

Andy Beshear
Governor



Jamie Link
Secretary
Education and Labor Cabinet

Dr. Robbie Fletcher
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601 Phone: (502) 564-3141 • www.education.ky.gov

September 4, 2024

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



Re: 16 KAR 9:010E. Provisional and Professional Certificate for Exceptional Work Experience

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 16 KAR 9:010, the Education Professional Standards Board proposes the attached substitute to 16 KAR 9:010.

Thank you for your consideration.

Sincerely,

Cassie L. Trueblood
Policy Advisor and Counsel

**Suggested Substitute
Final version
8/21/2024**

**EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Emergency Amendment)**

16 KAR 9:010E. Provisional and professional certificate for exceptional work experience.

RELATES TO: KRS 161.028, 161.030, 161.048

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 establishes the eligibility requirements for a candidate seeking to participate in an alternative teacher preparation program **and requires the board to promulgate administrative regulations establishing standards and procedures for alternative certification options.** This administrative regulation establishes the requirements for issuance [~~and renewal~~] of a provisional and professional certificate based on exceptional work experience.

Section 1. Definitions.

(1) "Exceptional work experience" means a person with recognized superiority as compared with others in rank, status, and attainment or superior knowledge and skill in comparison with the generally accepted standards in the area in which certification is sought.

(2) "Population based certificate" means a certificate for teaching elementary, exceptional children, or interdisciplinary early childhood education.

Section 2. Verification of exceptional qualifications of an applicant for certification, in a field of endeavor taught or service practiced in a public school of Kentucky, shall include:

(1) Sufficient documentation that demonstrates to the local school district and the Education Professional Standards Board that an applicant is one who has exceptional work experience and has talents and abilities commensurate with the teacher standards, established in 16 KAR 1:010;

(2) Documentation **of [may include]** advanced degrees earned, distinguished employment, evidence of related study or experience, publications, professional awards, achievement, or recognition attained for contributions to an applicant's field of endeavor; and

(3) Recommendations from professional associations, former employers, professional colleagues, or any other individual or group whose evaluations **[shall]** support exceptional work in the field.

(4)[(3)] Exceptional work experience shall not apply to population based certificates.

Section 3. Certification Requirements.

(1) An eligible candidate for certification other than a population based certificate who meets the requirements of KRS 161.048(2) and 16 KAR 2:010, Section 3(1), shall be issued a **one (1) [two (2)] year provisional certificate for exceptional work experience.**

(2) The provisional certificate shall be issued for the content area and grade range corresponding to the candidate's degree and teaching experience.

(3) The provisional certificate shall be valid for teaching the content area and grade range indicated on the face of the certificate.

(4) If a candidate does not complete one (1) year of successful teaching experience during the initial provisional certificate, the candidate may apply to renew the provisional certificate.

(5) Application for renewal of the **one (1) [two (2)] year provisional certificate shall be submitted to the EPSB and be in compliance with 16 KAR 2:010, Section 3(1).**

(6) Upon completion of one (1) year of successful teaching experience on the provisional certificate, the candidate may apply for the professional certificate.

~~(7)(2)~~ Application for the professional certificate shall be submitted to the EPSB and shall:

(a) Contain proof of successful completion of one (1) year of teaching experience;

(b) Contain a recommendation from the employing school district; and

(c) Be in compliance with 16 KAR 2:010, Section 3(1).

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

Andy Beshear
Governor



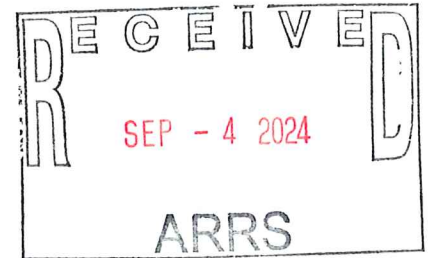
Jamie Link
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September 4, 2024

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




Re: 16 KAR 9:030. Professional and Provisional Certificate for College Faculty

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 16 KAR 9:030, the Education Professional Standards Board proposes the attached substitute to 16 KAR 9:030.

Thank you for your consideration.

Sincerely,


Cassie L. Trueblood
Policy Advisor and Counsel

**Suggested Substitute
Final Version 8/21/2024**

**EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amendment)**

16 KAR 9:030. Professional and provisional certificate for college faculty.

RELATES TO: KRS ~~[160.380(5)(c),]~~ 161.020, 161.028, 161.030, 161.048

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 ***establishes [authorizes]*** the eligibility requirements for a candidate seeking to participate in an alternative teacher preparation program ***and requires the board to promulgate administrative regulations establishing standards and procedures for alternative certification options.*** This administrative regulation establishes the requirements for ~~[and renewal of]~~ the professional and provisional certificate for college faculty.

Section 1. Prerequisites.

(1) A ***one (1) [two (2)]*** year provisional certificate for college faculty may be issued to an eligible candidate who meets the requirements of KRS 161.048(4).

(2) Application for a provisional certificate shall be submitted to the EPSB and shall:

(a) Contain proof of a master's degree or doctoral degree in the academic content area for which certification is sought;

(b) Contain verification of qualifying teaching experience from a regionally or nationally accredited institution of higher education; and

(c) Be in compliance with 16 KAR 2:010, Section 3(1).

(3) The provisional certificate for college faculty shall be issued for the content area and grade range corresponding to the candidate's degree and teaching experience.

(4) The provisional certificate for college faculty shall be valid for teaching the content area and grade range indicated on the face of the certificate.

~~[(a) An eligible candidate who meets the requirements of KRS 161.048(4)(a) and (b) shall be issued a statement of eligibility for the professional certificate for college faculty valid for five (5) years.~~

~~(b) Application for the statement of eligibility for the professional certificate for college faculty shall be made on Form CA-194.~~

~~(2) Upon confirmation of employment in an assignment for the grade level and specialization identified on the statement of eligibility, a provisional teaching certificate shall be issued.~~

~~(3) Upon successful completion of the Kentucky Teacher Internship Program as provided in KRS 161.030 and 16 KAR 7:010, the professional certificate for college faculty shall be issued for an additional four (4) years.]~~

Section 2. Renewal. (1) If a candidate does not complete one (1) year of successful teaching experience during the initial provisional certificate, the candidate may apply to renew the provisional certificate.

(2) Application for renewal of the **one (1) [two (2)]** year provisional certificate for college faculty shall be submitted to the EPSB and be in compliance with 16 KAR 2:010, Section 3(1). [Each five (5) year renewal of the professional certificate for college faculty shall require:

- (1) Three (3) years of successful classroom teaching experience; or
- (2) Six (6) semester hours of additional graduate credit.]

Section 3. Equivalent College Teaching Experience.

(1) Ninety (90) semester credit hours taught at the postsecondary level at a regionally- or nationally-accredited institution of higher education shall be accepted as the equivalent of five (5) years of full-time teaching experience.

(2) The ninety (90) hours of college teaching experience may:

- (a) Be accumulated at more than one (1) institution of higher education; and
- (b) Include part-time teaching or adjunct teaching positions.

(3)

(a) ***In place of regular full-time teaching experience, as established in subsection (1) of this section,*** a full-time faculty member's experience at a regionally- or nationally-accredited institution of higher education may include ***[the following activities in lieu of regular full-time teaching experience as established in subsection (1) of this section]:***

- 1. Action research;
- 2. Service to the P-12 schools; or
- 3. Other activities undertaken as part of a full-time faculty member's assigned responsibilities at the institution of higher education.

(b) The head of the faculty member's unit shall verify the validity of the experiences or responsibilities in this subsection ***in place [in lieu]*** of ***a*** regular full-time teaching load on a per semester basis.

Section 4. (1) Upon completion of one (1) year of successful teaching experience on the provisional certificate for college faculty, the candidate may apply for the professional certificate.

(2) Application for the professional certificate shall be submitted to the EPSB and shall:

(a) Contain proof of successful completion of one (1) year of teaching experience;

(b) Contain a recommendation from the employing school district; and

(c) Be in compliance with 16 KAR 2:010, Section 3(1). [An applicant for a professional certificate for college faculty who is not currently certified as an educator in Kentucky shall submit a national and state criminal background check performed in accordance with KRS 160.380(5)(c) within twelve (12) months prior to the date of application.

Section 5. Incorporation by Reference.

(1) "Form CA-194", 08/15, is incorporated by reference.

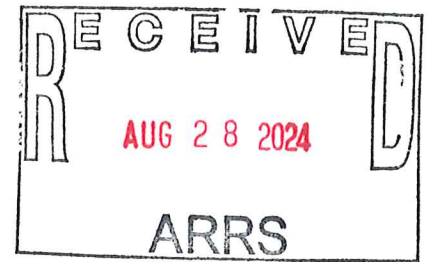
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.



DEPARTMENT OF VETERANS AFFAIRS

Office of the Commissioner
1111 Louisville Road, Suite B
Frankfort, Kentucky 40601-6123
Phone (502) 564-9203
Fax (502) 564-9240



ANDREW G. BESHEAR
GOVERNOR

WHITNEY P. ALLEN, JR.
LIEUTENANT COLONEL (RET)
COMMISSIONER

August 28, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, Kentucky 40601

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of issues concerning 17 KAR 04:030, Veterans' Service Organization Burial Honor Guard Program, KDVA accepts the recommended attached staff suggested substitute to 17 KAR 04:030.

Sincerely,

Dr. Tamara Reid-McIntosh, Esq.
Legal Counsel, Office of Veteran Legal Services
Kentucky Department of Veterans Affairs
1111 Louisville Road, Suite B
Frankfort, KY 40601

8/27/2024

Suggested Substitute

**OFFICE OF THE GOVERNOR
Department of Veterans Affairs
Office of Kentucky Veterans' Services**

17 KAR 4:030. Veterans' Service Organization Burial Honor Guard Program.

RELATES TO: KRS 40.360, 40.362, 40.364, 40.366, 10 U.S.C. 1491

STATUTORY AUTHORITY: KRS 40.360(3), 40.364(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.360(3) and 40.364(1) require the Kentucky Department of Veterans' Affairs to promulgate administrative regulations to implement and administer the Veterans' Service Organization Burial Honor Guard Program. This administrative regulation establishes the requirements for the Veterans' Service Organization Burial Honor Guard Program.

Section 1. Definitions.

(1) "Authorized provider" means a veterans' service organization or any other military or civilian organization that has been trained in rendering military funeral honors according to requirements established in 10 U.S.C. 1491.

(2) **"Discharge under other than dishonorable conditions" means, for the purpose of this administrative regulation, honorable or general under honorable conditions service characterization.**

["Eligible veteran" means a person who:

(a) Has served the state and nation on active duty in the U.S. Armed Forces; received a discharge under other than dishonorable conditions (that is with an honorable or general under honorable conditions service characterization); and has never been convicted of a federal or state capital offense; or

(b) At the time of death, was honorably serving in the U.S. Reserves or the Air or Army National Guard without being previously convicted of a federal or state capital offense; or

(c) Was previously interred or cremated, notwithstanding the date of death.]

[1.]

[a.] [Has served the state and nation in the armed forces; and]

[b.] [Was discharged under other than dishonorable conditions, that is with an honorable or general under honorable conditions service characterization; or]

[2.] [At the time of death, was a member of the Selective Reserve or Kentucky National Guard;]

[(b)] [Was recently deceased, or cremated remains are being interred, or, if not recently deceased, the burial honors are being rendered for historical reasons; and]

[(c)] [Was never convicted of a federal or state capital offense.]

(3) "Veterans' service organization" or "VSO" means an organization serving American veterans such as Veterans of Foreign Wars, American Veterans[AMVETS], Disabled American Veterans, Vietnam Veterans of America, and American Legion.

Section 2. **Eligibility for Burial Honors.**

(1) An individual shall be eligible for burial honors if he or she:

(1) KDVA Form, "Veterans' Service Organization Request for Honors Stipend", ~~09/24~~~~07/24~~[11/06], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Veterans' Affairs, 1111[B] Louisville Road, Suite B, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or at <https://veterans.ky.gov/Pages/index.aspx>.

CONTACT PERSON: Juan Renaud, Deputy Commissioner, Office of the Commissioner; or Alvin Duncan, State Cemeteries Director; 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 782.5721; fax (502) 564.9240; email juan.renaud@ky.gov or alvin.duncan@ky.gov.

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VETERANS SERVICE ORGANIZATION REQUEST FOR HONORS STIPEND

A Veterans Service Organization (VSO) shall submit this form when requesting stipend for performing military burial honors. The responsibility for proper completion and submission of this form rests with the VSO. Stipends will be paid at the rate indicated below in Part Two of this form, not to exceed \$100.00 for each ceremony.

- VSOs must verify the service of the veteran for whom the burial honors are being performed.
Honors performed for veterans buried outside of the Commonwealth of Kentucky are not compensable.
All stipend requests must be submitted to KDVA within 90 days of burial honors being performed.
Submit stipend request to KDVA.AccountsPayable@ky.gov, or via fax (502) 564-9240, or via U.S. Postal mail to the address above.

PART ONE: Deceased Veteran Information

Name of Veteran:
Character of Discharge:
Service Verified By DD-214 Yes No Dates of Military Service:
Date of Birth: Rank: Date Honors Performed:
Location of Honors: City: County:
Branch of Service: U.S. Army U.S. Navy U.S. Air Force NGB/RES
U.S.M.C U.S. Coast Guard U.S. Space Force Other (Specify)

PART TWO: VSO Performing Honors

VSO Post Name and #:
Address:
City/State: Zip Code:
State Vendor ID #:

Point of Contact (please print): Phone #: ()

Was deceased veteran a member of the post conducting honors? Yes No

Military Honors performed (check box that applies - only one box):

- Full Honors (Fold/Present Flag; Firing Detail (3 Minimum); & Any form of Taps by Bugle): \$100
Rifle Team Firing Detail (3 Minimum); Ceremonial Bugle; or Taps by CD/Pre-Recorded Device: \$80
Folding and Presenting Flag, (No Firing Detail), & Taps by Live Bugler or Ceremonial Bugle: \$50
Folding and Presenting Flag, (No Firing Detail), & Taps by CD/Pre-Recorded Device: \$30
Taps by Live Bugler or Ceremonial Bugle: \$15
*Note: Taps by CD or Recording Device only is not compensable: \$0

Signature of Post Honor Guard Commander or Adjutant: Date:

PART THREE: Funeral Director Verification

Military honors performed in an acceptable manner. Yes No
(If no, please provide comments on a separate piece of paper or call KDVA.)

Name of Funeral Home:
City: Phone #: ()

Printed Name:

Signature: Date:



HONORS STIPEND PROGRAM FOR VETERANS SERVICE ORGANIZATIONS

Veterans groups that perform honors are eligible under the Burial Honors program to receive a stipend of up to \$100 for expenses incurred while performing honors. To be eligible to receive the stipend:

- The VSO must have registered as a State Vendor and received a State Vendor Number. That Vendor ID Number will start with a KY or KS.
- VSO's must register for a State Vendor number at <https://finance.ky.gov/services/eprocurement/Pages/doingbusiness.aspx>
- Services must be for Veterans whose service has been verified by DD-214 or discharge form. If Honors were performed and a stipend was received for a veteran who was not eligible, the VSO must reimburse the money to the Burial Honors Program.
- Do not submit DD-214's with the request form. Simply check the block that service has been verified.
- The VSO must not request any payment from the funeral home or family for the honors they are requesting a stipend for from KDVA.
- The VSO is required to submit KDVA Form (07-24), Veterans Service Organization Request for Honors Stipend, which will verify that the veterans group, post, or chapter has performed honors on a given date.
- Stipend Request forms MUST be submitted no later than 90 days after the date of honors. Forms should be submitted to KDVA via email at KDVA.AccountsPayable@ky.gov, via fax to 502-564-9240, or via U.S. postal mail to the address listed on the front of the form.
- VSO's may submit forms on a Monthly Basis *i.e.*, all services performed in month of January, but each honor performed must be requested on a separate form.
- The VSO is responsible for obtaining both signatures and submitting KDVA Form (07-24), not the funeral director (nor are the VSOs allowed to sign in lieu of a funeral director).
- The VSO must list on KDVA Form (07-24) the post name and number that is registered as the Vendor.
- For additional information, contact the Burial Honors Program Coordinator at 502-782-5731 or e-mail at Alvin.Duncan@ky.gov.

Stipends will be reimbursed as follows:

- Full Honors (Fold/Present Flag; Firing Detail (3 Minimum); & Any form of Taps by Bugle): \$100
- Rifle Team Firing Detail (3 Minimum); Ceremonial Bugle; or Taps by CD/Pre-Recorded Device: \$80
- Folding and Presenting Flag, (No Firing Detail), & Taps by Live Bugler or Ceremonial Bugle: \$50
- Folding and Presenting Flag, (No Firing Detail), & Taps by CD/Pre-Recorded Device: \$30
- Taps by Live Bugler or Ceremonial Bugle: \$15
- Taps by CD or Other Pre-Recorded Device: \$0
- **Reimbursement for Travel, Uniforms, or Equipment is no Longer available.**



DIRTY



KENTUCKY DEPARTMENT OF VETERANS AFFAIRS
BURIAL HONORS PROGRAM
1111 Louisville Road, Suite B, Frankfort, KY 40601
Phone: 1-502-564-9203 Fax: 1-502-564-9240
Email: KDVA.AccountsPayable@ky.gov

VETERANS SERVICE ORGANIZATION REQUEST FOR HONORS STIPEND

A Veterans Service Organization (VSO) shall submit this form when requesting stipend for performing military burial honors. The responsibility for proper completion and submission of this form rests with the VSO. Stipends will be paid at the rate indicated below in Part Two of this form, not to exceed **\$100.00** [~~\$60.00~~] for each ceremony.

- VSOs must verify the service of the veteran for whom the burial honors are being performed.
- Honors performed for veterans buried outside of the Commonwealth of Kentucky are not compensable.
- All stipend requests must be submitted to KDVA within 90 days of burial honors being performed.
- Submit stipend request to KDVA.AccountsPayable@ky.gov, or via fax (502) 564-9240, or via U.S. Postal mail to the address above.

PART ONE: Deceased Veteran Information

Name of Veteran: _____
Character of Discharge: _____

Service Verified By DD-214 Yes No Dates of Military Service: _____
 Date of Birth: _____ Rank: _____ Date Honors Performed: _____
 Location of Honors: City: _____ County: _____
 Branch of Service: U.S. Army U.S. Navy U.S. Air Force
 U.S. Space Force **NGB/RES**
 U.S. Marine Corps U.S. Coast Guard Other (specify) _____

PART TWO: VSO Performing Honors

VSO Post Name and #: _____
 Address: _____
 City/State: _____ Zip Code: _____
 State Vendor ID #: _____
 Point of Contact (please print): _____ Phone #: () _____

Was deceased veteran a member of the post conducting honors? Yes No
 Military Honors performed (check box that applies – only one box):
 Full Honors (Flag Folding/Presentation; Firing Detail (3 ~~Firers~~-Minimum); & Any form of Taps by Bugle ~~Taps by Bugle~~): **\$100** [~~\$60~~]
 Rifle Team Firing Detail (3 ~~Firers~~-Minimum); Ceremonial Bugle; or **Taps by CD/Pre-Recorded Device** & Taps by Live Bugler or Ceremonial Bugle: **\$80** [~~\$50~~]
 Flag Folding/Presentation, (No Firing Detail), & Taps by Live Bugler or Ceremonial Bugle: **\$50** [~~\$35~~]
 Flag Folding/Presentation, (No Firing Detail), & Taps by CD/Pre-Recorded Device: **\$30** [~~\$25~~]
 Taps by Live Bugler or Ceremonial Bugle: **\$15** [~~\$10~~]
 *Note: Taps by CD or Other Pre-Recorded Device only is not compensable: **\$0**

Signature of Post Honor Guard Commander or Adjutant: _____ Date: _____

PART THREE: Funeral Director Verification

Military honors performed in an acceptable manner. Yes No
 (If no, please provide comments on a separate piece of paper or call KDVA.)
 Name of Funeral Home: _____

City: _____ Phone #: (____) _____

Printed Name: _____

Signature: _____ Date: _____

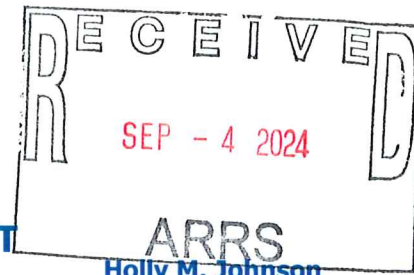
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Veterans groups that perform honors are eligible under the Burial Honors program to receive a stipend of up to **\$100** [~~\$60~~] for expenses incurred while performing honors. To be eligible to receive the stipend:

- The VSO must have registered as a State Vendor and received a State Vendor Number. That Vendor ID Number will start with a KY or KS.
- VSO's must register for a State Vendor number at <https://finance.ky.gov/services/eprocurement/Pages/doingbusiness.aspx>
- Services must be for Veterans whose service has been verified by DD-214 or discharge form. If Honors were performed and a stipend was received for a veteran who was not eligible, the VSO must reimburse the money to the Burial Honors Program.
- Do not submit DD-214's with the request form. Simply check the block that service has been verified.
- The VSO must not request any payment from the funeral home or family for the honors they are requesting a stipend for from KDVA.
- The VSO is required to submit KDVA Form (05-24), Veterans Service Organization Request for Honors Stipend, which will verify that the veterans group, post, or chapter has performed honors on a given date.
- Stipend Request forms MUST be submitted no later than 90 days after the date of honors. Forms should be submitted to KDVA via email at KDVA.AccountsPayable@ky.gov, via fax to 502-564-9240, or via U.S. postal mail to the address listed on the front of the form.
- VSO's may submit forms on a Monthly Basis i.e., all services performed in month of January, but each honor performed must be requested on a separate form.
- The VSO is responsible for obtaining both signatures and submitting KDVA Form (05-24), not the funeral director (nor are the VSOs allowed to sign in lieu of a funeral director).
- The VSO must list on KDVA Form (05-24) the post name and number that is registered as the Vendor.
- For additional information, contact the Burial Honors Program Coordinator at 502-782-5731 or e-mail at Alvin.Duncan@ky.gov.

Stipends will be reimbursed as follows:

- Full Honors (Flag Folding/Presentation, Firing Detail (3 ~~Firers~~ Minimum); & **Any form of** Taps by Bugle): **\$100** [~~\$60~~]
- Rifle Team Firing Detail (3 Firers Minimum), & **Taps by CD/Pre-Recorded Device** Live Bugler or Ceremonial Bugle: **\$80** [~~\$50~~]
- Flag Folding/Presentation, (No Firing Detail), & Taps by Live Bugler or Ceremonial Bugle: **\$50** [~~\$35~~]
- Flag Folding/Presentation, (No Firing Detail), & Taps by CD/Pre-Recorded Device: **\$30** [~~\$25~~]
- Taps by Live Bugler or Ceremonial Bugle: **\$15** [~~\$10~~]
- Taps by CD or Other Pre-Recorded Device: **\$0**
- **Reimbursement for Travel, Uniforms, or Equipment is no Longer available.**



Andy Beshear
GOVERNOR

**FINANCE AND ADMINISTRATION CABINET
OFFICE OF THE SECRETARY**

200 Mero Street, 5th Floor
Frankfort, Kentucky 40622
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ARRS
Holly M. Johnson
SECRETARY

September 4, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort KY 40601

Re: 200 KAR 5:021 Manual of Policies and Procedures

Dear Co-Chairs:

After consideration of the issues raised by 200 KAR 5:021, the Finance and Administration Cabinet proposes the attached suggested substitute to this emergency regulation.

Sincerely,

/s/ Cary B. Bishop
Cary B. Bishop
Assistant General Counsel
Office of General Counsel
Finance and Administration Cabinet
200 Mero Street, 5th Floor
Frankfort, Kentucky 40622

Final, 8-28-2024

SUGGESTED SUBSTITUTE

FINANCE AND ADMINISTRATION CABINET

200 KAR 5:021. Manual of policies and procedures.

RELATES TO: KRS ~~Chapter 45A~~**45A.045(2)**~~[Chapter 45A]~~

STATUTORY AUTHORITY: KRS 45A.045(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.045(2) requires the Finance and Administration Cabinet to publish a manual of policies and procedures, which is to be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates the Finance and Administration Cabinet Manual of Policies and Procedures.

Section 1. **A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.**~~[A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.]~~

Section 2.~~[Section 2.]~~ Incorporation by Reference.

(1) "Finance and Administration Cabinet Manual of Policies and Procedures", revised **August**~~[May]~~ 2024~~[February 2016]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Finance and Administration Cabinet, Office of General Counsel, 200 Mero Street, 5th Floor~~[Office of Policy and Audit, Policy Branch, Room 493, Capitol Annex]~~, Frankfort, Kentucky 40622~~[40604]~~, Monday through Friday, 8 a.m. to 4:00~~[4:30]~~ p.m. This material may also be obtained at the Finance and Administration Cabinet's Web site, <https://finance.ky.gov/office-of-the-secretary/office-of-policy-and-audit/Pages/Finance-Policies.aspx>~~[www.finance.ky.gov/services/policies/Pages/default.aspx]~~.

CONTACT PERSON: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622, phone (502) 564-6660, fax (502) 564-9875, email cary.bishop@ky.gov.

MATERIAL INCORPORATED BY REFERENCE

At the time that the agency files this staff suggested amendment, it needs to file one (1) clean copy of the "Finance and Administration Cabinet Manual of Policies and Procedures" updated to:

- **Include the August 2024 Edition Date**
- **FAP 220-10-00 (Section 1(a) and Table 1) - Update the expenditure bands to \$50,001-\$100,000 are required to have at least 3 price quotations. Previously, it was ambiguous if a project costs exactly \$50,000 of being subject to 1 or 3 bids.**
- **FAP 220-10-00, (Sections 6, 7, 8 and Table II) that governed when agencies have small purchase authority less than \$40,000 - Update to the new \$100,000 threshold in Senate Bill 91. Fix in Table II a duplicate range of purchases, and change to eliminate the ambiguity for procurements that are at the maximum amount by adding \$1 to clarify the range and requirements. (For example, \$5,000 or less, \$5,001-\$15,000, and so forth)**



Andy Beshear
Governor

KENTUCKY BOARD OF PHARMACY

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

Board Members
Jason Belcher, Consumer
Meredith Figg, PharmD
John Fuller, RPh
Anthony B. Tagavi, PharmD
Jonathan Van Lahr, RPh
Kimberly S. Croley, PharmD

Executive Director
Christopher P. Harlow, PharmD

September 4, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulations Compiler
Legislative Research Commission
083, Capital Annex
702 Capital Avenue
Frankfort, Kentucky 40601

RE: 201 KAR 2:470

Dear Co-Chairs West and Lewis,

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 2:470, the Board of Pharmacy proposes the attached amendment to 201 KAR 2:470.

Sincerely,

Christopher P. Harlow, Pharm.D., Executive Director
Kentucky Board of Pharmacy
125 Holmes St., Suite 300
Frankfort, KY 40601

TEAM
KENTUCKY
An Equal Opportunity Employer M/F/D

SUGGESTED SUBSTITUTE

BOARD AND COMMISSIONS
Board of Pharmacy

201 KAR 2:470. Change of ownership.

RELATES TO: KRS 315.035(5), 315.036(1), 315.340(6), 315.350(4), ~~[315.405(5),]~~ 315.4104(1)

STATUTORY AUTHORITY: 315.191(1)

NECESSITY, FUNCTION, AND CONFORMITY: 315.191(1) authorizes the board to promulgate administrative regulations to regulate pharmacists, pharmacies, wholesalers, and manufacturers. KRS 315.035(5) ~~[discusses changes of ownership of a pharmacy and]~~ requires that if there is a change of ownership of a pharmacy notice is to be provided by a buyer at least [no fewer than] five (5) days prior to the date of sale [before the transaction occurs] and authorizes a buyer to operate under a seller's permit pending the application. ~~[Due to the nature of business structures, it is not clear when a change of ownership of a regulated entity is considered to occur, and therefore]~~ This administrative regulation clarifies criteria in [provides clarity for] making [those] determinations for when a change of ownership of a regulated entity is considered to occur for various business structures.

Section 1. Change of entity ownership requiring a new license or permit means:

- (1) Partnership. ~~For [In the case of]~~ a partnership, the removal, addition, or substitution of a partner.
- (2) Unincorporated sole proprietorship. ~~For [In the case of]~~ an unincorporated sole proprietorship, the transfer of title and property to another party.
- (3) Corporation.
 - (a) ~~For [In the case of]~~ a corporation, the merger of the licensed corporation into another corporation or the consolidation of two (2) or more corporations, resulting in the creation of a new corporation.
 - (b) Transfer of corporate stock or the merger of another corporation into the licensed corporation does not constitute change of entity ownership; however, notification pursuant to Section 2 of this administrative regulation shall be provided within thirty (30) days of the transaction occurring.
- (4) Limited liability company (LLC).
 - (a) ~~For [In the case of]~~ an LLC, the merger of the licensed LLC into another LLC or the consolidation of two (2) or more LLCs, resulting in the creation of a new LLC.
 - (b) Transfer of company stock or the merger of another LLC into the licensed LLC does not constitute change of ownership; however, notification pursuant to Section 2 of this administrative regulation shall be provided within thirty (30) days of the transaction occurring.

Section 2. Procedure.

- (1) Written notice of the following shall be provided to the board no more than thirty (30) calendar days after the transaction occurs:
 - (a) A transfer of stock of greater than ten (10) percent in a non-publicly traded corporation which is the direct owner of an entity;
 - (b) A transfer of membership interest in an LLC [a limited liability company] which is the direct owner of an entity; and
 - (c) A change of corporate officer.
- (2) Written notification shall include providing a copy of the purchase agreement if there is [in the case of] a stock or membership interest transfer. Purchase amounts and proprietary information may be redacted.

Section 3. Responsibility. A permit or license holder which has been served with a complaint and notice of hearing pursuant to KRS Chapter 13B for a pending disciplinary proceeding with the board of



Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Boxing & Wrestling Commission
500 Mero Street, 218 NC
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Phone: (502) 564-0085

Ray A. Perry
SECRETARY

Matt Byrd
EXECUTIVE DIRECTOR

September 6, 2024

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

Re: 201 KAR 27:006. Powers and duties of inspectors.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 27:006, the Kentucky Boxing & Wrestling Commission proposes the attached amendment to 201 KAR 27:006.

Sincerely,

Doug Hardin, Staff Attorney
Kentucky Boxing & Wrestling Commission
500 Mero Street, 218 NC
Frankfort, KY 40601

Final, 8-29-2024

SUGGESTED SUBSTITUTE

PUBLIC PROTECTION CABINET
Boxing and Wrestling Commission

201 KAR 27:006. Powers and duties of inspector.

RELATES TO: KRS 229.011, 229.025, 229.031, 229.035~~[229.021, 229.041, 229.051]~~, 229.061, 229.155, 229.171, 229.190, 229.200~~[, 229.991]~~~~[, EO 2016-270]~~

STATUTORY AUTHORITY: KRS 229.171~~[, 229.180]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the commission[authority] to exercise sole jurisdiction over all unarmed combat~~[boxing, kickboxing, mixed martial arts, and wrestling]~~ shows~~[, exhibitions,]~~ and licensees in the commonwealth. ~~[Executive Order 2016-270, effective May 16, 2016, abolished the Kentucky Boxing and Wrestling Authority and established the Kentucky Boxing and Wrestling Commission.]~~ This administrative regulation establishes the duties of an inspector.

Section 1.

- (1) The executive director or the executive director's designee shall assign an inspector to monitor each boxing, ~~[elimination event,]~~ mixed martial arts, and kickboxing show.
- (2) The executive director or the executive director's designee may assign an inspector to monitor a wrestling show based on:
 - (a) The availability of an inspector;
 - (b) The need to conduct periodic inspections; and
 - (c) Knowledge or information that a violation or potential violation may occur.

Section 2. Inspector's Duties.

- (1) Except as otherwise established in 201 KAR Chapter 27, the inspector shall exercise immediate and full supervision, control, and regulation of any show on behalf of the commission and shall be responsible directly to the commission.
- (2) The inspector's powers shall include authority:
 - (a) Over each contestant, licensed or unlicensed, on the premises before, during, and after a show relating to the show;
 - (b) To conduct hearings and issue decisions or rulings on questions, disputes, protests, complaints, or objections relating to the show;
 - (c) To enforce the provisions of KRS Chapter 229 and 201 KAR Chapter 27;
 - (d) To issue violations and penalties as established in KRS Chapter 229 and 201 KAR Chapter 27;
 - (e) To eject or exclude from the premises or any part thereof any person whom the inspector reasonably believes is intoxicated or under the influence of a legal or illegal drug and who may create a hazard to others or interfere with the show;
 - (f) To investigate possible violations of KRS Chapter 229 or 201 KAR Chapter 27;
 - (g) To examine the books and records of any person who conducts a show or exhibition;
 - (h) To issue a license required by 201 KAR 27:008; and
 - (i) To approve the form and sufficiency of any bond filed in accordance with KRS 229.035~~[229.051]~~.

Section 3. Appeal. Any decision made pursuant to this administrative regulation may be appealed to the full commission in the manner prescribed in KRS 229.190.

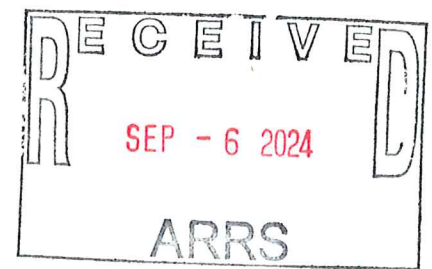
CONTACT PERSON: Doug Hardin, staff attorney, 500 Mero Street 254 CW, Frankfort, Kentucky 40601, phone (502) 782-8204, and email doug.hardin@ky.gov.



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Ray A. Perry
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EXECUTIVE DIRECTOR

September 6, 2024

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

Re: 201 KAR 27:023. Drug testing for unarmed combat shows.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 27:023, the Kentucky Boxing & Wrestling Commission proposes the attached amendment to 201 KAR 27:023.

Sincerely,

Doug Hardin, Staff Attorney
Kentucky Boxing & Wrestling Commission
500 Mero Street, 218 NC
Frankfort, KY 40601

Final, 8-30-2024

SUGGESTED SUBSTITUTE

PUBLIC PROTECTION CABINET
Boxing and Wrestling Commission

201 KAR 27:023. Drug testing for unarmed combat~~[boxing, kickboxing, mixed martial arts, and wrestling]~~~~[, and elimination event]~~ shows.

RELATES TO: KRS 229.025~~[229.071, 229.081, 229.091,]~~ 229.111, 229.171, ~~[229.180,]~~229.200~~[, 229.991, EO 2016-270]~~

STATUTORY AUTHORITY: KRS 229.171~~[, 229.180]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the commission~~[authority]~~ to exercise sole jurisdiction over all unarmed combat~~[boxing, kickboxing, mixed martial arts, and wrestling]~~ shows~~[, exhibitions,]~~ and licensees in the commonwealth. ~~[Executive Order 2016-270, effective May 16, 2016, abolished the Kentucky Boxing and Wrestling Authority and established the Kentucky Boxing and Wrestling Commission.]~~This administrative regulation establishes the policies, procedures, and penalty guidelines associated with drug testing for participants in unarmed combat~~[boxing, kickboxing, mixed martial arts, and wrestling]~~~~[, and elimination event]~~ shows and exhibitions.

Section 1. Definitions.

- (1) "In-competition" means the period commencing twelve (12) hours before the beginning of a bout, match, or exhibition of unarmed combat in which the licensee is scheduled to participate through the end of the bout, match, or exhibition and the sample collection process related to the bout match or exhibition.
- (2) "Out-of-competition" means any period that is not in-competition.
- (3) "Prohibited List" means the World Anti-Doping Agency Prohibited List~~[dated January 2024]~~.

Section 2. Applicability. This administrative regulation shall apply to all contestants, judges, and referees in unarmed combat~~[boxing, kickboxing, mixed martial arts, wrestling, and elimination events]~~.

Section 3. Prohibitions.

- (1) The Prohibited List shall be used in conjunction with this administrative regulation.
- (2) Except as established in Section 4 of this administrative regulation, the substances and methods listed in the following classes of the World Anti-Doping Agency Prohibited List shall be prohibited in-competition and out-of-competition:
 - (a) S0. Non-approved substances;
 - (b) S1. Anabolic agents;
 - (c) S2. Peptide hormones, growth factors, and related substances and mimetics;
 - (d) S3. Beta-2 agonists;
 - (e) S4. Hormone and metabolic modulators;
 - (f) S5. Diuretics and masking agents;
 - (g) M1. Manipulation of blood and blood components;
 - (h) M2. Chemical and physical manipulation; and
 - (i) M3. Gene Doping.
- (3) Except as established in Section 4 of this administrative regulation, the following substances listed in the World Anti-Doping Agency Prohibited List shall be prohibited only if~~[while]~~ a licensee is in-competition:
 - (a) S6. Stimulants;
 - (b) S7. Narcotics;
 - (c) S8. Cannabinoids; and

- (d) S9. Glucocorticoids[; **and**
(e) P1. Alcohol].

Section 4. Approved Substances. The following types of drugs or injections are approved:

- (1) Antacids, such as Maalox;
- (2) Antibiotics, antifungals, or antivirals for which the licensee has a prescription;
- (3) Antidiarrheals, such as Imodium, Kaopectate, or Pepto-Bismol;
- (4) Antihistamines for colds or allergies, such as Bromphen, Brompheniramine, Chlorpheniramine Maleate, Chlor-Trimeton, Dimetane, Hismal, PBZ, Seldane, Tavist-1, or Teldrin;
- (5) Antinauseants, such as Dramamine or Tigan;
- (6) Antipyretics, such as Tylenol;
- (7) Antitussives, such as Robitussin, if the antitussive does not contain codeine;
- (8) Antiulcer products, such as Carafate, Pepcid, Reglan, Tagamet, or Zantac;
- (9) Asthma products in aerosol form, such as Brethine, Metaproterenol (Alupent), or Salbutamol (Albuterol, Proventil, or Ventolin);
- (10) Asthma products in oral form, such as Aminophylline, Cromolyn, Nasalide, or Vanceryl;
- (11) Ear products, such as Auralgan, Cerumenex, Cortisporin, Debrox, or Vosol;
- (12) Hemorrhoid products, such as Anusol-HC, Preparation H, or Nupercainal;
- (13) Laxatives, such as Correctol, Doxidan, Dulcolax, Efferyllium, Ex-Lax, Metamucil, Modane, or Milk of Magnesia;
- (14) Nasal products, such as AYR Saline, HuMist Saline, Ocean, or Salinex; and
- (15) The following decongestants and any decongestant that is pharmaceutically similar:
 - (a) Afrin; or
 - (b) Oxymetazoline HCL Nasal Spray.

Section 5. Testing Requirement. ~~[(1)]~~A licensed **unarmed combat[boxer, kickboxer, professional mixed martial artist, amateur mixed martial artist, wrestling, or elimination event]** contestant, judge, or referee shall submit to a blood test, urinalysis, or chemical test at any time, in-competition or out-of-competition, if the commission or a representative of the commission directs him or her to do so.

Section 6. Violations and Penalties.

- (1) A licensee who violates any provision of this administrative regulation shall be subject to a penalty issued by the commission.
- (2) A blood test shall not be required within seven (7) days of the bout, competition, or exhibition unless directed by the commission upon finding of probable cause that a violation of Section 3 of this administrative regulation has occurred.
- (3)
 - (a) In addition to any other penalty issued by the commission pursuant to KRS 229.200 and 201 KAR 27:106, if a contestant who won or drew a bout is found to have violated the provisions of this administrative regulation, the commission may change the result of that bout to a no decision loss if the commission finds that the drug used may have affected the result.
 - (b) A note shall be placed on the contestant's record that the change in decision was the result of testing positive for a banned substance or prohibited method.
- (4) The commission shall investigate each alleged violation of this administrative regulation.

Section 7. Penalty Guidelines. The guidelines for use in determining a penalty pursuant to 201 KAR 27:106[201 KAR 27:105], Section 3 shall be as follows:

- (1) For cannabis or cannabinoids:
 - (a) 1st offense: six (6) month suspension and a fine of fifty (50) dollars;
 - (b) 2nd offense: twelve (12) month suspension and a \$100 fine;
 - (c) 3rd offense: twenty-four (24) month suspension and a \$250 fine; or
 - (d) 4th offense: lifetime ban and a \$500 fine;
- (2) For sedatives, muscle relaxants, sleep aids, anxiolytics, opiates, or opioids:
 - (a) 1st offense: eighteen (18) month suspension and a \$100 fine;

- (b) 2nd offense: twenty-four (24) month suspension and a \$250 fine;
 - (c) 3rd offense: thirty-six (36) month suspension and a \$500 fine; or
 - (d) 4th offense: lifetime ban and a \$1,000 fine;
- (3) For diuretics being used to cut weight:
- (a) 1st offense: twenty-four (24) month suspension and a \$250 fine;
 - (b) 2nd offense: thirty-six (36) month suspension and a \$500 fine; or
 - (c) 3rd offense: lifetime ban and a \$1,000 fine;
- (4) For stimulants:
- (a) 1st offense: twenty-four (24) month suspension and a \$250 fine;
 - (b) 2nd offense: thirty-six (36) month suspension and a \$500 fine; or
 - (c) 3rd offense: lifetime ban and a \$1,000 fine;
- (5) For anabolic steroids:
- (a) 1st offense: thirty-six (36) month suspension and a \$500 fine;
 - (b) 2nd offense: forty-eight (48) month suspension and a \$750 fine; or
 - (c) 3rd offense: lifetime ban and a \$1,000 fine; or
- (6) For avoiding or refusing testing or detection, altering or adulterating a urine or blood sample, providing a urine or blood sample not from the contestant, or using any masking agent:
- (a) 1st offense: forty-eight (48) month suspension and a \$750 fine; or
 - (b) 2nd offense: lifetime ban and a \$1,000 fine.

Section 8. Incorporation by Reference.

- (1) "World Anti-Doping Agency Prohibited List", January 2024, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Boxing and Wrestling Commission office at 500 Mero St, 218NC, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., and is available online at <https://www.wada-ama.org/en/resources/world-anti-doping-code-and-international-standards/prohibited-list>.

CONTACT PERSON: Doug Hardin, staff attorney, 500 Mero Street 254 CW, Frankfort, Kentucky 40601, phone (502) 782-8204, and email doug.hardin@ky.gov.



PUBLIC PROTECTION CABINET
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Andy Beshear
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Jacqueline Coleman
LIEUTENANT GOVERNOR



September 6, 2024

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

Re: 201 KAR 27:041. Managers.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 27:041, the Kentucky Boxing & Wrestling Commission proposes the attached amendment to 201 KAR 27:041.

Sincerely,

Doug Hardin, Staff Attorney
Kentucky Boxing & Wrestling Commission
500 Mero Street, 218 NC
Frankfort, KY 40601

Final, 9-4-2024

SUGGESTED SUBSTITUTE

PUBLIC PROTECTION CABINET
Boxing and Wrestling Commission

201 KAR 27:041. Managers.

RELATES TO: KRS ~~229.025~~[~~229.021, 229.081, 229.091~~], 229.171[, ~~EO 2016-270~~]

STATUTORY AUTHORITY: KRS [~~229.081, 229.091,~~]229.171[, ~~229.180~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the commission[authority] to exercise sole jurisdiction over all unarmed combat[~~boxing, kickboxing, mixed martial arts, and wrestling~~] shows[, ~~exhibitions,~~] and licensees in the commonwealth. [~~Executive Order 2016-270, effective May 16, 2016, abolished the Kentucky Boxing and Wrestling Authority and established the Kentucky Boxing and Wrestling Commission.~~] This administrative regulation establishes standards governing the conduct of managers.

Section 1. Duties and Responsibilities.

- (1) A manager shall only do business with a promoter, ring official, or contestant who holds an active license.
- (2) A manager shall not act or attempt to act for a contestant unless authorized by the contestant.
- (3) A contract between a manager and a contestant shall be filed with the commission as evidence of the manager's authority to act for the contestant.
- (4) A manager shall keep accurate records of the receipts and expenses of the contestants under the manager's[~~their~~] management and control. These records shall be available to the contestants and to the commission.

CONTACT PERSON: Doug Hardin, staff attorney, 500 Mero Street 254 CW, Frankfort, Kentucky 40601, phone (502) 782-8204, and email doug.hardin@ky.gov.



PUBLIC PROTECTION CABINET

Boxing & Wrestling Commission

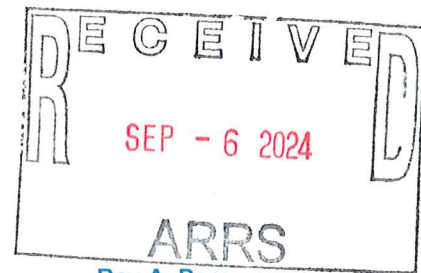
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Andy Beshear
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Jacqueline Coleman
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Ray A. Perry
SECRETARY

Matt Byrd
EXECUTIVE DIRECTOR

September 6, 2024

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

Re: 201 KAR 27:106. Violations, penalties, and appeals.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 27:106, the Kentucky Boxing & Wrestling Commission proposes the attached amendment to 201 KAR 27:106.

Sincerely,

Doug Hardin, Staff Attorney
Kentucky Boxing & Wrestling Commission
500 Mero Street, 218 NC
Frankfort, KY 40601

SUGGESTED SUBSTITUTE

PUBLIC PROTECTION CABINET
Boxing and Wrestling Commission

201 KAR 27:106. Violations, penalties, and appeals.

RELATES TO: KRS ~~229.025~~[229.024], 229.031, 229.131[~~229.071,~~][~~229.091~~], 229.155, 229.171, [~~229.180,~~]229.190, 229.200[~~, 229.991,~~ EO 2016-270]

STATUTORY AUTHORITY: KRS 229.025[~~229.071,~~ ~~229.091~~], 229.155, 229.171, [~~229.180,~~]229.190, 229.200[~~, 229.991~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the commission[~~authority~~] to exercise sole jurisdiction over all unarmed combat[~~boxing, kickboxing, mixed martial arts, and wrestling~~] shows[~~, exhibitions,~~] and licensees in the commonwealth. [~~Executive Order 2016-270, effective May 16, 2016, abolished the Kentucky Boxing and Wrestling Authority and established the Kentucky Boxing and Wrestling Commission.~~] This administrative regulation establishes[~~provides~~] the policies and procedures that govern the finding of a violation of KRS Chapter 229 or 201 KAR Chapter 27, the issuance of a penalty, and the appeal of a penalty.

Section 1. Violations.

(1) A person shall be guilty of a violation for any of the ~~[following]~~ actions listed in KRS 229.200(1)(a)-(i)]:

~~(a) Violating any provision of KRS Chapter 229;~~

~~(b) Violating any provision of 201 KAR Chapter 27;~~

~~(c) Being found guilty of, pleading guilty to, pleading no contest to, or entering an Alford plea to a crime, other than a traffic violation, that is detrimental to the interests of boxing, kickboxing, mixed martial arts, or wrestling generally or to the public interest, convenience, or necessity in any jurisdiction;~~

~~(d) Being found liable in a civil action for any claim that involves fraud or dishonesty in any jurisdiction if the person is a licensed promoter, manager, referee, or judge;~~

~~(e) Violating a law related to boxing, kickboxing, mixed martial arts, elimination events, or wrestling in any jurisdiction;~~

~~(f) Placing a bet or wager on any bout or match in which the person participates or works;~~

~~(g) Serving as, or consorting or associating with any person who is, a bookmaker or illegal gambler;~~

~~(h) Participating in an unlicensed event; or~~

~~(i) Declaring bankruptcy if the person is a licensed promoter, manager, referee, or judge].~~

(2) A person shall be guilty of a violation if the person authorizes or ratifies any of the actions in subsection (1) of this section if the action is taken by the person's agent, employee, shareholder, member, officer, or director.

(3) A person who commits a violation shall be issued a notice of violation.

Section 2. Penalties.

(1) If the commission has reason to believe that a person has committed a violation, the commission may impose one (1) or more of the penalties listed in KRS 229.200(2)[~~following actions~~]:

~~(a) Issue a cease and desist order;~~

~~(b) Declare a contestant ineligible to compete or disqualify the contestant;~~

~~(c) Eject the person from the premises at which the show or exhibition is taking place;~~

~~(d) Issue a fine;~~

~~(e) Suspend, reprimand, revoke, probate, or refuse to renew or issue a license; or~~

~~(f) Refer the person for criminal prosecution].~~

- (2) In issuing a penalty pursuant to subsection (1) of this section, the commission shall consider:
- (a) The severity of the violation;
 - (b) The licensee's history of violations and penalties; **[and]**
 - (c) The violation's potential impact on health, safety, and the outcome of a contest; and
 - (d) If the penalty is for a violation of **201 KAR 27:023[201 KAR 27:021]**, the penalty guidelines established in **201 KAR 27:023[201 KAR 27:021]**, Section 7.
- (3) A person whose license is currently suspended shall **not[be prohibited from]:**
- (a) **Be[Being]** present in a locker room that is used during a commission-sanctioned event; and
 - (b) **Be[Being]** located within the six (6) foot area surrounding the ring or cage at a commission-sanctioned event.

Section 3. Inspector's Authority to Issue a Violation and a Penalty.

- (1) Pursuant to KRS 229.155, the commission shall authorize its inspectors to:
- (a) Issue a notice of violation in accordance with Section 1 of this administrative regulation; and
 - (b) Issue a penalty in accordance with Section 2 of this administrative regulation.
- (2) A penalty issued by an inspector shall be subject to appeal pursuant to Section 5 of this administrative regulation.

Section 4. Reciprocity of a Penalty.

- (1) A licensee who is subjected to a penalty in any jurisdiction shall report to the commission within ten (10) days the date, type, and reason for the penalty given and the name of the regulatory body that ordered the penalty.
- (2) The commission shall enforce the penalty given by any other regulatory body **[unless the licensee shows good cause why the commission should not reciprocally enforce the penalty].**

Section 5. Appeals.

- (1) Any person issued a penalty may appeal the penalty to the full commission **pursuant to KRS 229.190.**
- (2)[(a)]** An appeal shall be filed within twenty (20) days of the date the penalty is issued.
- [(b) The provisions of KRS Chapter 13B shall govern all administrative appeals.]**
- (3)[(2)]** A contestant may petition the commission to change a decision rendered at the end of a professional contest or exhibition in which he or she competed. The commission shall not change a decision rendered at the end of any contest or exhibition unless:
- (a) The commission determines that there was collusion affecting the result of the contest or exhibition;
 - (b) The compilation of the scorecards of the judges discloses an error which shows that the decision was given to the wrong unarmed combatant; or
 - (c) As the result of an error in interpreting a provision of **KRS Chapter 229[this chapter]**, the referee has rendered an incorrect decision.

Section 6. Effect of Expiration of License on Jurisdiction of the Commission. The expiration of a license shall not deprive the commission of jurisdiction to:

- (1) Proceed with an investigation of the former licensee; or
- (2) Issue a penalty against the former licensee.

CONTACT PERSON: Doug Hardin, staff attorney, 500 Mero Street 254 CW, Frankfort, Kentucky 40601, phone (502) 782-8204, and email doug.hardin@ky.gov.



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

300 Sower Boulevard
Frankfort, Kentucky 40601
Phone: (502) 564-2150
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Anthony R. Hatton
COMMISSIONER

September 9, 2024

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

Re: 401 KAR 50:038. Air emissions fee.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 50:038, the Energy and Environment Cabinet, Division for Air Quality proposes the attached amendment to 401 KAR 50:038.

Sincerely,

Cassandra Jobe, Manager
Division for Air Quality
300 Sower Blvd Frankfort, KY 40601

SUGGESTED SUBSTITUTE

Final Version 9/9/24 at 9:02 a.m.

**ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division for Air Quality**

401 KAR 50:038. Air emissions fee.

RELATES TO: KRS 224.10-100, 224.10-230, 224.20-050, 224.20-100, 224.20-130, 40 C.F.R. Part 60, 63, 70, 72.20(b), 15 U.S.C. 2641 – 2656, 26 U.S.C. 6621(a)(2), 42 U.S.C. 7401-7671q, et seq.

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-230(3), 224.20-050, 224.20-100, 224.20-130, 40 C.F.R. Part 70, 42 U.S.C. 7401-7671q, et seq.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the [~~Environmental and Public Protection~~]cabinet to ***promulgate***~~*prescribe*~~ administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation ***establishes provisions***~~*provides*~~ for the assessment of fees necessary to fund the state "permit program", as defined ***by***~~*in*~~ Section 1(8) of this administrative regulation.

Section 1. Definitions. As used in this administrative regulation, terms defined in this section shall have the ~~*following*~~ meanings ***established in this section***. All terms not defined in this section shall have the meaning ***established***~~*given them*~~ in 401 KAR 50:010.

(1) "Act," "Clean Air Act," or "CAA" means 42 USC 7401 through 7671q.

(2) "Actual emissions" means the amount of a pollutant actually emitted in the calendar year immediately preceding the fiscal year during which an emissions fee is assessed, as recorded by the Kentucky Emissions Inventory System (KyEIS).

(3) "Designated representative" means a responsible person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted to the U.S. EPA pursuant to 40 CFR 72.20(b), to represent and legally bind each owner and operator, as a matter of federal law, in all matters pertaining to the acid rain program.

(4) "Emissions fee" means the amount of money assessed by the cabinet to fund the cost of administering the operating permit program.

(5) "Fiscal year" means the period beginning July 1 and ending the following June 30.

(6) "Hazardous air pollutant" means a pollutant listed in 401 KAR 63:060.

(7) "Kentucky emissions inventory system" or "KyEIS" means a database used by the cabinet to record, among other information, emissions of air pollutants from Kentucky sources.

(8) "Permit program" means the issuance and enforcement of permits for all sources subject to this administrative regulation.

(a) Permit program includes:

1. The review of permit applications and exemptions;
2. The issuance of permits to air pollution sources;
3. Inspections of air pollution sources;
4. Enforcement activities other than prosecutions in a court of law or administrative hearings;
5. Air quality and emissions monitoring, including quality assurance;
6. The preparation of generally applicable reports, plans, administrative regulations, and statutes;
7. Responses to inquiries;
8. Preparing inventories and tracking emissions;

9. The preparation and maintenance of records, including computerized data bases;
10. Air quality modeling, analyses, and demonstrations; and
11. Providing direct and indirect support through a small business technical assistance program.

(b) Permit program does not include:

1. The control of asbestos emissions from renovations or demolitions, or any activities required under the Asbestos Hazard Emergency Response Act (AHERA), **15 U.S.C. 2641 through 2656**;
2. The issuance of permits or the enforcement of permit conditions required only by 401 KAR 63:020, 63:021, ~~[or 63:022]~~ or any other "applicable requirement," as defined **by[in]** 401 KAR 52:001, that is not required to be federally enforceable; or
3. The control and enforcement of any activity not required to be permitted, and the enforcement of applicable requirements at any source not required to have a permit.

(9) "Responsible official" means one (1) of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of that person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or **operating under[subject to]** a permit and either:

1. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
2. The delegation of authority to the representative is approved in advance by the cabinet;

(b) For a partnership or sole proprietorship, a general partner or the proprietor, respectively;

(c) For a municipality, state, federal, or other public agency, a principal executive officer or ranking elected official. For this administrative regulation, the principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operation of a principal geographic unit of the agency; or

(d) For affected sources, if requested by the source, the designated representative.

(10) "Subject emissions:

(a) Means actual emissions, as recorded in the Kentucky emissions inventory system, of sulfur dioxide, oxides of nitrogen, ~~particulate matter[PM]₁₀~~, lead, volatile organic compounds, hazardous air pollutants listed in ~~[401 KAR 57:061 or]~~ 401 KAR 63:060 for which a standard applies, or a pollutant subject to a standard contained in Section 111 of the Act, from an air pollution source **governed by[subject to]** this administrative regulation~~], except that actual emissions in excess of 4,000 tons of a single pollutant from a source shall not be subject emissions];~~ **and**

(b) Does not mean[;] pollutants **governed only by[subject only to]** 42 USC 7412r (Section 112(r) of the Act), **or[and]** pollutants that are class I or class II substances under 42 USC 7671 through 7671q **that[and which]** are not otherwise regulated~~[shall not be subject emissions]~~.

Section 2. Applicability. (1) This administrative regulation shall apply to all "major sources" as defined **by[in]** 401 KAR 52:001~~;~~ and to the following minor sources unless a final rule exempting the minor source category from the permitting requirements of 42 USC 7661 through 7661f (Title V of the Act) has been published by the U.S. EPA:

(a) Minor sources subject to a standard, federal regulation, or state administrative regulation promulgated pursuant to 42 USC 7411 or 7412 (Section 111 or 112 of the Act);

(b) Minor sources required to have a permit pursuant to 42 USC 7470 through 7515 (Part C or D of Title I of the Act); and

(c) Any other minor stationary source in a category required by the U.S. EPA to obtain a permit pursuant to 42 USC 7661 through 7661f (Title V of the Act).

(2) This administrative regulation shall not apply to:

(a) Mobile sources;

(b) Sources located in an air pollution control district granted concurrent jurisdiction by the cabinet under KRS 224.20-130;

(c) An electric utility unit exempted by 42 USC 7651g, unless a substitute unit has been approved by the administrator of the U.S. EPA pursuant to 42 USC 7651c; or

(d) A substitute unit approved by the U.S. EPA pursuant to 42 USC 7651c, if the cabinet has been notified in writing at least thirty (30) days prior to the fee assessment established in Section 3(1) of this administrative regulation. ~~;~~

(3) A minor source with the only applicable requirement of 40 C.F.R. Part 60, Subpart JJJJ, Subpart IIII, or 40 C.F.R. Part 63 Subpart ZZZZ, or any combination of those, which shall be~~is~~ required for fire suppression purposes only as stated~~depicted~~ in the source's permit when the survey is sent shall not be required to pay an emissions fee.

Section 3. Fee Assessment. (1) On or about ~~[July 1, 1994, and on or about]~~ July 1 of each ~~[succeeding~~ **J** year, the Division for Air Quality shall calculate and assess an annual emissions fee based on subject emissions for each air pollution source ~~governed by~~ **subject to** this administrative regulation and shall provide written notification to the source of the amount of fee due. If a pollutant qualifies as more than one (1) of the subject emissions listed in Section 1(10) of this administrative regulation, ~~the pollutant~~it~~~~ shall be assessed as a single subject emission.

(2) Determining subject emissions. At least four (4) months, but not more than twelve (12) months prior to assessing the emissions fee, the cabinet shall provide each source subject to the emissions fee, a written copy of the KyEIS containing the most recent information appropriate to that source.

(a) Within thirty (30) days of the date this information is mailed, each source shall provide the cabinet with all information necessary to determine its subject emissions.

(b) The information shall be accompanied by a statement signed by a responsible official or by a designated representative, as appropriate, certifying the accuracy of the information.

(c) Each day past the deadline for submitting information that the source fails to submit the information shall be a separate violation of this administrative regulation.

(d) If no response is received by the deadline, the cabinet shall estimate the subject emissions for the source based on previous actual emissions and on other **pertinent** information ~~considered pertinent by the cabinet~~.

(3) Fee assessment. At least sixty (60) days prior to assessing the fee, the cabinet shall determine the subject emissions for each source, based on the information provided by the source and on other information available to the cabinet.

(a) The cabinet shall notify the source of its determination for subject emissions at least forty-five (45) days prior to assessing the fee.

(b) Assessment of the subject emissions shall be a final determination by the cabinet.

(c) If the source fails to notify the cabinet of an error in the determination of subject emissions within thirty (30) days after the date the determination is mailed by the cabinet, the source shall be assessed a fee based on the cabinet's determination.

(d) If the source notifies the cabinet in a timely manner that there is an error in the determination of its subject emissions, and the cabinet disagrees with the assessment by the source, the cabinet shall notify the source, in writing, **stating** ~~specifying~~ the reasons for rejecting the error notification.

(4) Computation of emissions fee. The cabinet shall compute the emissions fee as **established in paragraphs (a) through (c) of this subsection.**~~[follows:]~~

(a) For fiscal year 1995, the emissions fee shall be \$5,505,200, and for fiscal year 1996 the emissions fee shall be \$6,594,700. The cost per ton of the subject emissions shall be the emissions fee, minus \$150 times the number of sources subject to subsection (5)(b) of this section, divided by the total number of tons of subject emissions from all sources subject to this administrative regulation **that[which]** emit twenty-five (25) tons or more of subject emissions.

(b) Except as **established[provided]** in paragraph (c) of this subsection, the emissions fee for each succeeding fiscal year shall be \$6,594,700, adjusted annually using the method ~~[provided-]~~ in 40 CFR 70.9(b)(2)(iv). The cost per ton of subject emissions shall be determined as **established[prescribed]** in paragraph (a) of this subsection.

(c) ~~[Notwithstanding the provisions of paragraph (b) of this subsection-]~~The emissions fee for a fiscal year may be increased by an amount greater than that calculated pursuant to 40 CFR 70.9(b)(2)(iv), may be left unchanged from the previous fiscal year, or may be decreased from the previous fiscal year if the cabinet determines after public hearing and after approval by the U.S. EPA that the increase is necessary, or the same or lesser amount is adequate, to cover all reasonable costs of administering the permit program.

(5) Payment of fees.

(a) A source subject to this administrative regulation **that[which]** emitted twenty-five (25) tons or more of subject emissions shall pay a portion of the emissions fee which shall be determined by multiplying the subject emissions from the source, expressed in tons to the nearest ton, by the cost per ton of subject emissions, and subtracting from that amount any portion of unexpended emissions fees **that[which]** are carried forward from the previous year in an amount proportional to that paid by the source during the previous year. The source shall pay the fee by check or money order, made payable to the Kentucky State Treasurer, within sixty (60) days after the date on which the fee invoice is mailed.

(b) A source subject to this administrative regulation **that[which]** emitted less than twenty-five (25) tons of subject emissions shall pay an annual fee of \$150. The source shall pay the fee by check or money order, made payable to the Kentucky State Treasurer, within sixty (60) days after the date on which the fee invoice is mailed.

(c) The fee invoice shall be mailed to the permit holder of record as of the date the invoice is mailed, and the permit holder shall be responsible for payment.

(6) Enforcement.

(a) Each day after the deadline for payment of the source's portion of the emissions fee during which the source fails to pay the fee shall be a separate violation of this administrative regulation.

(b) Failure to pay the fee within ninety (90) days after the date on which the cabinet notifies the source of the amount of fee due shall result in:

1. An increase in the fee of an additional fifty (50) percent of the original amount due, plus interest on the fee amount computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986, **26 U.S.C. 6621(a)(2)** (relating to computation of interest on underpayment of federal taxes); and

2. Suspension of the source's permit until the fee is paid or until ~~[the cabinet has approved-]~~a schedule of payment **has been agreed upon between the source and the cabinet.**

Section 4. Use of Fees. All fees collected pursuant to this administrative regulation shall be deposited in a trust and agency account and shall be used solely for funding the permit program.



Andy Beshear
GOVERNOR

TRANSPORTATION CABINET

200 Mero Street
Frankfort, Kentucky 406 01


September 4, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Legislative Research Commission
Capitol Annex, Room 083
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 601 KAR 009:220, the Transportation Cabinet proposes the attached suggested substitute to 601 KAR 009:220.

Sincerely,

Signed by:

A61F6015A173414...
Jon Johnson, Assistant General Counsel
Kentucky Transportation Cabinet
Office of Legal Services
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(502) 564-7650
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Final, 8-30-2024

SUGGESTED SUBSTITUTE

**TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Vehicle Licensing**

601 KAR 9:220. Motor vehicle dealer plates.

RELATES TO: KRS Chapters 186, 190

STATUTORY AUTHORITY: KRS 186.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.070(4) authorizes the cabinet to promulgate this administrative regulation to administer KRS 186.070. This administrative regulation[which] establishes[To establish] the criteria for the issuance and use of a motor vehicle dealer plate and provides[to provide] for the cancellation of a dealer plate for misuse of the plate.

Section 1. Definitions.

- (1) "Bona fide salesman or employee" is defined by~~[means as defined in]~~ KRS 186.070(1)(e).
- (2) "Commission" means the Kentucky Motor Vehicle Commission.
- (3) "Commissioner" means the Commissioner of the Department of Vehicle Regulation or his or her designee.
- (4) "Demonstration trip" means a temporary use of a vehicle by a single prospective customer or his or her employee for a reasonable evaluative purpose incidental to the sale of the vehicle.
- (5) "Dealer plate" means any base plate or supplemental plate issued pursuant to KRS 186.070.
- (6) "Licensed motor vehicle dealer" is defined by~~[means a motor vehicle dealer as defined in]~~ KRS 190.010 and licensed by the commission pursuant to the provisions of KRS Chapter 190.
- (7) "Misuse" means use of a dealer plate in a manner unauthorized by KRS 186.070 or Section 3 of this administrative regulation.

Section 2. Issuance of Dealer Plates.

- (1) Effective with the issuance of dealer plates for the licensing period beginning January 1, 1996, the maximum number of dealer plates that~~[which]~~ may be issued to a licensed motor vehicle dealer who has been licensed for an uninterrupted period beginning on or prior to January 1, 1994, shall be based upon the total number of that dealer's vehicle sales for the period from July through the following June immediately preceding the date of the report of the information on vehicle sales by the dealer to the commission.
- (2)
 - (a) For a motor vehicle dealer licensed after January 1, 1994, beginning on the first day of January following an uninterrupted eighteen (18) month licensing period from the date of the first issuance of the dealer's license by the commission, the number of dealer plates issued shall depend upon the number of that dealer's vehicle sales for the period from July through the following June preceding the date of the report of the information by the dealer to the commission.
 - (b) A motor vehicle dealer licensed for less than eighteen (18) uninterrupted months may apply for any number of dealer plates.
- (3) The maximum number of dealer plates issued to a motor vehicle dealer shall be as follows:
 - (a) Ten (10) or fewer vehicle sales - one (1) dealer plate;
 - (b) Eleven (11) through twenty-five (25) vehicle sales - two (2) dealer plates;
 - (c) Twenty-six (26) through fifty (50) vehicle sales - three (3) dealer plates;
 - (d) Fifty-one (51) through seventy-five (75) vehicle sales - four (4) dealer plates;
 - (e) Seventy-six (76) through 100 vehicle sales - five (5) dealer plates; and
 - (f) For more than 100 vehicle sales, the number of dealer plates issued shall be as requested by the dealer.

(4) **(a)** Upon recommendation by the commission to the commissioner, and for good cause shown, a dealer who is restricted in the number of plates issued based upon his or her sales figures may receive an additional plate or plates.

(b) A few examples of good cause include instances such as:

1. Lost or stolen plates with a police report submitted to the commission;

2. "Pro-business" activities approval if the loss of a plate causes a burden to the dealership for test drives;

3. Transportation of vehicles to and from auto auctions;

4. Transportation of vehicles to be serviced or repaired; and

5. If the number of yearly vehicle sales are impacted by unforeseen circumstances like COVID-19, tornado, fire, flood, and temporary economic downturn nationally.

(5)

(a) The information on vehicle sales shall be provided by the commission to the Transportation Cabinet.

(b) The Transportation Cabinet shall cause the information to be entered into the automated vehicle information system.

Section 3. Use of Dealer Plates.

(1) Use of a motor vehicle bearing a dealer plate upon the highways by a licensed dealer or bona fide salesman of the dealer shall consist of the use of the motor vehicle upon the highways at any time with the intent of offering or advertising the vehicle for sale to the public.

(2) A bona fide employee of the dealer who is not a licensed salesman shall only operate a motor vehicle bearing a dealer plate:

(a) ~~If~~**When** testing the mechanical operation of the vehicle;

(b) ~~If~~**When** transporting vehicles to or from the dealer's place of business; or

(c) For the necessary operation in furtherance of the dealer's business during the dealer's business hours.

(3) A bona fide employee of the dealer who is not a licensed salesman shall not operate the vehicle for personal purposes or in demonstration or advertising to a prospective customer.

(4) A prospective customer~~[,]~~**may operate a vehicle with a properly issued dealer plate, but shall be limited to one (1) demonstration trip**~~[who is operating upon the highways a motor vehicle bearing a dealer plate, shall be limited to one (1) demonstration trip unless he is accompanied by the licensed dealer to whom the dealer's plate was issued or a licensed salesman of the dealer].~~

Section 4. Cancellation of Dealer Plates Upon Misuse.

(1) A final order issued by the commission finding misuse of a dealer plate shall be forwarded to the commissioner.

(2) Upon receipt of the commission's final order, if no appeal from the commission's final order has been filed, and the time for taking an appeal has expired, or, if an appeal has been filed, after a ruling has been entered upholding the finding of the commission, the commissioner shall cause the dealer plate involved in the misuse to be canceled.

Section 5. Appeal from Final Order of Commission. The final order of the commission cancelling dealer plates may be appealed in accordance with KRS Chapter 13B.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

Andy Beshear
Governor



Jamie Link
Secretary, Education and
Labor Cabinet

Dr. Robbie Fletcher
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION
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September 3, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Capitol Annex 083
Frankfort, KY 40601

Re: 702 KAR 3:320. Finance officer certification requirements

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 702 KAR 3:320, the Kentucky Board of Education proposes the attached amendment to 702 KAR 3:320.

Sincerely,

Todd G. Allen
Deputy Commissioner and General Counsel

attachment

SUGGESTED SUBSTITUTE

**EDUCATION AND LABOR CABINET
Board of Education
Department of Education**

702 KAR 3:320. Finance officer certification requirements.

RELATES TO: KRS 160.431, 161.020(1)(b)

STATUTORY AUTHORITY: KRS 156.070, 160.431

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to promulgate administrative regulations necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. KRS 160.431(2) requires the Kentucky Board of Education to promulgate administrative regulations identifying and prescribing the criteria and procedures for school finance officer certification and continuing education. This administrative regulation establishes the standards for school finance officer certification and continuing education.

Section 1. Definitions.

- (1) "Break in service" means an end to the employment relationship of the individual as the designated finance officer for a Kentucky school district without a transfer of employment to another Kentucky school district to serve as the designated finance officer.
- (2) "Finance officer" means a person appointed pursuant to KRS 160.431(1).
- (3) "Finance officer intern" means any finance officer who has obtained a provisional certificate under Section 3 of this administrative regulation but who has not acquired a full certificate under Section 4 of this administrative regulation.
- (4) "Interim finance officer" means an individual who is serving as a district finance officer in a temporary capacity.
- (5) "Mentor" means an individual approved by the department to oversee a finance officer intern through the Kentucky Finance Officer ~~[Internship]~~ Program.

Section 2. Initial Qualifications. An individual shall be eligible to be employed as a finance officer on or after July 1, 2015, if the individual:

- (1) Is employed on June 30, 2015, as a finance officer in a Kentucky school district and does not have a six (6) month or longer employment break in service as a finance officer in any Kentucky school district after June 30, 2015. A six (6) month or longer break in service as a finance officer in any Kentucky school district after June 30, 2015, shall terminate the individual's qualification for employment as a finance officer under this subsection; or
- (2) Obtains a provisional or full certificate under Section 3 or 4 of this administrative regulation.

Section 3. Provisional Certification.

- (1) An individual who is seeking to be employed as a finance officer in a Kentucky school district who does not meet the requirements of Section 2(1) of this administrative regulation and who does not possess a full certificate shall secure a provisional certificate by submitting the Provisional Certification Application Form~~[, KDE-FOCP-1,]~~ to the department to verify the individual meets the following eligibility requirements:

(a) A minimum of ten (10) years' work experience in local school district finance confirmed by the district of employment; or

(b) A minimum of a bachelor's degree from any accredited postsecondary institution; and

~~(b)~~

1. A minimum of twelve (12) credit hours in accounting coursework from any accredited postsecondary institution;

2. A minimum of four (4) years' work experience primarily in accounting or finance, confirmed by the district of employment; or

3. A minimum of two (2) years' work experience in finance in a local school district, confirmed by the district of employment.

(2) The department shall issue a provisional certificate to an individual providing proof of the eligibility requirements of subsection (1) of this section and proof of an offer of employment as a finance officer in a Kentucky school district.

(3) A finance officer provisional certificate shall be in effect until:

(a) The individual obtains full certification;

(b) The individual fails to provide to the department the proof of progress toward full certification required by subsection (4) of this section; or

(c) Three (3)~~five (5)~~ years have passed since the provisional certificate's issuance date.

(4) The provisional certificate holder shall annually submit proof of progress toward full certification to the department by the anniversary of the issuance date of the provisional certificate. Failure to provide this annual proof of progress or to obtain full certification within three (3)~~five (5)~~ years of the issuance of a provisional certificate shall result in the loss of the provisional certificate.

Section 4. Full Certification.

(1) An individual who is eligible for employment as a finance officer under Section 2(2) of this administrative regulation shall apply for full certification prior to the expiration of the provisional certificate by submitting the Full Certification Application Form~~[, KDE-FOCP-2,]~~ to the department to verify:

(a) Current provisional certification;

(b) Completion of the Kentucky Finance Officer ~~[Internship]~~Program ~~[(KFIP)]~~under Section 5 of this administrative regulation;

(c) Fifteen (15) hours of finance officer training from the Finance Officer Curriculum, ~~[KDE-FOCP-6,]~~ provided by a department-approved training provider; and

(d) Twelve (12) hours of training in the state-approved school district financial software package provided by a department-approved training provider.

(2) A full certificate shall be renewed automatically unless the finance officer fails to meet the biennial continuing education requirements of Section 6 of this administrative regulation.

Section 5. Finance Officer Provisional Certification~~[Kentucky Finance Officer Internship Program (KFIP)].~~

(1) Within thirty (30) days of employment as a finance officer, ***the individual shall*** ~~[the provisionally certified finance officer shall]~~ apply for the provisional certification~~[participation in the KFIP].~~

(2) An assessment committee~~[The KFIP Assessment Committee]~~ shall consist of:

(a) The mentor assigned by the department;

(b) The employing district's superintendent or designee; and

(c) A department representative.~~[; and]~~

(3) The mentor and intern shall complete a signed Mentor-Intern Agreement.

(4)~~(3)~~ Mentors shall meet the following qualification requirements:

- (a) Possess full certification under this administrative regulation or meet the requirements of Section 2(1) of this administrative regulation;
- (b) Complete the department's mentor training; and
- (c) Complete the Mentor Application Form~~[, KDE-FOCP-5]~~.

~~(5)~~~~(4)~~ Mentors shall:

- (a) Work with finance officer interns to develop a chronological task plan based on the Finance Officer Curriculum~~[, KDE-FPCO-6]~~;
- (b) Continue the mentorship for a period of twelve (12) consecutive months;
- (c) Document the time spent mentoring and provide a summary of the content on the Curriculum Summary Form~~[form KDE-FOCP-3]~~;
- (d) Document attendance by the finance officer intern at any mentoring meetings during the internship; and
- (e) Serve as a mentor for no more than two (2) individuals concurrently.

~~(6)~~~~(5)~~ Mentors shall be eligible to earn, as a mentor, a maximum of twenty (20)~~[twenty-one (21)]~~ hours of continuing education~~[, not to exceed one (1) hour per month,]~~ during the mentorship, toward the requirement of KRS 160.431(3) for the mentor training and mentor contact.

~~(7)~~~~(a)~~~~(6)~~ Mentors shall be eligible to receive from available funds an annual stipend, not to exceed \$1,500~~[\$1,000]~~ each fiscal year per individual mentored, from the department for the mentorship.

(b) A district may also choose to reimburse the mentor for any expenses, including travel, and provide a separate, additional stipend to the mentor.

(c) If the ~~[KFP-]~~Assessment Committee requires a finance officer intern to repeat a portion or the entire internship curriculum under subsection (9) of this section, then a mentor shall not be eligible to receive the stipend from the department for additional fiscal years of mentorship required by the ~~[KFP-]~~Assessment Committee.

(d) The district may still reimburse and provide a stipend to a mentor of a finance officer intern in any additional fiscal years of internship required by the ~~[KFP-]~~Assessment Committee.

(e) A partially completed mentorship may be subject to a reduced stipend approved by the department.

~~(8)~~~~(7)~~ The ~~[KFP-]~~Assessment Committee shall:

- (a) Assist in the development of the intern's chronological task plan required in subsection (4)(a) of this section;
- (b) Meet six (6) months after the initiation of the internship to assess progress;
- (c) Assess whether the finance officer intern completed the internship; and
- (d) Complete the Assessment Committee Report Form~~[, KDE-FOCP-4]~~.

~~(9)~~~~(8)~~ As part of its assessment, the ~~[KFP-]~~Assessment Committee shall consider:

- (a) Documentation provided by the mentor, pursuant to subsection ~~(5)~~~~(4)~~ of this section;
- (b) The **superintendent's** recommendation of the ~~[provisional]~~**finance officer intern**~~[officer's]~~~~[finance officer intern's]~~ **superintendent** based on actual work performance; and
- (c) Internal approval~~[The report]~~ by the department of work product submissions and interactions.

~~(10)~~~~(9)~~ Based upon the information obtained pursuant to subsection (7) of this section, the ~~[KFP-]~~Assessment Committee shall do one (1) of the following at the end of the internship:

- (a) Declare the internship completed;
- (b) Require the finance officer intern to repeat a portion of the internship curriculum; or
- (c) Require the finance officer intern to repeat the entire internship curriculum.

~~(11)~~~~(10)~~ The finance officer intern may request a different mentor if the ~~[KFP-]~~Assessment Committee requires the internship to be repeated.

~~(12)~~~~(11)~~ The mentor may request to be replaced by another mentor if the ~~[KFP]~~ Assessment Committee requires the internship to be repeated.

Section 6. Continuing Education.

(1) Fully certified finance officers and those qualified under Section 2(1) of this administrative regulation shall meet the continuing education requirements of KRS 160.431(3). A break in service for any length of time for any finance officer shall not reduce the continuing education requirements of KRS 160.431(3).

(2)

~~(a)~~ Each finance officer shall complete at least eighteen (18)~~twelve (12)~~ hours of continuing education by June 30 of each fiscal year; and

~~(b)~~ Each finance officer shall complete at least forty-two (42) hours of continuing education in a biennium, ending June 30.

(3) The department shall approve continuing education courses offered by providers that:

(a) Include the following subject areas:

1. Evaluation of financial staff;

2. Financial system management, including payroll, purchasing, budgeting, general ledger, and financial reporting;

3. Alignment of the financial budget with federal and state law requirements;

4. Analysis of district financial data and provision of financial reports to the local board of education, school councils, and the department;

5. Comprehension of the district vision for education and the role of district finances in accomplishing that vision;

6. Interpretation, use, and communication of financial data and financial strengths and weaknesses of the district to the local board of education, school councils, and the community; ~~or~~

7. Professional development designed to support any existing district improvement plan; ~~or~~

~~8. Courses offered as Continuing Professional Education (CPE) provided by professional organizations;~~

(b) Adhere to research-based principles of adult learning;

(c) Reflect current thinking in the field and promote generally accepted accounting practices;

(d) Provide for active engagement of participants; ~~and~~

(e) Extend participants' learning, financial, and leadership skills; ~~and~~

~~(f)~~ Contain course materials instructional in nature and not marketing or sales oriented; and

~~(g)~~ Are considered as Continuing Professional Education (CPE) provided by professional organizations.

(4) Continuing education course providers approved by the department shall[;]

~~[(a)] [Structure a training program so as to improve and maintain the quality and effectiveness of the financial operations in the public school districts of the Commonwealth;]~~

~~[(b)] [Ensure that training is intensive and designed specifically for finance officers;]~~

~~[(c)] [Have an established organizational structure or be an affiliate of this type of organization;]~~

~~[(d)] [Develop and submit programs to the department for approval at least thirty (30) days prior to the scheduled delivery of the continuing education program;]~~

~~[(e)] maintain the necessary records to:~~

~~(a)[1.] Evaluate every continuing education course session;~~

~~(b)[2.] Track attendance; ~~and~~~~

~~(c)[3.] Provide evidence of course completion consisting of a document prepared by the course sponsor indicating the attendee completed a formal program of learning including the:~~

1. Names of the attendee and program sponsor;
2. Program title and field of study;
3. Dates attended; and
4. Number of hours awarded.

(d) Maintain certificate of completion records for a period of five (5) years;

(e) Ensure assigned trainers have skill, knowledge, and experience relevant to the subject matter; and

(f) Disclose the subject areas in which training is to be provided. [~~Award certificates of completion to continuing education course attendees that provide the name of session, approval number, hours of continuing education credit awarded, and the name of the sponsor of the training;~~]

[~~(f)] [Provide evidence that the assigned trainers have knowledge, skill, and experience relevant to the particular training;~~]

[~~(g)] [Conduct training as approved; and]~~

[~~(h)] [Identify in all program promotional literature the following:]~~

[~~1.] [The two (2) year cycle for which training approval is granted;~~]

[~~2.] [The subject areas for which training is approved; and]~~

[~~3.] [The approval number assigned by the department for finance officer continuing education course eligibility.]~~

Section 7. Revocation and Appeal for Reinstatement of Full Certification.

(1)

(a) Failure to meet the annual requirement of eighteen (18)[~~twelve (12)~~] hours of continuing education of Section 6(2) of this administrative regulation shall result in a temporary suspension of a finance officer's full certification.

(b) The department shall notify the district superintendent of the temporary suspension.

(c) The certificate holder shall complete the required number of hours of continuing education by the end of the biennial period.

(d) Three (3) temporary suspensions shall result in revocation of the full certification.

(2) Failure to meet the biennial requirement of forty-two (42) hours of continuing education shall result in revocation of the full certification.

(3) The certificate holder may appeal to the department for reinstatement of a provisional or full certification which has been revoked under subsections (1) or (2) of this section if:

(a) The certificate holder requests reinstatement and provides supporting documentation to the department; and

(b) The certificate holder has fulfilled all requirements of the provisional or full certification including the required continuing education for the latest fiscal year.

(4) The department shall review and decide[~~make a determination~~] regarding reinstatement within thirty (30) days of receipt of the appeal. The department shall reinstate a certificate holder who has met the requirements of subsection (3) of this section.

Section 8. Grandfather Status.

(1) An individual [~~who is~~] eligible for grandfather status pursuant to Section 2(1) of this administrative regulation shall submit the Provisional Certification Application Form[~~, KDE-FOCP-1,~~] to the department.

(2) An individual with grandfather status may obtain full certification if either:

(a) The department approves the individual as a mentor in the Kentucky Finance Officer Program[~~KFOP~~] in accordance with the requirements of this administrative regulation; or

(b) The individual meets all provisional and full certification requirements, including successful completion of the Kentucky Finance Officer Program[~~KFOP~~].

Section 9. Interim Finance Officer.

(1) Upon written notice of a district's finance officer's departure, it shall be the responsibility of the superintendent to ensure the position vacancy is immediately posted and a search for a successor finance officer is undertaken.

(2)

(a) The search process shall continue until a qualified full-time applicant is hired by the district.

(b) During the search for a full-time finance officer, the district superintendent may extend a limited contract to employ an interim finance officer.

1. A limited contract with an interim finance officer shall expire upon the employment of a qualified full-time applicant or June 30 of each fiscal year.

2. If a district superintendent wishes to extend the contract of the interim finance officer beyond the end of the fiscal year, a request must be made to the Office of Finance and Operations, Division of District Support; and[;]

3. The district may retain the former interim finance officer as a consultant as needed.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Assessment Committee Report", May 2024;

(b) "Curriculum Summary", May 2024;

(c) "Finance Officer Curriculum", May 2024;

(d) **"Application for Full Certification"**~~["Full Certification Application"]~~, May 2024;

(e) "Mentor Application", May 2024;

(f) **"Mentor/Intern"**~~Mentor-Intern~~ Agreement", May 2024; and

(g) **"Application for Provisional Certification"**~~["Provisional Certification Application"]~~, May 2024.

~~[(a)] ["Provisional Certification Application", FOCP-1, July 2015;]~~

~~[(b)] ["Full Certification Application", FOCP-2, July 2015;]~~

~~[(c)] ["Intern Progress Report", FOCP-3, July 2015;]~~

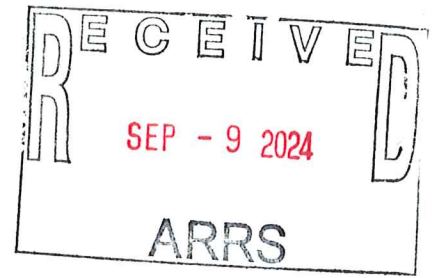
~~[(d)] ["Assessment Committee Report", FOCP-4, July 2015;]~~

~~[(e)] ["Mentor Application", FOCP-5, July 2015; and]~~

~~[(f)] ["Finance Officer Curriculum", FOCP-6, July 2015.]~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 300 Sower Boulevard, 4th Floor~~[500 Merø Street, First Floor, Capital Plaza Tower]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or at <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.



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Eric C. Friedlander
Secretary

September 4, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
702 Capitol Ave.
Frankfort KY 40601

Re: 902 KAR 4:030. Newborn screening program.

Dear Co-Chairs West and Lewis,

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 902 KAR 4:030, the Department for Public Health proposes the enclosed suggested amendment to 902 KAR 4:030.

If you have any questions regarding this matter, please contact Julie Brooks, Department for Public Health, at (502) 229-3377.

Sincerely,

Stacy Carey
Executive Staff Advisor
Office of Legislative and Regulatory Affairs



Suggested Amendment
Cabinet for Health and Family Services
Department for Public Health
Division of Laboratory Services

902 KAR 4:030. Newborn Screening Program.

Page 8

Section 5(4)

Line 17

After "shall provide", insert the following:
information requested by the laboratory

Delete comma.

After "specimen card", delete the following:
, information requested by the laboratory

Page 13

Section 13(1)(a)

Line 22

After "submitter", insert the following:
, other than a midwife,