

GENERAL GOVERNMENT
Department of Agriculture
Office of the Commissioner
(New Administrative Regulation)

302 KAR 2:010. Access to public records of the Kentucky Department of Agriculture.

RELATES TO: KRS 61.870-61.884

STATUTORY AUTHORITY: KRS 61.876

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.876 requires that each public agency shall adopt rules and administrative regulations to provide full access to public records, to protect public records from damage and disorganization, to prevent excess disruption of its essential functions, to provide assistance and information upon request, and to ensure efficient and timely action in response to application for inspection of public records. This administrative regulation proposes to fulfill this statutory requirement.

Section 1. The principal office location for the Kentucky Department of Agriculture is 105 Corporate Drive, Frankfort, Kentucky 40601. Regular office hours are 8 a.m. to 4:30 p.m., Monday through Friday, prevailing time in Frankfort, Kentucky.

Section 2. The title of the official custodian of the records of the Kentucky Department of Agriculture is the Commissioner of Agriculture whose address is 105 Corporate Drive, Frankfort, Kentucky 40601 and phone number 502-573-0282. The email address for the official custodian of records is ag.web@ky.gov.

Section 3. The procedure to be followed in requesting copies of public records shall be as follows:

- (1) Requests for copies of public records shall be made in writing, describing in reasonably sufficient detail the records to be inspected using form OAG-01.
- (2) Fees to be charged for copies of public records shall be ten (10) cents for each photocopy or page produced and sent electronically.
- (3) Fees shall be paid prior to mailing the results of the request.

Section 4. The procedure to be followed in requesting inspection of public records shall be as follows:

- (1) Requests for inspection of public records shall be made directly to the Commissioner of Agriculture or to the Commissioner's designee;
- (2) Requests to inspect public records shall be made in writing, describing in reasonably sufficient detail the records to be inspected using form OAG-01;
- (3) Records shall be inspected and copied in the presence of a member of the Kentucky Department of Agriculture to protect the records from damage or disorganization, to lessen disruption of office procedure, to provide timely assistance and information upon request to the person requesting inspection, and to provide full access to public records; and
- (4) Suitable facilities shall be made available for inspection of public records.

Section 5. A copy of KRS 61.870 to 61.884 and this administrative regulation shall be displayed in the main reception room of the Kentucky Department of Agriculture at 105 Corporate Drive, Frankfort, Kentucky 40601.

Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference: "Request to Inspect Public Records OAG-01", June 2021.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Regulation and Inspection Division, 107

Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
(3) This material may also be obtained at www.kyagr.com.

DR. RYAN QUARLES, Commissioner

APPROVED BY AGENCY: November 14, 2023

FILED WITH LRC: November 15, 2023 at 11:40 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 23, 2024 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, email clint.quarles@ky.gov.