 7**

After "UIC Wells, Form", insert "OG-25".

Delete "ED-25".

After ", including the", delete "following".

**Page 22**

**Section 11(2)(l)**

**Line 15**

After "individual well monitoring", insert a semicolon.

Delete the period.

**Page 22**

**Section 11(2)(o)**

**Line 22**

After "the method as", insert "established".

Delete "described".

**Page 23**

**Section 11(4)(a)**

**Line 9**

After "temporary abandonment status", insert "as established in".

Delete "under".

**Page 23**

**Section 11(5)(a)1.**

**Line 12**

After "The notification required", insert "pursuant to".

Delete "under".

After "this subsection shall", insert "state".

Delete "specify".

**Page 23**

**Section 11(5)(b)1.**

**Line 17**

After "the notification required", insert "pursuant to".

Delete "under".

**Page 24**

**Section 11(5)(b)3.**

**Line 3**

After "The notice shall", insert "state".

Delete "specify".

**Page 24**

**Section 11(6)(a)**

**Line 11**

After "notify field inspectors", insert "at least".

**Page 24**

**Section 11(6)(b)**

**Line 13**

After "to the division", insert "at least".

**Line 14**

After "performed as", insert "established".

Delete "required".

**Page 24**

**Section 12(1)**

**Line 22**

After "Class II well", insert a comma.

**Page 25**

**Section 12(1)**

**Line 1**

After "Injection Well, Form", insert "OG-23".

Delete "ED-23".

**Page 25**

**Section 12(2)(b)**

**Line 7**

After "a period of", insert "at least".

**Page 25**

**Section 12(2)(c)3.**

**Line 13**

After "3.", insert "If".

Delete "Provided".

**Page 25**

**Section 13(1)**

**Line 19**

After "or testing that", insert "could".

Delete "may".

**Page 25**

**Section 13(3)**

**Lines 22 and 23**

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

Delete "under the provisions of".

**Page 26**

**Section 14(2)**

**Line 7**

After "by any citizen", insert "if".

Delete "when".

**Line 8**

After "KRS 353.180(3)", insert "; and".

Delete the period.

**Page 26**

**Section 15(1)**

**Line 13**

After "in the manner", delete "prescribed".

**Page 26**

**Section 15(2)(c)**

**Line 21**

After "(c) Records", insert "directed".

Delete "directly".

**Page 27**

**Section 17**

**Line 3**

After "be exempt from", insert "805 KAR 1:020".

After "Sections 4, 5, and 6", delete "of 805 KAR 1:020".

**Suggested Amendment**

**Final Version: 12/3/2019 11:31 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Oil and Gas**

**805 KAR 1:120. Operating or deepening existing wells and drilling deeper than the permitted depth.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "KRS 349.015", insert a comma.

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "KRS 353.550 and", delete "KRS".

**Line 11**

After "KRS 353.590 and", delete "KRS".

After "349.015", insert "require".

Delete "requires".

**Page 1**

**Section 1**

**Line 15**

After "KRS Chapter 349", insert "or".

Delete ", KRS Chapter".

**Line 16**

After "KAR Chapter 1", insert "or".

Delete ", or 805 KAR Chapter".

After "9", insert a comma.

**Page 2**

**Sections 2 and 2(1)**

**Line 7**

After "Section 2.", delete "(1)".

**Page 2**

**Section 2(1)**

**Line 9**

After "805 KAR 1:170", delete "Section 10,".

**Line 10**

After "KRS 353.590(7) and", delete "KRS".

**Page 2**

**Sections 2(1) and 2(1)(a)**

**Lines 11 and 15**

After "this subsection apply.", insert "(1)".

Delete "(a)".

**Page 2**

**Section 2(1)(a)**

**Line 15**

After "producing, not abandoned", insert a comma.

**Line 16**

After "KRS Chapter 353", insert "or".

Delete "Chapter".

**Page 2**

**Section 2(1)(a) and (b)**

**Lines 16 and 17**

After "Chapter 1; or", insert "(2)".

Delete "(b)".

**Page 3**

**Section 4(2)**

**Line 8**

After "well spacing standards", insert "established".

Delete "set out".

**Line 9**

After "the notice requirements", insert "established".

Delete "contained".

**Page 3**

**Section 5**

**Line 11**

After "of the well", insert "if".

Delete "provided that".

**Line 12**

After "time and conditions", insert the following:

established in subsections (1) through (4) of this section.

Delete "set forth below".

**Page 3**

**Section 5(1)**

**Line 13**

After "division personnel that", insert "the operator".

Delete "he".

**Line 14**

After "depth the next", insert "department".  
Delete "official".  
After "work day", delete "of the department".

**Page 3**

**Section 5(2)**

**Lines 15 and 16**

After "depth, amend", insert "the".  
Delete "his".  
After "depth to which", insert "it was drilled".  
Delete "he has".

**Page 3**

**Section 5(3)**

**Line 18**

After "bonding required to", insert "comply with".  
Delete "satisfy".  
After "KRS 353.590(7) and", delete "KRS".

**Page 3**

**Section 5(4)**

**Line 20**

After "well spacing standards", insert "established".  
Delete "set out".  
After "KRS 353.610 or", delete "KRS".

**Page 3**

**Section 6**

**Lines 22 and 23**

After "deepened without", insert the following:  
submitting to the director a revised plat and permit application

**Page 4**

**Section 7**

**Line 1**

After "An operator", insert "noncompliant".  
Delete "in noncompliance".

**Line 2**

After "this administrative regulation", insert "shall be".  
Delete "is".

**Suggested Amendment**

**Final Version: 12/5/2019 12:15 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Oil and Gas**

**(Amended After Comments)**

**805 KAR 1:140. Directional and horizontal wells.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 11**

After "administer KRS 353.500", insert "through".  
Delete "to".

**Page 2**

**Section 1(1)(b)**

**Line 17**

After "a location plat", insert "in compliance with".  
Delete "satisfying the requirements of".

**Page 2**

**Section 1(1)(b)1.**

**Line 19**

After "target formation with", delete "their".

**Page 3**

**Section 1(2)(d)**

**Line 18**

After "(d) The surface", insert "location".  
After "shall be", insert "designated".  
Delete "located".

**Page 4**

**Section 1(4)(a)**

**Line 7**

After "well location plat", insert "as established".  
Delete "required".

**Page 4**

**Section 1(4)(b)**

**Line 11**

After "cross-sectional view plat", insert "as established".  
Delete "required".  
After "2(d)1", insert a period.

**Line 12**

After "through 5", insert a period.

After "of this section", insert a comma.

Delete "shall be".

**Line 13**

After "seams, target", insert "formations".

Delete "formation".

**Page 4**

**Section 1(5)**

**Line 21**

After "The operator shall", insert "comply with".

Delete "satisfy".

**Page 5**

**Section 1(6)**

**Line 10**

After "deviation survey log", insert "as established".

Delete "required".

**Page 5**

**Section 1(7)**

**Line 12**

After "horizontal well shall", insert "comply with".

Delete "satisfy".

**Page 6**

**Section 5(1)**

**Line 4**

After "casing plan", insert "as established".

Delete "required".

**Page 6**

**Section 5(2)**

**Line 7**

After "department personnel", insert "upon".

Delete "at their".

**Page 6**

**Section 6**

**Line 10**

After "An operator", insert "noncompliant".

Delete "in noncompliance".

**Suggested Amendment**  
**Final Version: 12/12/2019 3:33 PM**

**Energy and Environment Cabinet**  
**Department for Natural Resources**  
**Division of Oil and Gas**  
**(Amended After Comments version)**

**805 KAR 1:170. Control of operations and reclamation plan.**

**Page 1**

**RELATES TO**

**Line 6**

After "349.120," insert "349.130".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 12**

After "permit", delete "to".

***NOTE TO AGENCY: The Compiler corrected the section numbering throughout the regulation because there was no Section 2.***

**Page 11**

**Section 5(3)(b)2. {now Section 4}**

**Line 10**

After "occurred", insert semicolon.

Delete period.

**Page 11**

**Section 5(3)(c)2. {now Section 4}**

**Line 11**

After "2.", delete "The operator shall".

Capitalize "not".

**Page 11**

**Section 5(3)(d)**

**Line 13**

After "1. through", insert "5".

Delete "6".

**Page 12**

**Section 5(3)(d)5. {now Section 4}**

**Lines 4-8**

Delete subparagraph 5. in its entirety.

**Page 12**

**Section 5(3)(d)6.**

**Line 9**

Before "Pits", insert "5.".

Delete "6.".

**Page 12**

**Section 6(1)(b) {now Section 5}**

**Line 13**

After "paragraph", insert colon.

Delete period.

**Page 12**

**Section 6(1)(b)1. {now Section 5}**

**Lines 14-15**

After "accordance", insert the following:

with 805 KAR 1:110;

Delete the remainder of subparagraph 1. in its entirety.

**Page 12**

**Section 6(1)(b)2. {now Section 5}**

**Line 17**

After "within the pit", insert semicolon.

Delete period.

**Page 12**

**Section 6(1)(b)3. {now Section 5}**

**Line 19**

After "and reclamation", insert "; and".

Delete period.

**Page 12**

**Section 6(1)(b)4. {now Section 5}**

**Line 21**

After "wellsite", insert "; (c)".

Delete period.

**Page 13**

**Section 6(1)(c) {now Section 5}**

**Line 1**

Before "Written", insert "(d)".

Delete "(c)".

**Page 13**

**Section 6(1)(d)** {now Section 5}

**Line 4**

Before "The cabinet", insert "(e)".

Delete "(d)".

**Page 14**

**Section 7(3)** {now Section 6}

**Line 12**

After "(3)", delete "(a)".

**Page 15**

**Section 9(1)** {now Section 8}

**Line 2**

After "requirements of Section", insert "5".

Delete "6".

**Suggested Amendment**  
**Final Version: 12/12/2019 3:36 PM**

**Energy and Environment Cabinet**  
**Department for Natural Resources**  
**Division of Oil and Gas**  
**(Amended After Comments version)**

**805 KAR 1:180. Production reporting.**

**(AMENDED AFTER COMMENTS version)**

**Page 1**

**RELATES TO**

**Line 6**

After "353.550(1)", insert the following:

, 349.040, 349.155, 349.570, 353.991

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "authorizes the", insert "Department for Natural Resources".

Delete "department".

**Line 10**

After "leases.", insert the following:

KRS 349.115 authorizes the department to promulgate administrative regulations to implement KRS Chapter 349.

**Page 3**

**Section 1(7)**

**Line 16**

After "with the division", insert period.

Delete colon.

Capitalize "that".

**Page 4**

**Section 4**

**Line 5**

After "Section", insert "3".

Delete "4".

**Page 4**

**Section 4(2)** {now Section 3}

**Line 8**

After "(2) This", insert the following:

material may be inspected, copied, or obtained, subject to applicable copyright law.

Delete the following:

form may be obtained, examined, or copied

**Suggested Amendment**  
**Final Version: 12/12/2019 3:39 PM**

**Energy and Environment Cabinet**  
**Department for Natural Resources**  
**Division of Oil and Gas**  
**(Amended After Comments version)**

**805 KAR 1:190. Gathering lines.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 8**

After "KRS", insert "349.115".

**Page 3**

**Section 2(1)**

**Line 14**

After "operated by him", delete the following:  
, upon the effective date of this administrative regulation

**Page 7**

**Section 6(1)(d)**

**Line 17**

After "name, if applicable", insert comma.  
Delete semicolon.

**Page 11**

**Section 10(4)**

**Lines 18-19**

After "road crossing.", delete the following:  
Notwithstanding any other provision of this administrative regulation,  
Capitalize "a".

**Page 12**

**Section 10(7)**

**Line 21**

After "(a) through (c)", insert period.

**Page 14**

**Section 11(3)(g)**

**Line 22**

After "of the damages", insert period.

**Page 16**

**Section 12(6)(c)**

**Line 9**

After "police", insert comma.

**Page 16**

**Section 12(6)(d)**

**Line 12**

After "police", insert comma.

**Page 16**

**Section 12(6)(e)**

**Line 13**

After "police", insert comma.

**Page 17**

**Section 14(1)**

**Line 13**

After "make other determinations", delete "as it deems".

**Page 17**

**Section 14(2)**

**Line 20**

After "administrative regulation,", insert "such as".

Delete the following:

including but not limited to

**Page 18**

**Section 14(3)(b)**

**Lines 3-4**

After "holidays if", delete the following:

the division deems these inspections

**Page 18**

**Section 14(4)(b)**

**Line 15**

After "condition", insert comma.

**Page 19**

**Section 15(1)(b)**

**Line 20**

After "regulation", insert comma.

**Page 20**

**Section 15(2)(a)**

**Lines 10-11**

After "procedure reasonably", delete "deemed".

**Line 12**

After "manner possible," insert "such as".

Delete the following:

including but not limited to

**Page 20**

**Section 15(3)(a)**

**Line 20**

After "under this section", insert the following:

as established in this administrative regulation

Delete "for good cause".

**Suggested Amendment**  
**Final Version: 12/12/2019 3:48 PM**

**Energy and Environment Cabinet**  
**Department for Natural Resources**  
**Division of Oil and Gas**  
**(Amended After Comments version)**

**805 KAR 1:200. General information associated with oil and gas permits.**

**Page 4**

**Section 5(3)**

**Line 7**

After "period, the", insert "applicant".

Delete "operator".

**Page 4**

**Section 5(3)(a)**

**Line 9**

After "If the", insert "applicant".

Delete "operator".



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

JOHN SMALL  
COMMISSIONER

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES**

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-6940  
TELEFAX: 502-564-4245

December 13, 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: **805 KAR 1:160**, Posting of an identification sign and a danger sign on a crude oil tank battery.

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 805 KAR 1:160, the Department for Natural Resources proposes the attached amendments to 805 KAR 1:160.

Sincerely,

A handwritten signature in blue ink, reading "Michael S. Mullins".

Michael S. Mullins  
Regulation Coordinator

**Suggested Amendment**  
**Final Version: 12/12/2019 3:31 PM**

**Energy and Environment Cabinet**  
**Department for Natural Resources**  
**Division of Oil and Gas**

**805 KAR 1:160. Posting of an identification sign and a danger sign on a crude oil tank battery site.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 8**

After "353.540(1)", insert "353.656".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "CONFORMITY: KRS", insert the following:

353.540(1) authorizes the Department for Natural Resources to promulgate administrative regulations necessary to enforce KRS 353.500 to 353.720. KRS

**Page 2**

**Section 1(3)**

**Line 8**

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

Delete the following:

In the case of transfers of

After "ownership of a tank battery", insert "is transferred".

**Page 6**

**Section 8(2)**

**Line 13**

After "examined", insert comma.

Delete "or".

After "copied", insert the following:

, or obtained, subject to applicable copyright law,



ANDY BESHEAR  
GOVERNOR

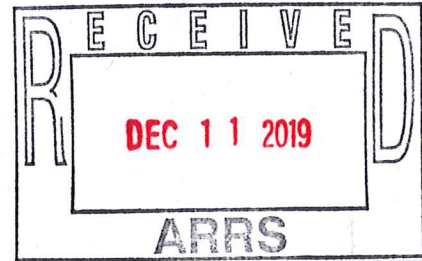
**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES**

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-6940  
TELEFAX: 502-564-4245

REBECCA W. GOODMAN  
SECRETARY

JOHN SMALL  
COMMISSIONER

December 11, 2019



Ms. Emily Caudill, Regulations Compiler  
Legislative Research Commission  
029, Capitol Annex  
702 Capitol Avenue  
Frankfort, Kentucky 40601

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by **805 KAR 1:170**, the Department for Natural Resources proposes the attached agency amendment to 805 KAR 1:170.

Sincerely,

A handwritten signature in blue ink, reading "Michael S. Mullins".

Michael S. Mullins  
Regulation Coordinator

## Agency Amendment

### ENERGY AND ENVIRONMENT CABINET

#### Department for Natural Resources

#### Division of Oil and Gas

(Amended After Comments)

### 805 KAR 1:170. Content of the operations and reclamation plan.

#### Page 9

#### Section 4(2)(c)1. *{After Compiler change – Section 4(2)(c)1.}*

##### Line 23

After "1.", insert the following:

a. Except as established in clause b. of this subparagraph,

After "non-fill areas.", insert the following:

b. If site conditions prevent compliance with clause a. of this subparagraph, then pits may be constructed in fill areas if a division representative has determined that the location is stable and will prevent failure of the pit.

#### Page 10

#### Section 4(2)(c)4. *{After Compiler change – Section 4(2)(c)4.}*

##### Line 5

After "4.", insert "a.".

##### Line 6

After "thickness of ", insert "ten (10)"

Delete "twelve (12)".

After "into the subsurface.", insert the following:

b.i. The liner requirement may be waived by a division representative if the drilling mud circulation system utilizes bentonite clay and the division representative observes soil conditions confirming the presence of clay, which shall create an impermeable barrier preventing infiltration of pit fluids into the underlying soil and rock strata.

ii. The division representative shall not approve waivers to clause a. of this subparagraph in areas as identified by Kentucky Geologic Survey mapping as being underlain by bedrock with high or moderate potential for karst development.



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

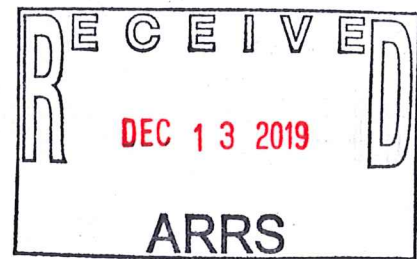
JOHN SMALL  
COMMISSIONER

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES**

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-6940  
TELEFAX: 502-564-4245

December 13, 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: 805 KAR 4:050, Records.

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 805 KAR 4:050, the Department for Natural Resources proposes the attached amendments to 805 KAR 4:050.

Sincerely,

A handwritten signature in blue ink that reads "Michael S. Mullins".

Michael S. Mullins  
Regulation Coordinator

**Suggested Amendment**  
**Final Version: 12/12/2019 3:51 PM**

**Energy and Environment Cabinet**  
**Department for Natural Resources**  
**Division of Mine Reclamation and Enforcement**

**805 KAR 4:050. Records.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "Resources to", insert "compel".

Delete "require".

**Line 11**

After "Chapter 350", insert comma.

**Page 1**

**Section 1(2)**

**Line 18**

After "date", insert comma.

**Page 1**

**Section 1(3)**

**Line 19**

After "signature", insert comma.

**Page 1**

**Section 1(5)**

**Line 21**

After "burden", insert comma.

**Page 2**

**Section 1(19)**

**Line 19**

After "burden", insert comma.

**Page 3**

**Section 2(2)(b)**

**Line 8**

After "occur", insert "which".

Delete "that".



**PUBLIC PROTECTION CABINET**

**Department of Insurance**

P.O. Box 517  
Frankfort, Kentucky 40602-0517  
1-502-564-3630  
<http://insurance.ky.gov>

**Andy Beshear**  
Governor

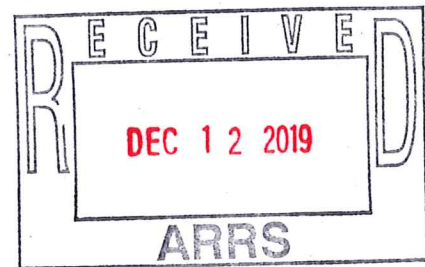
**Kerry B. Harvey**  
Secretary

**Nancy G. Atkins**  
Commissioner

December 12, 2019

VIA Hand Delivery

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: **806 KAR 3:230**. Standards for safeguarding customer information.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 806 KAR 3:230, the Department of Insurance proposes the attached amendment to 806 KAR 3:230.

Sincerely,

Patrick O'Connor II,  
Deputy Commissioner - Policy  
Department of Insurance

Enclosed: Staff Suggested Amendment (21 Copies)

**Suggested Amendment  
PUBLIC PROTECTION CABINET  
Department of Insurance**

**806 KAR 3:230. Standards for safeguarding customer information.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS", insert "304.12-010, 304.12-130".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 12**

After "administrative, technical", insert a comma.

**Page 2**

**Section 1(4) and Section 1(5)**

**Lines 10-12**

After "(4)", delete the following:

"Customer information systems" means the electronic or physical methods used to access, collect, store, use, transmit, protect or dispose of customer information.

(5)

**Page 2**

**Section 1(5) and Section 1(6)**

**Lines 15-16**

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

Delete "(6)".

**Page 2**

**Section 1(6) and Section 1(7)**

**Lines 19-22**

After "Code.", delete the following:

(7) "Service provider" means a person that maintains, processes or otherwise is permitted access to customer information through its provision of services directly to the licensee.

**Page 3**

**Section 2**

**Line 2**

After "administrative, technical", insert a comma.

**Line 3**

After "administrative, technical", insert a comma.

**Page 3**

**Section 3(3)**

**Line 11**

After "information that", insert "may".  
Delete "could".



**PUBLIC PROTECTION CABINET**

**Department of Insurance**

P.O. Box 517  
Frankfort, Kentucky 40602-0517  
1-502-564-3630  
<http://insurance.ky.gov>

**Andy Beshear**  
Governor

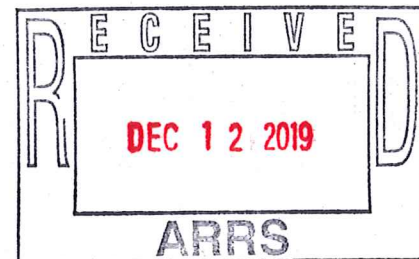
**Kerry B. Harvey**  
Secretary

**Nancy G. Atkins**  
Commissioner

December 12, 2019

VIA Hand Delivery

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: **806 KAR 5:060**, Registration of service contracts for consumer products.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 806 KAR 5:060, the Department of Insurance proposes the attached amendment to 806 KAR 5:060.

Sincerely,

Patrick O'Connor II,  
Deputy Commissioner - Policy  
Department of Insurance

Enclosed: Staff Suggested Amendment (21 Copies)

**Suggested Amendment  
PUBLIC PROTECTION CABINET  
Department of Insurance**

**806 KAR 5:060. Registration of service contracts for consumer products.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 7**

After "KRS 304.5-070", insert "(1)(q)".

**Page 1**

**Section 1**

**Line 12**

After "Definitions.", insert the following:

(1) "Casualty insurance" is defined by KRS 304.5-070.

(2)

After "Maker of", insert "a".

**Page 1**

**Section 2(1)**

**Line 17**

After "office; and", delete "either".

**Page 1**

**Section 2(2)**

**Line 18**

After "Evidence", insert the following:

of financial security demonstrated by one (1) of the following:

(a) Evidence

**Page 2**

**Section 2(2) and Section 2(3)**

**Lines 5-6**

After "worth; or", insert "(b)".

Delete "(3)".

**Page 2**

**Section 2(3) and Section 2(3)(a)**

**Lines 15-16**

After "bond that:", insert "1.".

Delete "(a)".

**Page 2**

**Section 2(3)(a) and Section 2(3)(b)**

**Lines 17-18**

After "to the commissioner;", insert "2.".

Delete "(b)".

**Page 2**

**Section 2(3)(b) and Section 2(3)(c)**

**Lines 21-22**

After "maker; and", insert "3. a.".

Delete "either (c)".

**Pages 2 and 3**

**Section 2(3)(c) and Section 2(3)(d)**

**Line 23 and Line 1**

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

Delete "(d)".

**Page 3**

**Section 3**

**Line 7**

After "Section 2", insert "of this administrative regulation".

**Page 4**

**Section 5(1)**

**Line 13**

After "requirements shall be", insert "determined as".

Delete "deemed".



**PUBLIC PROTECTION CABINET**

**Department of Insurance**

P.O. Box 517

Frankfort, Kentucky 40602-0517

1-502-564-3630

<http://insurance.ky.gov>

**Andy Beshear**  
Governor

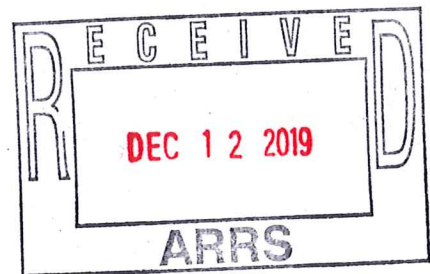
**Kerry B. Harvey**  
Secretary

**Nancy G. Atkins**  
Commissioner

December 12, 2019

VIA Hand Delivery

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: **806 KAR 9:265**. Rental vehicle agent license.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 806 KAR 9:265, the Department of Insurance proposes the attached amendment to 806 KAR 9:265.

Sincerely,

Patrick O'Connor II,  
Deputy Commissioner - Policy  
Department of Insurance

Enclosed: Staff Suggested Amendment (21 Copies)

**Suggested Amendment  
PUBLIC PROTECTION CABINET  
Department of Insurance**

**806 KAR 9:265. Rental vehicle agent license.**

**Page 1**

**RELATES TO**

**Line 5**

After "304.4-010," insert "304.9-295".

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "KRS 304.2-110," insert "304.9-230".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "Code.", insert the following:

KRS 304.9-230 authorizes the commissioner to issue an agent's license with the limited line of authority for rental vehicle, and requires the commissioner to promulgate administrative regulations to establish the requirements, if any, for prelicensing courses of instruction and examination for each limited line of authority.

**Page 3**

**Section 2(1)(c)**

**Line 21**

After "employees", insert "pursuant to KRS 304.9-507(1)(e)".

**Page 3**

**Section 2(2)**

**Lines 22-23**

After "available to the", lowercase the first letter of "Department".

**Page 4**

**Section 3(2)**

**Line 16**

After "by the commissioner and", insert "that".

**Line 19**

After "topics in the", insert "department's".

Delete "Department".

**Page 6**

**Section 3(4)**

**Line 4**

After "additions to the", lowercase the first letter of "Department".